



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
12TH NILA HANSARD – 18 FEBRUARY 2009**

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 Nancy Jocelyn Smith, a long time resident of Norfolk Island who passed away in Chatswood on Monday the 2nd February. Nan was born in New Zealand and spent most of her early school years there. On a visit to the Island in 1945 her father bought their home in Taylors Road and the family often visited. She made many friends with the Island community and that friendship never waned, particularly with Nella. Nan completed her schooling and worked as a secretary at an Accounting firm in Sydney. A young accountant by the name of Frederick Keith Smith transferred from Melbourne and his secretary at his new appointment was Nancy Wells. They fell in love and five months after meeting were married on 4th October 1958. A few months later, Fred and Nancy came to visit her parents on Norfolk Island. This was when Fred decided he would like to live here, but it was not possible at that time. Fred's work took them back to Melbourne in 1961, where their daughter Andrea was born, and in the years that followed the family spent many happy holidays on Norfolk. The family returned to live in Sydney in 1966 where Fred worked as company secretary for a large American firm. He took early retirement and he and Nancy finally realised their dream to live on Norfolk in the old Wells home in Taylor's Road. Fred passed away in 2001 and Nancy continued her interest in the Norfolk Island historical Society where she was President for many years. Members of the Society both on and offshore eagerly awaited her newsletter which contained pieces of interesting information about Norfolk Island. To Andrea, and her family, to Nan's many friends this House extended its deepest sympathy. Mr Speaker may she rest in peace

It is with regret that this House records the passing of James Bruce Smith on the 10th February 2009. Jim was born in Leith, Scotland and grew up in Aberdeen. He joined the RAF at age 18 and was posted to Car Nicobar Island in the Indian Ocean; an experience which was to set the tone for his future love of travel. The next posting was to Singapore where he met and married his first wife Jean who had also joined the RAF. His son Bruce was born while they were in Singapore. Jim and Jean were then posted to Germany where Jim worked on the radio systems for various RAF aircraft. Stuart and Sheena were born in Germany. Jim's final posting was to Weston Super Mare on the east coast of England where Jim's last child, Fraser was born. Jim's expertise was in radio, and when he left the RAF he had a successful career working for companies such as EMI and Plessey. Jim accepted several contracts abroad, working on airfield navigation systems in the Kingdom of Saudi Arabia and Papua New Guinea. In 1980 that he travelled to Norfolk Island and met his second wife Kirsti. They were married a few

months later and Jim settled here twenty eight years ago with Kirsti and her children John, Arne and Ruth, although by this time John and Arne had left Norfolk to live in Australia. Jim's passion was amateur radio and he was the best known of his day. Jim was awarded the highest honour by being elected to the Amateur Radio Hall of Fame in 1986. Just before his death, he published a book called The Old Timer, detailing his memoirs spanning sixty years in the hobby. The big challenge and excitement of amateur radio is to make radio contact with other amateurs in remote locations, and Jim organized several expeditions to far-flung corners of the planet to allow this. One notable expedition was to Heard Island off Antarctica where he was accompanied by Kirsti and they made contact world-wide with tens of thousands of amateurs all desperate to add this unusual country to their collection of radio contacts. The trip almost ended in disaster and documentary film was made of Jim and Kirsti's adventure. He organized other expeditions to several Pacific Islands as well as to Sarawak, Willis Island, Bangladesh and Bhutan, where he worked with the Bhutanese authorities to introduce the hobby of amateur radio into the country. On Norfolk Island, Jim had a friendly word for everyone and was very well liked. He felt privileged to live on the island and was deeply respectful of the people and appreciative of how they accepted him warmly into their community. To Kirsti and all members of the family and to Jim's many friends, this House extends its deepest sympathy. Mr Speaker may he rest in peace

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

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, a question for the Minister for the Environment. Minister has any progressed been made on the review of the current quarantine procedures in Norfolk Island

MRS JACK Thank you Mr Speaker. Yes. An internal review will be taking place. Its going to be chaired or led by the CEO and its due to commence owing to resource concerns at the moment, it's due to commence on the 30th March. The review when it is finished is to be put before an independent committee and invitations have gone out to several Members of the community to partake in that committee. Actually I'm not aware of whether they've accepted the opportunity to be on that board but it is progressing. Terms of reference has been set and I look forward to presenting the report when its concluded

MR B CHRISTIAN Thank you Mr Speaker. A question for the Minister for Health. Could the Minister give an update on the progress made concerned the eligibility of Norfolk Island residents to be Members of the Australian private health insurance policy

MR GARDNER Thank you Mr Speaker, in relation to that I provided quite an extensive update to the House at last month's sitting in relation to that matter and at that time the approaches had been made to the Federal Government through the Office of the Administrator to Minister Debus office to the Federal Minister for Health,

and Aging the Hon Nicola Roxon MP. I have had a response which I received to those enquiries on Friday last and in a nutshell the Federal Minister's position on the issues that were raised at the time, and that was about the extension of Commonwealth legislation to Norfolk Island to allow for the continuation of private health cover in Norfolk Island was as follows and I read the excerpt from the letter received on Friday from the Office of the Administrator and Minister Roxon's position on the issue is as following. As private health insurance is fundamentally entwined with the Medicare system it would not be feasible to extend private health insurance arrangements to people who are not eligible for Medicare. The second dot point the removal of restrictions related to Norfolk Island would bring into consideration a range of incentives and charges that encourage people to take out private health insurance such as the Australian government rebates on private health insurance premiums and Medicare surcharge and lifetime health cover and thirdly amendment to Federal health legislation to include Norfolk Island is best considered as part of a wider review of Norfolk Island Governance arrangements. In a nutshell the Commonwealth aren't interested in extending the legislation to include Norfolk Island and those Members of this community who have enjoyed private health cover from Australia for in some instances, up to 60 years plus particularly with organizations like MBF are now no longer able to be covered for the provision of health services in Norfolk Island and that came into effect from the 1st January 2009. I'm interested in the dot points contained in that letter, because even though I accept that health insurance within the Australian mainland jurisdiction is fundamentally entwined with the Medicare system, private health insurers in Australia such as MBF are able to continue with their programmes of their overseas visitor cover so for anybody visiting from overseas who cares to go to Australia and the same is said for those people that will continue paying their premiums and Membership of MBF and other associations in Norfolk Island are still entitled for cover for care provided in Australia, yet all of those people, all of those people are unable to access the Medicare system, all of those people are unable to acquire rebates on private health insurance premiums or are excused from paying the Medicare surcharge levy and don't participate in the lifetime health cover provisions. The request to the Commonwealth did not contain any request or any hint that anybody wanted anything different other than the maintenance of the status quo that existed up until the first January this year even though the extension of those private health covers arguably were things that MBF and other providers in Norfolk Island probably shouldn't have been doing for a number of years. So it's a little disappointing that we've got a response such as this, and clearly I have a deal more work to do in the Commonwealth arena to present the facts as they are and to show that there was nothing untoward in the approach that was made to the Commonwealth but simply an effort to ensure that what was in existence up until the 1st January 2009 remained in existence in Norfolk Island and allowed those long term of private healthcare companies and providers out of Australia to continue to enjoy the benefits for which they have paid for and for which they continue to be levied for

MR SHERIDAN

Mr Speaker I have a couple of questions for the Minister responsible for KAVHA. Minister the first one, the document the Australian Convict Sites nomination, dated January 2008 made available to the Norfolk Island community I think late last year in October, state that the Convict Nominations Steering committee represented from Norfolk Island by yourself and Mr David Buffett. What role has Mr David Buffet played in the life of this Legislative Assembly regarding the production of that document

MRS JACK

Thank you Mr Speaker Mr David Buffett was a Member when the process started in the life of the 11th Legislative Assembly and that is recognised in that document

MR SHERIDAN

Mr Speaker another question for the Minister on the same topic. Minister are you concerned that the landholders within sites in the Australia Convict World Heritage nomination sites other than KAVHA are expressing concern at their land being included in the nomination

MRS JACK Thank you Mr Speaker, yes I am concerned and I understand that work is being done through the management of those various sites with those concerned landholders. Just as I have maintained consultation with the KAVHA landholders I noticed too that several reports were put in various Australian newspapers but I haven't heard any action that have been taken by those landholders since the media hype a few weeks ago

MR SHERIDAN Mr Speaker a supplementary question, Minister did you not attend a number of Steering committee meetings with the Commonwealth and others in the planning of the nomination of the 11 convict sites. During these meetings did you consider the implications in including private land in the nominations, and if so, what was the recommended strategy to deal with the issue as endorsed by the committee

MRS JACK Thank you Mr Speaker we dealt with the areas of our sites and if those areas contained private landholders the consideration was for the site, not for the private landholders. They came on board with the site I suppose you could say because they were deemed to be part of the site just as the KAVHA site is not made up of, in its description, not made up of 100 individual portions, it is an area encompassed by a boundary. That was the consideration that was given when the nominations were being put forward. I don't know when it comes to the other sites I wouldn't want to hazard a guess or give an opinion there Mr Speaker on their consideration

MR SHERIDAN Mr Speaker a supplementary question please. So Minister you're saying that when KAVHA the area was considered as a whole, you're talking about it as a whole, no separate discussion was held on the actual private land that KAVHA encompassed

MRS JACK Thank you Mr Speaker in the early days when Mr Buffett was on board there was consultation made with members of the community and with KAVHA landowners. That is my recollection. As to the detail going in and conferring with everyone on a minute basis and discussing every point that was being considered for the nomination, no. The nomination was seen to be from the KAVHA site which was a whole area

MR SHERIDAN Mr Speaker just another one with regard to KAVHA. Minister is it not correct that before any nomination is accepted on the World Heritage List representatives of UNESCO the organisation charged with assessing and accepting nominations to the list, UNESCO representatives are required to visit each site and among other things enter into discussion with stakeholders. When will such a visit occur in relation to KAVHA

MRS JACK Thank you Mr Speaker I'm not sure of the exact dates. I had heard that it was around September October this year. When the dates are confirmed, there will be notices put out and people will be informed. It is not going to be a secret meeting or a secret coverage of the site by the Members of the UNESCO board. Further going on to Mr Sheridan's discussions before a consultative committee was formed by Mr Buffett and continued by myself and that consultative committee did include landowners, tour operators, leaseholders, people who use the KAVHA site and that committee did form part of some of the ongoing considerations in the Convict nomination that was made

MR SHERIDAN Mr Speaker a supplementary question please. Minister could you just explain mainly for the benefit of the community what the word stakeholder actually means in relation to world heritage sites

MRS JACK Thank you Mr Speaker to me, my interpretation is anyone who uses the site which in Norfolk Island would be virtually every member of the community. And in order to make it more manageable in discussions You break it down into say your community service groups who use it have representatives from all the service clubs every tour operator on the island uses KAVHA and comes in and enjoys the benefits. Tour operator representing everyone else. We had one of the two newspapers on the island were on the board so it's having a key person to filter the information back out to the rest of their group, out to like minded individuals

MR SHERIDAN Mr Speaker further one on the KAVHA issue. Minister is it correct that before a site is eligible for nominated for World Heritage it must first be on the National Heritage list

MRS JACK Thank you Mr Speaker yes and ours was put onto the National Heritage list by I think Minister Turnbull when he was Minister for the Environment in the last Federal Government

MR SHERIDAN Mr Speaker just a supplementary question, Minister does that mean that the whole of the site on the national list would be included in the World Heritage nomination or is there an opportunity to vary the boundary of the national heritage listed site prior to the world heritage nomination

MRS JACK Thank you Mr Speaker if I could just ask Mr Sheridan, say, is it possible to vary the boundary of the national registered site?

MR SHERIDAN Yes

MRS JACK That would have to come from the Commonwealth. It is their nomination. It was on their register and so it would be their determination to change the boundary

MR SHERIDAN Mr Speaker a supplementary question. But Minister it is possible isn't it

MRS JACK I suppose it is. I don't know of any that have been altered offhand the questions' come out of the blue, I haven't been able to research and see if any changes have been done to national boundaries of properties entered on the national register

MR SHERIDAN Mr Speaker just a couple more to do with the same topic. Minister is it correct that you arranged for a World Heritage consultant to visit the island in middle of January to advise on applications lodged two years ago to have their properties excluded from the Norfolk Island heritage register. I believe her name was Miss Sheridan Bourke and was she paid by the Norfolk Island Government for the visit

MRS JACK Thank you Mr Speaker. Yes Miss Sheridan Bourke was the consultant employed and yes she was paid from the Administration funds. The reasons for this was that the boundary changes were asked of the Norfolk Island register not of the Commonwealth we don't deal with that. It was change under our register, so it was our problem, our concern, our wish to deal with it and there fore our payment to make

MR SHERIDAN Mr Speaker a supplementary question please. Minister has Miss Sheridan Bourke made any recommendations as to the site or a report as to her visit as yet

MRS JACK Thank you Mr Speaker I understand there's been a draft report made. I haven't seen it as yet. I understand it is going before the Planning and Environment Board tomorrow for discussion before making it's way to me

MR SHERIDAN Mr Speaker a final supplementary question Minister how confident can these applicants feel, that have lodged these applications some two years ago, feel in the independence of the consultant that you have hired given that Miss Sheridan Bourke was part of the convict nomination reference group who contributed to the convict site nomination of which KAVHA is included

MRS JACK Thank you Mr Speaker all I can say is that all the appropriate methods of finding the consultant and expressions of interest were followed. I discussed the choice of Miss Sheridan Bourke with my colleagues, I discussed the cost implications with my colleagues, I did the best I could, I believe I've taken the appropriate measures

MR B CHRISTIAN Thank you Mr Speaker a question for the Minister for Finance. Minister in past weeks there have been prosecutions for non compliance of GST legislation. Would the Minister inform the House if there are any further outstanding breaches of the GST or NSL legislation that are yet to be dealt with

MR N CHRISTIAN Thank you Mr Speaker I can inform the House that at the next sitting of the court of petty sessions which is set down for Tuesday, the 10th March there are a further ten matters to be heard by the court in respect of breaches of the GST Act

MR SHERIDAN Mr Speaker a question for the Minister for Finance, Minister in regards to the \$2.5m grant that you have indicated that you will be calling from the Commonwealth Government, if unsuccessful, will the Norfolk Island Government have sufficient funds available to it to carry it through to the next financial year

MR N CHRISTIAN Thank you Mr Speaker as long as we maintain our tourism levels, at their current level, that is, we don't have a worsening of the situation, I believe we have sufficient funds to get us through this financial year. It will require us to draw further dividends from all of our GBE's but it will leave the cupboard fairly bare for the beginning of the next financial year

MR SHERIDAN Mr Speaker I've a couple for the Minister for Social Services. Minister in regards to the childcare review that I was part of and tabled the report in I think August last year, Minister has the Government considered the recommendations which were attached to that report and if so, are any further actions being considered by this Government

MRS JACK Thank you Mr Speaker there were four recommendations from the report of which Mr Sheridan was on the committee. The first one was a payment of a childcare subsidy to parents which was not supported at this time. The working group is not convinced that such a subsidy could be fairly provided, so Mr Speaker with that in mind the executives have noted that recommendation. Point two stated that no subsidy to childcare service providers is supported at this time. If measures are introduced to regulate the obligations of service providers leading to higher costs, and a higher standard of service provision, this would be reviewed. Well again my colleagues and I have noted that recommendation. The third and fourth points or recommendations said that the Norfolk Island Government should consider measures aimed at controlling the escalated costs associated with raising a family on Norfolk Island and a family allowance type payment should not be ruled out, nor should specific targeted measures. Along with that, the Norfolk Island Government should document the ways in which it does assist families, for example, immunisation, healthcare ceiling so

that community Members particularly those with young families, understanding the assistance measures that are already in place. So combining those two and actually in my speech that I'll be doing on the Appropriation Bill I do go into measures that the Government, the Administration already provide to young persons and to young families but with regard to the family allowance type package, it is something that needs to be looked into but at the same time a further committee or a further enquiry needs to be initiated so that it can be looked in, so that certain areas can be defined of what areas are paying to these young family, what they are suffering and if it is possible for our budgetary constraints to be involved in alleviating some of that pain. As for starting up a family allowance along the lines of anything in Australia, that is based on an income tax rebate and that is something well out of our consideration at this time but is something that we will be looking into over the next financial year. Thank you

MR SHERIDAN Mr Speaker a question for the Minister for Tourism. Minister I believe that in the middle of next month, in March, that there is a tourism conference and also coupled with a wholesalers meeting. Considering that this is our big season and availability of seats is tight on aircraft, was this the best time to schedule the conferences and also has anything been done to enable extra seating to be made available during this high season

MR GARDNER Thank you Mr Speaker, the wholesaler meeting Mr Sheridan is referring to is the Norfolk Island Tourism Exchange which will be held here on Norfolk Island I think around the 18th or thereabouts of March. How that came into being was following close consultation with our wholesale partners both in Australia and New Zealand and I think the Minister for Finance was also in attendance at the meeting when the dates were discussed so the discussion was had in the first instance with our primary wholesalers in Australia. The options of dates discussed, the date of march was settled and agreed upon by all those in attendance at the meeting so obviously plenty of forewarning to the wholesale industry to make arrangements for those dates to be in Norfolk Island. The other consideration that was had was in relation to the access issues for our New Zealand wholesale partners and providing them with greater opportunities to come into Norfolk Island before we reduced to the single service per week, out of Auckland and so march was identified as being the primary target. The second part of the question in relation to aircraft capacity and seating is something that I'm not fully au fait with and perhaps the Minister for Finance might have some comment on that with his responsibility for the airline. Suffice to say that for the industry partners that we need to make this thing work in Norfolk Island, more than advance warning was given to them in relation to the period of time and the need for them to make haste as far as their booking arrangements to Norfolk Island were concerned, bearing in mind exactly what Mr Sheridan has raised. It is traditionally a high part of our visitor season into Norfolk Island but I can't comment on the aircraft capacity and the additional flights that might be required

MR N CHRISTIAN Thank you Mr Speaker I could provide a supplementary answer Mr Speaker to support what Mr Gardner has said. The most recent information given to me by the airline last week is that for the month of March 2009 net wide our seat load factors are in the high 70% so there is still plenty of opportunity for people to get into and out of Norfolk Island if they are required to do so

MR B CHRISTIAN Thank you Mr Speaker I have a question for the Minister for Tourism. Minister a number of issues have been raised over previous months concerning the financial status of the Tourist Bureau accounts, the restructure and ongoing programmes. Given that a lot of information has been tabled of late by yourself, would you be able to give a brief update of the current status

MR GARDNER Thank you Mr Speaker, it might be a big ask but I'll certainly endeavour to comply with the request. Yes, as Mr Christian has rightly pointed out I have tabled a great deal of documentation and spoken at length in various

strategies that are in place as far as the Tourist Bureau is concerned and tourism marketing and promotion generally. In addition to that as people would be aware we have a regular information document that is provided by the Tourist Bureau which is called Market Intel. That not only is sent out to all of our industry partners on island but also our wholesale partners and others off shore and also published in the Norfolk Islander so it's a genuine attempt to try and keep the industry and the community abreast of developments within the Tourist Bureau and how we are tracking as far as our programmes are concerned. In addition to that the Tourist Bureau have hosted and run a number of different meetings, attended different meetings with different organisations, hosted workshops and the most recent of those have been the branding workshop that was held on Norfolk Island so every attempt has been made to ensure that people are fully aware of developments. To the question of the finances and restructure I had undertaken and I have made a number of comments particularly when I've been responding to questions without notice in the House, that there was a process underway as far as unaccounted for funds at the Tourist Bureau that have been identified following a partial restructure of the Tourist Bureau in the middle of last year and it's important that I point out that the unaccounted for funds was a matter that was raised following the partial restructure. It wasn't a trigger for the restructure, however it has meant that the Tourist Bureau have had to look long and hard at their processes and mechanisms or financial management and reporting and I think it's important that I give some background in relation to that. The 2007 audit that was undertaken by CST Nexia identified a number of high priority issues including failure to deliver adequate accurate and timely reports and adequate financial checks and balances as well as security of funds. That audit report was delivered in or around about October or November of 2007 and then in February 2008 the then Tourist Board, the make up of the Tourist Board resolved to appoint a finance committee, obviously taking these matters very seriously to investigate ways and means of putting in place proper accounting processes and financial management processes. The new General Manager, Terry Watson when he began in January 2008 found that as far as the budget was concerned a single column with annual totals for each line item but there was no monthly breakdowns, reports produced from the Bureau's MYOB system were unreliable, year to date recording was meaningless because year to date figures were provided by simply dividing the total by twelve and multiplying by the number of months into the financial year, for example, September financials compared year to date spending with annual total 12×3 . the largest percentage of the Norfolk Island tourism budget is marketing, with big spend campaigns happening at different times. It's critical to have monthly reporting that reflects the variations association with campaigns built into the Bureau's financial reporting. The Manager also found that the bureau was unable to produce accurate financial reports. He also found that the Bureau was unable to reliably produce monthly financial reports by due dates. He also found that all Bureau creditors were paid by cheque. Found that there were inaccurate and unreliable creditors reports, inaccurate and unreliable debtors reports and an outstanding auditors letter from 2006/07 identifying a wide range of issues of concern. How the Bureau and the General Manager approached that was that the approach was to work with the staff to develop a financial system from the ground up based on a range of strategies including rebuilding the accounting system from the ground up, upskilling the VIC staff financial management skills, introduction of a finance committee which I alluded to earlier to oversee financial management and reporting, introduce the COMBIZ to enable electronic payments and use the beginning of the 2008/09 financial year as the target for having all financial management issues resolved. A budget was developed using previous years actuals to provide a monthly breakdown of expenditure and was implemented. A range of monthly reporting requirements were developed including profit and loss statements, monthly and year to date, balance sheets, outstanding creditors, outstanding debtors, cash flow and monthly bank reconciliations. Substantial time was invested in attempting to gain these reports in an accurate and timely manner; consistent and continued failure to achieve these outcomes resulted in the changing of accountants and ultimately in the restructure of the Visitor Information Centre and the outsourcing of the Bureau's accounts functions. I've already talked about the establishment of a Finance committee

which was made up of Members of the Norfolk Island Government Tourist Bureau included, the General Manager of the Norfolk Island Government Tourist Bureau and the Office Manager and it was agreed at that meeting that attempts be made to find an external Member preferably a qualified accountant and since that time, Mr Ricky Cooper has come on board and we now have Rick Kleiner as part of that management committee. The role of the committee is to provide a high level of oversight scrutiny and accountability to the financial management of the Bureau's substantial public funding and to report accordingly to the Norfolk Island tourism board. Where are we now. Norfolk Island's tourism accounting functions management systems and checks and balances have been comprehensively overhauled and are now fully functional and up to date. The Bureau can now provide timely and accurate reports and has no reservations in believing we have appropriately fixed all financial management and reporting issues and that we will receive fully unqualified audit reports going forward. COMBIZ is now fully operational and the Bookeasy system is being used to track departure tax, tours and accommodation transactions. All long standing creditors have been cleared and the Bureau makes timely payments to creditors. Some outstanding issues remain with the transfer of assets from our previous balance sheets. These are expected to be resolved over the coming months. As far as the current budgetary situation is concerned, whilst there are always unders and overs as far as the budgetary cycle, Norfolk Island tourism is currently on track with a break even budget for 2008/2009. I mentioned the CST Nexia audit. They were unable as I mentioned in the House on a previous occasion unable to provide a full audit report, however, they have done some work and I think it's important in the context of what's happening at the Bureau that their comments being included in my answer to Mr Christian. Mr Speaker CST Nexia in reviewing the accounts noted that the supporting records for overseas payments were missing, a number of local payments were not adequately supported and/or are made out to the Tourist Bureau or to the Bureau staff. Some payments differ from the bank statements for the payments listing whilst stock was counted at the 30th June, stock sheets are missing, the fixed assets register is missing although CST did actually have a paper copy of the previously years register. As far as current actions are concerned, CST Nexia's comments were that they note from their various discussions and meetings that they had on island at the time that the Tourist Bureau had taken a significant number of steps to get the structure, finances and reporting of the Tourist Bureau back under control on a timely basis. The new position of Office Manager with Kate Smith, Tania and other staff is setting up the general ledger and accounting processes and controls to ensure that all transactions are promptly recorded and posted to the general ledger, all payments are properly supported and authorised as required, all cash and cheques are banked by the following day, trust receipts are maintained in separate bank accounts and promptly dealt with, ledger accounts are promptly reconciled and month management reports are produced by the third week of the following month and fixed asset and stock records are maintained. If we are able to uncover the whereabouts of all of these missing records, CST Nexia have indicated that they are prepared to revisit the audit report, but without that detail and in some instances, in the totality of the financials that they were asked to audit, some 60% of the matters within the financials are unable to be finalised because records were not maintained and are unable to be found but the search continues. There were also a number of issues in relation to the, as I previously mentioned in the House and have been subject to questioning by my colleagues, the issue of unaccounted for funds at the Tourist Bureau. The Norfolk Island Police undertook an extensive investigation into the matter, which involved a number of witness statements, the acquiring of a great deal of evidence, however at the conclusion of their investigation they forwarded their report and all of the material that they had collected as part of the investigations to Legal Services Unit of the Norfolk Island Administration. Their view at the time was that there was insufficient evidence provided to be able to press for any criminal prosecutions in relation to the unaccounted funds. The folios of evidence gathered during the police investigation were reviewed by the Crown Counsel and the staff in Legal Services Unit. The brief consisted of two ring binder volumes of documents and witness statements, and the facts in relation to the findings of the Legal Services Unit following the receipt of the information from the police, and I need to say that in July 2008 the Tourist Bureau

management reported an apparent shortfall of funds of approximately \$30,000,. It has been found with the forensic accounting procedures that have taken place and we've had most if not all of our accountancy skills on the island in some form or fashion dedicated to try and resolve this issue but it has been found but a sum, of money somewhere between \$30 to 50,000 has not been properly accounted for. It doesn't necessarily mean that it's missing, it just hasn't been properly accounted for. The evidence that's been able to be collected does not conclusively establish whether the money was stolen or the result of poor record and accounting procedures. An investigation has produced insufficient evidence to establish dishonest or fraudulent misappropriation of funds. There is no evidence linking any particular individual or individuals to fraudulent or dishonest behaviour. There is no evidence on which charges against any individual or individuals could be maintained. In summary, despite a lengthy and thorough police investigation there is insufficient evidence to provide criminal behaviour behind the deficiency of funds, no is there any evidence sufficient to link an individual or individuals to criminal behaviour. In conclusion this advise received from the Legal Services Unit supports the findings of the extensive police investigation that I've touched on, and which was forwarded to the Legal Services Unit for their consideration and review and until further evidence comes to hand the matter will lay in abeyance until that time

MR B CHRISTIAN Thank you Mr Speaker a supplementary question to the Minister. Minister where from here, considering an incomplete audit, does that mean the year becomes a write off or is it just open and you can't close the accounts on that year until its been properly accounted for or subject to a further audit report or what's the outcome from here

MR GARDNER Thank you Mr Speaker, as I said, if further material and records that I alluded to in my response to the original question, if they come to light CST Nexia have indicated that they are more than willing to work with the Bureau in finalising that year's accounts

MR SHERIDAN Mr Speaker can I have a supplementary question for the Minister. Minister how long do you intend to give the Bureau to demonstrate that they are capable of managing their own funds in their budget, how long will you give them before you consider taking away that part of the operation from the Tourist Bureau

MR GARDNER Thank you Mr Speaker, I'm satisfied that as soon as the issues that I've covered were identified by the General Manager and by the Board that immediate steps were taken to implement appropriate strategies to ensure and as I've listed, to ensure proper financial reporting as is required. The accounting function has already been outsourced from the Tourist Bureau to a local accountant but the day to day financial management continues but with those express provisions in place now that ensure that everything is properly documented, that there is a robust system in place to track every cent that is handled by the Tourist Bureau and I'm satisfied that they have acted expediently to address that issue as soon as the issues were identified, they've been addressed and I'm comfortable with the progress that 's been made

MR B CHRISTIAN Thank you Mr Speaker a question for the Minister for the Environment. Has the Minister made it possible yet for commercial builders to have their waste accepted at the Centre or other means whilst the current ban on accepting builders waste is on

MRS JACK Thank you Mr Speaker, Mr Christian raised this matter in the special Legislative Assembly meeting last Friday and I did speak to him after the meeting and I took his thoughts to the CEO. As a result there is going to be a meeting of a number of builders between myself, the CEO and the manager of the Waste Management Centre. At this moment I believe its set down for Monday morning. At that meeting we're going to discuss access to the bottom tip, the size of loads and the

content of the load and then with that, moving forward so that I think on Tuesdays Thursdays and Fridays, a limited number of builders will be able to source that bottom tip. But it is underway and I was hoping to have it settled this week but other issues have arisen and as I say, Monday morning it's hoped to have that meeting

MR SHERIDAN Mr Speaker a question for the Chief Minister please. Chief Minister in regard to the RESA project can you confirm that this project is on the renewed schedule, is it on time, what is the completion date for the northern end and will this be completed in the revised budget that we should approve at this sitting

MR NOBBS Thank you Mr Speaker and thank you Mr Sheridan for the question. As far as I'm aware, the information I have to date is that works are back on track. There was an outcome from the budget review that enabled us to, through the CEO, cap the expenditure down the western end to ensure it was finished and finished under budget and so although I have no data in terms of how many days they forecast to finish the St Barnabas Chapel end or the western end, I will endeavour to check up on that and find out what exact date line they are working on and no doubt given weather conditions or mechanical breakdowns

MR SHERIDAN Mr Speaker a question for Minister for Finance. Minister in regard to internet based businesses based on Norfolk Island what revenue does the Government receive into the coffers, ie do they take GST, are there any duties or anything attached to this

MR N CHRISTIAN Thank you Mr Speaker and thank you Mr Sheridan for the question. I would imagine that if it's an internet based business and their turnover is above the threshold contained within the GST legislation they should have registered for GST and we should get GST there. I'm not aware of any duties that are imposed on the business but if Mr Sheridan any particular examples that he would like to draw to my attention after the meeting I can have them investigated

SPEAKER Thank you Mr Christian. Are there any further questions without notice Honourable Members

MR B CHRISTIAN Thank you Mr Speaker, a question to the Minister for Roads. Minister now that the cattle stops in Douglas Drive, and Ferny Lane roads have been installed is it the intention that the maintenance of all road front areas within the cattle stop area be undertaken by the Administration Works Department or is it just a select few property frontages as is the case at the moment

MR MAGRI Mr Speaker my general feeling and policy on this is that I'm not extremely concerned who does the mowing or how its done, as long as its done. When I first took responsibility for the roads there seemed to be little rationale as to why some areas were maintained meticulously and other areas not maintained at all. I brought this up with the Works Manager and he's now asked the team to make sure that any of those areas are now maintained and I think they do a terrific job at it. It is true that some of the areas are maintained currently by the property owners or the shop keepers or whoever it might be, in that area and whether they do that out of a desire to present the area how they would want to present it or whether it's civic pride or whatever it is, I'm certainly not going to change that. I happily accept that existence and I think that it goes to the most cost effective way of maintaining that area. I'm not aware of any issues of the maintenance of that area. If anybody has an issue, they can come and see me. We've recently extended the area between the cattle stops as everyone's aware to include a fair degree of Douglas Drive and in Ferny Lane and because of the extended size of the area I've asked that the different areas including the Airport Manager and the Electricity Manager for assistance if they could maintain the areas in front of their particular areas of responsibility. I guess you have to weigh up wither the extra effort in mowing those areas is worth it. Well, I think it is. I think that beautifying that area in from

SPEAKER
be noted

Honourable Members the question is that the paper

MR GARDNER

Thank you Mr Speaker, in tabling this document, firstly some apologies for the mix up earlier in the week or late last week in relation to the various versions of the document that came out as different staff took over different responsibilities. Some of them were attuned to how the figures fit together and others aren't so I hope that we've got it right this time and that we'll continue in that vein moving forward. To the detail in the figures themselves we are down 350 odd visitors over the same time last year and interestingly enough only 50 or 60 passengers down on the same period in 2007. This comes hard on the heels of some significant downward trends in visitor numbers that we experienced in the last quarter of last year but encouraging to see that that decline seems to have been stemmed by a large degree and the efforts of both the airline and the Tourist Bureau and our wholesale partners are to be commended in assisting to stem that downward trend which from the information I've been able to glean seem to be going against the trends in other jurisdictions. That said, I think my calculations generally show that the aircraft we're flying in, is that we are providing somewhere in excess of 70% plus on loadings both out of Australia and New Zealand for January according to my calculations which is an encouraging sign and means that we've been able to stabilise our flying schedule to ensure that we have a very firm finger on the pulse to ensure the viability of the airline because without that our fortunes would be rather dismal. I do note, and I have noted in the past on various occasions through the year, some emerging trends and I still have to do more work on it but I do note from the figures that of the total visitors and numbers of people arriving that we are accommodating approximately 21% of all bums on seats for want of a better word on aircraft, are those of locals that are travelling in and out of the island. I'm not sure how many of these people arriving in January that are listed as locals are actually permanent residents who are resident on Norfolk Island or whether a number of them may be permanent residents who are living offshore and returning for the festive holiday season but it's something to check because its up markedly on general trends which in the past have indicated that its about 15% of all travellers. The other interesting stat is, and again I'm not sure whether its swayed by seasonal factors and visiting friends and relatives and the like, but some 12% of all visitors are staying privately. That's not good news for the accommodation industry, particularly if that is an increasing trend. Again I'm not sure if it is and I need to go back and check past numbers because obviously that has impact on the tourist accommodation industry. Despite that, the downward trends that have been experienced in the last quarter of last year, it is pleasing to see that we've been able to arrest that and as both myself and the Minister for Finance responsible for the airline spoke at the last meeting, there are positive trends going forward as far as bookings and up by marked percentages over the same period last year, going forward so that is positive. Another comment the New Zealand market does remain significantly depressed over the same time last year and in 2007. Recent discussions with representatives, John Stanford from Jason's have indicated that the information he has to hand seems to show a developing emergence from the doom and gloom that was associated with the New Zealand market and he reported to me yesterday in a very useful discussion I had with him, that his understanding is that we are emerging and Norfolk Island is certainly in the line of fire as far as destination for people from New Zealand are concerned so we look forward to some improving news out of New Zealand over the next few months and in relation to that, I just wanted to mention that one of the senior managers of Air New Zealand will be in attendance all but briefly at the NITE next month and I have taken it up with Air New Zealand on a number of occasions that their Pacific Route Manager who's been responsible for probably ten or twelve years now has never visited Norfolk Island so to have an even more senior manager in attendance at our NITE shows the importance and I think with our encouragement shows the importance that air New Zealand are placing on trying to maintain the vitality and viability of the services to Norfolk Island. Thank you

MR SHERIDAN Thank you Speaker just a quick query of the Minister there in regards to the New Zealand numbers and the intention to reduce the flights to one per week on a Saturday I believe. I think the Minister has indicated previously that he would approach Air New Zealand and to see whether or not if they intend to remain with just one flight per week, if that flight could be on the Sunday rather than Saturday and this is in the main, to do with the sporting clubs, a lot of the international sporting activities like to finish on a Saturday and so that the New Zealanders can catch their flight home on a Sunday rather than missing the Saturday flight and having to stay two weeks, which I suppose isn't a bad thing but it just disrupts everybody's programme, or the sporting clubs having to change all their promotional material and reorganise their itineraries for their events

MR GARDNER Thank you Mr Speaker, I'm not sure whether there was a question in that, but I understand the thrust of Mr Sheridan's comment. I accept his argument. The difficulty that we face in dealing with international airlines is the availability and placement of aircraft at particular times to provide services. We will continue in our efforts to lobby Air New Zealand but in actual fact to throw our weight behind our wholesale and industry partners in New Zealand for them to revisit the second service back into the Norfolk Island route preferably sooner rather than later

MRS JACK Thank you Mr Speaker the Minister was just showing some concern over the increased numbers of people staying in private accommodation and the flow on effect that would have in our accommodation sector. I'm just wondering about the ripple effect in the retail sector. I know that the GST when they come to us in a format showing about sixteen different departments and we looked at it, and are we seeing a reduction in the amount of GST paid in the retail sector. We go up and we hear that there are x number of tourists on the island and yet the retail sector appears to be empty and so I'm just wondering what is being done with regards to the strategies etc through the tourist group here on the island to try and reenergize or is it something that we have to do as a Government in uplifting that part to make them once again, take their places where they were pre 2000 before GST in Australia came in

MR GARDNER Thank you Mr Speaker, I haven't done the exercises and not being a statistician I would probably get it wrong if I attempted the exercise but I understand what Mrs Jack is trying to say as to whether there is a correlation between the local stay, what flow on impacts that might have through the retail sector and the effect it might have on Government revenues. I certainly hope that as part of the strategies going ahead that the Administration are putting in place that those types of matters will be properly considered so that we have a ready measure or indicator of how the sectors are performing but more specifically, in response to that question about what is the tourism industry or body doing, you may recall that there has been a very extensive survey that was undertaken last year in relation to retail in Norfolk Island. That information has been compiled into an extensive report which I haven't seen as yet but I understand totals somewhere in excess of 70 pages and that is the first time that the retail industry in Norfolk Island has really been investigated, explored, torn apart, put back together again with a number of recommendations about how we improve the lot in Norfolk Island. It is expected there is some additional work that needs to be required to clarify some issues within the body of the document and as soon as that is done, I understand it will be released for public comment and particularly I hope will become a valuable tool for the retail sector in Norfolk Island to be able to address some of its concerns and some of its issues maybe lay out a clearly defined path ahead for retail in Norfolk Island generally

MR ANDERSON Mr Speaker I'm not certain of Mrs Jack's comments that the tourists effect the retail trade if high number of families are coming in. These people still buy. They might buy different things but if anything, they may be buying more than the general tourists. I would like to make that comment and certainly what Mr

Gardner said about the review, I think anyone in the retail sector is anxiously awaiting for this report to see if there are things which we can utilise to pick the industry up

MR B CHRISTIAN Thank you Mr Speaker I note the Minister saying there might be a small recovery of the downturn in New Zealand passengers, I'm just wondering if it might be an appropriate time for the Minister for Tourism or maybe the Minister for the Airline to maybe give some sort of information on the status of our future bookings

MR GARDNER Thank you Mr Speaker, I haven't ever been provided with that detail. We have sought it in the past in the spirit of cooperation. The only information I have to hand is anecdotal from a number of people who are in close working environment with Air New Zealand that have indicated that they have noted a pleasing increase in seat load factors going forward out of New Zealand. To what degree that is, I don't know but it is an indication that things may be on the recover out of the New Zealand market as people have started to realise that the world's not coming to an end, they still need to enjoy time and space and holidays and the like but what it has meant, as I made mention in the House before that people are carefully reassessing the destinations to which they travel and the reasons for that travel. Some of those things that I touched on before have to do with exchange rates, even though it's not the most brilliant from New Zealand coming to Norfolk Island at the moment but it's close, it's clean, it's safe, a good experience with shopping and the like so people are re-emerging they are looking longer and harder at why and where they travel but clearly there appears to be a trend that both in the Australian and New Zealand market they are looking to local or regional tourism rather than long hauls as the preferred option for them. I'd certainly be more than happy if I was able to get from Air New Zealand their forward data but I doubt that they would give it to me

MR B CHRISTIAN Thank you Mr Speaker just to clarify my question, could it cover both Australia and New Zealand and maybe the Minister for the Airline might be able to provide us with some information on future bookings

MR N CHRISTIAN Thank you Mr Speaker. Yes. As I said previously for March the seat load factors for the airline are in the high 70% across the board and April's not so good and May's not so good, I can't actually quote the numbers but they would probably be around the 50% but the lead time for people now from the time they make their decision to when they actually travel is as short as two weeks so its impossible for me to give you actual figures a month out

MR NOBBS Thank you Mr Speaker if I could just add to that because that is one of the things that we have notice in the past six months in particular that the booking data has changed in terms of the lead time as the Minister has pointed out. One of the things that I think stands us in quite good stead at the moment considering the overall status of tourism and destinations similar to Norfolk Island such as Cook Islands and Fiji and places like that, is that we do have the exchange rate advantage, we do have an accreditation advantage in that our accreditation systems for tourist accommodation and the like are very much transposed from Australia and perhaps New Zealand systems which gives the incoming visitor some confidence that they are gong to actually end up in a three star tourist accommodation house, I know there's been perhaps some dissatisfaction by some of the tourist accommodation proprietors on the island with that accreditation process which doesn't necessarily suit their purposes but it certainly give the passenger coming to Norfolk Island for a holiday a little more surety that what they are booking into, they're actually going to get. The other thing worth pointing out in that accreditation is that I know the Tourist Bureau has talked about some accreditation through the private sector and not specifically within tourism and I see some benefits for that and I also see that as the branding comes to its closure hopefully sooner rather than later we'll be able to leverage off that and also the private sector will be able to grab hold of what is the Norfolk Island brand at that point

and really make some movements on it that will relate to the retail evaluation report that was carried out by Bruce Prideaux and I understand it's not too far away so I would think that we are in a position where we can capitalise on now in terms of the Australian dollar and also the consistency of product and hopefully shortly a very distinct and Norfolk Island oriented brand

MR GARDNER Thank you Mr Speaker, just going back to Mr Brendon Christian's question in relation to forward figures I'd forgotten he wasn't in attendance at last month's meeting with the introduction of the budget but we had had some discussion in the context of the budget and the various trends in tourism and what that might mean for the bottom line of the budget and both myself and the Minister responsible for the airline had made reference to the comparison of figures going forward over those that we experienced at the same period last year and I think the comparisons showed that at the same time and same place, despite the fact that there are different trends in bookings, the couple of weeks that we were talking about and I stand to be corrected on this, but was somewhere in the region of about 22% up on the same period last year so they were encouraging signs. Its difficult and I accept that, that with the different trends in bookings that people are making, decisions as close as two weeks from departure, make it very difficult to track that trend in itself and as it was touched on at the last sitting, it was a positive sign, particularly bearing in mind that, that was a lot further out than two weeks that the comparisons were being made, so I just wanted to note that. I understand that Brendon wasn't in attendance at the last meeting and may not have been party to the debate on that

SPEAKER Thank you Mr Gardner. Is there any further debate? There being no further debate, the question is that the paper be noted and I put that question

QUESTION PUT
AGREED

Thank you. That paper is so noted

MRS JACK Thank you Mr Speaker. I table the draft Child Welfare Bill 2009 and dated the 4th February 2009. Mr Speaker the reason why I am taking this action is to provide all relevant persons who are likely to work with this Bill the ability to read, consider and provide comment as to the effectiveness and thoroughness of the workings of this Bill. I want comment on cost implications if this Bill were adopted, our ability to meet and be adequately resourced should parts of this Bill be activated, in general terms the 'do-ability' of it and to ensure that its workings are relevant to Norfolk Island and not some other jurisdiction that has money and human resources far different to our own. Mr Speaker purpose of this Bill is to reform the law relating to children and young people in certain key areas. The relevant law was previously contained in the *Child Welfare Act 1937* and the *Child Welfare Agreement Act 1941* but will now be contained in the *Child Welfare Act 2009*. The *Child Welfare Act 1937* is to be repealed: the *Child Welfare Agreement Act 1941* is far out dated and inappropriate and is also to be repealed. Across the Bill the concept of "parental responsibility" has been introduced to replace traditional notions of custody, guardianship and wardship in line with developments in other places. The fundamental notion of decision-makers acting with the best interests of the child or young person as their paramount consideration remains entrenched. In the child protection area there is an emphasis at all points on cooperation with and support for children and young people, from infancy through to adolescence, and their families. The Act also recognises that when the authorities do have to intervene in the life of a child or young person, the procedures and effects of such intervention should be clear at all stages. The Bill is a significant attempt to reform the law relating to young offenders and brings Norfolk Island law and processes closer to those in place in the Commonwealth and elsewhere and takes account of obligations under United Nations Conventions on the welfare of children. The Bill does not deal with

issues relating to the involvement of children and young persons with the criminal court system or the general procedures in the courts as most of this is to be dealt with in other legislation reforming the court processes nor does it deal with child care licensing as it is anticipated that this subject also will be separately dealt with by other legislation. Mr Speaker This Bill is primarily about providing protection to children and young people although it also gives clear guidance to parents and other carers about their rights and responsibilities. It is imperative that we as an assembly provide appropriate protection for the youngest members of the community many of whom are of an age unable to argue their own case. Mr Speaker I ask that the Bill be noted and printed so that comment can be sought from individuals, committees and bodies such as and not limited to; the police; the counsellor; Local magistrates; Relevant personnel at the school and hospital and Members of the SAA working group and Mr Speaker when I do send these draft bills out, I will asking that comment be made by end of April 2009 and forwarded to Mr Alan Bataille, Registrar at the Administration of Norfolk Island.

MR GARDNER
be noted

Thank you Mr Speaker could I move that the paper

SPEAKER
be noted

Honourable Members the question is that the paper

MR GARDNER

Thank you Mr Speaker, speaking in support of the Minister's initiative I certainly do welcome it. It's been a very long time coming. I do recall back in about 2003-2004 an enormous amount of work that was undertaken to review and overhaul our child welfare legislation and other supporting or subordinate legislation regulations and the like. That resulted I think in about 2005 the production of an enormous bill of untold pages. It took up a complete ring binder, double sided. It was a huge piece of work and basically drew upon provisions of mainland jurisdictions including New South Wales, Victoria and all over the place and I guess the question at that time, and I would argue that the reason it didn't progress was that it was so incredibly complex. My brief viewing of the current document is that it's been on a Jenny Craig diet and a significant one because it's about a tenth of the size of the 2005 draft bill but it does provide in simple terms the necessary provisions that we need in place to replace some of those outdated statutes. The Minister did refer to the court processes being dealt with by other legislation and that's quite correct. We hope we are able to develop in tandem with this and be introducing at about the same time the bill to amend the court of Petty Sessions Act to provide provisions for a children's court in Norfolk Island and so obviously there's some synergy between these two things and I hope I'll be able to work closely with the Minister to ensure that we get our timing right for the introduction of them but it is a subject of real interest within the community, providing for the protection of children and the various means and ways that are proposed under this Bill and other legislation and not meaning to want, and I again applaud the I for tabling it and wanting to try and get it tout to as many groups and bodies as possible, but I would hope that we can give consideration at the time of introduction to a reference to our Impact of Bills Committee to make sure that we get this thing right from day one and that can only take place on the introduction of the legislation to the House so I'll look forward to that and I hope that people will avail themselves of the opportunity to read and understand the provisions within this legislation and the benefits and protection that it will provide for the young people in Norfolk Island

MR MAGRI

Mr Speaker thank you, I just want to know if the Minister has given any thought to the length of the public consultation phase and some idea of what time the bill will be introduced formally into the House

MRS JACK

Thank you Mr Speaker, as I said I was asking for comments back by the end of April and that's some two and a half months and I believe that for this size bill and for getting comments back from those areas, that's long enough. I then ask that the comments or recommendations or possible changes be put forward

and I expect that will take six weeks or another month for possible legislative changes so bringing it forward in the July sitting, possibly

SPEAKER Thank you Mrs Jack. Further debate Honourable Members. I've been informed by the Deputy Clerk that the Minister in fact did in the body of her statement make reference to a request that the paper be noted and printed, and there being no further debate I put that question

**QUESTION PUT
AGREED**

Thank you. The motion is so agreed

MR GARDNER Thank you Mr Speaker, as executive member responsible for the Tribunal in Norfolk Island and in accord with the provisions of subsection 13(4)(b) of the Public Sector Remuneration Tribunal Act of 1992, I lay before the House a Determination in relation to the Legislative Assembly which is Determination No 1 of 2008

Thank you Mr Gardner. 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 GARDNER Thank you Mr Speaker, as Members would be aware I reported on the appointment of Peter Michael Jacobsen, the Hon Peter Michael Jacobsen as a judge of the Supreme Court of Norfolk Island. That appointment had effect on the 28th June 2007. I have now been advised that Justice Jacobsen was appointed as the Chief Justice of the Supreme Court of Norfolk Island on the 2nd February 2009. the former Chief Justice Mark Weinberg resigned to take up an appointment with the Court of Appeal in Victoria. For Members information and those listening Justice Jacobsen as I said, has been a Member of the Supreme Court of Norfolk Island since the 28th June 2007 but he was appointed to the Federal Court on the 17th June 2002 prior to his appointment, he was in practice as a Barrister plasticising extensively in the field of commercial law, equity and trade practices. He was admitted to the Bar of New South Wales in May 1979. he graduated from the University of Sydney with a Bachelor of Arts and Bachelor of Laws with Honours, he obtained a Master of Laws from the University of Pennsylvania Law School in Philadelphia and was a Member of the Faculty of Law in McGill University of Law on Montreal before returning to Australia in 1976. He practised as a solicitor from 1976 to 1979. Mr Speaker I welcome Justice Jacobsen's elevation to the post of Chief Justice of the Supreme Court of Norfolk Island and hope that my colleagues will join with me in welcoming him to that position

MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 24

SPEAKER Honourable Members, I have received the following Message from the Office of the Administrator and it is Message No 24 which reads that on the 13th February 2009, pursuant to section 21 of the Norfolk Island Act 1979, I declared my assent to the following law passed by the Legislative Assembly, the Waste Management (Amendment) Act 2009 (Act No 2 of 2009) and that message was dated the 13th February 2009 and signed Owen Walsh, Administrator

REPORTS OF STANDING COMMITTEES

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

NOTICES**DEDICATION OF OLD ROADS**

MR MAGRI Mr Speaker I move that the Legislative Assembly resolves that for the purposes of section 35(1) of the Roads Act 2002 empowering the executive member during the transitional period to dedicate land that was an old road or an old service area as a public road or as part of a public road, the period before 27 February 2010 is, under section 45A(b) of the said Act, declared to be the transitional period. I also table the memorandum to me dated 14th January 2009 from the Registrar of Titles entitled Dedication of Old Roads in which he summarises the background to the motion before us today. All Members have been copied previously with this memorandum. Mr speaker for the listening public, the purpose of this motion is to extend the transitional period with which roads that remain in old estates or have a private interest or whose private interest has since been transferred to the Administration or for which the title now invests in the Administration, can be dedicated as a public road as provided for under part 8 of the Roads Act 2002. Mr Speaker over the last fourteen months the Registrar has been able to have the private interest in six of the roads included in a tabled memo transferred to the Administration without cost or payment of compensation. In addition the memo includes a further eleven roads whose titles remain vested in the residue of estates which have been used and or maintained by the Administration as public roads and a further two roads which are owned by the Administration. Mr Speaker as the public uses all of the roads the liability for their use lies in the Norfolk Island Administration, that is, irrespective of this amendment the Norfolk Island Administration is still liable at law for these roads. As the 19 roads mentioned in the tabled memo have been recommended and approved by myself for dedication as public roads in previous submissions from my office it is now recommended that the process for their formal dedication be proceeded with. Mr Speaker I commend this motion to extend the transitional period to allow this to happen. Thank you

SPEAKER Is there further debate Honourable Members. No.
What is your attention now Mr Magri

MR MAGRI Mr Speaker I move that the motion be agreed

SPEAKER The question is that the motion be agreed to
Honourable Members and I put that question

QUESTION PUT
AGREED

Thank you. That motion is agreed to

MOTION BY LEAVE**IMMIGRATION ACT 1980 - SETTING OF QUOTA FOR PERIOD 17 FEBRUARY 2009 TO 16 FEBRUARY 2010**

MR NOBBS Mr Speaker I seek leave to move the motion circulated to members yesterday regarding the determination of the general entry permit quota

SPEAKER Is leave granted Honourable Members. Leave is granted Chief Minister.

MR NOBBS

Thank you Mr Speaker. I move that for the purpose of subsection 21(1) of the *Immigration Act 1980*, this Legislative Assembly resolve that it be determined by instrument in writing that 100 General Entry Permits be granted during the period 17 February 2009 to 16 February 2010. Mr Speaker in February of each year the assembly discusses and sets the immigration quota for the coming year and as we are all well aware a specific number must be set rather than the option of an indeterminate quota. From 2004 through to 2007 there have been variations in the quota that range from 35 in 2004 to 60 in 2007. The quota for the 2008 period was set at 100 after a great deal of debate. The debate ranged in topic from sending a message that Norfolk was "open for business" to "what other steps will be in place" to further enhance the opportunities that Norfolk Island may offer to potential permanent migrants. The immigration review that I committed to and the immigration working group has deliberated on specifically aimed at analysing our legislation, policy, guidelines, delivery of information and promotion of immigration opportunities in Norfolk Island. There were many other areas covered in the review such as revisiting many of the consultants reports that date back many years and which provide fairly consistent advice on immigration issues and initiatives, population growth scenarios and policy options. In fact the quota figure of 100 used in 2008 was based upon the Norfolk Island Population Policies review carried out in October 2004. This review referenced Professor Gilbert Butlands report, *A Long Term Population Study for Norfolk Island*. It is worth noting that directly after the introduction to the population policies review the following statement can be read: 2. Current Population Policy The Norfolk Island Government's current Population Policy is based on an aim to achieve a 2% increase in the permanent population per annum. It is generally derived from the recommendations of Professor Gilbert Butland in his report, *A Long Term Population Study for Norfolk Island*. However, as demonstrated in section 3.3, Butland's recommendations have not been adopted in full. Mr Speaker I spoke briefly about the previous years quotas and accepted growth targets having embraced the percentage only without the related steps completing the equation as recommended by those various studies. The basis for the recommended figure of 110 proposed in the population review is that there is a significant number of GEP holders who do not achieve residency, previous and more recent studies indicate that around 25% of GEP's will expire or be cancelled before the holder becomes a resident. To quote from the review document, "This means that to achieve the desired level of residents within the permanent population, 110 GEP's will need to be issued each year". Mr Speaker over the past few weeks I have circulated for comment to MLA's and to some areas of the community a draft proposal for a new permit system that resolves many of the issues that have troubled immigration on Norfolk Island and have been reported on as far back as the Nimmo report many years ago. The 12 proposed permits seek to address the problems associated with a small range of permits and the utilisation of discretionary powers to compensate for inadequate immigration profiles and flow out of the body of work undertaken by the immigration review. At tomorrow's ministers forum I will go into some detail on the proposed new permit structures and provide opportunities for community feedback prior to the next sitting, at which point I would hope to bring these proposed changes to the house. The proposed twelve permits include: a TOURIST PERMIT (previously deemed visitor permit, a VISITOR NON-WORK PERMIT (allows tourist not related to anyone in the Territory to remain beyond 30 days up to 120 days, a VISITOR WORK PERMIT (allows visitor to work up to 28 days especially if awaiting employment permit, an EMPLOYMENT PERMIT (previously TEP - allows employment of non-resident up to 12 months - previously TEP), a BUSINESS PERMIT (allows non-resident to operate or be involved in or lease or manage business or asset on Norfolk Island up to 12 months), an INVESTMENT PERMIT (allows non-resident to invest in Island businesses or assets and employ persons to manage or operate such assets with an inspection visit required up to 30 days in each quarter granted either annually or for period up to 3 years), an OFFICIAL PURPOSE ENTRY PERMIT (allows entry for official purposes e.g. judges, Commonwealth and other government officials, members of parliament, police officers, or other official purposes approved by Chief Minister and Immigration Executive Member), a SPECIAL PURPOSE ENTRY PERMITS (allows entry for special purposes e.g. sporting events, conferences

or conventions, lawyers and witnesses in court trials held on Norfolk Island - lawyers entitled to practice during such entry, aged and respite carers if not related, specific development or infrastructure project workers/experts, self funded retirees, exchange students, school group tours, continuing professional or community education providers, charitable or religious ministers), a FAMILY ENTRY PERMIT (separate permit for spouses and children - previously co-applicants on worker TEP - also permits visits by relatives of permit holders living or working on Norfolk Island if intending to reside with the worker while on the Island, also aged and respite carers if related), an INTERIM RESIDENCE PERMIT (previously GEP - conditions to be flexible to allow work or investment or operation of business where lawful to do so - same as at present but granted pending application for resident declaration), a PERMANENT RESIDENT (same as at present) and a TEMPORARY OR EMERGENCY ENTRY PERMIT (issued for only brief temporary or emergency entry where person arrives or seeks to enter while still a prohibited immigrant or prescribed person or whose entitlement to enter Norfolk Island or Australia is in doubt and they wish to enter and apply for revocation or verification of that status within 7 days of arrival or some other emergency reason exists to permit brief entry to a person not otherwise entitled to enter). Mr Speaker over the last twelve months a great deal of evaluation has been undertaken in the immigration area, aside from process and policy review, a pamphlet has been developed as well as matching internet information to inform and assist potential immigrants, once the permit structure has been evaluated and actioned, both of those additional components will also assist Norfolk Island and those migrating to Norfolk to achieve the best result out of our immigration system while maintaining border security. Having evaluated the immigration figures over the last year, of 4 Business entrants, 9 Employment entrants and 5 dependant school aged children - giving a total of 18 persons granted GEP under Quota, and noting a comment from the Immigration Officer in regard to a marked decline in interest after September last year, I realize that the figure of 100 for the quota is perhaps many times higher than it needs to be. However if we are to remain committed to a population growth figure of 2% as set by previous assemblies, then we also need to commit to meet some of the methodology proposed by the various reports on population and immigration, use relevant formulas and make some of the changes that have not only been detailed in numerous reports and consultancies, but incorporate those changes that will enable protection and growth in Norfolk Island. Therefore I again propose 100 for this years quota. I also propose that we review this number upon committing to any change to the immigration system and permit structure which I would hope to bring to our next sitting.

MR MAGRI

Mr Speaker just a quick one there, I notice in your remarks there you were thinking of bringing something to the House at the next sitting. Is that a bill or a paper for wider public discussion?

MR NOBBS

Thank you Mr Speaker it will depend on the level of input and discussion that I get outside of these walls. Already we've had a fairly lengthy discussion on it and Members will recall that both the Immigration Officer and a representative from the legal support unit met with us to explain the areas of shortfall in the current system that the Immigration officer has to deal with on a daily basis and the legal area has to deal with as well, in terms of the permit not really being categorised to the level that perhaps would make them more effective and also making it more easily understood by the potential immigrant coming to Norfolk Island and in getting to the nuts and bolts of your question, if I have all the data from the community and any other input that Members would like to pass me in a timely fashion before the second week of next month then I would hope to put a bill on the table. However, if we are still in a discussion stage I would definitely be able to table a paper for us to move towards that bill

MR ANDERSON

Mr Speaker I obviously support those numbers and just make comment that unless we effectively do something about our growth in population we will continually go downhill. No community can survive without reasonable population growth and a section of the community and a viable commercial sector.

We've seen our commercial sector going downhill for a long time and there are a lot of reasons but this has to be arrested. Part of it is the worldwide trend and the changes that have come around in world economics and world trading but as I said the last time I talked, the first step that we have to do is make Norfolk Island welcoming and we've never really done this and it's crazy. It's just as important to get new blood into the commercial sector, as it is to get tourists here

MR GARDNER Thank you Mr Speaker, probably the easiest way for me to deal with my contribution to debate is for me to table Hansard from January and February last year. It was extensive. I didn't support it then and again I don't support the fixing of a quota for such a large number based on no other reason than saying "we're open for business". Now we said that last year and I think in the Chief Minister's debate last year he recognised and supported his fellow Members in sending a message that migrating to Norfolk Island is not overly restrictive. I agree wholeheartedly with that. I agree wholeheartedly with that statement. It is a pretty simple process to follow and really begs the question of why we need to put in place an overly complex permit system as that which has been alluded to by the Chief Minister. I understand what he's trying to do but I don't personally believe that it's a workable option and in actual fact we should be going the other way and reducing the number of permits that we have in place because it will be an administrative nightmare and from past experience having sat in the chair that administrative nightmare is going to continue without doubt. One of my previous colleagues in the Legislative Assembly, Ron Nobbs always used to welcome February. Well I'm not sure if welcome is the right word, but he always used to observe that February was the month when the army worm was about and we had to set an Immigration quota. I've got a third part that I want to add to that. It's also the anniversary of the time when the Speaker of the House voted in favour of a dissent motion against his own ruling which was an historic event in Norfolk Island and the history of the House and so it's really just trying to identify the importance with which this matter is considered within this community. It is not something to be taken lightly, This Legislative Assembly will go down in history as having set a quota in 2007 of 60 positions, 100 in 2008 and 100 in 2009. 260 positions open for GEPs. I think we had thirty that took up positions in 2007 and as the Chief Minister has indicated, 18 in this last quota period. Mr Speaker I think we are going to be doing well to achieve 60 out of that 260 over that period of time into Norfolk Island. I understand the want and desire of people to embrace growth in Norfolk Island and I am wholeheartedly, 100% supportive of that, but again, we were given a clear undertaking last year that the quota provisions would be reviewed each quarter. I haven't seen that happen. We were given undertakings last year that there were going to be a number of initiatives put in place to encourage people to come and live in Norfolk Island. That hasn't happened and I said I think last year, that I can't for the life of me think of a document that provides any incentive to people to want to come here. There's still nothing that's been produced to support that. I question whether we have achieved any growth at all and maybe the Chief Minister may be able to provide some comment on the 18 GEP's that were provided last year. Were they in fact for new business in Norfolk Island or were they just replacing departing people from Norfolk Island because if all we're doing is replacing people and not achieving any growth then our strategy is not working and we need to revisit it with some passion. I'm not going to go on in any further detail about this matter. I don't support the setting of 100 quota because it was based on nothing more than just a happy warm fuzzy feeling that maybe we might achieve it, where we know from the last two years experience that we haven't done it. We've done nothing to encourage any increased visitation. Until such time that, that can be demonstrated I have resistance in supporting any quota over and above about 30 and at the appropriate time I propose to move an amendment to the motion to insert 30 and then that would, if we do achieve 30, provide us with the necessary mechanism to review the quota if it needs to be extended. Thank you

MR ANDERSON Mr Speaker I listened with interest to Mr Gardner and everything he says is right but how setting a quota of 30 achieves any more than setting a quota of 100 I fail to see. Everything he says about the fact that we haven't

done something about getting the system right, and getting out and looking for people is correct. It's true. But at the moment we're talking about what quota we're going to set. Okay. If we've got to set a quota, it's got to be a number. Its immaterial whether its 30 or 100. I don't see that we achieve any more by setting 30 than 100. I agree with everything else that he's said. Something needs to be done. That's another matter. But just because we have failed miserably to attract people to Norfolk Island doesn't mean that we say okay put in a quota of 30. I don't see the reasoning behind that

MR GARDNER Thank you Mr Speaker, I trust then that on that reasoning, Mr Anderson might want to add another zero to the 100 and turn it into 1000. Mr Speaker my reasoning is based upon historic performance. Nothing else. It's based on fact. It is not a wish list. It is something, a number that is settled on with practical reasoning and as I said, it also provides you if you were to achieve it, or even get close to achieving it, the ability of the Legislative Assembly as a whole to review it, though the Chief Minister undertook to review this on a quarterly basis, in Hansard. It's documented. That hasn't happened. I certainly haven't seen any part of that review, but the mechanism, by setting 30 and I don't mean to pre-empt debate on something that I haven't formally moved, but the reason for setting 30 is that it does provide a formal mechanism to review the performance

MR NOBBS Thank you Mr Speaker there's a number of areas there to respond to. In particular the basis for the 100 last year as I've already spoken about, was derived from the many reports that we have had undertaken, the many consultancies that have been carried out and policy reviews to provide us with feedback on what we needed to do to enhance our options of improving the ability to have population growth. In particular regard to the 2% that was determined by a previous Legislative Assembly. Now I'm well aware of the figures that have been set in past Assembly's and to date I don't see any strategies that were locked in line with those. Particularly out of a recommendation from Butland or Jodie Brown or Paddick. The recommendations that I'm bringing the House are based on Professor Gilbert Butland's report. If we are serious about looking at a 2% growth or any percentage of permanent population growth then it's not just a case of throwing a quota figure there. It's a case of putting in the rest of the factors. I'm well aware that Minister Gardner has been in the role of Immigration Minister and I'm also well aware that there weren't too many other strategies put out there at each time there was a setting of a quota, in my reading of Hansard, however, what was available then and is available now, and is available to be acted upon and work has already commenced in the promotional areas, as well as the fact that there is a compelling reason, not a whim, to put in a permit structure that gives better identification and categorisation for each of the permit areas for someone who is looking to come to Norfolk Island either as a permanent migrant or in a working capacity or in a special capacity. The reason I bring this forward is that there has been a less structured approach in the past. Now that less structured approach has mostly accommodated people. However, it relies on discretionary undertakings or discretionary decisions, perhaps at Immigration officer level and executive member level. What I'm seeking to do is to clarify those areas. Put some accountability and transparency in them. Also enable people to clearly ascertain what their options are in moving to Norfolk Island. In answering the Minister's query as to whether I had carried out quarterly queries on the quota. I have regular, at least monthly, meetings with the Immigration Officer, or discussions with the Immigration Officer on all of these issues, and particularly as we work through the Working Group and the discussion paper that was circulated to Members as well as Immigration committee and the like. The changes that I'm proposing and the work that has been done in the background has certainly taken a considerable amount of time, however, that doesn't mean that I'm going to back away from it and it doesn't mean that we should back away from it because these are recommendations that go back to a Nimmo report many many years ago, that also highlight that there needs to be a bit more clarity. There needs to be an understanding that doesn't rely on discretionary powers and that way, there can be a more consistent method of handling our Immigration system. Thank you

MR SHERIDAN

Mr Speaker a very interesting topic. Immigration. If we are going to set a number that has a reference to it, and some history or background, the number that we should be setting if we agree with the Chief Minister, that back in 1995 it was agreed on a 2% population growth, the number we should be setting is 485 because in 2009 the desired target for residents and GEP's is that. Interestingly enough in 1995 the total population of residents and GEPs was 1524. According to the Immigration Officer memo that's being passed around the current 2008 population is 1524. In other words, 0% growth in 13 years. Zero. So Mr Speaker that means that we are doing something very wrong and what this really needs and you can go down either one of a couple of paths, we can set a quota for 485 to try and get your 2% growth that was set back in 1995, which I think is unrealistic considering the numbers of people that we have attracted over the years. I disagree with Mr Gardner saying that we'll go down as the Legislative Assembly that set 260 quota. We'll be known as the Legislative Assembly that in two years achieved a growth of only 48. I think that's the number that's going to stick in people's minds, more than the quota we set of 260. The quota is immaterial. What we really need to do is make a decision, of what we want for Norfolk Island and this means that we should have to have a, and I don't really like outside consultants, but we do need a consultative review on our population here on Norfolk Island and ways of attracting new people into the island. As I said, over 13 years, we've had 0% growth. Okay when you add in the TEPs we had something like 1850 on the island on average in 2008, I think it was 1849. I think that's a little bit higher than 2007. I think it was around the high 1700's so in that sense the permanent residency of the island has increased to a degree. I don't think this arguments' about whether it's a number that we've set. It's about what do we do about achieving growth here in Norfolk Island

MR ANDERSON

Mr Speaker it doesn't really matter what the number is. As Mr Sheridan just said, there has been no growth and there won't be any growth until we've become economically viable for this growth but I've got to go back to something that Mr Gardner said. Basically what he's saying is that we're not assessing the situation regularly and I go along with that point. For this to come up every February, again as Geoff says it's the time that it comes up, it basically is not good enough. It should be being reviewed in the same way as tourist figures are reviewed. I don't say monthly but at least quarterly we should be looking at how we are going. We should be monitoring it. We have to admit that there's been something very wrong in the way we have approached the whole subject. Now, I know the Chief Minister's is doing a lot in that regard but it is urgent and we won't survive without growth. Now I don't know if it's a matter of getting consultants in, in this regard, but it's not different to the tourism industry. We want to attract people and we have to work out how to attract people. Now whether the Government has a role in this in giving incentives I don't know but one of the things that we have to decide, and it's a question that's not talked about a lot, but we have to decide whether we are going to become more protectionist than we already are or whether we are going to look at Australia as an open market. Now this has a lot to do with the whole problem. Now, we have to face that problem, before we start talking about the semantics of how many we are going to allow and what have you. It comes back very much to the basic principle of how we want to run our island. Do we open up trade so that we have free trade or are we going to protect various industries. They are basic questions which we have to answer. All that we're talking about as far as numbers go fall into place when we make these rather difficult decisions

MR GARDNER

Thank you Mr Speaker, just a few answers to questions that I'm not going to get today that's clear, but the Chief Minister did mention something adopting policy or recommendations that have been made in the past. Look I need to say that many other Legislative Assembly's at least another ten or eleven before this have considered all of those reports, and all of those recommendations and they've established their policies, they've noted the advise, they've tailored whatever they've wanted to do with Immigration quotas and Immigration generally, in accord with the view

of the Legislative Assembly at the time, and I think it's fair to say that the 2% population policy as proposed by Butland, if it was Butland that proposed that, was never formally adopted, I believe. It might have been by one Legislative Assembly but dismissed by subsequent Legislative Assembly's simply because it was believed to be unachievable in those economic climates. Now the Chief Minister did make some emotional reference to what I did as the Minister. The problem being that when I was the Minister our problem was far greater than that, that's being experienced by this Legislative Assembly. Things were happening that there was a demand that was created for people to want to come and live in Norfolk Island. We actually had to revisit the quota a couple of times and extend them because we had a demand for people. We were doing something right. Something has gone and I agree with Ian Anderson, something has gone very wrong that we just aren't creating the demand. We're basically treading water and I would argue and would probably support what Mr Sheridan is saying, in that we are going backwards. The Chief Minister also mentioned that he has regular meetings. He stated in the House last year that he was going to review this on a quarterly basis. I would think if you set a quota of 100 and you're getting two or three people each quarter that were showing and interest in coming to Norfolk Island that as each quarter went by you would seriously give thought to why you weren't achieving those figures and come back to the House and say, well hang on, this isn't working. Let's do something. That hasn't occurred, there aren't the recommendations and there aren't the strategies coming forward, other than this new fangled permit system that's in place but that in itself isn't going to achieve any growth whatsoever. All that it's going to do is complicate what is a pretty simple system by the Chief Minister's own words, a very simple system that's not overly restrictive. Mr Speaker I've got nothing more to contribute to debate. I can't support the setting of the quota where it is just simply because 100 feels like a good figure and Mr Speaker I won't be supporting the setting of the quotas at that time, but before the question is put I would like to have the opportunity to amend the motion as I intimidated earlier

SPEAKER Mr Gardner, I would like at this time to ask you to please put that amendment now

MR GARDNER Thank you Mr Speaker, I formally move that we delete the number 100 and insert in its place the number 30

MR N CHRISTIAN Thank you Mr Speaker I move that the question be put

SPEAKER The question is the amendment be agreed to and I put that question

QUESTION PUT

Do you wish the House to be called Mr Gardner

MR GARDNER Thank you Mr Speaker, I do

SPEAKER Madam Clerk could you please call the House

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

The result of voting Honourable Members, the ayes one, the noes six with one abstention, therefore the amendment is lost

MR GARDNER Thank you Mr Speaker, just in relation to adopting policy and recommendations from documents in the past I think certainly if I recall from my reading, but it's been some time since I visited the document but the Nimmo Report recommended I think the incorporation of our Immigration regime completely within the confines of the Australian Immigration regime. I don't see that that's been put forward as an option

MR NOBBS Definitely not Mr Speaker and what has been put forward is some answers to some of the questions that aren't just raised in the reports. The questions that are raised by both the Immigration Officer and the legal area that deals with some of the Immigration permits and the applications and they are issues that have arisen that I've noted in my time as Immigration Minister

MRS JACK Thank you Mr Speaker in supporting the 100 that the Chief Minister has set I just want to make the statement that it no way supports the possibility that I will be agreeing to further changes that he may envisage with the possible changes to the permit system, because I do have concerns there. I have no problem with the 100 being a consistent view of mine that we need to be more motivated in bringing people to this island and it's been stated by many around this table the need that we must not just look at the number, but be active in how we approach the selling of residential access to this island and Mr Sheridan has mentioned this, Mr Anderson has mentioned it, Mr Gardner, and the Chief Minister and it is true that we will have a better chance when we are more economically viable, when we are out of this downturn that we are in, and once again things are moving forward, people will have the added bonus, or the necessity, it's not a bonus, it's a necessity that by moving here you are facing a financial future that is safe and well founded in a lovely environment. Talk of consultants to come in and help us, I just think back to the latest population report that was done and was it ever really tabled, or considered. I know it became extremely emotive in the life of the 11th Legislative Assembly and while it may have been discussed in this setting, I just wonder if it was every really tabled and any of the recommendations made there taken on board. It's something that I think all Legislative Assembly's have had trouble in grasping and its no easier at this point in time but it's something that we are going to have to move forward on and make some hard decisions. Thank you

MR MAGRI Mr Speaker I've probably got a little bit of a different point than most but I'm not too sure whether the quota itself plays much of a part in whether people come here or don't. I believe that the pressure on Immigration in Norfolk Island is directly related to the state of the economy and I think if we wanted to attract more people here we need to do all that we can to try and grow our economy and I can tell you that for me, where some might think we are doing nothing about that, I spend most of my waking hours thinking about that and I can also say that most of the people around this table do the same so I think we get on with it and I move that the question on the original motion be put

SPEAKER The question is that for the purpose of subsection 21(1) of the *Immigration Act 1980*, this Legislative Assembly resolve that it be determined by instrument in writing that 100 General Entry Permits be granted during the period 17 February 2009 to 16 February 2010 and I put that question that the motion be agreed to

QUESTION PUT

Do you wish the House to be called Mr Gardner

MR GARDNER Thank you Mr Speaker, I do

SPEAKER Madam Clerk could you please call the House

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

The result of voting Honourable Members, the ayes seven, the noes one with one abstention, therefore the motion is agreed

MR GARDNER Thank you Mr Speaker was that one abstention

SPEAKER Yes

MR GARDNER Thank you

ROAD TRAFFIC (AMENDMENT) BILL 2009

MR GARDNER Thank you Mr Speaker, I present the Road Traffic (Amendment) Bill 2009 and move that the Bill be agreed to in principle

SPEAKER Thank you Mr Gardner. The question is that the Bill be agreed to in principle

MR GARDNER Thank you Mr Speaker, I table the explanatory memorandum and for the benefit of the listening public I will read the explanatory memorandum, it's only brief, into Hansard. Mr Speaker with the coming into effect of the *Law of negligence and limitation of liability Act 2008*, the provisions of section 49A of the *Road Traffic Act 1982* providing for a limitation of liability in respect of road traffic accidents ceases to have any application in that it is inconsistent with Part 5 of the new legislation that applies to all actions for negligence. In order to clarify the situation and remove any doubt that the new legislation covers for all personal injury claims for negligence, this Bill formally repeals the superseded provision of the *Road Traffic Act 1982*. Thank you Mr Speaker

SPEAKER Any further debate Honourable Members

MR GARDNER Thank you Mr Speaker, it's a very straightforward piece of legislation. As I've mentioned the Law of Negligence and limitation of liability Act that passed through this House last year deals with all of those issues relating to negligence and embraces anything relating to road traffic or road traffic offences and it makes sense now to repeal the provisions under the Road Traffic Act 1982 dealing with negligence so as to avoid any confusion in future matters that might arise in relation to liability and negligence.

SPEAKER Any further debate Honourable Members. There being no further debate Mr Gardner I seek a final motion

MR GARDNER 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 the question that the motion be agreed to

QUESTION PUT
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

ORDERS OF THE DAY

APPROPRIATION (AMENDMENT) BILL 2008-2009

SPEAKER Honourable Members we resume debate on the question that the Bill be agreed to in principle and the Minister for Finance has the call to resume. Mr Neville Christian

MR N CHRISTIAN Thank you Mr Speaker. I don't intend to say too much today as I went into a pretty detailed and elaborate explanation at the last meeting of what we propose to do and that is to run a deficit budget this year and to seek some Commonwealth assistance to see us through. Much has happened behind the scenes in the intervening period and what I can say is that Minister Debus is supportive of the Norfolk Island Government's request. He has indicated that he will forward it to the Commonwealth Minister for Finance Lindsay Tanner, for consideration. Minister Debus has sought additional information to support the Norfolk Island Government's request and the Chief Minister and Secretary to Government will provide Minister Debus with the requested information when they meet in Canberra on Thursday 26th February and Mr Speaker at this time I anticipate that during the following week or shortly thereafter, Mr George Plant, the CEO of Public Service, Barry Wilson the Finance Manager and myself will meet with Minister Tanner and finance officials in Canberra to finalise the details of the financial assistance package for Norfolk Island and at this stage I'll have a break and let others participate in the debate. Thank you

MR GARDNER Thank you Mr Speaker, even though I went into some length in relation to the Bill in the January sitting of the House – Mr Sheridan's waving six or seven pages at me I think

MRS JACK ...seven...

MR GARDNER Seven was it, I just have a couple of brief observations, maybe questions for the Minister but maybe as others who weren't present at the sitting of the House, I'll give them the opportunity to fully express their views in relation to the revised budget but just a question to the Minister in relation to financial indicators in the intervening period since introduction and in the absence of those financial indicators whether there is any feeling that in the intervening period the expected shortfalls or expected deficit has either worsened or improved on projected figures. I just wonder whether the Minister is in a position to be able to provide some advice in relation to that

MR N CHRISTIAN Thank you Mr Speaker I certainly don't believe the situation has worsened although I have had nothing given to me in writing that would confirm or otherwise that opinion. The CEO of the Public Service is more in tune with this than I am at this time and at the executive meeting on Monday he did not indicate any concern. The Finance Manager is on leave until I think around the 7th March and I don't expect to be given updated financial indicators at this time until around the 10th March. That time frame and I'll share information with MLA's as soon as it is available to me

MR GARDNER Thank you Mr Speaker, just one further query. As a responsible Minister I earlier tabled as I'm required to by the legislation, the determination by the Public Sector Remuneration Tribunal in relation to the application lodged on behalf of the Legislative Assembly and my understanding of the effect of that, is that there is no requirement to have to provide appropriation for salaries of Members of the Legislative Assembly, however, I think it goes without saying that even though the impact of that determination and I'm not sure what that quantity is, and maybe the Minister might be able to outline that to us for the remainder of the financial year, clearly there will be an impact and I guess how is that going to be measured, how is that going to be disclosed, going forward from here on in for the remainder of the financial year

MR N CHRISTIAN Thank you Mr Speaker yes, Mr Gardner's understanding of the situation in respect of appropriation is correct. There is no appropriation required for the remuneration of Legislative Assembly Members so there's nothing unusual there. The Legislative Assembly does have the ability if it wants to, to disallow the determination that has been made by the Public Sector Remuneration Tribunal. I won't pre-empt that decision at this stage but if a determination or a decision to disallow is not made within the next couple of months the determination will stand. The determination is effective immediately, I think, from the 16th February so the pay increases will flow to MLA'S from not today or tomorrow but the next full pay period with an adjustment for the pay period just completed. It is possible to do that. I think from memory I should draw to the public's attention what the outcome of that determination has been. I think executives go to \$54,000 per year; the Speaker rises to around \$29,000 per year and MLA's rise from about \$11,000 to around \$16,000 and in addition to that the Speaker and the Chief Minister have a small expenditure allowance of around \$1900. Basically the Legislative Assembly put a range of options to the remuneration tribunal. It didn't identify any preferred option. Various organisations within the community responded and I think once again from memory that they were the chamber of Commerce, Mr John Brown and the Public Service Association of Norfolk Island and the Tribunal basically accepted almost word for word the recommendations from the Public Service Association and in round figures, I think it's about a 45% across the board pay increase with no retrospectivity. What will be the impact for the remainder of this financial year, the advice provided to me by the CEO of the Public Service yesterday is that the impact is likely to be around \$63,000 for the remainder of this financial year and I'm confident that I have that situation covered. Thank you

MRS JACK Thank you Mr Speaker Mr Speaker, I wasn't here for the January meeting when this matter was first discussed however I have read the debate in Hansard and take this opportunity to make the following comments. Firstly the budget reviews. Mr Speaker, I have been privileged to be a member of the Norfolk Island Assembly since November 2001 and in that time no budget review has matched the calibre of the one undertaken by the Minister for Finance and the CEO in December 2008. As far as my portfolio areas are concerned, meetings were held over several days and included the CEO, the Finance Manager, the Executive Director, department and section managers, the School Principal and at times the Chief Minister. Areas within the 2008/09 budget as passed, were gone through line-by-line and adjusted up or down. Consideration was given to a myriad of factors including actual income or expenditure against that budgeted for. Explanations were sought to clarify the reasons for the budget changes whether up or down. Mr Speaker, all Executives came together on the 24 December to go over the combined results and to discuss possible ways forward. Mr Speaker, we were presented with a deficit as stated by the Minister in January of \$948,500 for this financial year and if you take in the deficit of 07/08 this figure grows to roughly \$1.2m. Mr Speaker, we were presented with several options on how we could lower this exposure. We could stop all current and future major capital works programmes budgeted in the financial year – such as RESA, fire station building and Pitcairn Place sewage connection. Reduce staff levels by letting go, not renewing, casual staff engagements. Reduce Administration to a 4 day week. Privatise sections of the Administration. Increase GST rate and introduce new taxes and charges. Mr

Speaker, the government chose none of these options. In looking at the bigger picture, I suppose the equivalent of the macroeconomic picture on Norfolk, we decided to go into deficit by maintaining our major capital works programme, that is RESA and the building of the new fire station, and ensuring that others that are planned within the financial year continue – Pitcairn Place, roads etc. No new taxes. It was felt that introducing new taxes or increasing the current GST would have a depressing effect on our already struggling economy. Reducing staff may lower our wage bill but given the depressed state of the Island's economy finding replacement work in the private sector may prove difficult possibly adding to the demands on social welfare. Reducing administration to a 4-day working week will also reduce the wage bill but the flow on effect is that it takes money out of the community and that assists in accelerating a downward spiral. Mr Speaker, other states and territories are able to borrow but the Norfolk Island Act precludes the NIG from undertaking this action except from the Commonwealth or from other approved bodies okayed by the Commonwealth. Given that the Commonwealth has recognized the need to stimulate the Australian economy with extraordinary funding or stimulus packages, we are seeking a relatively modest package from the Commonwealth in the context of what is being offered. A \$2.5 million stimulus package as outlined by the Minister in January. Mr Speaker in my Environment portfolio I have been fortunate in receiving substantial funds from the Commonwealth. The green waste shredder, several NHT funding grants, the Toon Trust all have been run in a co-operative arrangement and we have demonstrated that we are able to work with the Commonwealth, we can meet KPI's, we can meet audit requirements and we can get the job done. Mr Speaker, there may be some in the community who disagree with this funding and co-operative arrangement, however, I like to look at the bigger picture and note that the Commonwealth's EPBC Act extends to Norfolk Island, it covers all Australia including its territories. The act places demands on all of us and forces us to recognise the need to upgrade the way we may operate in certain areas. That is fine Mr Speaker, the community recognises the importance the environment has in our daily lives and I recognise the importance that this co-operative arrangement has in jointly reaching common environmental goals. We need to sit down with the Commonwealth and discuss the possibility of an annual investment contribution. Mr Speaker, Mr Gardner touched on some of the issues we, as politicians, are faced with. Increasing demands from our community on providing better services on a limited budget. We have all read the Grants Commission reports and the numerous JSC reports and a common thread throughout them all is the view that we are able to increase our revenue stream. I am sure that recommendations from reports past will be introduced into our discussions with the Commonwealth. Our responses must reflect the community's ability to pay without destroying the backbone of our economy - that is the private sector, especially the tourism industry. Mr Speaker, in the area of social welfare there has been some concern over the lack of movement in the electricity rebate given the substantial increases in this utility over the past 2 years. Mr Speaker, when this Appropriation Bill is passed there will be an increase made in the electricity rebate and this will be passed on to the relevant recipients in the next electricity account. In the 2009/10 budget consideration will be given to examining other areas where assistance could be increased or extended for the benefit of social welfare recipients. At this point Mr Speaker I think it prudent to remind the community of what we do to provide to the community, particularly to families and young people. There's free education. There's free Gardasil vaccinations for all 12-18 year old girls and young women during this financial year in order to catch up and ensure all women in this age group are vaccinated then from next financial year on free vaccinations will apply to 12 year old girls only. There's free immunisations from birth to 1 year old. There's free dental care from birth to end of school, and that's not means tested. There's free dental care for all pregnant women, and that too is not means tested. The health care scheme is slanted or can be seen to be slanted towards benefiting families over individuals and couples. There are no premiums for children but any expenditure within the approved criteria on children's health (hospital/medical field) counts towards the \$2,500 and so theoretically it can be viewed as a much faster process to reach the threshold after which there's a nil service charge. Mr Speaker, in moving forward to the 09/10 budget we will be looking at revenue streams and

programmes. What work can we do, what programmes can we run given the expected revenue stream. In the area of waste management there will be proposals to change the manner in which waste is not only collected at the centre but also in the manner in which it is dealt with. There will be the need to look at cost implications for new equipment and the community will need to be consulted as waste management – the collection, recycling, reusing and disposal of our municipal waste streams - affect us all. I believe that we need to start looking at alternatives that may be outside the square. We are a small community, with an incredible amount of waste generated daily. We do not have an open-ended budget to deal with all the issues in this area. We have to be smarter and more innovative and more prepared to accept multiple solutions. I note the Minister for Finance made comment regarding the Cascade Cliff Sale of Rock GBE and the use of some \$51,000 contribution towards the port feasibility study. Mr Speaker, there is also an amount set aside in this financial year, some \$10,000, for expressions of interest calling for an operator do to exploratory work, drilling core samples, in locating a new quarry as well as doing some drill samples to assist the Norfolk Island Harbour Board in commencement of their geotechnical requirements. Mr Speaker, the expressions of interest will allow the Administration to select the appropriate operator. Funding in the 09/10 budget will see the work being carried out hopefully in the first few months of the next financial year. This will allow the government to make a decision on the site of the next quarry and for the Administration to begin the process of meeting any planning obligations required under the Norfolk Island Plan. Mr Speaker, this government is looking ahead. We want to ensure that rock supply required for building and maintaining the island infrastructure as well as rock required for domestic use continues to be available when the current rock supplies are exhausted. Mr Speaker to see ourselves in deficit even when so many other states and countries find themselves in similar situations does not make this any easier to bear but I support this bill and the Government's intention to continue ongoing review of our financial situation. Mr Speaker, the significant drop in revenues this year is directly attributable to the effects of the global financial crisis on tourism right around the world. We must expect that it will take time for the tourist industry to recover and that therefore in both the public and private sectors we will see pressure on incomes. But as a government we are determined to push ahead with important initiatives as I have already outlined. This budget is a responsible financial plan designed to maintain employment levels and stimulate private sector economic activity. Like our counterparts in the states and territories we are prepared to do this through the difficult decision to wear the pain of a budget deficit rather than to take more drastic action which would cause economic contraction. Mr Speaker to see ourselves in deficit even when so many other States and Countries find themselves in similar situations does not make this any easier to bear but I support this Appropriation Bill and the Governments intention to continue ongoing review of our financial situation, Mr Speaker. Thank you.

MR SHERIDAN Mr Speaker just briefly. Really for the Minister's comments, last month I indicated that I would only support this budget if he could provide me with a way forward. Now I believe that in the intervening period the Minister and CEO have worked to a plan and if the Minister can assure me that the future budgets after this one will be presented with a forward outlook of say, a minimum of three years, then I will support this Bill today. Thank you

MR N CHRISTIAN Thank you Mr Speaker and I thank Mr Sheridan for his comments and basically, where we do go from here and how do we dig ourselves out of the hole I suppose is the crux of the issue and the plan that I have in going forward, and it's one that I hope the rest of my colleagues share with me, is this. I suppose it is no secret that I prefer a much closer working relationship with the Commonwealth Government and mainland Australia. I see it as important that we get an annual grant from the Commonwealth either tied or untied to assist in the running of Norfolk Island. That can be a contribution to the infrastructure. It can be a contribution to the cost of running the school. It can be a contribution to the hospital. It could be a contribution to the airport. It could be a contribution to welfare or it could be a contribution to

maintaining the rest of our parks and reserves in Norfolk Island to a standard that the Mt Pitt Reserve is maintained in. all of these things would be beneficial not only to the residents of Norfolk Island but also to visitors that come here. I would also continue to work extremely diligently with the Minister for Tourism to boost tourism numbers to Norfolk Island so that we can hopefully in the not too distant future actually match it to the numbers of the targets that we've set ourselves in our Strategic Plan and I am dedicated to that and early indications as Mr Gardner has indicated, are trending in the right direction with six of the last seven weeks exceeding corresponding sales or the sales from corresponding periods twelve months ago by on average, about 22 to 24% and that's very encouraging I suppose the most significant thing that will come out of all of this, is the way that we go about budgeting in future. The current CEO Mr George Plant, has extensive experience in budgeting and I suppose in a national sense he's assisted a number of developing countries around the world with putting their budgets together and we're moving to performance budgeting and it's almost certain that the budget that I present at the beginning of the next financial year, will cover the next three years and so we are extending our forecast out over a number of years and that process has commenced as of now. Thank you

MR NOBBS

Thank you Mr Speaker I would just like to add to what the Minister for Finance has just said in response to Mr Sheridan's question. In adding to that I would just like to say that as I was going through the review the majority of the means whereby we went through line by line the various areas, at the finish of those reviews on the individual areas, if we felt that they could manage in another way, or should review the way that they could operate perhaps in a way that might give a better outcome financially for the Public Service then we endeavoured to carry out process audits on those areas. Now there have been a number of process audits that have been carried out specifically so that we get the best outcomes and that we are moving already down the track to performance or programme budgeting. The programme budgeting that both the CEO and the Minister for Finance have referred to show ways in which we move from the incremental budgeting to actually provide budget for outcomes that are part of the Government's Strategic Plan and the long term plan of what we seek and in light of that, there is also the medium term budget planning that the Minister for Finance referred to as well which is looking further down the track than just one financial year. We're looking three years down the track and by having those programme budgets, by having the medium term budget plan, I think it does set us in good stead to have those financial linkages with the Commonwealth that the Minister for Finance has just alluded to. In other areas, the programme budgeting to be adequately administered, from the research that's currently going on at the moment to ensure that the current computerisation system for our accounts and the like and the Telstream software is able to cope with our programme budgeting and so we are not only moving up a notch in terms of how we analyse our budget and how we carry out our planning for short and medium term, but we are also making sure that we put in place some of the mechanics that enable this to happen. Thank you

MR MAGRI

Thank you Mr Speaker. Mr Speaker I also wasn't able to be at the January sitting of the house when this Bill was introduced but I was able to play an active role in the budget review process that resulted in this new Appropriation Bill. The budget review was very thorough, looking line by line at every expenditure and revenue item in all areas of the Administration as well as the Government Business Enterprises and the statutory authorities. Considerable savings were identified, but perhaps even more importantly we have set a new standard for the budget process which will help us to move toward full programme budgeting and three-year forward estimates. Mr Speaker, all in all I believe this Bill represents sound financial and economic management at a very difficult time both internationally and here at home. It is with this in mind that I pick up on one comment made by the Finance Minister in the last sitting where he says, and I quote "Mr Speaker, I consider the time is well overdue for the Commonwealth Government to acknowledge what has been achieved by the community of Norfolk Island and the time is also well overdue for the Commonwealth

Government to commit to an annual finance package to assist with Norfolk Island's continued development into the best small economy in the south-west Pacific." Mr Speaker, acknowledgment of our achievements is a great start, but Mr Speaker, what this community really needs is a solid foundation with which our future can be built. A future where our desires to make decisions about our own destiny are respected and a future where the Commonwealth sees our success as something to be welcomed rather than a threat. Mr Speaker, we need only to look to our small South Pacific neighbours, to small remote communities in Australia or to the other external territories to demonstrate that we have a far better record in creating a viable private sector economy and in providing first-world social and community services. Our experiences could be used as a model by the Commonwealth in structuring its foreign aid and territories programmes. Mr Speaker, whilst recognising that the Norfolk Island model is cost-effective and efficient, we believe that a longer-term stable relationship with the Commonwealth is called for. Mr Speaker, in the past we have seen uncertainty because the Commonwealth has stepped in to block, and failed to provide support to new business ventures in Norfolk Island which would have helped us to diversify our economy and reduce our dependence on tourism. In more recent times in my role as Commerce Minister I see first hand the ongoing uncertainty that exists toward business development on Norfolk Island, uncertainty based on the fear of the Commonwealth unilaterally changing the rules and conditions with which the business is being developed. Mr Speaker, this uncertainty began after the first proposed Commonwealth intervention in 2006 and persists to this day. Small business is the backbone of any economy however with nearly 600 small businesses in a community of 1900 people, business confidence is absolutely critical to our economic sustainability. Mr Speaker, I think the Commonwealth needs to, as soon as possible, provide public reassurance to the Norfolk Island business community that unilateral changes are not being considered. Mr Speaker, with GST as the single biggest contributor to the revenue fund the success of those nearly 600 businesses is directly linked to the financial sustainability of this Island. We can no longer accept that it is all right for the Commonwealth to hold business confidence to ransom. Mr Speaker, I support the Appropriation Bill and trust that in our ongoing discussions with the Commonwealth we will be able to see a future underpinned by a sensible long-term bilateral arrangement which will provide a sound basis for business confidence. Thank you, Mr Speaker.

SPEAKER Thank you Mr Magri. Any further debate Honourable Members . I put the question that the Bill be agreed to in principle

QUESTION PUT
AGREED

The Bill is agreed to in principle

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

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

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

QUESTION PUT
AGREED

Thank you. The Bill is so agreed to

MRS JACK Thank you Mr Speaker I just noted the time and I wonder if it is the intention of the House to break for lunch

SPEAKER What is your general opinion. We carry on.

MRS JACK Mr Speaker could we have a lunch break and resume at two o'clock

SPEAKER Can I have an indication on this. We don't have much more to go, but a show of hands please. We will suspend at one o'clock thus, we move on to Orders of the Day No 2

ROAD TRAFFIC (AMENDMENT) BILL 2008

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

MRS JACK Thank you Mr Speaker I won't say much more on this. It's been an interesting matter before the House and there have been some interesting discussion at our meetings as well. What I will say is that my proposal is to formalise an already existing arrangement that is present with the police and their dealings. In fact it takes a subjective view to an objective view. Subjective Mr Speaker because at the moment the police can pull you up and they can in court say that their reasons for pulling you up was that you may be swerving on the road, and they can say that they asked you to get out of the car and you couldn't walk a straight line and your eyes were glazed and you smelt of alcohol and you were slurring your words. What I'm proposing is that instead of having that subjective view Mr Speaker the police are able to take you back and have you use the Dragar alcometer tester, a machine that calibrates itself to zero before the test and again after the test, it provides a carbon copy reading or read out of which the carbon copy is provided to the person who has just given the breath and my recommendation is that people should retain this and file it, because there have been comments made by some Members around this table that it's going to enable the police to pick on certain people, to victimise them. Well I heartily disagree because if certain Members of the community feel that they are being victimised, then that piece of paper they can take to court and say look, here's the proof that three times my readings been under point zero eight and I haven't been in an accident, and who's to say that the original statement that I was swerving was correct because my reading is well under or slightly under the point zero eight that is acceptable in this place. What I also want to say is that this legislation is not for random breath testing. Random breath testing has never been recommended by any group or person except actually the current Minister with responsibility for roads who doesn't support this amendment. To implement random breath testing you need discussions with various people. You need to have more police on the ground, major changes to the legislation and increased costs will occur. We've heard Minister Magri say that he's passionate about road safety. Well I hope that in the intervening period since I introduced this legislation he has in actual fact thought about some of his previous comments made in the House and sees his way to support the bill but I will leave it to other Members for further discussion. Thank you

MR SHERIDAN Mr Speaker I would just like to make comment on what the Minister has just stated in that if you are driving in a swerving manner and they pulled you over and you went to court and you had a breathalyser reading of under .08, then you wouldn't be convicted. Yes you did Minister. That's what you indicated, that you had that safeguard that if you weren't under .08 then you wouldn't be charged

MRS JACK ..sorry

MR SHERIDAN Mr Speaker that's not quite correct because the legislation as we have it, states that if a person is driving a motor vehicle whilst under the influence of an intoxicating liquor or psychotropic substance, which ironically Mr Speaker the drug or psychotropic substances hasn't even been discussed in this House, or

whose blood alcohol level is greater or is equal to concentration of 8 grams or of alcohol, 100 mls, ie .08. It goes on over the page in paragraph 6 that a person may be convicted under paragraph 1A, which is driving a motor vehicle whilst under the influence of intoxicating liquor, if no breath analysis or blood test has been done, or if a breath analysis or blood test has been done, but the blood alcohol reading is less than the concentration of 8 grams of alcohol or 100 mls or both, if a court is satisfied that the person charged was under the influence of intoxicating liquor, so really there is no safeguard there for the public. They can be charged after having one glass of wine. If they're going home and the powers that be deem that they are driving under the influence because of – I don't know, they swerved to dodge a pothole or some small incident, they can pull them over and if they so wished they go to the courts, and even if they did put them on the machine and they read .02 and if the powers that be said to the court yes, they were under the influence of an intoxicating liquor because I saw them swerving over the road, they could still be fined up to the maximum penalty which for the first one is 15 penalty units or four months imprisonment. Now I would like to see this amended to say that a person who drives or intends to drive a motor vehicle whilst under the influence of an intoxicating liquor AND whose blood alcohol is greater than .08 and to delete that paragraph 6 there so there is no possibility that a person who has a reading under .08 may even find themselves in court, so until something like that is rectified I won't be supporting this Bill unfortunately. I do believe that we do need something like this, but as the way the Bill stands at the moment I won't be supporting it

MR GARDNER Thank you Mr Speaker, just if I can maybe assist in the process, the area of concern that Mr Sheridan has, is an existing provision within the current legislation so there's nothing new that's being proposed. It is an existing provision and I can read from section 32 as it is at the moment, the person who drives or attempts to drive a motor vehicle whilst under the influence of intoxicating liquor or a drug is guilty of an offence and is liable on conviction and so it flows

MR SHERIDAN Mr Speaker that is correct. That's in the existing legislation at the moment, but in this, we are repealing sections 32 to 32j inclusive, which I believe that comes under, and then we are inserting this so that possibility still remains. What we are trying to do in introducing this, is to bring in the .08. now I would like to see that as a definite amount so that there is no possibility that if you are under .08, you could find yourself in court. If you are over .08 then fair enough. I can agree with that. And you have to have a reading of the alcometer etc but I don't like to leave in the possibility of someone who is driving, whilst they've had say one beer, a glass of wine, and I think we had the sergeant down here saying that different people react differently to alcohol. Whilst we have the number in there of .08 we shouldn't discriminate a person who has one glass of wine and reads .02 and could find themselves in court. If we are going to have a number then make it .08 across the board and anything under, they don't appear in court. It's then up to the individual person to know the capability of their alcohol intake and they should be aware of that. If they are a teetotaler and they have one glass of wine, and they find that they start tripping over, well they know that they can't do that and drive so until that is rectified, I won't be supporting the bill

MRS JACK Thank you Mr Speaker I think that the provision is in there also, not just for those who may have one glass of wine and find themselves swerving because they've hit a pothole, but because they may also be effected by doubling up or taking medicine that you're not supposed to be in charge of machinery, and thinking it's not going to matter, they take this and they do have an accident. There has to be provisions for both sides of the situation and that's why that provision is there but I move that the motion be put Mr Speaker

SPEAKER Mrs Jack there were indications that people still wanted to speak

MRS JACK Thank you Mr Speaker I didn't see those

MR B CHRISTIAN Thank you Mr Speaker just to continue on with this debate, my issues with it, I don't condone drink driving one little bit. I said to the Minister last time that if there were statistics or a case to be proven that this legislation is required, I would be more than happy to support it. In the debate that we had previously it was stated that there were eight charges laid and eight successful charges proven in the courts in this last year. I can't, when the Minister says that it's nothing more than to make the process easier and that it's not a lead up or is in no way random breath testing, I see this as a lead up to random breath testing and I see it as unnecessary legislation. If we already have, and as Minister Gardner pointed out before, there's already parts in the existing legislation that allow for the police to successfully charge people who they consider has been drinking under the influence of alcohol. I can't see that there's a problem with that legislation existing the way it is now, and I can't see a reason why this new legislation is required and I still say that I won't be supporting it

MR ANDERSON Mr Speaker I will be supporting it and I see it differently to the way it was defined by Mr Christian. I see this as being to the advantage of people who are borderline or suspect to being under the influence. I see this as being a safeguard for these people. As being to their advantage. I see it as helping them not being victimised and if you analyse it, I think you would agree with me on that. The points that were made by Mr Sheridan that they might go to court and they might just have had one drink and swerved or what have you. The judge isn't going to accept that. He's going to throw it out quick smart if that were the case. I see it as being an advantage to the general public and those people who have just had a couple of beers

MR N CHRISTIAN Thank you Mr Speaker I intend to support the motion as it is and I differ from Mr Sheridan. At the moment I think the section that Mr Gardner referred to actually allows the police now to charge you with driving under the influence irrespective of what your alcohol content is. By adding the second provision of .08 it actually provides you with a defence because if you are under .08 I would argue like billyoh in court that I wasn't under the influence of alcohol so in my logic it actually provides a person with a measurable degree of defence. If you are below .08 it's doubtful if the police would get you for driving under the influence charge to stick, over .08 you're gone anyway, so I think it clarifies the situation beyond doubt and is in the interest of everyone

MR SHERIDAN Mr Speaker just referring to the last speaker's comments, if he's correct well then there's no need to have that section 6 in there then, if a person may be convicted if the blood alcohol is under .08 there's no need for it in that instance, because if you are not over .08 then they're not even going to bother to take you into court. With this, they have the ability to do both. In the old Act how it stands now, yes they could take you there because there is no specific blood alcohol content defined. What I'm saying here is if the Minister withdrew section 6 and then added in whilst under the influence of intoxicating liquor and whose blood alcohol is over .08 I would support it but until then I won't

MR NOBBS Thank you Mr Speaker we've had numerous debate on this one around the table, we've had a visit from the head of the police on Norfolk Island, we've had a number of Members of the licence holding community also in discussion with us on this. What we expect out of the policing that we have on the island, is we expect effective policing. One of the points that was raised was that there have been eight charges and eight convictions that were mentioned by the head of the police when he was down here discussing this with us, but he was also discussing the fact that they were unchallenged, that because there is no subjective evidence it becomes a determination of the officer in his personal view whether or not that person was drunk to the point of not being in control of their vehicle. This actually provides the subjective evidence without changing anything within the line of random breath testing or anything like that and in some of the debate that's gone on earlier, there's been discussion about

whether or not you would be charged for drink driving if you were swerving all over the road and the like, there are also charges for dangerous driving that have no relationship at all to alcohol intake so in the manner of the law, in what we are hoping to do here is provide a documented reading of the alcohol level at the time that they were pulled up with just course for use in court appearance if necessary. Thank you

MR GARDNER Thank you Mr Speaker, I'm conscious of the time and would try to keep the contribution brief. I just would like to acknowledge the Sergeant of Police and also the group of licensees who came down and addressed the Members of the Legislative Assembly in relations to concerns and perceptions in the community as to exactly what this piece of legislation proposed. I think it's fair to say that many of the licensees who were in attendance were convinced that this was a random breath testing, or this would facilitate a random breath testing regime in Norfolk Island. I think other Members may have a different view on having had the benefit of the discussions with Members of the Legislative Assembly and the police and gaining a better understanding of the provisions of the legislation that, that view was changed. With the departure of those people from this forum. In other words they went away with a clearer understanding of the provisions and an understanding that this was not random breath testing. That was a major issue and concern that they had. I've pointed out in previous debate my desire not to see if this Bill were to be defeated, the baby thrown out with the bathwater because as I pointed out previously there is a provision within this legislation that refers to correction of references to other legislation entirely removed from the primary purpose of the intent of this bill and so if it was a view that Members were inclined to not support the Bill as it currently stands because of other provisions, maybe we could work through the detail so as not to excise that part of the Bill which is important as far as reference is concerned. The other issue that raised its head which hasn't been given a great deal of focus, is the drug testing provisions, and the drug provisions within this legislation. I think it's again fair to say that, that is recognised as a significantly important matter within the community of Norfolk Island aside from the alcohol side of things and I would not want to see those provisions in the same way, thrown out simply because there is disagreement over the drink driving portion of the Bill. Mr Speaker I do intend to support the Bill in its current format. I am conscious and I can count that the numbers obviously are fairly close, and hence my appeal to Members to consider if it is the wish of the House to consider dispatching the Bill in its entirety to never never land, that we might be able to deal with it through the detail stage and seek the approvals on the various stages. I would be interested in other Members views so that I can better ascertain just where the support or otherwise of the Bill might lie

MRS JACK Thank you Mr Speaker I can do some basic arithmetic and I believe that I may have the numbers to put the question

SPEAKER The motion is that the question be put and I put the question that the question be put

QUESTION PUT

SPEAKER Madam Clerk could you please call the House

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

SPEAKER The result of voting Honourable Members on the matter that the question be put, the ayes six, the noes three therefore the motion is agreed and we put the question that the Bill be agreed to in principle

QUESTION PUT

SPEAKER Madam Clerk could you please call the House

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

MR N CHRISTIAN Mr Speaker I wonder if I could ask a query of you? Normally in a parliamentary session one would only abstain from voting if one had a conflict of interest. You have chosen not to exercise your right to vote. Would you please explain that to this House and the community

SPEAKER Certainly. My reason for abstaining from this is that I am open minded on it. I'm not of an opinion either way. I'm happy whichever way it goes. And so I abstain. The result of voting Honourable Members on the matter that the Bill be agreed to in principle, the ayes five, the noes three with one abstention, therefore the motion is agreed and the Bill is agreed to in principle

We now move to the detail stage. Is it the wish of the House to dispense with the detail stage. We so dispense. I call on Mrs Jack

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

SPEAKER Thank you Mrs Jack. The question is that the Bill be agreed to Honourable Members and I put that question

QUESTION PUT

SPEAKER Madam Clerk could you please call the House

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

SPEAKER The result of voting Honourable Members, the ayes five, the noes three with one abstention, therefore the Bill is so agreed to

MR B CHRISTIAN Thank you Mr Speaker I note that we were going to break at 1pm but I make an appeal to Members that we only have one further matter to deal with, if we could possibly just move through this

SPEAKER It has been put to me again that we suspend or carry on. This has become a little confusing. Members I put this to the view. Those who wish to suspend. No one wishes to suspend. We shall carry on

ROAD TRAFFIC (AMENDMENT NO. 2) BILL 2008

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

MR MAGRI Thank you Mr Speaker it has become apparent that the availability of mopeds or motorised tricycles could become a useful adjunct to tourist operators but without making appropriate provision in the law for 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 provisions for their registration and licencing of drivers. The Bill is principally concerned with bringing 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 commend the Bill to the House

MR NOBBS Thank you Mr Speaker I just have a couple of questions and that's whether or not the mopeds have to be of a certain standard or compliance before they can fit into the Norfolk Island system. How this would relate to third party insurance, whether the mopeds have any passenger ratings in some cases. Some of these questions may sound a bit bizarre but at the same time, I'm just interested that they have been considered. Whether or not there are any speed restrictions on such mopeds and lastly, whether, I notice there is a 200 watt rating, is that applied equally across the electrically powered mopeds

MR MAGRI Mr Speaker thank you for that. I think that was Mr Fifty questions there, so I will try and take that list and answer them. Thank you Chief Minister. The standards for the mopeds. The registration criteria is set out in the light vehicle inspection manual which is under the road Traffic Act and is determined by the Registrar of Motor Vehicles and that particular criteria as laid out in those manuals is substantively based on the manuals of the Northern Territory and New South Wales. Third party insurance. One of the reasons that this piece of legislation needed to be put in to fit as part of the normal Road Traffic Act is so that it could form a part of the other subordinate legislation including third party insurance. As far as I'm concerned the speed restrictions are laid out as a maximum of 50 km per hour and I presume if a moped can do more than 50 km per hour it is no longer classed as a moped and it's a motor bicycle. The same with the rating of the 200 watt. That is designed specifically to calibrate what type of electric vehicle still fits into the moped rating. Passengers. I would say that would depend on the moped

SPEAKER Thank you Mr Magri. Any further debate. I put the question that the Bill be agreed to in principle

QUESTION PUT
AGREED

The Bill is agreed to in principle

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

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

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

QUESTION PUT
AGREED

Thank you. The Bill is so agreed to

PLANT AND FRUIT DISEASES (AMENDMENT) BILL 2008

MRS JACK Mr Speaker, it was my intention to bring this matter forward today but there was an amendment proposal being put forward by Mr Brendon Christian and there has been some concerns over its content so I've agreed to defer the matter for a subsequent day of sitting so that Mr Christian can take care of the concerns mentioned by other Members, so I move that debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting

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

QUESTION PUT
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

FIXING OF THE NEXT SITTING DATE

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

MR MAGRI Mr Speaker I move that the House at its rising adjourn until Wednesday 25th March 2009, at 10.00 am.

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

QUESTION PUT
AGREED

The motion is agreed to

ADJOURNMENT

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

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

MR NOBBS Thank you Mr Speaker just in brief there will be the usual Ministerial forum on the local radio forum tomorrow morning for all Members who would like to attend

MRS JACK Thank you Mr Speaker, I would just like to talk about an interesting development following some work that was done on island and supported by the Norfolk Island Government. This was last year to support the bringing over of Mr Graeme Sait to discuss problems that growers farmers may have with their soil. He's an agronomist and also a soil nutritionist and as I said, the Norfolk Island Government supported his coming here and following his being here, it was decided that various soil samples would be taken on island and the Government also agreed to subsidise that to the tune of 50%. It's interesting that since then, because there was such a marvelous response from the local community there's an interested person, in fact Mr Speaker Madam Clerk herself, applied to the Toon Trust Fund and received full funding to bring Mr Sait back to Norfolk Island and as a result that gentleman has sent out on his worldwide web and to all his people who subscribe to his newsletter a fantastic document that includes some two and a half pages on the seminar that's proposed to be run later this year. He's got a marvelous photo here of Farmer Lou and he talks about Simon Bigg and his reasons for bringing in the Nutritect into Norfolk Island and he also goes on to say some marvelous things about Norfolk Island and he talks on his previous visit how he could come in, and I'm just trying to find it, because it's lovely to have such positive words in such a forum as this. "Imagine air that is so fresh it almost feels like your lungs are drinking and water so clear that you can see the dolphins and turtles many metres below. Consider a subtropical climate where the temperature never drops below ten degrees Celsius. Lush farmland fuelled by volcanic soils with over ten percent organic matter. Norfolk pines are an unforgettable feature throughout, some of them exceeding 400 years of age." He goes on to talk about some of the cultural aspects of Norfolk Island "and of course I must say Norfolk Island with the support of the remarkably visionary Government will soon be in the position to market themselves as a biological showpiece where unforgettable food with forgotten flavours will compliment a place of profound beauty and people with spirit, passion and foresight." I think that's a marvellous result for both this Government, Madam Clerk and the people of Norfolk Island to be presented in a worldwide situation with such a positive view

MEMBERS Hear, hear

MR MAGRI Mr Speaker just a quick comment. When I went down and had a little visit at the beach carnival this morning Nepean was winning of course, so if anyone listening would like to wander down to the beach to cheer them on, on this beautiful afternoon, then please do so

SPEAKER Thank you Mr Magri. 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 25th March 2009, at 10.00 am.

