

**The tape recording for a section of this Hansard is faulty.**



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY  
12<sup>TH</sup> NILA HANSARD – 25/29 JUNE 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

Thank you Honourable Members

**LEAVE OF ABSENCE FOR MR TIM SHERIDAN MLA**

MRS JACK  
Sheridan please

Mr Speaker I seek leave for the sitting for Mr Tim

SPEAKER:  
Leave is granted?

Honourable Members, is leave granted? Thank you.

**SUSPENSION OF SITTING**

MR GARDNER  
now suspend until Monday the 29<sup>th</sup> June 2009 at 10am

Thank you Mr Speaker, I move that the House do

SPEAKER  
motion be agreed to. Is there any debate

Honourable Members the question is that the

MR GARDNER  
Thank you Mr Speaker, I'm very conscious of the listening public in relation to the broadcast of sittings and it is more than appropriate that I give some reasons for bringing the motion to the House this morning. As you and Members around the table would be aware our sitting schedule for this month was decided some four or five weeks ago and it was decided that for purposes of passage of the Appropriation Bill hold our two sittings in June one week apart, that was last week and this week. It's not unusual that, that happens and in fact it's been practiced for a number of years that we schedule two sittings in June for the purpose of the passage of the Appropriation Bill. In part, due to the absence of the Minister for Finance earlier on this week to attend to the creditors meeting of Ozjet it has unfortunately caused some delay in some of the necessary processes that attach to the processes of the Appropriation Bill including the need to have prepared and considered possible changes to the Departure Fee Act to accommodate the incorporation of the Departure Fee into air ticket prices from the 1<sup>st</sup> July onwards and also for consideration of the detail stage amendments and any further possible drafting instructions for the Land Valuation Bill and that is in line with the attendance of the valuers on island I think in the first or second week of the new financial year so that would be in July and also another matter that has come to the programme which is the Waste Management Amendment No 2 Bill of 2009, a Bill which I understand the Minister wants to move through in all stages at the one sitting. That Bill is still not quite finalised and needs to obviously be circulated to all Members so that there is appropriate consideration given to that before the passage of it. Again I understand that before the end of this financial year. All of those matters, will have an impact on the Appropriation Bill and therefore additional

time is sought to finalise these matters to allow for the passage of the Appropriation Bill and for it to become law before supply is required from 1 July onwards. Thank you Mr Speaker

MR N CHRISTIAN Thank you Mr Speaker and thank you to Minister Gardner for seeking to adjourn the meeting until Monday, and as he has stated, I unfortunately couldn't be here for some of the discussions that would have normally taken place through the week as I was required elsewhere and Mr Speaker Mr Gardner mentioned a little bit about the valuation of land there and some of the detail stage amendments that have been listed for discussion at the meeting and I just want to foreshadow that I will be bringing forward a further detail stage amendment and I will just highlight it for the listening public. The purpose of my bringing forward the Valuation of Land Bill in the first place was to allow the Norfolk Island Administration to quantify the amount of revenue that the Government of Norfolk Island would forgo by not having a land tax and this would allow me to work I suppose in a fashion that the Commonwealth Grants Commission and the Commonwealth Government would understand. However there are some in the community who have misinterpreted our intentions and they see the Valuation of Land Bill as the first stage in the implementation of a land taxation regime in Norfolk Island. From an Administration and Government point of view it is important that we have this statistical information available to us. But in order to allay the fears of those in the community what I will be proposing is that we add another section to this, and I will talk to the Legal Services Unit about this after the meeting and what I'm proposing is that another section be added to the Valuation of Land Bill and it would read something like this, that the information produced from the Valuation of Land Bill could not be utilised or implemented to introduce a land tax regime into Norfolk Island unless the Legislative Assembly of the day first sought the approval of the Norfolk Island community by way of referendum. Words to that effect. So what that means is before any Government can use the information that the Valuation of Land Bill would provide for land tax purposes, it must first seek the agreement of the Norfolk Island community and I think that's the best check and balance that I can put in place to give the community some certainty that this is not the thin end of the wedge or land tax by stealth. Thank you

SPEAKER Thank you Mr Christian. Any further debate Honourable Members. Then I put the question that the motion be agreed to

QUESTION PUT  
AGREED

The ayes have it. The motion is agreed to. Therefore this House stands suspended until 10 o'clock in the morning of Monday the 29<sup>th</sup> June 2009. Thank you Honourable Members

## RESUMPTION

Honourable Members this House resumes its Sitting from Thursday 25<sup>th</sup> June 2009

## LEAVE OF ABSENCE FOR MR BRENDON CHRISTIAN MLA

MRS JACK Mr Speaker I seek leave for the sitting for Mr Brendon Christian please

SPEAKER: Honourable Members, is leave granted? Thank you. Leave is granted? Mr Brendon Christian also asked me that I advise, he is off island attending a family funeral which could not be changed to attend the meeting this morning, and he sent his regrets in not being able to attend today

**CONDOLENCES**

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

MR SHERIDAN Thank you Mr Speaker it is with regret that this House records the passing of William Kenneth Green, Dorothy Jean Kitching, Thelma Reynolds and Beverley Harrison McCoy

Mr Speaker **William Kenneth Green**, Bill or Duck as he was affectionately known, was born in Victoria, Australia, on the 23rd of February 1943. Bill first visited Norfolk Island on holiday at the age of 19. Bill was married to Nora and they had a son and a daughter. Many years later, during 1978 he answered a job advertisement in the 'Herald' newspaper for work at The South Pacific Hotel. He made many friends here on the island while working in most, if not all, of the Hotels and Service clubs at some time. He was a quiet man keeping mostly to himself and was hard to really get to know. Bill took a lot of pride in his work and was meticulous. One of his employers said ... "He autographed his work with excellence." He applied for residency in 1983 and was declared a resident on the 10th April 1984. Bill took seriously ill and was admitted to hospital, remaining there for some six months. He fully overcame his addiction some four years ago, through a power he claimed greater than himself, and became a regular member of the Norfolk Island Community Church. To Bill's family in Australia and his friends in Norfolk Island, this House extends its sincere condolence. Mr Speaker, may he rest in peace.

**Dorothy Jean Kitching**, affectionately known as "Dotto", commenced employment with the Norfolk Island Legislative Assembly in 1984 as Legislative Draftsman and Deputy Clerk. Following her resignation in 1987 she joined the Law Reform Commission in Sydney for a time before taking up a position in the office of parliamentary counsel in Darwin. Her love for Norfolk never waned and she was most excited to be able to do two more terms as Norfolk's draftsman in 1993, and again in 2001 before she finally retired. Dorothy enjoyed a full and wonderful life with many stories and tales to tell of her experiences in all parts of the world including London, Europe, Ireland, South Africa, Mauritius, Athens, Kruger Park, Papua New Guinea and Singapore to mention just a few of the places she visited or work in. Her son Bruce and his family were a delight to her but she never ceased to mourn the death of her husband Steven and spoke of him often. Dorothy lived with her sister Marjorie from 1993 and they shared an enviably close relationship. Some three years ago she became unwell and although she fought valiantly, even making two trips back to the Island to catch up with her many close friends here, she passed away last week at her home early on the morning of 24 June. To Dorothy's son Bruce and his family, to Dorothy's sisters Marjorie, Phyllis and Beryl, and their families, and to her many friends both in Norfolk Island and away, this House extends its sincere condolence. Mr Speaker, may she rest in peace.

**Thelma Vera Reynolds** was born and raised in Christchurch, New Zealand. She trained as a hairdresser and worked until she met and married Max Diegleman, an American working in the Antarctic. They visited his home in America and on the way back to New Zealand they called in to Norfolk Island. Impressed by the island they moved here in 1963. Together they were entrepreneurs. They started the Gas Centre importing gas cylinders for energy; built the three shops in the area now known as Duncan's and opened and operated Max's Duty Free store. They built their home at Watermill Valley in a new and innovative style. Later Thelma married Neil Reynolds and together they created the happy valley Golf Course, and opened and operated Reynolds Shoes. They sold their home at Watermill Valley and built their new home further up Taylors Road. Neil became very sick and they again moved closer to Burnt Pine. Neil's illness did not improve and was instrumental in Thelma arranging for Norfolk Island to have a physiotherapist, but in the end they had to move permanently to Chatswood. To

Thelma's son Steven and his family in Australia, and to her many long and close friends in Norfolk Island, this House extends its sincere condolence. Mr Speaker, may she rest in peace.

**Beverly Harrison McCoy** (Didda) was born on Norfolk Island on the 6<sup>th</sup> October 1924 to Daniel (Stanny) and Helen McCoy, one of Seven Children, Ruby, Leo, Charlie, Olie, Foxy, and Hoosen, spending a lot of his early years with his grandparents Michie and Ettie on house road. At 17 Didda put his age up by a year and swap his name about to Harrison Beverley and enlisted to serve during the Second World War. After serving in our local militia he left Norfolk Island for Sydney on the Morinda in April 1943. Bev was posted to the 2<sup>nd</sup>/13<sup>th</sup> Battalion commonly referred to as the Devil's Own. He fought in New Guinea and participated in all five major amphibious landings made by the A.I.F. He was out of action for two months with malaria but declared himself well and participated in the invasion of British North Borneo. His Father, Sister Ruby, Brothers, Leo and Charlie were all serving, and Foxy served in the occupational forces after the war. Didda returned home to his beloved Norfolk Island in 1946 and he kissed the ground vowing never to leave again. He married Dorothy Gordon (Dossie) on 2<sup>nd</sup> October 1947 and they remained married for 60 years but sadly lost Dossie in July last year. They had seven little children, Marie, Adele, Neale, Michael, John, Robert and Mark. Sixteen Grandchildren, James, Tony, Daniel, Khan, Liz, Neale, Chantelle, Michelle, Phillip, Jayden, Tom, Harrison, Carmelita, Tyson, Taya, and Lillian. Eleven Great Grandchildren, Ellis, Mark, Teneale, Whitney, Lucian, Jeanie, Siarne, Christian, Declan, Alex and Hannah. He had many names for all of them, like sport, cobba, bubble and some we nor gwen mention. He built his family home himself, with help from his Uncle Moray Anderson and his lifelong mate Jacky Ralph. He would always learn, he got one Pine from Wiseman. He broke in one horse for Dale and in return Dale and Gonk mill his Pine, and still to this day got one crack in the timber in his kitchen ceiling he remembers the moss at midnight when he nailed the last board up and the splot. So late and he nailed it up anyhow. Didda has always loved to play cards and bang his table and look out if we beat him. Didda always has been keen on football and coached the Greens and the Juniors for many years and even in his last week he still argued about who would win. He was a hard worker; he loved to work on the land, he would always have one garden full of vegetables, Cow for milk, Egg for pickup and a stack of firewood, but he still would find time to go fishing every day, and not just anybody could fish like him and his brothers. Didda spent years working in the whaling industry on Norfolk Island and Byron Bay. When he was whaling he got his truck, Big Red, and he was proud of it, and he used to go pick up his workmate Bruno Grube on his way down the station. After whaling Didda worked in a Christian family saw mill down Cascade and worked there for the next 40 years. When he started he still cut down a tree with a hand saw, but one severe accident put an end to his logging. He worked as a shepherd for many years and spent every Friday in his boatshed splicing a rope and making a lift net. Finally he became groundsman at his school until his retirement. Beverly Harrison McCoy was a true Norfolk Islander. Fiercely proud of his homeland. To Marie, Neale, Michael, John, Robert, Mark and his family, to his brothers Charlie and Foxy and his family, to his grand and great grand children and his 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

**PRESENTATION OF PAPERS**

Are there any Papers for presentation this morning Honourable Members

**STATEMENTS OF AN OFFICIAL NATURE**

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

**MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR**

Are there any messages from the Office of the Administrator

**REPORTS OF STANDING COMMITTEES**

Are there any Reports Of Standing Committees this morning Honourable Members?

We move to Notices Honourable Members

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

MR GARDNER Thank you Mr Speaker, I seek leave to move the motion standing in my name on the programme re appointment of members of the tourist bureau

SPEAKER Is leave granted Honourable Members? Leave is granted

MR GARDNER Thank you Mr Speaker, Mr Speaker I move that this House in accordance with section 4 of the *Norfolk Island Government Tourist Bureau Act 1980* recommends to the executive member that he re-appoint Morgan Evans, Nadia Cuthbertson; and Wallace James Beadman to be members of the Norfolk Island Government Tourist Bureau for the period commencing 1 July to 30 June 2010; and that under section 4 he appoint David Sanders; and David Porter to be members of the Norfolk Island Government Tourist Bureau for the period commencing 1 July to 30 June 2010. Mr Speaker firstly my apologies for not having this formally put on the Programme because of the confusion of sitting dates and times through June it sort of got caught up but I have had the opportunity to speak with the Membership about my bringing it on over the last couple of months, particularly in relation to identifying people with an interest to want to serve on the Norfolk Island Government Tourist Bureau. I'm pleased that Mr Morgan Evans as a representative of the ATA has again shown a willingness for appointment. He is a very active participant in the Tourist Bureau and one of his major responsibilities as a Member of the Tourist Bureau has been his tireless work on the preparation of the tourism awards over the last two years. Also a representative of the Chamber of Commerce Mrs Nadia Cuthbertson has again shown a willingness to be appointed and has the support of the Chamber in being appointed to the Norfolk Island Government Tourist Bureau and both of those people fill important roles as a conduit between both the ATA and the Chamber of Commerce and the Tourist Bureau in developing its strategies moving forward for the promotion of tourism in Norfolk Island. And also I thank Wally Beadman for his willingness to serve a further term on the Tourist

Bureau. He has filled the role of chairman for the last couple of years and I thank him for his stewardship of the Tourist Bureau. The motion obviously if it succeeds would welcome Mr David Sanders to the Bureau. As Members around this table would be aware, and I'm sure many in the listening public would be aware, David, or Bebs as we affectionately know him, has played a major part in the tourism industry on Norfolk Island with his family, not only as a staunch supporter of tourism for Norfolk Island for the development of tourism but also as a part owner of the South Pacific Hotel in a previous life as a hotelier and also as a leading businessman in the community and he has been a strong supporter over the years of our moves with the airline, and has always shown a keen interest in wanting to assist where he can in the development of tourism in Norfolk Island and the other name on the motion is a Mr David Porter, a fairly recent arrival to Norfolk Island but very enthusiastic about the future of Norfolk Island. He is a tourist accommodation proprietor, he is the secretary of the Chamber of Commerce, and I believe his wife Jo also takes a very active role in tourism related matters in Norfolk Island as the Secretary of the ATA organisation. Clearly with two new faces being proposed to come on to the Bureau there's couple who have left. One is Mrs Marion Christian who was a past Chair and also a Member of the Norfolk Island Government Tourist Bureau for a number of years and I thank her very much for her contribution. She is no longer resident in Norfolk Island but certainly played an active role and an active part in the promotion of tourism in Norfolk Island for a number of years. The other person who will not be continuing as a member of the Norfolk Island Government Tourist Bureau is Mr Mat Christian Bailey and I would like to thank him for his service as a Member of the Norfolk Island Government Tourist Bureau now for two, if not three years and wish him well in the further development of his wholesaling business as one of the major wholesale suppliers to Norfolk Island. I commend the motion to the House

SPEAKER Thank you Mr Gardner. Any further debate Honourable Members. 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

#### **JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2009**

MR GARDNER Thank you Mr Speaker, Mr Speaker I ask that you call on the Justice Legislation (Miscellaneous Amendments) Bill 2009

SPEAKER Proceed Mr Gardner

MR GARDNER Thank you Mr Speaker, I present the Justice Legislation (Miscellaneous Amendment) Bill 2009 and move that the Bill be agreed to in principle and as is past practice I'll read the explanatory memorandum of the Bill into Hansard and also before I do that, just give an explanation as to why this matter again has not appeared on the Programme. In short, that was basically because there was some confusion about the conflicting provisions of both the Dangerous Drugs Amendment Bill 2009 which was to accompany this Bill for introduction into the House, because they both deal with similar matters, which is drugs, and unfortunately there was some areas that had been identified in the Dangerous Drugs Bill which means at this stage it won't be brought on but it is necessary to bring on the Justice legislation Miscellaneous Amendments Bill today because there are some issues that have time lines associated with it with the provisions of this legislation. Mr Speaker to the explanatory memorandum this Bill is a broad review of various enactments that are concerned with the administration of justice and in particular some of the more recent changes to the law in what has been loosely called the Justice Package. Some of the enactments have been the subject of comment by officers of the Attorney General's

Department in Canberra and others and this Bill addresses several of them. As there are a number of enactments to be amended they are dealt with in separate parts of the Bill. Part 1 deals with the short title of the proposed Act and the commencement. Part 2 deals with changes to the *Criminal Code Act 2007*. Clause 4 clarifies the definition of “deal” in the offence of money laundering to ensure the inclusion of the import and export of money or other property to or from Norfolk Island and cross references the definition of “controlled drug” to the *Dangerous Drugs Act 1927*. Clause 5 amends the definition of “property” to make it broader and more inclusive than at present. Clause 6 inserts a definition of a controlled drug as something to be established by regulation rather than being set out in the Act. Clause 7 inserts into the Act a new Part dealing with the use of drugs. Section 302A prohibits the unlawful use of a controlled drug or hallucinogenic substance but provides that a defence can be raised of use prescribed by a qualified medical practitioner or dentist. Clause 8 inserts 2 new sections to deal with hallucinogenic substances. These provisions are largely the same as those in the *Dangerous Drugs Act 1927* which it is proposed to amend in due course so that eventually drug offences will only be found in the *Criminal Code*. Clauses 9, 10 and 11 amend provisions of section 352 and 353 that deal with summary offences and limitations on the Court of Petty Sessions so that the change to section 352 increases what is a summary offence from one carrying a penalty of 12 months imprisonment to 2 years and the changes to section 353 increases the penalties it may impose and also changes references to penalties inadvertently expressed as dollar amounts rather than penalty units. Clause 12 amends the definition of a prescribed offence, which is an offence where a police officer may issue a penalty notice that may be paid in lieu of appearing in court. The change means that such a notice can be issued where a prescribed penalty is only 10 penalty units or less. If a term of imprisonment is possible such a notice cannot be issued. Part 3 deals with changes to the *Criminal Procedure Act 2007*. Clause 14 repeals section 4 and clarifies it to make it clear that the Act is intended to apply to proceedings that commenced before the Act commenced but only if the hearing has not then commenced. The change takes effect from 1 July 2009 to ensure that it does not adversely affect any existing proceedings. Clause 15 inserts into a new Chapter 5A, some provisions concerning appeals to the Federal Court in order to clarify powers of the Federal Court when acting as the appeals court for Norfolk Island in situations where it may not be clear that provisions of the *Federal Court of Australia Act 1976* of the Commonwealth applies. Section 154A provides some definitions for the new chapter while section 154B sets out the alternative courses of action available to the Court of Appeal in ordinary cases while section 154C deals with possible courses where alternative findings could have been made, where a special verdict had been handed down or where a person was not responsible according to law for his or her actions. Section 154D empowers the Appeal Court to order a new trial if the court considers there has been a miscarriage of justice and there is no other adequate remedy. Part 4 deals with changes to the *Court Procedures Act 2007*. Clause 17 repeals section 60 that provides for the expiration of adopted Rules. The repeal ensures that there cannot be a situation where processes are nullified by there being no Rules of Court in place. Part 5 deals with the *Sentencing Act 2007*. Clause 19 repeals mandatory sentencing provisions that take from the Courts the ability to determine what are appropriate penalties for various offences. The change is made in order to conform with general observations that such provisions may lead to injustices where inappropriate sentences are imposed through lack of judicial discretion. Clause 20 inserts a new section to clarify that a life sentence means the term of a person’s natural life but may be reduced to a stated term of imprisonment. Clause 21 amends sections 118 and 119 so that where a suspended sentence is imposed it may be partly or wholly suspended at the discretion of the courts. Clause 22 changes the reference to “Parole Board” to include “Parole Authority”. Clause 23 inserts a new subsection 147(2) to make it clear that the Parole Authority of New South Wales may exercise the powers of a Parole Authority under the Act and also that it is a “designated authority” for the purposes of the Act. These changes while clarifying the role of the NSW Authority are intended to make sure that there can be reciprocity between New South Wales and Norfolk Island in parole issues. Clause 24 amends the existing provision of section 153 for issuing a warrant for the arrest of a person who is in breach of parole and requires that a warrant

be signed by a Magistrate or a judicial member of the relevant Parole Board rather than the Secretary or member of the Board. Part 6 deals with the *Suits by and against the Administration Act 1979*. The amendments found in clause 26 involve the repeal of all provisions of the Act that were enacted in the *Court Procedures Act 2007*. Part 7 deals with the *Court of Petty Sessions Act 1960*. Clause 28 amends subsection 221(2) of the Act, which empowers the Court to impose a maximum fine where a penalty provision does not include such a provision. The amendment increases the maximum fine that can be imposed from 50 penalty units to 100. Part 8 repeals the *Appeals Act 1919* that has been redundant since the Commonwealth made the Federal Court the court of appeal for Norfolk Island, and the *Justices Validation Act 1926* the purpose of which ceased to exist some 80 years ago. Thank you Mr Speaker that's the explanatory memorandum. Just a couple of points there. A couple of very important points. One was in relation to discretion of the courts in applying sentencing in Norfolk Island and the importance that it doesn't appear that it is mandatory sentencing, that the power of the court is reinstated here to be able to provide the flexibility in considering the severity of the sentence that it might impose. The other important one and pertinent one at the moment, is we are negotiating the continuation of arrangements between the New South Wales Government and Norfolk Island Government for the imprisonment of persons in New South Wales is the ability of us to work closely with the New South Wales Parole Board to ensure that people that are imprisoned in Norfolk Island are treated in a just and appropriate manner in seeking parole and parole provisions so they are both in my view very important amendments to the legislation and I commend the Bill to the House

MR SHERIDAN

Mr Speaker I won't speak too much on this as its come to the House at the last minute but one query to the Minister there, I think he did touch on it, on section 23 to deal with parole, at the moment if somebody's in prison or gets a prison sentence, they are sent to New South Wales to serve their time and once they serve their time, they're on parole. Whilst they are on parole they are unable to leave the state of New South Wales if I understand correctly. Does this new section, I see you saying in part of the explanatory memorandum that these changes while clarifying the role of the NSW Authority are intended to make sure that there can be reciprocity between New South Wales and Norfolk Island in parole issues. Does that mean that the parole period could be served on Norfolk Island. Is that what that section is about

MR GARDNER

Thank you Mr Speaker, I'm certainly not completely au fait with the provisions that apply in New South Wales under their Crimes Administration of Sentences Act 1999. obviously if we are entering into an arrangement with the New South Wales parole authority it would be under the provisions that are included in that Act which guide them in the way that they administer the legislation and administer parole matters in New South Wales but in the intervening period, whilst this sits on the table, I'll seek clarification on that so that I'm able to provide appropriate advise on that before we deal with it to finality in subsequent sittings

MR MAGRI

Mr Speaker if the Minister wouldn't mind clarifying just one more point in relation to the Parole Board, is it my understanding that you will be using the New South Wales Parole Board or Authority for duties on Norfolk Island or do we intend to set up our own Authority on Norfolk Island and I just wonder if there's any budget implications in either method, whether we use the New South Wales or our own Norfolk Island Authority

MR GARDNER

Thank you Mr Speaker, we certainly will be working with the New South Wales Parole Authority as we have in years gone by. This basically makes it very clear that we do have a formal arrangement in place under legislation and by doing this we are able to implement parole measures for Norfolk Island felons both in New South Wales and in Norfolk Island. Mr Speaker it's a situation that arises with our inability I guess to accurately forecast whether people are going to commit crimes of sufficient severity that they will require incarceration in New South Wales. Certainly we didn't expect say three years ago that we were going to have three if not four people

incarcerated in New South Wales prisons at a cost annually per prisoner of some \$70,000 and likewise, it's very difficult to be able to quantify in advance what our exposure might be to the administration of parole orders in Norfolk Island. That is a matter that we will have to deal with when we are aware of whether that's actually going to happen

SPEAKER Thank you Mr Gardner. Any further debate Honourable Members. I seek a final motion then Mr Gardner

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

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

QUESTION PUT  
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

#### **WASTE MANAGEMENT (AMENDMENT NO.2) BILL 2009**

MRS JACK Thank you Mr Speaker, I seek leave to present the Waste Management (Amendment NO.2) Bill 2009 dated the 26<sup>th</sup> June 2009 and for the Bill to be considered through all stages at this sitting.

SPEAKER Is leave granted Honourable Members. Leave is granted Mrs Jack

MRS JACK Thank you Mr Speaker, I present the Waste Management (Amendment NO.2) Bill 2009 and move that the Bill be agreed to in principle. And again, like my counterpart Mr Gardner I just mention to the listening public that while this Bill may be newly presented on the Programme in fact, it has been a work in progress between myself and the Administration for some six months at least past and that during this time, there have been on at least two occasions meetings with the board membership of the House in discussing ways forward and their comments on this matter. I will also read into Hansard the explanatory memorandum and table this. I will then go on to my personal views on the matter. Mr Speaker this Bill seeks to make provision for the removal and disposal of asbestos and asbestos related products. The Bill makes it an offence to dispose of these products other than at the Waste Management Centre and with the prior approval of an authorised officer at the Centre. The Act already provides for the publishing of guidelines for the disposal of things at the centre and in due course the authorised officers will require that such disposal be in accordance with guidelines published in the Gazette. As asbestos is recognised as posing significant health hazards, the penalties for non-compliance are significant. The Bill sets out the usual preliminary provisions naming the Bill and the principal Act to be amended. It provides that when enacted the Bill will become law upon the publication of assent. The amendments to the principal Act are two-fold. The first inserts into section 3 new definitions of asbestos and asbestos related materials and the meaning of "correctly packed and labelled" while the second inserts two new sections, 13A and 13B. Section 13A makes it an offence to remove asbestos or related product from a place where it has been dumped before the commencement of the section or to remove it from any place unless it is immediately made safe by correctly packing and labelling it in approved containers and properly disposed of. The penalty for failure to comply with this provision is a maximum fine of 100 penalty units (\$10,000). Section 13B sets out the requirements for all asbestos and asbestos related substances to be disposed of at the Waste Management Centre with the prior approval of the officer in charge. The penalty for failure to comply with this provision

is a maximum fine of 100 penalty units (\$10,000). Mr Speaker we are all aware of just how much waste is generated on Norfolk and I believe we all acknowledge how little of this waste is reused and recycled. In the past such lines as aluminium cans and car batteries have been sent back to Australia for recycling but for some months now, sending recyclables back to Australia has hit a quarantine snag and it's taken some time to overcome problems highlighted. In order to assist this process officers from AQUIS, that's the Australian Quarantine Inspection Service, visited Norfolk Island earlier this year and their report was presented to the CEO a few weeks ago. Work between the Administration and the Australian Quarantine Service is ongoing and it is hoped that over the coming months, protocols will be developed that will enable certain recycling lines to be sent back through Yamba. In the meantime, the need to better sort and deal with certain lines of waste has been recognised and the Bill today begins the process. I stand to be corrected but my understanding is that up until the early 80's asbestos and asbestos related products were still in use in various form sand predominantly the building industry. Today this product in its various forms is recognised as a hazardous material, once disturbed or if not maintained correctly. The Administration has already in place, and has had for some time, policy guidelines that cover safe handling methods and procedures for dealing with removal, storage, packing and transporting of this product to the Waste Management Centre. These procedures have been followed and ensured that Administration staff have had correct management with OH&S considerations. However, Mr Speaker owing to some inappropriate dumping of this product in the domestic waste stream at the Waste Management Centre it has become obvious that change is required to the Waste Management Act in order to appropriately deal with this matter within the broader community and this Bill together with Regulations and guidelines that have been developed serve to bring those changes about. As stated in the explanatory memorandum two new sections are to be included to the act. 13(a) which deals with removal and storage and 13(b) the disposal of asbestos. Again I highlight the penalties are severe. It's 100 penalty units equates to \$10,000. Mr Speaker there will be charges for the acceptance of this product at the Waste Management Centre. Partial cost recovery from the community will be required. At present the cost of transporting asbestos and asbestos related product back to Australia for disposal and to deep landfill in Queensland equates roughly to between \$800 to \$900 per tonne. The fees for acceptance by the Waste Management Centre will be small domestic loads that equate to one cubic metre or less, will be no charge. Medium domestic loads, one to two cubic metres will be \$150 per cubic metre, and large domestic loads, the first two cubic metres will be \$150 per cubic metre and \$100 per cubic metre for each additional cubic metre or part. Commercial loads in any quantity, will be \$200 per cubic metre or part thereof. These fees will assist in the shipping, quarantine and transportation costs in sending tis hazardous product to the deep landfill. Members did discuss the option of dealing with the product here and making our own deep landfill but I believe it was a majority if not unanimous decision not to further examine that option. This is but one aspect of the waste stream and investigations on how best to deal with have only managed to highlight the high cost of waste management especially, when dealing with waste that needs to be shipped off. At present the global downturn has seen the cost of recycled metal prices drop significantly. The flow on effect here is that when we are once again able to ship metal off, it may not be financially feasible due to possible high shipping and road transport costs with a low metal price. This could lead to having to ship certain waste lines off Norfolk Island. The high temperature incinerator or an environmentally sound equivalent will only burn a portion of the waste that is generated. Cars, whitegoods will continue to pose particular problems. Mr Speaker a policy for the Waste Management Centre for used cars is currently being developed and I am hoping that a draft will be with Members in a couple of months for their consideration before seeking broad community comment. Mr Speaker I'll just leave it for other Members to discuss the Bill

MR SHERIDAN

Mr Speaker thank you. I agreed when the Minister asked for leave to bring this to the table but I'm not real happy with it. I've got a couple of areas there and unless you want to push it through the House today, and I wouldn't encourage the Minister to do that. I ask the Minister, in paragraph 13(a), a person must

not move asbestos or an asbestos product from any place where it has been before or after the commencement of this section, being dumped stored or otherwise placed. Now Mr Speaker if you have somebody who six months ago re roofed their house, they had an asbestos product and they put all the asbestos sheeting under a tree on their property. Somebody might have done it a couple of years ago, and they might have dumped it in the back paddock. They might have all this asbestos laying around their back paddock. That section says that they cannot now move that product from that site. It must now remain there forever and a day. I would have thought that we would have been about cleaning Norfolk Island up. Not leaving stuff that has already been stored, where it is. If this legislation passes, this is what happens when you try to rush these through. The other concern I have is with the charges. If I have a builder and he's doing renovations on my house and I've got a specialist product if he takes it to the tip it's going to cost him \$200 because he's a commercial builder, but if I take it myself on the weekend that same product will cost me no charge if it's under a cubic metre, or the first cubic metre is \$150 or \$100 thereafter

SPEAKER Thank you. I seek a final motion Mr Gardner

MRS JACK Thank you Mr Speaker, I move that debate be adjourned until later in this sitting

SPEAKER The question is that debate be adjourned until later in this sitting

QUESTION PUT  
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

#### **DEPARTURE FEE (AMENDMENT) BILL 2009**

MR N CHRISTIAN Thank you Mr Speaker I seek leave to present the Departure Fee (Amendment) Bill 2009 dated 23 June 2009 and for the Bill to be considered through all stages at this sitting

SPEAKER Is leave granted Honourable Members? Leave is granted Mr Christian

MR N CHRISTIAN Thank you Mr Speaker, I present the Departure Fee (Amendment) Bill 2009 and move that the Bill be agreed to in principle. Mr Speaker I will read the explanatory memorandum to the Bill and also table it. This Bill seeks to increase the departure tax and provides that the fee is not paid if it has already been included in and collected by an airline ticket in accordance with the Airport Regulations. Clause 2 of the Departure Fee (Amendment) Bill 2009 provides that the Act will commence on publication of the notification of assent in the Gazette and has effect from 1 July 2009.

SPEAKER Thank you Mr Christian. Is there any further debate Honourable Members. There being no further debate I put the question that the Bill be agreed to in principle

QUESTION PUT  
AGREED

The ayes have it. The Bill is agreed to in principle. Is it the wish of the House to dispense with the detail stage. We so dispense. Mr Christian I seek a final motion

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

SPEAKER Thank you. Is there any further debate Honourable Members. There being no further debate I put the question that the Bill be agreed to

QUESTION PUT  
AGREED

The ayes have it. The Bill is so agreed

## ORDERS OF THE DAY

### APPROPRIATION BILL 2009-2010

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

**The tape recording for this section of Hansard is faulty.**

MR N CHRISTIAN Thank you Mr Speaker

MRS JACK Thank you Mr Speaker

MR SHERIDAN Mr Speaker

MR NOBBS Thank you Mr Speaker

Mr Speaker we commenced the budget review process late last year in acknowledgement of extraordinarily challenging global circumstances and the already measurable impacts to Norfolk Island's tourism figures. As I have discussed through this and other forums and media, the arrival projections of a 15% downturn in Norfolk tourism numbers have not only been accurate to date, these figures have formed the basis for a number of expenditure controls and reductions throughout the public service, a complete re evaluation of current short and long term projects and the commencement of many tourism and airline initiatives aimed at capturing those still engaged in airborne tourism. I will provide further detail on the tourism and airline initiatives in a moment. It is important to see this budget as part of the overall more sustainable strategy which we put in place with last year's budget. For the first time in many years, in 2008/09 we tackled the difficult dilemma of ensuring that we replace ageing infrastructure and build up the critical capital assets of the Norfolk Island community. Failure to do would have put at risk our most significant industry because essential assets like the airport would simply not have been of the standard required to achieve tourism targets. During the year we also committed to the future of telecommunications by ensuring that Norfolk Island would have high speed broadband years ahead of our key competitors. This will open up an enormous range of possibilities for E-commerce and new business opportunities. For many in Norfolk Island the unwelcome component of this budget is the increase of GST from 9% to 12%. The private sector is already challenged by a reduced number of tourists, and many would say these visitors are also spending sparingly at present. The public sector is similarly affected as it receives a reduced input from passenger movement type charges and the flow on from the reduced tourism dollar spent on the island. What remains unaffected is our requirement for health services, education, welfare and social services, hospital subsidisation and tourism promotion, and it is the revenue fund that provides the financial backbone for these elements and programs on Norfolk. At a recent public meeting I was reminded yet again that there are members of our community who would believe that the proposed budgetary changes are a knee jerk reaction to the investment in infrastructure upgrades and replacement over the term of this Assembly. Some would like to tie this budget to the 11 year overdue tribunal finding on MLA remuneration, or the undersea fibre optic cable that will link Norfolk to Australia, Noumea, Wallis, American Samoa, Niue, French Polynesia and the world at high speed and capacity. This is not a knee jerk reaction, this is not a budget required to fund fire

engine replacement, or even an opera house fire station. The deliberations and policy considerations in the development of the appropriation bill are focused on delivering the programs and services in health, education and welfare to those on Norfolk Island. The taxes and charges to support the revenue fund have been assessed to not only spread the tax burden as widely as possible, there has been considerable policy change to increase revenues from people not resident on Norfolk Island, an increase in departure tax for example that will soon be incorporated in the passenger movement charges. I think each of us has talked of the belief held by various reports from commissions into Norfolk Island that we do not tax ourselves enough, a view sometimes blindly supported by the associated territories bureaucracy and perhaps one of the reasons for a lack of response to Norfolk Island's request for 2.5 million dollars of the 60 billion dollars circulated to other states and territories in stimulus funding. Although I have spoken to the new federal minister responsible for territories recently, there is still no definitive answer that I can provide to the community today as to the current position of or likely success of that application. However I can assure this community that we have committed ourselves to every option and initiative that this external territory can access that may enable us to reduce the impacts of the global economic downturn on our Island. Appropriately we have based this budget on a realistic tourism number and without reliance on stimulus funding. In discussing the budget and recognising some of the challenges faced globally, I would like to touch on some of the initiatives that both the airline and tourist bureau have put into place to help combat the tourism downturn. NorfolkAir has provided incentives such as: 2 for 1 travel in the February/March period; A 25% discount on all fares in March to mid April; Up to \$150 cash back in March and April; Group incentives including the reduction in ratios for free tickets from 21:1 to 16:1 and group discounts; Event support throughout, inclusive of support ticketing; \$100 cash back for bookings made until late July that are redeemed before the end of November; A \$375 fare inclusive of taxes Brisbane/Norfolk Island/Brisbane (Thursday - Sunday); Wholesale package cash back offers; An incentive package to book online that provides a \$100 cash back to encourage web usage; Joint Promotions with many operators, including with Travel Scene - American Express - Harvey World - Flight Centre - Jet set Travelworld. These specific initiatives are all designed to increase tourism numbers in very difficult and challenging market conditions. They are complemented by the longer-term structural change being driven by Norfolk Tourism to broaden our appeal to a much wider demographic of potential tourists, and even more critically, to increase the yield per tourist by attracting those who really want to spend money on the services and experiences which we all know Norfolk Island can offer in abundance. In pursuing these longer-term goals, Norfolk Tourism has built exceptionally strong ties with our key wholesalers and tourism industry partners – one example being the very successful Norfolk Island Tourism Exchange (NITE), which significantly boosted cooperative efforts to grow the industry. The Tourist Bureau has worked collaboratively on many of these initiatives and continues to implement the five year strategy that will not only assist with our current challenges, but also give Norfolk Island a solid platform to maintain and enhance visitor numbers as economies recover globally. Of course, the coming financial year will also see the exciting new development of the cruise ship market, and the Government is totally committed to facilitating cruise boat tourism, in close partnership with the entire business community and our valued tourism partners. Mr Speaker, we all know that 2009/10 will be a challenging financial year. But there are some good signs on the horizon, and we as a government are rising to the challenge to put Norfolk Island on a long-term sustainable basis. We will continue to pursue all external funding options, including infrastructure and stimulus funding, environment grants and external investment. We will continue to build our tourism infrastructure – for example with the additional work on piers and pontoons for cruise ships, and we will vigorously pursue the business opportunities which high speed broadband will open up. I am confident that with the united support of the whole community, this budget sets the framework for a better future for all of us. In facing up to the requirement for services and social programs on Norfolk Island and recognising the external factors affecting tourism, in assessing past budgets and looking forward to realistic financial outcomes for Norfolk derived from realistic tourism numbers and the best possible spread of revenue raising



MR NOBBS Thank you Mr Speaker

MR SNELL Thank you Mr Deputy Speaker

MR N CHRISTIAN Thank you Mr Speaker

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

## QUESTION PUT

SPEAKER Madam Clerk could you please call the House

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

The result of voting Honourable Members, the Ayes six, the noes two therefore the Bill is agreed to in principle and we move to the detail stage

MR N CHRISTIAN Thank you Mr Speaker  
Thank you Mr Speaker, I move – THAT the Bill be amended as follows –

That all clauses after clause 2 of the Valuation of Land Bill 2009 be deleted and the following inserted:

**“Valuations**

**3. (1)** The executive member may at any time cause a valuation to be made of the value of a parcel of land.

**(2)** A valuation made under this section must be made by a valuer appointed under subsection (5).

**(3)** For the purposes of this section the executive member may by notice in the Gazette appoint one or more persons who are registered as a valuer in a State or Territory of the Commonwealth.

**(4)** For the purpose of making a valuation under subsection (1) a valuer may at any time during the normal hours of duty of the Norfolk Island public sector enter upon the land the subject of the valuation.

**(5)** A valuer entering upon land for the purpose of making a valuation must upon request produce identification in a form approved by the executive member.

**(6)** A person must not refuse entry to a valuer who has produced his or her identification and who seeks entry to land in accordance with this section.

Penalty: 5 penalty units.

(7) A copy of the valuation made by the valuer under this section may be made available to the landowner upon request.

### Regulations

4. The Administrator may make Regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Act."

MR GARDNER Thank you Mr Speaker,

MR SHERIDAN Mr Speaker

MR GARDNER Thank you Mr Speaker,

MR N CHRISTIAN Thank you Mr Speaker

MR GARDNER Thank you Mr Speaker,

MR SHERIDAN Mr Speaker

MRS JACK Thank you Mr Speaker

MR SHERIDAN Mr Speaker

SPEAKER Thank you. Any further debate Honourable Members. Then I put the question that the amendments be agreed to

QUESTION PUT	
AGREED	
MR SHERIDAN	NO
MR SNELL	NO

The amendments are agreed

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

QUESTION PUT	
AGREED	
MR SHERIDAN	NO
MR SNELL	NO

The clauses as amended are agreed

I now put the question that the remainder of the Bill be agreed to

QUESTION PUT	
AGREED	
MR SHERIDAN	NO
MR SNELL	NO

The remainder of the Bill is agreed to

Mr Christian, I seek a final motion

MR N CHRISTIAN  
agreed to

Mr Speaker I move that the Bill as amended be

SPEAKER

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

QUESTION PUT

AGREED

MR SHERIDAN NO

MR SNELL NO

Thank you. The Bill as amended is so agreed to

### WASTE MANAGEMENT (AMENDMENT NO.2) BILL 2009

SPEAKER

Honourable Members we resume on the question from earlier in today's sitting that the Bill be agreed to in principle. Mrs Jack

MRS JACK

Thank you Mr Speaker

SPEAKER

Thank you. Is there any further debate. There being no further debate I put the question that the Bill be agreed to in principle

QUESTION PUT

AGREED

MR SHERIDAN NO

MR SNELL ABSTAIN

The Bill is agreed to in principle. We move now to the detail stage

MRS JACK

Thank you Mr Speaker

MR SHERIDAN

Mr Speaker

MR NOBBS

Thank you Mr Speaker

SPEAKER

I put the question that the amendment be agreed to

QUESTION PUT

AGREED

The amendment is agreed to

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

QUESTION PUT

AGREED

The clauses as amended is agreed to

And finally I put the question that the remainder of the bill be agreed to

QUESTION PUT

AGREED

The remainder of the bill is agreed to

I now turn to Mrs Jack for a final motion

MRS JACK  
amended be agreed to

Thank you Mr Speaker move that the Bill as

SPEAKER  
agreed to

I put the question that the Bill as amended be

QUESTION PUT

AGREED

MR SHERIDAN

NO

MR SNELL

ABSTAIN

The ayes have it, the Bill as amended is agreed to. Thank you Honourable Members

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

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

MR ANDERSON  
adjourn until Wednesday 15<sup>th</sup> July 2009, at 10.00 am.

Mr Speaker I move that the House at its rising

SPEAKER  
Honourable Members

Thank you Mr Anderson. Is there any debate

SPEAKER

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

Thank you. Is there any further debate Honourable

QUESTION PUT

AGREED

The motion is agreed to

### **ADJOURNMENT**

MR MAGRI  
now adjourn

Thank you Mr Speaker I move that the House do

SPEAKER

participation in adjournment debate Honourable Members?

Thank you Mr Magri. Is there any further

MR NOBBS

Thank you Mr Speaker, normally after a sitting I inform the public however the m of the executive are required tomorrow morning quite early to some of the additional review that we in terms of our budget so we will be unable to attend the radio station tomorrow morning however I have asked the radio staff on the forum could be emailed down to us in Kingston and perhaps could find sometime during the day to give answers to some of those questions

MR GARDNER

Thank you Mr Speaker,

SPEAKER

Honourable Members. I now put the question that the motion be agreed to that the House do now adjourn

Thank you Chief Minister. Any further debate

QUESTION PUT

AGREED

Therefore Honourable Members this House stands adjourned until Wednesday 15<sup>th</sup> July 2009, at 10.00 am.

