

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



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY  
12<sup>TH</sup> NILA HANSARD – 26 AUGUST 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

**CONDOLENCES**

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

MR SHERIDAN It is with regret that this House records the passing of Beryl Chapman, Cornelius Johannes Maria de Rijk and Trevor Lyle Tavener

Beryl Chapman, affectionately known to us as Berry passed away on the 28<sup>th</sup> July at the Norfolk Island Hospital. A place where she worked since 1951 and in later years, had been looked after in the Aged Care Facility. Berry Royer was born in Sydney and she has an older brother Frederick, still living there. Her much loved younger brother Richard died in 1959 after an industrial accident, when he was working as an Industrial chemist. Berry attained her Intermediate Certificate at North Sydney Girls High School then two years later the Leaving Certificate at PLC Pymble. Whilst there she did very well at both hockey and swimming. Berry then started training as a nurse at the royal Prince Alfred, completing her course in 1942 then going on to her midwifery training at King George, graduating in 1944. Following graduation Berry worked as a Sister in Midwifery at Bathurst District Hospital then became Matron at Scott's School, Bathurst. She then returned to the District Hospital and was for some months in charge of the obstetrics wing. Berry came to Norfolk Island in January 1951. She was met at the airport by a Sister from the hospital who said "I hope you have a uniform handy because there's a woman in labour". Berry met Henry Francis Tot Chapman and they married in May 1954 in Mosman. They had two children, Liz and Richard. Tot died in August 1962. Over the years Berry worked at the Hospital as Nursing Sister, Matron, Dispenser and Outpatient's sister. For some time she was Dispenser and Matron which meant many long hours. She also worked as Theatre Sister and at times had to fill in as the anaesthetist. She was witness to many of Norfolk Island's tragedy's but also the joy of births and triumphs of overcoming illness and injury. Most island families have a Berry story. Since its inception Berry was a member of the Emily Channer district Nursing Trust. In 2002 Berry suffered a stroke and for the last twelve months had suffered declining health. To Richard, Linda, John, Teagan, Liz, Trevor and Anita, to Berry's many friends this House extends its deepest sympathy. May she rest in peace

Cornelius Johannes Maria de Rijk affectionately known to us as Case, was born in Holland in 1924 aboard a tug vessel owned by his father, which worked the canals and rivers, rowing barges. He was the eldest of nine children and with his family lived aboard the vessel owned and operated by his father. Case remarked that he learned to be an extremely good swimmer because of the number of times he fell overboard as a

youngster. He went to boarding school in Holland, returning to the boat at holidays. As the eldest son, Case eventually became stoker and engineer. He subsequently worked as Engineer aboard tugs for a variety of Masters. In 1939 Holland declared a State of emergency anticipating occupation by the German Army and air Force. This happened in 1940. In 1943 Case was Captain of his own vessel, towing coal barges. He joined the underground movement for the Netherlands and had many war time experiences including regularly ferrying to safety Allied air crew shot down over Europe, camouflaged under his coal cargo. His boat took various guises to assist and he frequently carried false papers stating that he was working for the German forces. It cannot be over emphasised the personal danger he placed himself in at this time. During this period his father was interned in a German concentration camp. Not long after the Second World War Case migrated to New Zealand. He arrived in 1952 aged about 27 years. He had already designed, patented and built a rotary engine. He had also designed, patented and built a 2 stroke air cooled diesel industrial engine, suitable for boats and fishing. It had no cylinder head and the unique ability to add extra units as required to increase its horsepower. He was unsuccessful in selling his designs. Maybe, because Case was ahead of his time, and materials required, had not yet been invented. Whilst he awaited the arrival of his first wife Nellie, he painted, plumbed then was an engineer with the Union Steam Ship Company. Their son Lawrence was born but then some eighteen months later Nellie died of cancer. Case later married Gertruda and they had three daughters, Helene, Patricia and Michelle. His New Zealand life was as eventful as his youthful life in Europe. He fished in the Chatham Islands; operated a gold mine on the West Coast, pioneered steel hulled fishing boats and explored new fishing grounds amongst many other exploits. In 1981 Case and Lorraine came to live here. They bought the "Sonar Mia" from Alan and Val Harnish and Case continued as a fisherman into his 73<sup>rd</sup> year. When Case and Lorraine married, they both had previous families and they had the good fortune that their children bonded marvellously. To Lorraine, Lawrence, Helen, Patricia, Michelle, Susan and Peter and their families and to Case's many friends this House extends its deepest sympathy. May he rest in peace

Trevor Tavener was born in 1920 into a family of 10 children, in Kyogle NSW. His father was a dairy farmer, with 900 acres of land, which Trevor spent a good part of his youth clearing. He went to school to the age of 14, and by then he was too big for his knees to fit under the desks so he had to leave. Trev then went bush; driving bullock teams, cattle droving, riding buck-jumpers and bullocks in rodeos and local shows plus a bit of boxing. Trev was an excellent horseman and knew his way round cattle. He joined the army at the age of 19, and was among the first soldiers to be shipped on the new passenger liner Queen Elizabeth to the Middle East. He saw action in several campaigns – in Tobruk, El Alamién, and Crete. He did not fight in the Pacific War as he and many other of the battle-hardened soldiers returning from the Middle East, were held back in Australia to defend the Brisbane Line. After the war Trevor returned to Kyogle, carrying on in the same type of work he had done before. He also went post splitting in the bush with a couple of his mates for weeks at a time until he got a job as a telephone linesman, which he did for a number of years. He married Esme in Kyogle in 1949, and they had their first three sons Lyle, Allan and Neil, prior to moving to Norfolk Island in 1956 where the youngest Jim was born. They initially lived with Trev's mother in law in the big old house in Mill Rd before moving to their own home at Steel's Point. The skills Trev had developed over the years in Kyogle held him in good stead for his life on Norfolk, as the main transport here in those days was horse. He grew beans, and corn, began dairying and had a few pigs and chooks. He, as many men did in those day, worked a 12-hour shift at the Whaling Station and then sometimes scarified beans in the moonlight. He was also involved in maintaining the very basic party-phone system that was used at the time. When the whaling finished up, he went to work in the Works Depot in Kingston with many of the old identities, such as Booney, Yaayah, Bosun, Jack Clapp, Georgie Tillie, Whackoo, plus some youngsters such as Tommy Lloyd and Owen Evans. Trevor loved Norfolk. He fitted in here and never really hankered to be elsewhere. He did move away for a few years after he and Esme went their separate ways but he returned home after his second wife Joy passed away. For most of his life Trevor had enjoyed good health.

He was as strong as a bull and could work with the best of men until he had a serious stroke when he was 81. While he made a remarkable recovery, he was never the same after that. However, with help from the boys he still lived a good life in his own home up until recently, when it became too difficult. He was fortunate to have had Tina and her helpers in his life over the last year and he was truly spoilt with love and attention in their care. When the time came for him to have full-time hospital care, he was again well looked after as part of the hospital family. Trevor really loved his grandchildren. He enjoyed their visits and they loved and respected him. Recently, those based overseas, all returned home to visit him, Stirling, Murray, Gabrielle, Mark, Angie, Mitchell, and Lachlan. His two youngest grandchildren Lexi and Briana were very dear. He adored them and was very interested in all their achievements and activities – especially how they were getting on with their horses. Trevor loved his cricket and especially the Australian cricket team. He didn't care what Shane Warne was up to – so long as he bowled out any team Australia was playing. Trev's passing will be strongly felt in our community. To his sons and their wives, to his grandchildren and his many friends, this House extends its deepest sympathy. 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.

#### **LEAVE OF ABSENCE FOR MR GARDNER MLA**

MRS JACK Mr Speaker could I ask for leave for my colleague the Hon Geoff Gardner

SPEAKER: Honourable Members, is leave granted? Thank you. Leave is granted?

#### **PETITIONS**

Are there any petitions this morning?.

#### **GIVING OF NOTICES**

Are there any notices?

#### **QUESTIONS WITHOUT NOTICE**

Are there any questions without notice?

MR SHERIDAN Thank you Mr Speaker I have a question here for the Minister for the Environment, Minister does the Norfolk Island Government maintain a register of significant items in the guise of memorials dedicated to Norfolk Islanders and others who have made significant contributions to Norfolk Island, whether it be service to the armed forces, service to the community, reaching the age of 100 etc

MRS JACK Thank you Mr Speaker we do hold a register of items on the Norfolk Island Heritage Register, but as for a broader based register covering items such as Mr Sheridan has raised, not to my knowledge and if I can say, it might be a good one to begin

MR SHERIDAN Thank you Mr Speaker a supplementary question for the Minister considering she believes its such a good idea, Minister would you undertake to see that such a register is maintained and guidelines implemented for its maintenance

MRS JACK Thank you Mr Speaker I certainly can look into the area and see if it is within my portfolio for such a register. It may come under a different part of the actual community cultural type event in which case it would go to the Chief Minister but between us we can look at this and discuss it and bring back ideas for the broader Membership

MR NOBBS Thank you Mr Speaker I put my hand up in the context that what I am bringing forward today in terms of Members being reinstated or new Members going onto the Protection of Moveable Cultural Heritage committee there are a number of initiatives that we are also introducing and this could very well become in those. I'll give more detail on that later on but I see some merit in what Mr Sheridan has brought forward and I'll include it in some of the parameters that I will be putting to the committee

MR SHERIDAN Thank you Mr Speaker another question for the Minister for Finance, Minister have the GBE budgets been finalised for the financial year 09/10 and if so, would it be possible to table these in the house. I do believe that you indicated prior to at least ensure that Members are given a copy

MR N CHRISTIAN Thank you Mr Speaker. Certainly. They have been finalised. As yet I don't have a copy of the budgets for distribution. Normally they would be delivered to me with a copy of each GBE in a bound form and I'll certainly distribute them to Members and I'll undertake to table them at the next meeting of the House. It was always my intend to do so and I will do so when I receive them

MR BRENDON CHRISTIAN Thank you Mr Speaker, a question for the Minister for Finance I believe standing in for the Minister for Sports portfolio or a part there. Could the Minister confirm that Australian's who are not resident in Norfolk Island will be representing Norfolk Island in an upcoming triathlon event and if so, is this an acceptable practice

MR N CHRISTIAN Thank you Mr Speaker yes I can respond. As I understand it there is a World Triathlon Championship which is to occur on the Gold Coast in September I think, and a number of Australians intend participating under the Norfolk Island banner in that event. As I understand it there is nothing within the triathlon world to prevent that from happening but I have had representations from Members of the Norfolk Island Amateur Sports Association seeking my views and my view is that such participation would not be in Norfolk Island's best interest and I indicated to them that, that is the position of the Norfolk Island Government. That we would prefer that the Australian athletes do not compete under the Norfolk Island flag but at this stage I am not aware of any action I can take to prevent it. The reason I say its undesirable is this, I am aware that within the world of amateur athletics it is quite a contentious issue. For instance as I understand it, from time to time Pacific Islanders who may live in New Zealand return home and compete for their, native country, without having lived in that native country for the necessary qualifying period and morally you could say what's really wrong with that, for instance a Samoan is a Samoan. If they happen to be living in New Zealand you would think that they could return home to Samoa to represent Samoa and I'm not picking on the Samoans, I'm just using them as an example, but in this situation where people who have never been to Norfolk Island, probably never intend coming to Norfolk Island are participating in an amateur sporting event as Norfolk Islanders or residents of Norfolk Island when they clearly are not, is I think, morally wrong and probably fraudulent in a sense. I am also aware that there are those within the Commonwealth who would seek to strip Norfolk Island of its ability to compete in the Commonwealth Games in our own right and my advise to the Amateur Sports Association here in Norfolk Island is that we should not do anything which jeopardizes Norfolk Island's ability to compete in the Commonwealth Games because if we were not able to compete in our own right, it would be highly unlikely that any of our athletes would be good enough to compete as Australians under the Commonwealth banner

MR SHERIDAN Thank you Mr Speaker a question for the Minister for Immigration, Minister in the past the numbers of the temporary entry permit holders have related directly to the island economic status and as such, has the Minister made any assessment of the island's current permit population as compared to previous years when the economic climate was considered to be good

MR NOBBS Thank you Mr Speaker and thank you Mr Sheridan for the question. I have actually been carrying out that review and I just so happen to have a pit of paper with me at the moment which is the result of the usual weekly numbers being sent through to me from the Immigration Department and what I usually tend to do is on the receipt of these numbers I look back historically on similar times in preceding years. I'll go through the data and then we'll talk about any implications that come from that. For the week ending 21<sup>st</sup> August this year, residents on island 1030, GEPs on island 144, TEPs 348, other 26, tourists on island 564, total persons on Norfolk Island 2412. In the printout that I made this morning of the same time last year, what we see, and rather than read through the figures that don't interlock I'll give you the comparisons, the GEPs on island were 144, last year 156; TEPs on island now which as you pointed out is an economic indicator for us as at the 21<sup>st</sup> of this month, 348, last year 352; other one of interest I would imagine to people in the tourist trade are tourists on island this year is 564 and similar time last year 660. basically the TEP numbers are reasonably comparable given that we've gone through 12 months really of an effected time as a result of global financial crisis. I think the TEP system still stands Norfolk Island in good stead as a buffer to economic impacts that effect the employment and the employment of long term residents on the island as well as providing opportunities for short term employment on the island

MR SHERIDAN Thank you Mr Speaker a supplementary question for the Chief Minister, Chief Minister as you indicated I did have a question here to ask how many TEP's currently on the island and there are 348 as of last Friday. Chief Minister are children and non working spouses included in these permit numbers and if so, how many of these numbers relate to children and non working spouses

MR NOBBS Thank you Mr Speaker I don't have the full break down on those numbers but I can certainly prepare them for the next meeting to give you full detail on that

MR SHERIDAN Thank you Mr Speaker I have another question for the Minister for Immigration so I'll stick with that at the moment. Minister will you be making a statement in relation to a recent court case as reported in the Norfolk Islander involving a Miss Gloria G in the Tourist Bureau which raised issues relating to Immigration

MR NOBBS Thank you Mr Speaker I think as we have had pointed out in several instances within the House I'm not at liberty to make legal derivations of anything in my capacity when answering questions but I'll take your question on notice and see if there is any reason for preparing a question on that

MR SHERIDAN Thank you Mr Speaker a supplementary question, Chief Minister I don't believe I was asking for a legal opinion, I was just asking that there were certain issues raised in the report with regard to the way the person was employed outside the Immigration guidelines and as such I was really asking you about those issues relating to Immigration I really want to get down to whether you intend to address the issues that were raised in that article in the paper on the weekend

MR NOBBS Certainly if they raise issues which relate to management or failure of the system to manage permits and Immigration on the island then I will certainly address them

MR BRENDON CHRISTIAN Thank you Mr Speaker, I have a question for the Chief Minister. Minister how is the formation of the taxation taskforce progressing and when can we expect this team to commence proceedings

MR NOBBS Thank you Mr Speaker I've actually prepared a full statement on our intergovernmental communications which answers that question so if you can wait until the presentation of statements it looks at that and a number of other issues including the trans Tasman connection

MR BRENDON CHRISTIAN Thank you, that would be good

MR SHERIDAN Thank you Mr Speaker a question for the Minister for Education, Minister what is the number of children currently enrolled at the Norfolk Island Central School

MRS JACK Thank you Mr Speaker I understand that it is approximately 302

MR SHERIDAN Thank you Mr Speaker a supplementary question, Minister how many of these children enrolled at the school are attached to people who are on Norfolk Island by the permit Immigration system whether it be a temporary entry permit or general entry permit

MRS JACK Thank you Mr Speaker I wouldn't have a clue. The Education Act states that children here over a certain age and up to 15 I think it is, must be educated if they are living on Norfolk Island, we must educate them and so when people are coming in say as TEPs the Immigration Officer will see if the school has the ability, if the TEP's have children, if the school has the ability to take them into the classes that they need to go into and so if they are out of space but I wouldn't have a clue on how many TEP children we have there or TEP children at the school

MR SHERIDAN Thank you Mr Speaker a supplementary question for the Minister, Minister is the number of children at the school placing constraints on the ability of the school and the staff to provide the level of education required by the Department of Education

MRS JACK No Mr Speaker my understanding and I've spoken of this to the headmaster because of comments made to me or from Members in the community is that no, education is well in hand at the Norfolk Island Central School

MR SHERIDAN Thank you Mr Speaker a supplementary question please for the Minister, Minister are there any issues at the school which has the potential to infect negatively on the ability of the school to provide for the educational needs of local island children and if so, what is being done to rectify such issues

MRS JACK Thank you Mr Speaker I'm unaware of any issues. There are always new issues coming up, for example, now the education on Norfolk Island we are, the Government is recognising that we are having to cater for children with special needs, and so that is a new area in our budget, and it is one given the way children with special needs are being diagnosed, that will be set to increase one assumes and in discussions with the headmaster in his capacity and in other schools where he has taught this has been a factor and so there is that area that can put constraints on us, there's the budget requirements for teaching children with special needs as it increases and their requirements are greater than say for the average child so, but is there anything out there, a possibility, who knows what's out there Mr Speaker but that is one that has been recognised and as a Government we are dealing with it and making provision in our budget for future and ongoing work in this area

MR SHERIDAN Thank you Mr Speaker a final supplementary question there please, Minister as you mentioned the budget there, the monetary implications of education and also taking into consideration the ability for other countries to charge for certain students, would you consider changing the Education Act so that the Norfolk Island Government would have the ability if deemed necessary to charge a fee for the education of non island children, especially foreign nationals

MRS JACK Thank you Mr Speaker it's not something that I'm willing to do because of the repercussions for any different sort of person on the island. Do we then start looking at people whose children may need extra tuition. I mean there's a possibility there to charge for a whole raft of needs for children. Myself, it's not something that I'm prepared to do on my own but if Mr Sheridan wants to bring it to MLA's and we start discussing these issues, I would take it out to the community as a whole but to try and start charging one particular group I think you can start being on a very slippery slope

MR BRENDON CHRISTIAN Thank you Mr Speaker, I have a question for the Minister for Norfolk Air, Minister Norfolk Air has been stated as hemorrhaging over the last few months and will continue to do so until September. Minister could you confirm that the next months bookings have recovered and that Norfolk Air will back on track to being self sufficient

MR N CHRISTIAN Thank you Mr Speaker it would be  
Norfolk's found in economic terms

MR SHERIDAN Thank you Mr Speaker were a result of the review

MR N CHRISTIAN Thank you Mr Speaker I am not aware of any  
adverse effects  
at this stage we have provided relief  
and this proposal in the ability  
world leader

MR SHERIDAN Thank you Mr Speaker Minister are you saying we  
have got it right the first time

MR N CHRISTIAN Thank you Mr Speaker I think we have got it right

MR BRENDON CHRISTIAN Thank you Mr Speaker, just a supplementary  
question to the Minister for social Services, can you give information  
Substantial take at the last Legislative Assembly

MRS JACK Thank you Mr Speaker the legislation that was  
passed by this house at the last

Only one person applied for the GT rebate  
Personally assisted to that person will be put back  
Taken up the need

MR BRENDON CHRISTIAN Thank you Mr Speaker, I have a question for the  
Minister with responsibility for the Liquor Bond. Is the Minister intending to raise the  
pricing policy at the

MR MAGRI Mr Speaker It is proposed not a  
Full details of what I intend to do

MR BRENDON CHRISTIAN Thank you Mr Speaker, Minister is it not

Increase all other alcohol

MR MAGRI Mr Speaker some increases to allow for some discounting.

There'll be real discounts taking place for some products

MRS JACK Thank you Mr Speaker Refer back to Mr Christian  
Hasn't basic refund for assent

MR SHERIDAN Thank you Mr Speaker does the Norfolk Island Government have a Code of conduct H R Policy

MR NOBBS Thank you Mr Speaker  
And the like there is certainly a code of conduct and references to things such as registering pecuniary interest and the like. I would think that in all areas there would be a mandatory code of conduct that forms the principle of how any of those areas operate if they are outside of the HR Policy

MR SHERIDAN Mr Speaker a supplementary question for the Chief Minister. Chief Minister do you then consider it appropriate that a senior Member of the Administration who is working for the Administration on a permit, I don't know ether a TEP or GEP, but has fallen foul of the law you might say and may have in that regard, breached his Immigration requirements, is he still employed by the Government

MR NOBBS Thank you Mr Speaker I'm not at liberty to debate anything like that on individuals at this point in time, but perhaps yourself and I Mr Sheridan can have a discussion after the meeting

MR SHERIDAN Mr Speaker a question to the Minister responsible for KAVHA. Minister have you been able to locate the letter that the then Chair of the KAVHA Board sent to the KAVHA landholders as stated by yourself to this House in March of this year asking the landowners within the KAVHA boundaries who wished to vary their boundaries to make submissions for variations under the Heritage Act 2002

MRS JACK Thank you Mr Speaker. Mr Speaker this is a question that Mr Sheridan raised with Mr Gardner when he was acting in my portfolio during my absence in April and he gave a response to the House in May. Mr Sheridan I don't think was really happy with that one so he also asked that question of me in June so I said to him if he could undertake to come and see me so that we could go into the actual detail because I failed to understand, I couldn't understand the detail of the concerns being raised by Mr Sheridan on behalf of the KAVHA landowner. Mr Sheridan came to see me at five to nine this morning Mr Speaker and I appreciate the fact that he has now clarified what he is wanting. I just need to go through the files again because in making my statement I relied on statements made by previous Ministers as well as a memo that talk of preparations of letters and submissions to the various landholders so, do I have a copy of that letter myself. No I don't. I will undertake to look through those files myself now that I know the exact detail that Mr Sheridan has raised and get back to this House in September Mr Speaker

MR SHERIDAN Thank you Mr Speaker another one for the Minister responsible for KAVHA and it's along the same lines, Minister in the November sitting last year I believe it was you tabled the CMP for KAVHA and indicated that each landowner would be given a copy. I believe that the landowners still have not received a copy of the CMP. Minister is it your intention that each landowner be supplied with a copy of the CMP and if so, could you make it available to them

MRS JACK Thank you Mr Speaker I can undertake that this afternoon

MR BRENDON CHRISTIAN Thank you Mr Speaker, a question to the Minister for Finance. Would the Minister give an update on the status of the long awaited port report

MR N CHRISTIAN Thank you Mr Speaker the port report as I understand it, is about 90% complete. I haven't communicated with the consulting engineers for some time, but over the course of the next week or so I intend to get an update and a date for the presentation of the final report

MR BRENDON CHRISTIAN Thank you Mr Speaker, a supplementary question, Minister can you tell us how much this report has cost the Government to date

MR N CHRISTIAN Thank you Mr Speaker, no I can't say but the reason that I have not placed a high priority on it at the moment, is that obviously construction of the port would require significant assistance from the Australian Government, and we've had indications from various parliamentary enquiries that have come to Norfolk Island that such support could be forthcoming upon presentation of a doable plan, but in the current economic climate when we've not been able to access any financial assistance from the Commonwealth Government I thought it would be pointless in hitting them up for a multi million dollar contribution for a port so that's the reason why I don't rate it as a high priority at the moment but nevertheless, work is still continuing

MR SHERIDAN Mr Speaker another question for the Minister for the Environment. Minister could you detail the follow up plan for this year in the quest to rid Norfolk Island of argentine ants

MRS JACK Thank you Mr Speaker we are undertaking, or my understanding is that officers from within the Administration undertake spot checks under their own steam and also if any landowner in the effected area has any concerns they call up the officer in the Health and Building or the Planning Officer who can detail people out there to check. As for follow up baiting. There is none specified in this financial year. However, if we need to do it again we will have to find the funds and go out to do it

SPEAKER Thank you Mrs Jack. Are there any further Questions Without Notice. No. We move on

## **PRESENTATION OF PAPERS**

Are there any Papers for presentation this morning Honourable Members

MR NOBBS Thank you Mr Speaker. I would like to note and table today the Employment Conciliation Board Annual Report for 2008/2009. Mr Speaker I won't read the entire report but I have highlighted some areas of the report just for the benefit of the listening public or for the Members who may be interested in the performance of the Conciliation Board over the past twelve months, and as I say, some of these quotes are taken from different points in the report which are quite substantial but I quote here where the Board says, "we were determined from the beginning of this new Board that we would ensure that we had systems and methods in place that were compatible with the Employment Act 1988, dealt evenly with all parties to a dispute and would also help create a fair and equitable Employment relationship on the island. This first year of the current Board has we believe, achieved these goals. In the activities for the year regarding a complaints system, the Conciliation Board have established a system of handling complaints that follows S76-77 of the Act. All complaints must be received by the Board in writing either through the Employment Liaison Officer or direct to a Board Member. This complaint must have a brief summary

of the areas of dispute. The Chairman of the Board will then call a meeting of the Board to discuss this complaint and one Member will be appointed to deal with it. The Board has been scrupulous in ensuring that any Board Member with a bias or interest in any party to a dispute is not appointed to deal with it." In other areas of the report Mr Speaker I note some other comments in terms of informal information and advise. Individual Board Members occasionally receive requests for advice or information and are happy to assist people where possible in any informal way, and often have been able to point a person in the right direction to get the information or advise they required. The Board also provided a submission following the exposure draft being put to the House regarding the Employment Amendment Bill and they provided some input into that. With regard to complaints, the Board dealt with five formal complaints during the year. Two were resolved and three were not. Two of the unresolved complaints when to the Tribunal and the Board raises perhaps an interesting question that perhaps they could get copies of the Tribunal hearing following that, so that they could increase their knowledge and also assist those going through that process on the likely outcomes or past outcomes of dealing in similar instances. In conclusion to their report, it reads that "the Board has had a good year and looks like getting into another. We have had one complaint already in July and this matter was settled satisfactorily. We request that regular contact between the Board and the Tribunal be established, and that we come into the loop to receive transcripts of Tribunal hearings. This would greatly assist us in handling complaints because often our greatest successes can come from explaining to the parties what is likely to occur if the complaint is taken further. Finally we would like to thank the Employment Liaison Officer Legal Services Unit and the Employment Minister for the support given". I commend this report and I commend them for their level of effort that the Conciliation Board has put in. It is quite gratifying to see the successes and some of the negotiations that go on to help people sort out Employment issues on Norfolk Island

MR MAGRI Thank you Mr Speaker. Subsection 52B4 of the Road Traffic Act 1982 requires the Road Safety committee to provide an annual report to the executive member on the operation of the Act for the preceding year ending 30<sup>th</sup> June and its effectiveness and make recommendations for change to the Act for the regulations that may make it more effective in regulating road traffic and for the purpose of improving road safety purposes in Norfolk Island. Mr Speaker I table a report dated the 15<sup>th</sup> July 2009 provided by the Registrar of Motor Vehicles on behalf of the Road Safety Committee and move that the paper be noted.

SPEAKER Honourable Members the question is that the paper be noted

MR MAGRI Mr Speaker it's only a short report so I might just read it out for the benefit of the listening public and for their information the committee comprises the Officer in Charge of the Police, the Manager of Works, the Minister responsible for Roads, being myself and the Registrar of Motor Vehicles. A number of persons from the community who are concerned with road safety issues are involved in the workings of the committee. In the last twelve months the committee has met each month and has considered the following amendments to the Act or Regulations which include, legislation to provide for roadside breath testing of drivers and the issue of certificates of approved analysis, and the provision of reduced registration fees for vintage, veteran and historic vehicles; an issue which has also involved the committee include finalisation of the rural addressing scheme; update of the road traffic handbook for learner drivers; increasing the no parking area near the school in Queen Elizabeth Avenue, following up on vehicle registrations and number plates and consideration of the introduction of a P plate legislation. During the year there have been a number of media releases which the committee has supported which continue to promote the safe driving in Norfolk Island particularly through the police radio programme on Thursday afternoon. Mr Speaker I would like to take this opportunity to thank the Members of the committee for their work and diligence in trying to make Norfolk Island a safer place to drive

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

QUESTION PUT  
AGREED

Thank you Honourable Members that paper is so noted

MR N CHRISTIAN Thank you Mr Speaker I table a direction I have given in respect of the Public Moneys Act 1979. Mr Speaker for the benefit of the listening public I will read what the direction is. I Neville Charles Christian, Minister for Finance pursuant to subsection 32(a)(2) of the Public Moneys Act 1979 hereby direct the Finance Manager of the Territory to transfer to the financial year 2009/1010 the amount specified in column 3 of the schedule for the purpose of meeting commitments entered into in the year ending 30 June 2009 in respect of the matters specified in column 2 of the schedule dated this 10<sup>th</sup> day of August 2009. Mr Speaker once again for the benefit of the listening public the total amount that was carried forward from last year to this year was \$26,900 and the expenditure will occur in the following areas: Customs, Human Resources, Education, Courts and Lands and Forestry

MR N CHRISTIAN Thank you Mr Speaker I table the GST quarterly report for the period of April to June 2009. Thank you Mr Speaker in accordance with section 19 of the Goods and Services Tax Act 2007. The Chief Revenue Officer is required to report on the operation of the Act from April to June 2009 quarter and the report is required to come to the Minister for Finance and I am required to table it. Mr Speaker accordingly the Chief Revenue Officer provides the following information. A. This report covers receipts for the months of April to June 2009 as well as amounts paid by NBN holders for the June period but prior to the due date. The following table reflects the figures of payments for the relevant months, but does not reflect the actual monies taken in that month. Those totals are shown in monthly cash received report and Mr Speaker the report actually goes back to the commencement of GST and I will summarise it, but in total, if we look at April 2009 the amount of GST received was \$536,311.63. In may \$434,535.85 and in June which was prior to the collection date of June, the amount collected was \$2095.92. For the financial year ended June 2009 the total GST collected was \$5,732,613.68 and the total amount of GST and NSL collected at the end of June from the commencement of the new taxation system was \$12,790,455.11. Mr Speaker the report goes on to say this, B. The NSL and GST Office is still receiving payments of NSL with payments received for the period 1<sup>st</sup> April to 30<sup>th</sup> June 2009 totalling \$604,129.55 and \$80.99 which was received in this quarter. C. Total revenue. In total staff have collected a net amount of \$13,394,584.66 since the commencement of NSL and subsequent GST legislation. This figure includes GST, NSL received, less credit payments and duty drawback rebates made to NBN holders. \$1,639,753.68 net was collected in this quarter. D. Duty Drawback. As at the 1<sup>st</sup> April 2007 the duty drawback figure was \$2,202,072.65. The amount of duty drawback owing to NBN holders as at the 30<sup>th</sup> June 2009 stood at \$960,281.26. This amounted to a total of \$1,241,791.39 being paid in duty drawback including \$107,727.13 in duty drawback rebates being paid out to NBN holders upon bona fide sale of business since 1st April 2007. \$87,263.52 has been claimed in this quarter. E. GST audits. Spot audits for input tax credits are regularly undertaken by the GST staff. These audits still highlight significant amounts of input tax credits being claimed incorrectly by NBN holders. A higher number of NBN holders will be able to be audited due to the requirement to list all input tax credits as from the lodgement of July 2009 returns. F. GST Review. The review of the GST Act has been completed and passed by the Norfolk Island Legislative Assembly. Mr Wayne Richards from the Legal Services Unit has been of great assistance to the Chief Revenue Officer. The Reviewed Act comes into effect on the 1<sup>st</sup> July 2009. G. Staffing. The GST officer has taken a years leave without pay as from the



end of June 2009 the Administration of Norfolk Island had \$4,796,300 cash at bank. \$967,000 is in non trust type accounts and \$3,829,300 is held in trust type accounts including \$2,444,600 in forward airline ticket sales.

I will speak in detail in respect of Norfolk Air. The 08/09 financial year was an incredibly difficult period for Norfolk Air and at times the challenges facing the airline were almost insurmountable and just as one issue was resolved another would emerge to test us once again. Norfolk Air commenced the 08/09 financial year with almost \$800,000 in the bank and at the end of the year almost \$3,636,400 in the red which thankfully reduced to \$2,841,600 after allowing for the \$800,000 accumulated profit in previous years. The challenge that I have mentioned include such things as the global financial crisis, rapidly declining visitor numbers, escalating jet fuel prices, the collapse of Ozjet, the loss of the \$800,000 bond paid to Ozjet, the loss of approximately \$400,000 in Qantas ticket sales that was paid to the Administrators of Ozjet, the need to ramp up replacement air service providers months earlier than planned, the fact that major airlines were ceasing to provide ground handling and passenger processing services to smaller airlines which of course forced smaller carriers like Norfolk Air to provide their own dispatch control systems at the Australian gateways, the need to train staff in the common use of terminal equipment installed and owned by the individual airports as major airlines moved away from hosting smaller carriers within their IT systems, the need for the web based reservations systems used by small carriers like Norfolk Air to be able to communicate with the more sophisticated global reservations systems used by larger airlines or lose the ability to co share with them, the universal move to e tickets and eventual phasing out of paper tickets, and Mr Speaker they are just some of the challenges that have faced Norfolk Air over the previous twelve months. Norfolk Air's total income for the month of June was \$1,245,100 and operating expenses were \$1,481,100 which result in a shortfall of \$236,000 for the month. The financial indicators contain a shortfall of \$1,684,800 for the month and this is because a number of expenses, not all related to the month of June 2009 have been brought to account in that month. The expenses are \$1,399,300 in doubtful debt and this relates to the \$800,000 previously paid to Ozjet and the proceeds of Qantas ticket sales that were paid to the Administrator of Ozjet rather than Norfolk Air, bad debts totalling \$500 and \$49,000 for advertising and promotion. For the full year income totaled \$18,628,700 and expenditure totaled \$21,845,000 which results in a loss for the year of \$3,636,400 and a net position since the 06/07 financial year of a loss of \$2,841,600. In addition to the bad and doubtful debt amounts that have been brought to account in the 08/09 financial year one must also take into consideration the fact that Norfolk Air paid out more than \$1.5m in additional fuel costs over the course of that year. On previous occasions I have explained the reason for the loss of the \$800,000 bond previously paid to Ozjet and I will now explain the loss of approximately \$400,000 in Qantas ticket sales. Prior to Ozjet commencing to provide air services on behalf of Norfolk Air a co share agreement already existed between Ozjet and Qantas. Norfolk Air was not a party to the agreement nor was Norfolk Air aware of the content of that agreement. The co share agreement provided for all ticket revenues from the sale of Qantas tickets on services provided by Norfolk Air to be paid to Ozjet. The co share agreement also enabled Qantas to deduct from payments due to Ozjet for tickets on services provided by Norfolk Air any amount owed by Ozjet to Qantas and Qantas has exercised its right. Although the co share agreement required Qantas to pay monies owed to Norfolk Air to Ozjet the payments were actually always made direct to Norfolk Air. This arrangement changed once an Administrator was appointed to Ozjet. The Administrator realised the co share agreement was a valuable asset and served notice on Qantas that future payments that were due up to the change of air service providers to Our Airline should be paid directly by Qantas to Ozjet. Contractually Qantas was bound to do so and did so to Norfolk Air's detriment. As Norfolk Air had already paid Ozjet in advance of the provision of air services on a weekly basis. Norfolk Air and the Administration had sought legal advice from two external sources about the prospect of recovering the funds from the Administrator of Ozjet and the advice was that although we were morally and commercially entitled to the monies, our legal case was weak and not likely to succeed.

The estimated cost of litigation was in the order of \$200,000 and the Norfolk Island Government as owners of Norfolk Air decided not to proceed. Thank you

MR SHERIDAN Mr Speaker and move that the paper be noted

SPEAKER Honourable Members the question is that the paper be noted. Debate Mr Sheridan

MR SHERIDAN Thank you Mr Speaker just a question there for the Minister when he refers to the monies that since Ozjet went to the wall and the monies owed to Norfolk Air is there any likelihood that, that money will be recovered through the Administrators

MR N CHRISTIAN Thank you Mr Speaker it is very likely. We are in the ridiculous situation where we will be entitled to receive a fraction of what is morally ours so if the final dividend paid to the unsecured creditors is for instance five cents in the dollar, we will get five cents in the dollar with all the other creditors. The distribution notice was meant to have been prepared and circulated by the Administrator I think by the 31<sup>st</sup> July and to date that has not happened and I don't know why at this stage and I'll wait on the Legal Services Unit to provide me with an update

MR SHERIDAN Thank you Mr Speaker also Minister I make note of the doubtful debt of \$800,000 which was a bond. What efforts have been made to recoup that \$800,000. Would it be worthwhile going through the courts to try and reclaim that back

MR N CHRISTIAN Thank you Mr Speaker probably not. I will once again outline the history of the \$800,000 bond. Early in the life of Ozjet providing services to Norfolk Island they were facing a situation where they had an aircraft that was used to provide air services to Norfolk Island due to come out of heavy maintenance. They were unable to pay the maintenance bill and the maintenance provider would not release the aircraft until the account was paid. As we were faced with not having an air service linking Norfolk Island to the mainland, the Norfolk Island Government agreed to a request from Ozjet for financial assistance. That financial assistance amounted to \$800,000 and was paid to them to allow them to get their aircraft back from the maintenance provider. The intention was that the five year contract would be served in total between Ozjet and the Administration and the last two and a half to three weeks of flying at the end of the period would be done for free by Ozjet and allow the Administration to in effect redeem the \$800,000. That was all very good and in response to answers that I've given to questions in the past I think it was Mike Hehir wrote a letter to the Norfolk Islander stating that the Norfolk Island Government was remiss, the Minister should get the boot, meaning me, for entering into such an agreement without having a bank guarantee in place. Well the situation is this, Ozjet was a privately owned venture. It wasn't a public listed company. It had very little overdraft facility. Any overdraft facility issued by a bank would be unsecured by personal guarantees or securities held over assets held by the owners of the business, in this case, Paul Stoddard, and he did not wish his exposure courtesy of Ozjet to any bank to be increased so Ozjet was left in a situation where it couldn't increase its existing overdraft, it could not go to shareholders and raise capital and Norfolk Air was faced with the situation where we had an aircraft service provider with no aircraft and therefore no visitors to the island so I stand by the decision that we took at the time, it was the correct decision to make and in fact it was the only decision we could make. Now when we talk about the \$800,000 we need to bear in mind that over the quiet winter period twelve months ago we actually extracted from Ozjet \$375,000 of discounts in providing the air service in exchange for us agreeing to keep the schedule intact and not to reduce the utilisation of the air craft so one could argue that we have in fact got half of the \$800,000 back by way of a discount but I won't dwell on that. Now we did have security in respect of the \$800,000 and Mr Stoddard offered security by way of a British company that he

operated called European Air Charters or something like that and a Dunn and Bradstreet search of the company indicated that they were good for the sort of exposure that we would have and their guarantee was suitably prepared and executed however, on the 2<sup>nd</sup> December 2008 that company that had given the guarantee went into voluntary Administration in the UK and the ability to call up the guarantee basically evaporated. In January 2009, Geoff Murdoch, the Chief Executive Officer of Norfolk Air and myself met with Paul Stoddard in Melbourne Australia to try and convince Mr Stoddard that he should personally honour the guarantee and make good the money and Mr Stoddard declined to do so. So basically the position is that any attempt in my view to recover the \$800,000 would just be throwing good money after bad and is one that is not likely to succeed and so we have taken the difficult step to bring this to account at the end of the 08/09 financial year as a bad debt and we will just have to live with it and move xx on

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

QUESTION PUT  
AGREED

Thank you Honourable Members that paper is so noted

MR BRENDON CHRISTIAN Thank you Mr Speaker, Is Norfolk Air did to pay any  
of Ozjet debt

MR N CHRISTIAN Thank you Mr Speaker not after the collapse but  
prior

MR MAGRI Mr Speaker

MR N CHRISTIAN Thank you Mr Speaker

SPEAKER Any further Papers for presentation Honourable  
Members

**STATEMENTS OF AN OFFICIAL NATURE**

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

**MR NOBBS**  
**relationships with Australia**

**Thank you Mr Speaker Legislative and financial**

Mr Speaker, I wish to provide Members and the community with a brief update on our ongoing discussions with the Commonwealth on our legislative and financial relationships in the overall context of governance. Last month, in the company of the Minister for Finance and the Minister for Tourism and Health, I met in Melbourne with the new Minister for Home Affairs, the Hon Brendan O'Connor MP. I have already provided the House with a summary of our discussions at that time. Since then, I have written to Minister O'Connor several times to follow up on issues raised at our meeting. The Minister had expressed an interest in our suggestion to reformulate a joint Commonwealth/Norfolk Island task force to consider a range of issues relating to revenue measures and the financial relationship between our two jurisdictions. Following consultations with Members, a letter was written to Minister O'Connor on 12 August proposing terms of reference for that task force. Key tasks which we proposed for the task force included that it should:

- Research available data and if necessary develop additional data to evaluate existing revenue measures in Norfolk Island and recommend additional revenue measures, including revised financial arrangements between Norfolk Island and the Commonwealth.
- Evaluate relevant data, including KPMG/Econtech's three econometric studies (2006, 2008, 2009) and address any revenue or policy measures suggested in the Econtech reports.
- Evaluate the 2006 Centre for International Economics report on "potentially negative effects" (as stipulated in the terms of reference) of extending Commonwealth taxes to Norfolk Island. If this report remains unavailable, the Task Force should consider whether the Commonwealth should commission a similar study to guide policy decisions on possible revenue options.
- Make recommendations on Norfolk Island Government financial management issues, including financial structure, budget planning and management.
- Review and make recommendations as necessary on charges, asset sales, expenditure reduction, privatisation, greater Commonwealth contributions, forward economic planning and options for infrastructure/asset maintenance and replacement.
- Review Norfolk Island economic indicators and consider the incorporation of Norfolk Island data into Australian Bureau of Statistics economic data collection and analysis to assist in future revenue planning – for example, conduct of ABS household expenditure or business surveys.

I table a copy of the full document for the information of the House. These proposed terms of reference will be discussed at our next intergovernment meeting. I also wrote to Minister O'Connor in July, setting out 24 policy and administrative areas where the Norfolk Island Government has taken all the action it can to progress agreed initiatives, but where Commonwealth action is necessary for progress to be achieved. In some of these areas, we have been waiting months or even years for the Commonwealth to take these actions, and in others the Commonwealth has announced policy changes but not yet briefed us on their implications for Norfolk Island. Mr Speaker, there are too many areas where we await Commonwealth responses for me to list them all. But a few examples will illustrate the scope of the issues involved and the frustrating delays which are preventing us from fully implementing some of the reforms which have been agreed at our ministerial discussions. One example is the second stage of the Norfolk Island Land Initiative, involving the freeholding of crown leases. The Commonwealth proposed to proceed on a schedule of some 30 properties in August 2007 and we provided

comments with our agreement to the process proceeding within a month of the Commonwealth's offer. Despite numerous contacts by us since, this matter has not been progressed in Canberra, with the most recent response being that the Commonwealth "...hope to provide you with a definitive response on this matter in the coming months". Another frustrating delay relates to the implementation of the agreement between our two jurisdictions that the Commonwealth Ombudsman will be appointed to oversight our established administrative complaints system and to investigate serious or intractable matters. We have taken all the steps available to us, and now await action by the Commonwealth to make some quite simple amendments to federal legislation to facilitate the operation of the ombudsman in Norfolk Island. Latest advice from the Attorney-General's Department is that the Commonwealth may not act on this until the second half of next year. Other issues still awaiting action from the Commonwealth include the action taken by Canberra to prevent MBF policy holders from claiming for medical expenses incurred in Norfolk Island; implementation of the agreement to coordinate software and procedures to ensure consistent and effective border security measures; responses to three applications for infrastructure funding following the (then) federal Minister's invitation to apply; clarification of the effects of the Coral Sea Conservation Zone on local fishers and tour operators; confirmation of legal aid arrangements for 2009/10 and release of the consultancy report on the management of KAVHA. The Minister for Home Affairs has advised that he is awaiting briefings from his Department on these and the other matters included in the list of 24 issues I supplied to him four weeks ago. When those briefings have been received, he will meet with me again in Australia to discuss how to move forward on the many transparency, accountability and administrative review measures upon which we have already agreed. I am pressing the Minister to hold our next meeting as soon as possible. Mr Speaker, since April 2009 we have been in contact with senior management of the Department of Infrastructure, Transport, Regional Development and Local Government, registering Norfolk Island's interest in the intergovernment discussions on trans-Tasman air services. Members may have seen the joint announcement last week by the Prime Ministers of New Zealand and Australia that they plan to introduce streamlined border security and quarantine arrangements as a first step towards an "open skies" policy under which Australia/New Zealand air services will essentially be treated similarly to domestic flights. This would be of major benefit to Norfolk Island, since we are a port of entry to Australia from New Zealand. Naturally, we would also benefit from streamlined procedures on our routes to and from Australian airports, and I have written to the Australian Minister for Infrastructure, Transport, Regional Development and Local Government, seeking to move forward in our discussions to be part of any trans-Tasman open skies arrangements. I will keep Members and the community informed on progress on these important issues. Mr Speaker, we are now more than twelve months into the most severe global economic crisis since the great depression, which has caused substantial damage to our tourism industry and thus to Norfolk Island Government revenues. We have carefully managed public finances through this time without external assistance, and have now received confirmation from KPMG Econtech that the measures we have taken have been effective and that we are on track toward our goal to move to a financially sustainable position in the near future. In relation to the financial relationship between Norfolk Island and the Commonwealth, there has been considerable progress in officer-level discussions which lead me to be quite optimistic that we are moving toward a sounder long-term fiscal relationship between our two jurisdictions. The Chief Executive Officer of the Administration has held productive discussions with senior officers of the Department of Finance and Deregulation covering a broad range of issues to do with short-term stimulus funding, arrangements for airport loan repayments, refinancing of the fire tenders and longer-term budget contributions from the Commonwealth toward the cost of providing services in Norfolk Island. I understand that the CEO has provided a, large amount of financial information to the Commonwealth and has invited senior officials to visit Norfolk Island to further these discussions. I understand that the Australian Minister for Finance and Deregulation will also shortly be writing to our Minister for Finance with details of the Commonwealth's position. Overall, Mr Speaker, our relationship with the Commonwealth continues to

mature and strengthen. While we are sometimes frustrated by the delays involved in dealing with the huge bureaucracies in Canberra, real progress can be made on legislative and financial reform, and I intend to maintain the momentum through my continuing series of meetings with the Minister for Home Affairs. Thank you, Mr Speaker

MR MAGRI

Mr Speaker, Members will be aware that in 2006 the highly respected econometric modelling firm Econtech produced the first comprehensive model of the entire Norfolk Island economy. Their report considered all aspects of the Norfolk Island Government's revenues and expenditures, including commitments for recurrent programmes, capital expenditure and depreciation. Econtech then costed a number of scenarios to assist the government with its forward economic planning and policy formulation. The major areas against which its assumptions were tested were revenues arising from various levels of tourist arrivals and options for changes in taxes. That report indicated the way forward in ensuring ongoing economic sustainability in Norfolk Island, and was influential in the outcome of the Commonwealth's considerations relating to Norfolk Island governance. Last year, we asked Econtech to update its modelling based on the data then available arising from the policy settings which had been guided by the 2006 report. That report was received in February 2008, and its conclusions were influential in preparing the 2008/09 budget and capital expenditure programme. Mr Speaker, we are all aware that since the time of the 2008 Econtech report, there has been a global financial crisis, with consequent severe effects on Norfolk Island visitor arrivals and losses of public revenues from passenger departure fees and aircraft movement charges. Given the large changes to the external economic environment and their fiscal impacts in Norfolk Island, the government decided to commission a further update to the Econtech modelling to help us assess the best settings for economic policy in 2009/10 and beyond. Mr Speaker, since the time of their 2008 study, Econtech has merged with the large consulting and accounting firm KPMG, so we approached KPMG Econtech to undertake the further analysis, based on the actual Administration financial data from 2008/09 and the changes we introduced in this year's budget, including an increase in the Goods and Services Tax from 9% to 12%. Mr Speaker, I am pleased to advise that the latest KPMG Econtech report was received this week. I have distributed copies to all Members, and will arrange for it to be uploaded to the government website. In a message accompanying the report, KPMG Econtech stated that "...we have completed the Norfolk Island Government Financial Position Update for 2009. The report shows that despite the decline in tourist numbers this last year, Norfolk Island Government appears on track in its goal to move to a financially sustainable position in the near future". KPMG Econtech again emphasised that it based its findings on an economy-wide model, including the 11 industry groups identified by the Australian Bureau of Statistics and taking account of all Norfolk Island taxes and charges. It carefully measured the impact of the decline in visitor arrival numbers and consequent expenditure, then identified the overall financial position of Norfolk Island Government for current and future financial years. KPMG Econtech then identified forward investment needs to cover depreciation, renewal of infrastructure and additional infrastructure to allow for economic growth. Having completed this analysis, KPMG Econtech then modelled two scenarios for policy settings.

These were:

- A "baseline" scenario founded on the actual tourist arrival numbers from 2008/09 of around 29,000 visitors with no growth in the 2009/10 year but a recovery within two further years to the levels achieved in 2007/08 of around 35,000 visitors.
- A "high tourism recovery" model which was based on visitor numbers reaching 32,000 in 2009/10 and then growth of 5% per annum for the next two years.

Mr Speaker, the results of the modelling on both scenarios give cause for careful optimism about our economic future. The conclusions of KPMG Econtech were that under the quite pessimistic "baseline" scenario, the Government can expect "...to have a Net Operating Cash Flow in 2009/10 of around \$3.4 million. This result is higher than the 2008/09 estimate by around \$1.1 million. This improvement on the 2008/09 position is largely attributable to the increased GST revenue." For the more optimistic higher

tourism recovery scenario, KPMG Econtech predicts that this net surplus of recurrent income over expenditure would increase to \$4.2 million in 2009/10. Mr Speaker, the report does highlight the need for us to maintain careful financial management, in what is an extremely challenging economic environment. KPMG Econtech reports that if we meet all of the Island's ongoing investment needs and set aside sufficient funds to cover depreciation, we could face a projected deficit of between \$500,000 and \$1.3 million in this financial year if tourist numbers fail to improve. But the report goes on to say "...once tourist numbers pick up, the shortfall is expected to moderate, with an average annual shortfall of around \$0.1 million estimated over the next three years to 2011/12 (under the Baseline scenario). This is an improvement on the 2008 results, indicating the NIG is progressing well towards the goal of a financially sustainable position." The report concludes that "...if tourist numbers recover more quickly, the modelling shows that it is likely that the Norfolk Island Government would be able to meet its future investment needs. More specifically, with higher visitor numbers, it is estimated that the NIG could achieve a modest average annual surplus (of around \$0.3 million) over the next three years to 2011/12." Mr Speaker, I believe that the econometric modellers at KPMG Econtech have again produced an excellent report from their 2009 study. The projections they have supplied will help all Members in assessing the economic options open to us and in deciding on the appropriate policy settings for the next three years. I commend this report to all Members and to the broader community. It indicates that our current budget strategy is sound and that there is cause for cautious optimism about the future financial sustainability of Norfolk Island. Thank you, Mr Speaker.

MR NOBBS

Thank you Mr Speaker could I move that the paper

be noted

SPEAKER

Honourable Members the question is that the paper be noted and I invite debate. Chief Minister

MR NOBBS

Thank you Mr Speaker it is a corner stone or a foundation of what we are moving towards in terms of our longer term planning and our rationalised management of what we expect in a real term of tourism numbers looking forward to Norfolk Island over the next particularly, the next financial year and it is good to have as I said at the start, a professional accounting analysis of how we are operating by those in the field of economics and econometric modelling, particularly given that KPMG Econtech are very well respected in the industry and have undertaken on a I imagine, warts and all whether it was good or bad news type scenario for us, which is precisely the information we need and its precisely the information that the community of Norfolk Island needs and I welcome the Minister tabling it and further to it being available publicly. One question I did have, having only recently started reading the report but perhaps Minister Magri could advice me whether the figures within that study also reflected anything that is estimated to occur with regard to cruise ship passengers

MR MAGRI

Mr Speaker there has been as far as I'm aware, no estimates in relation to cruise ship passengers included in these figures so I think cruise ship passengers has a potential for a significant upside from these baseline figures

SPEAKER

Thank you. Further debate Honourable Members. There being no further debate, the question is that Minister Magri's statement be noted and I put that question

QUESTION PUT  
AGREED

Thank you. The statement is noted. Any further Statements Honourable Members. No. We move on

**MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 34**

**SPEAKER** Honourable Members, I have received the following Message from the Office of the Administrator and it is Message No 34 which reads that on the 11<sup>th</sup> August 2009, pursuant to section 21 of the Norfolk Island Act 1979 I reserved the following proposed law, the Public Reserves (Amendment) Bill 2009 for the pleasure of the Governor-General and that message was dated the 11<sup>th</sup> August 2009 and signed Owen Walsh, Administrator

**REPORTS OF STANDING COMMITTEES**

Are there any Reports of Standing Committees. No. We move on

**NOTICES****CUSTOMS ACT 1913 - EXEMPTION FROM PAYMENT OF CUSTOMS DUTY**

**MR CHRISTIAN** Mr Speaker, I move that, under subsection 2B(4) of the Customs Act 1913, this House recommends to the Administrator that the goods specified in the first column of the Schedule imported by the person specified opposite, and on the conditions mentioned, in the second column of the Schedule be exempted from duty and Mr Speaker Column 1 identifies the goods as Uniforms and the amount of duty applicable is \$381.13 and Column 2 the importer as St Johns Ambulance of Norfolk Island and the conditions are nil. Secondly there are Fishermen's Crane Equipment and the amount of duty payable would have been \$263.43. It was imported by the Norfolk Island Fishing Club and the conditions are that it is to be used on Fishermen's Cranes at Kingston and Cascade and thirdly there is a Mobility Scooter. The amount of duty payable would have been \$229.50 and it was imported to assist an aged citizen in Norfolk Island to maintain mobility and the conditions are that it is for private use only and not for resale. Thank you

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

QUESTION PUT  
AGREED

The motion is agreed

**PROTECTION OF MOVABLE CULTURAL HERITAGE ACT 1987 – RE-APPOINTMENT AND APPOINTMENT OF MEMBERS**

**MR NOBBS** Thank you Mr Speaker I move that in accordance with section 9 of the Protection of Movable Cultural Heritage Act 1987, this House recommends to the executive member that Beryl Phyllis Evans; Neil Alexander Tavener, and Eve Semple be re-appointed as members of the Norfolk Island Cultural Heritage Committee for the period 26 August 2009 to 25 August 2013 and that, Rhonda Griffith be appointed as a member of the Norfolk Island Cultural Heritage Committee for the period 26 August 2009 to 25 August 2013. Mr Speaker if I could just say a few words, first and foremost to thank those existing Members who are reaffirming their positions on the committee and to thank them for their efforts and also to welcome the new Member Rhonda Griffith and to thank her for committing to work with the group on the Protection of Movable Cultural Heritage in regards to Norfolk Island. Some weeks ago I had some discussions and also looked at the data in relation to this Act and not only the protection of movable cultural heritage but also the recognition of the protection of intellectual property. Just to give Members of the community some idea of the function of the committee as it stands, the functions of this committee are to give advise to the

executive member either of its own volition or on the request made to by the executive member in relation to the examination of proposed regulations so far as they relate to the controllers, the applications for certificates in relation to the export of class a objects and for applications for permits in relation to the export of class b objects. In my reading through the Act there is to be a control list that forms part of regulations to assist both the Members of the committee and myself in terms of protecting movable cultural heritage and there appears to be some work to be done in this area so I have already pre-empted to some of the Membership of the reconstituted committee that I would like them to look at the Act and its relevance to the protection of our movable cultural heritage on Norfolk Island and I would also like them to review our protection and recognition of our intellectual property. Additionally there are some artefacts that were temporarily exported some many many years ago into different areas that perhaps we would now do well to know where they are and if they were returned and what condition they may be in and things like that, so I welcome the Members of the committee and I certainly hope that we can get some information as to the relevance of this legislation and also where some of that cultural heritage may have found itself over the years

MR N CHRISTIAN Thank you Mr Speaker I welcome the appointment of the new committee Members but I just wonder whether the Chief Minister can shed some light on the aspects of the operation of this Act as the Act has been in existence since 1987 and I just wonder whether the Minister could tell us on how many occasions during those years, the committee has met

MR NOBBS Thank you Mr Speaker on that note my research which has possibly only skinned the surface so far indicates that the committee may not have met for somewhere around possibly four years, so there is an intention on my part to see that there is a reason to meet and also a reason to report back to us on exactly how relevant this Act is to Norfolk Island and how we can not only better improve it but also discuss and have recommendations as regards intellectual property and in that regard, I'm not merely looking to protecting intellectual property or recognise it, but I'm also looking to help us understand the value of objects of cultural heritage and intellectual property

SPEAKER Thank you Chief Minister. Honourable Members is there any further debate. Then I put the question that the motion be agreed to

QUESTION PUT  
AGREED

The motion is agreed Honourable Members

## **ORDERS OF THE DAY**

### **CHILD WELFARE BILL 2009**

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 introduced this bill into the house at the June 17<sup>th</sup> sitting and informed the community of the process that I had undertaken in order to present the Bill to the House. The submissions, the drafts that I had sent out to various working groups within the community as well as Mrs Barbara Hillsborough who is a current child's advocate in Australia and a former judge in the New South Wales court system and so I think judge was too strong a word or too high a level there, magistrate, within the New South Wales system and she gave some extremely good and capable input back to the committee and back to the officer, Mr Iky Bataille and myself. So here we are and its here for its presentation for the final stages today and I just take this time to say once again, that this 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 the United Nations Conventions on the welfare of children and that this Bill contains legislation to protect some of the most vulnerable in our community and I look forward to any comments that my colleagues may have. Thank you

MR SHERIDAN Thank you Mr Speaker this Bill is a very substantial Bill and as the Minister has stated its going to replace a couple of other acts that are currently in force and one of the pleasing things to see here and as the Minister has referred to, is that the basic principle of this act is that the best interest of the child or young person shall be paramount in all considerations under the best interest principles and for that I'm very glad because if we can't look after our young people here on Norfolk Island for their best interest, not our best interest, but their best interest then we are going down the wrong path but it is a very substantial document there and I just looked through it and I'm wondering if the Minister could refer to, it won't change the Act at all I believe, but in paragraph 183 down to paragraph 8 and 9 this deals with rules for the conduct of a personal search of these young people and in paragraph 7 there it talks of a person with transgender or inter sex person, that the young person might require a personal search to be conducted by either a male or a female and then 8 and 9 states that if a search is required by a male the child or young person is taken for their sex to be a male and then 9 says the identical but female. I just wonder if those two sections should relate to paragraph 7 otherwise – I believe that's what they refer to is paragraph 7 and not taken in the context as a whole. You wouldn't want a young person of a female sex, which is obviously female requesting that a male person do the search. It's just one for you to ponder on Minister and you might have to do something about it later, and just also in paragraph 174 subsection 4 paragraph b it says "law means a law of the state or territory" should that say of Australia because paragraph c says a law of New Zealand and I'm wondering whether or not you could get confused that it refers to any state or territory. It's just a couple of things that I've picked up in my reading of it and I've got nothing else really to say

MRS JACK Thank you Mr Speaker I take Mr Sheridan's points on the transgender issue as I believe they are covered appropriately but I'll take it up with Legal and I appreciate his comments and as for a state or territory, there is an aspect in here, I just can't lay my hands on it straight away, where it refers to a law of a state or territory and means Australia and there are several states where we have participating rights for example we have participating rights with the state of New South Wales under this act and we have participating rights with New Zealand under this act so for example if a child needed protection and there was no family here say for example, there may well be TEP's, and there was no immediate family here, now what is the term, protection orders could be given for that child to be sent to a family in the state of New South Wales or into New Zealand but there is a place in here that it is referred to and this all refers to Australian states and territories and those participating states may well increase over time

SPEAKER Thank you Minister Jack. 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 Mrs Jack

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

SPEAKER Thank you Mrs Jack. 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**

SPEAKER Honourable Members we resume debate on the question that the Bill the Plant And Fruit Diseases (Amendment) Bill 2008 be agreed to in principle and Mrs Jack you have the call to resume

MRS JACK Thank you Mr Speaker a long time getting to this stage and one that sees on the programme today a detail stage amendment proposed to the Bill that was put before this House late last year and so if I can go on to talk about that detail stage amendment and putting it into context is that while originally Members asked me to bring a Bill to this House just dealing with the importation of apples, there was some slowness on the part for me to get anywhere with the Administration on dealing with the importation of apples so I brought matters to a head by including everything under the definition of fruit,. That created a fair bit of comment in the community I think it is fair to say and so when I brought once again the Bill to the House with the term fruits the request came from Members in this forum to take it back to apples and the detail stage amendment does that. It also introduces the aspect of garlic and ginger which currently have no law aspect for importation and just came in under the radar for a number of years and so this is just putting a legal aspect on the importation to garlic and ginger as well as including fruit, namely apples so the detail stage amendment changes that are proposed is that the first aspect is that the title of the Bill in clause 1 be amended to change the year from 2008 to 2009 and in the schedule that came to Members in the original Bill in 10<sup>th</sup> 12<sup>th</sup> 2008 that under item 1, the proposed amendment to subsection 13(1) be deleted and to also delete the words any of the following fruits namely and substitute into 13(1) any garlic, ginger, apples,. The Bill that was before the House on the 10<sup>th</sup> 12<sup>th</sup> the detail stage amendment proposes to delete item 2 and item 3. On item 4 which refers to subsection Item 4 which refers to Subsection 13(2A) of the principle act the words are to delete proposed amendment and substitute following the word "being", where first occurring, insert "garlic, ginger, apples, ". Item 5 of the Bill that dealt with Subsection 13(3) the detail stage amendment is to delete proposed amendment and substitute following the words "other than", insert "garlic, ginger, apples, ". Item 6 is a new Subsection and that would be amended in two ways by (a) for "fruit" substitute "apples" and (b) delete all words following "Australia" and substitute "and in accordance with Regulations.". The remainder of the Bill would stay the same so we have had a long journey to get to this place. We've adapted and adapted as required by the House and calls from the community but now I would like comment from my colleagues on their views here because it is my intention to deal with this to finality today one way or the other and so yes, I would like to seek Members comments please. Thank you

MR MAGRI Mr Speaker thank you. I'm not sure how the Minister will see my comments, but I've got to say that I'm not voting in favour of it so I need to try and explain why. Also I probably need to thank the Minister for bringing this subject to the House for discussion because I think the discussion has been extremely helpful and I think you only have to go to the Growers Markets that are going now on Saturday mornings to realise the benefits of having a debate like this and realising that probably a lot of our problems in relation to fruit and vegetables on Norfolk Island are not necessarily about our ability to grow those here, but about our ability to bring those things to market so I applaud the people and the organisers of the Saturday morning Growers Market but the main reason that I'm not going to be supporting this is that in

relation to a growing body of evidence in relation to what is nutritional and what is not, and that is that there is evidence growing that your body doesn't necessarily need fruit all year round to sustain itself. In actual fact some of the evidence out now suggests that eating fruit and reasonable amounts of fruit is healthy, but when those particular fruits are in season, so for example it might be stone fruit in December, and oranges in winter or whatever, the season might be, and I think Norfolk Island of all the places probably on the planet is in an ideal place to be able to sustain itself from within the island without the need to import anything. I mean, I've travelled extensively around the world and I don't know whether there are too many places with Norfolk Island's geography and climate and rich volcanic soils and bountiful oceans that give us the ability to be able to probably be the only place that can actually sustain itself without the need to import these items. I seriously question the health aspects of eating some of these imported fruit including the potatoes and the ginger and the garlic, and stuff that we've been eating for a few years. I don't believe that they are necessarily, or the environment that they've been grown in, and the way that they've been treated, I don't think necessarily has any health benefit at all or definitely no identified health benefit so I probably think I'm in the minority here, I'm not going to be supporting it and I'd really love this Government to change its attitude towards well, I don't know, that's probably unfair, not change its attitude towards but increase its focus on Norfolk Island becoming sustainable without the need to import anything

MRS JACK

Thank you Mr Speaker I take on board what Mr Magri said and I think you'll find it heartening to note that earlier this year when this Bill came to the House and the fruit was asked to be changed back to apples that shortly after that the Members of the Growers Coop or a fellow representing several growers on the island approached me to see about beginning protocols for the importation of apples, pears and stone fruits. The apples protocols arrived by computer yesterday. I'm going through it. It's going to take two years for the fruit trees to be grown and pass through the necessary quarantine and AQUIS agreed to certification, so it's beginning and I think some of the citrus that just arrived on Norfolk Island just took two years as well but there's the start to bring what you were talking about in, but in the meantime that is your view, and I'm catering for both the growers view and others in the community that may have differing views to either you or I so I will bring this matter forward and see if the debate will either get it in or it won't

MR ANDERSON

Mr Speaker I'll be supporting the Bill and in saying this I believe in some of the things that Mr Magri said but you have to look at the results. If we can produce it, I ask the question, why haven't we. If it's a matter of (undecipherable) . and you still can't get it, why has that happened. As a person who used to be a vegetarian until I came to Norfolk Island I had a shock when I arrived here. You couldn't get all things that I was used to getting and (undecipherable) . So it's apples. Back when Dick Cavell was alive I bought quite a few trees from Dick Cavell and because they have to be special apples, chill free to grow on Norfolk Island and for a couple of years I had great apples but whether I didn't have green fingers or because of other conditions on Norfolk Island I only got two seasons out of them and no more apples for me. Now we as a community have to have fresh fruit and vegetables and I agree with Mr Magri that more should be done and any Government assistance in doing it to make us self sufficient in growing things should be fostered, really fostered, but in the meantime we need to be able to eat some apples. I'll be supporting the Bill

MR BRENDON CHRISTIAN

Thank you Mr Speaker, I've contributed long to this debate and as Mrs Jack told us it's been going on for quite a long time. Take on board what Minister Magri has to say about it and there are some good things that has come out of this debate for the community but there's also the delay that nothing's changed. There's a limited amount of fruit here. We still import potatoes. We are as the Minister stated, importing some fruit or vegetables but they are actually prohibited imports. A part of this Bill is to fix up that because opportunity the supply is not there for the demand of the garlic and ginger that is imported already. I can understand that the growers have a

concern but once the supply has been met here, or the demand has been met by supply, then the whole issue can be revisited. It's a matter of importing apples, so that 1) a lot of people want to give children apples and put in there as a substitute for processed food on Norfolk Island. I don't really want to go through the whole issue of where we've been for the last two years and go over the same road that we've already travelled. I continue to support the Bill and I hope that it is supported by the whole House

MR NOBBS Thank you Mr Speaker my input will be very brief. I do intend to support it. I would, like Mr Christian referred to, have similar issues with some of the limitations in terms of fruit and vegetables particularly when you're filling your children's lunch box and you have an option of a processed fruit bar or the real thing. One of the advantages that we have as far as I see it, and I certainly recognise some of the remarks made by Minister Magri earlier along in terms of seasonal fruit and its benefit, however, one of the advantages that we have as a Government on Norfolk Island is that we can implement something like this, assess it as it goes along down the track, 3 4 or 6 months to see whether it has had a positive or otherwise impact, nutritionally, marketwise, so I intend to support it and I also hope that we intend to monitor it. Thank you

MRS JACK Thank you Mr Speaker one thing I need to advise all Members and those of the community listening today is that this amendment to the Plant and Fruit Diseases Act is a quarantine matter which is a schedule 3 matter so don't think by any stretch of the imagination the people following today, or at Exco next week we are going to be able to go out and buy cartons of apples and bring them into the island. This will be referred to the Federal Minister and so the process will continue on. I'm hoping that through discussions with the Administrator because there's been a lot of involvement through the Administrator's office and through him QUIS and other areas within the Federal sphere that the movement toward assent can be somewhat faster than what has happened in other areas in the past

MR SHERIDAN Thank you Mr Speaker as the Minister has said it's not about apples, ginger or garlic etc it's a quarantine matter and that's how I view this, the quarantine repercussions if we do allow fruits to come into the island now whether it be oranges, apples, whether it be any fruits I just believe and as Minister Magri stated before we do have a fairly fast growing local supply of vegetables at this moment and the fruit will be on coming and to put that at risk just purely to import apples that may have been in cold storage for some months, there's no saying that these fruit will be fresh, so I put aside the actual apples or oranges or whatever and I think of the quarantine side of things and what are we putting at risk by importing or by debating importing apples. I believe every other country around the earth at one time or another would have been free of certain pests and they would have been introduced by the importation of certain items. Albeit so through the best efforts of quarantine procedures. I think the risk to our local scene is such that we shouldn't be putting it at risk and I would like to see apples deleted and the ginger and garlic left in there and I will support it, but otherwise I won't be

MRS JACK Thank you Mr Speaker I think I may have the numbers, I hope I can count to five

MR N CHRISTIAN Thank you Mr Speaker I would like to add something to what Mr Sheridan just said, I find a contradiction there, if we are going to leave garlic and ginger in there but take out apples, he says it's a quarantine matter, but he's starting to specify what types of fruit are going to be allowed and I find that a contradiction myself

MR SHERIDAN Thank you Mr Speaker the only reason I said to leave in ginger and garlic is because we are already importing those

MR NOBBS Thank you Mr Speaker just one thing in brief and that's part of the process for any of that importation of the apples is that they comply with the AQUIS standards and all the other biological screenings

MRS JACK Thank you Mr Speaker if I could just help the Chief Minister one of the most stringent manuals is the Plant Quarantine manual of Tasmania and in fact other states and territory have difficulty with that Manual and that in some cases it almost is like a trade imbalance because its so hard for them to meet the conditions to import their products into that state. It's my intention to use that manual and in particular the Regulations they specify for the importation of apples as Regulations to cover the importation of apples into Norfolk Island

MR SHERIDAN Thank you Mr Speaker just talking about the quarantine I realise there will be strict quarantine guidelines for the importation of apples but we've also got quarantine guidelines for the importation of everything that we bring into the island, especially by sea, and you can't tell me that we haven't got introduced pest into this island in the last decade, two decades, you've just got to look at the argentine ant problem that we have. That's an introduced species and that came in through our best efforts of quarantine. The Asian wasp is an introduced species. They didn't just flutter by one day and say oh there's a nice cozy little spot, let's stay there for a while. They obviously came in by sea and even through the best endeavours of quarantine procedures you still have these pests arriving on our shores. What I'm stating is, why encourage it by opening the door further for more produce to come into the island

MRS JACK Thank you Mr Speaker if we want to negate any risk for Norfolk Island not only do we stop all airlines, all ships, we stop all tourists as well and close our borders and even then there's no guarantee because there's so much that's airborne so it all comes down to what is manageable risk and I believe that the Plant Quarantine Manual and the matters enclosed in that are an acceptable risk so I move that the motion be put and we move on with this

SPEAKER Thank you Mrs Jack. There's one more speaker

MR MAGRI Mr Speaker I'm not going to carry on for too much longer on this because I'm pretty good at counting too but the only other point I would like to make is that there are some strict requirements on the importation of apples in this Bill and let's hope they are adhered to because it's a little peculiar to me that people can be importing garlic and ginger for all the years they have when there is no ability to legally do it, so I think we need to brush up on our enforcement as well particularly in relation to Mr Sheridan's concerns with quarantine

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

#### QUESTION PUT

Madam Clerk could you please call the House

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

The result of voting Honourable Members, the Ayes six, the noes two therefore the ayes have it.

We now move to the detail stage and Mrs Jack you have detail stage amendments dated 26 August

MRS JACK Thank you Mr Speaker I'll read each of them in again so that they are all specific and then can we move them as a whole. I move the following detail stage amendments dated the 26<sup>th</sup> August 2009 be agreed to. 1. That the title of the Bill and clause 1, be amended to change the year from "2008" to "2009". 2. That the proposed Schedule be amended as follows Item 1, Subsection 13(1) Delete proposed amendment and substitute delete the words "any of the following fruits, namely", and substitute "any garlic, ginger, apples,". 3. Delete item 2 and item 3. On item 4 which refers to Subsection 13(2A) of the principle act the words are to delete proposed amendment and substitute following the word "being", where first occurring, insert "garlic, ginger, apples,". Item 5 of the Bill that dealt with Subsection 13(3) delete proposed amendment and substitute following the words "other than", insert "garlic, ginger, apples,". Item 6 a new Subsection amend proposed amendment as follows, (a) for "fruit" substitute "apples" and (b) delete all words following "Australia" and substitute "and in accordance with Regulations.".

SPEAKER Thank you Minister Jack. So we have three questions. Firstly that the amendments be agreed to and I put that question

#### QUESTION PUT

Madam Clerk could you please call the House

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

The result of voting Honourable Members, the Ayes six, the noes two therefore the ayes have it. Those amendments are agreed

We move to the second question. That the clauses as amended be agreed to

#### QUESTION PUT

MR MAGRI	NO
MR SHERIDAN	NO

Do you wish the House called. No. The noes are recorded

We now move to the remainder of the Bill. I put that question that the remainder of the bill be agreed to

#### QUESTION PUT

MR MAGRI	NO
MR SHERIDAN	NO

That is agreed and the noes are recorded. The remainder of the Bill is agreed to and Mrs Jack I seek a final motion

MRS JACK Thank you Mr Speaker I move that the Bill as amended is agreed to

SPEAKER  
. I put that question that the remainder of the bill be agreed to

QUESTION PUT

MR MAGRI NO  
MR SHERIDAN NO

That is agreed and the noes are recorded.

### **SOCIAL SERVICES (AMENDMENT) BILL 2009**

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 was going to move a motion today regarding that bill but I've spoken with Legal since then and I'll do it at the September sitting

SPEAKER Thank you Mrs Jack. We move on

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

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

MR BRENDON CHRISTIAN Mr Speaker I move that the House at its rising adjourn until Wednesday 16<sup>TH</sup> September 2009, at 10.00 am.

SPEAKER Thank you Mr Christian. Is there any debate Honourable Members. No, then I put the question that the motion be agreed to

QUESTION PUT  
AGREED

The motion is agreed to. We move now to adjournment

### **ADJOURNMENT**

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

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

MR NOBBS Thank you Mr Speaker just briefly as per the schedule there'll be a radio forum tomorrow morning and anyone is welcome to send questions in or telephone into tomorrow on VL2N. It commences from about 9am

SPEAKER Thank you Chief Minister. Any further debate Honourable Members. I now put the question that the motion be agreed to that the House do now adjourn

QUESTION PUT  
AGREED

Therefore Honourable Members this House stands adjourned until Wednesday 16<sup>th</sup> September 2009, at 10.00 am.

