



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
12TH NILA HANSARD – 15 DECEMBER 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

WELCOME

SPEAKER We welcome to the public gallery this morning Mrs rosemary Menkens MP and her husband Ray. Mrs Menkens is State Member for Burdekin Queensland, Shadow Minister for Community Services and Housing and Shadow Minister for Women in the Queensland Parliament. Members met with Mr and Mrs Menkens over morning tea yesterday and welcomed the opportunity to learn about her electorate, which covers a very wide area. We trust your stay on our Island is a pleasant one.

CONDOLENCES

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

MR SHERIDAN Mr Speaker It is with regret that this House records the passing of Roy Andrew Smith on Sunday the 6th December 2009. Roy was born in June 1917 and in his early years he lived with his parents in what was then called the New Hebrides - now Vanuatu. At six years of age he returned to Norfolk to commence school and lived with his relatives, the Yager family. When he finished school in Norfolk Island, he commenced a long series of work. He firstly took employment on an Experimental Farm on the N.S.W. Coast at 'Romney Park'. Whilst there he first met Monica, who at that stage was 15 years. After 'Romney Park' he went to Sydney. The Second World War arrived and he joined the A.I.F. The Army despatched him to New Guinea for significant service and when he returned to Sydney, he was then posted to Darwin for a year. At the conclusion of the war he returned to Sydney, and on 11th October 1946 at Surrey Hills, Sydney, married Monica. They came home to Norfolk for a period then moved to work on rubber plantations in New Guinea. There he and his family battled the health difficulties of malaria and dengue fever. After New Guinea they went to Sydney and lived at Malabar for some 8 years. In 1964, Roy and his family came home to Norfolk Island. Firstly, they lived with his Mother, then at 'Hurlstone Park' where he worked for 'Tot' Chapman until they bought their present 2-acre property in Mission Road, where Monica raised her menagerie of animals and Roy established his movie theatre. He also established a garbage run and worked part-time at the tip when it was cliff side at Headstone. Roy and Monica had 3 daughters - Pauline, born at the Mission in the place now called 'Bishop's Court'; Maxine, born in Port Moresby in the then New Guinea days and Michelle, born in Sydney upon their return. All are married. Pauline to Keith (Turton) and they have 3 children – Robert, married to Irene, Vanessa married to Neil (Waterland) and they have a daughter Aimee and David, married to Angie with children Charlotte, Ryan and Luke. Maxine to Tony (Johnston) and they have children Zane and Erica. Michelle married to Hiro and they have twins Tai and Anna. Roy had a passion for films and he had his own theatre where he showed feature films. He also shot films himself of all the happenings which occurred in Norfolk Island. From working the ship, people's weddings, to the visit of The Queen in 1974. This footage was historic. Regrettably a great deal was lost when his home caught fire some years ago. Roy was a long term and valued member of the Norfolk Island Council. He and Monica were

married for 63 years on the 11th October just past. In February 2004, Roy suffered a stroke and his health deteriorated. In the last few weeks he had a fall at home and broke a bone. Pauline went with him to Sydney for treatment and he came home on Friday. Roy passed away last Sunday after 92 years. A wonderful and eventful life. To Monica and his family, to his many friends this House extends its deepest sympathy. Mr Speaker may he rest in peace

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

PETITIONS

Are there any petitions this morning?.

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 for the Minister for Finance. Minister could you give an update as to how the application to dredge the Kingston pier is progressing and whether indications dictate that this work will be completed prior to the first cruise ship in March of next year

MR N CHRISTIAN Thank you Mr Speaker as I understand it the Commonwealth authority that is responsible for environmental protection has determined that the proposed work alongside the Kingston jetty is a controlled action and therefore a full EIS will need to be undertaken. If that is the process that needs to be followed it's highly unlikely that the dredging will have been completed by the time the first cruise ship arrives on the 26 March so I'm considering the options at the moment as to whether I can appeal that decision or not or modify the application that we have before them and it's a matter for discussion amongst MLA's over the next couple of weeks. Thank you

MR SHERIDAN Thank you Mr Speaker a supplementary question please, Minister could you also advise or give an update as to the progress being made in the purchase of a pontoon to enable the cruise ship passengers to safely alight on to Norfolk Island

MR N CHRISTIAN Thank you Mr Speaker I can provide an update. Letters of intent and contracts have been exchanged between the Administration and the supplier of the pontoons. At this stage we are building the larger of the two pontoons which is for the Cascade Jetty and it will be modified to allow universal fitment to Kingston or Cascade and a fairly substantial stainless steel beam needs to be manufactured to attach to the end of Cascade Jetty and we are endeavouring to have that beam delivered to Norfolk Island on the January sailing of the Norfolk Guardian. However, if that timetable cannot be met, the mounting beam and pontoon will all arrive in Norfolk Island around the 1st March on voyage 77 of the Norfolk Guardian which gives us from the time the ship is unloaded until the first cruise ship arrives to actually install it

MR SHERIDAN Thank you Mr Speaker just a final supplementary question on that. Minister has the monies necessary for these projects been properly identified in this years budget and if so, what amounts were budgeted and what votes will the monies be accounted to

MR N CHRISTIAN Thank you Mr Speaker not all of the monies are available in this financial year at this stage hence the decision taken to only order one of the pontoons and amend it to be able to fit both jetties. We went out to tender and the tender process were a little bit above our expectations so hence a decision was taken to defer the dedicated pontoon to Kingston jetty and that pontoon I think from memory costs about \$90,000 so at some stage in the future a decision will have to be made whether we pursue the second pontoon or whether the universal one which will fit Kingston or Cascade is satisfactory so after the first cruise ship that decision will be able to be made. For the budget for the dredging of Cascade jetty was about \$150,000 and its included I think in the revenue fund under general maintenance jetties or something like that and the other pontoon costs was going to come from a combination of revenue fund sourcing and also from the Lighterage GBE and all of them were included in the current budget deliberations for this year

MR BRENDON CHRISTIAN Thank you Mr Speaker, a question for the Minister for Health. Minister would you explain why patients medivacked off island do not have the option of being evacuated to Brisbane for treatment

MR GARDNER Thank you Mr Speaker, patients are regularly medivacked into Brisbane. They are medivacked into Auckland and they are also medivacked into Sydney. As far as which destination a patient ends up at is a matter of discussion, negotiation and consultation between the Hospital Director, the Healthcare Manager, the Doctors obviously treating and is very dependent on the availability of bed space and either of those three destinations. As Members would be aware the healthcare fund is set up as a fund to cover catastrophic health events. It is not a fund that's set up to provide freedom of choice if you like for patients to go where-ever they like to receive treatment. As I said, the consultation between the Doctors, the Hospital Director, the Healthcare Manager and others, particularly the treating doctors on the mainland, whether in Australia or New Zealand is to find the best and most expedient treatment available to patients when they are medivacked out of Norfolk Island. At times bed space is not available in the New South Wales Health system which is the preferred destination obviously because of our healthcare agreements with the New South Wales Government and so occasionally they end up in Brisbane where the costs associated with the treatment of the patient are far greater than those in New South Wales because of that healthcare agreement or New Zealand depending upon the best use of the funds available under the healthcare scheme and as part of the healthcare scheme obviously is the medivac evacuation scheme

MR SHERIDAN Thank you Mr Speaker one for the Chief Minister. Minister with the current process that the CEO is engaged in currently with the employment of personnel under contracts, and transfer of personnel into other positions, would you assure the Public Service that no person will be transferred out of their established position without first following the processes laid down in the HR Policy manual

MR NOBBS Thank you Mr Speaker although I don't have the manual in front of me at the moment I understand that there are some provisions in section 48 I believe that enable the transfer of staff particularly if there are staffing issues in other areas of the service so I would imagine that any transfers that are carried out by the CEO in that context will be done in line with the policies

MR SHERIDAN Thank you Mr Speaker a supplementary question to the Chief Minister. Minister I believe under the HR Policy there is the ability to transfer personnel as you have just indicated but it has to be with consultation and with their agreeance. Minister as of this date has any Public Servant been transferred from their establish position to another established position in a different department against their wish and consultation

MR NOBBS Thank you Mr Speaker I think I'm walking a fine line here of speaking of individuals however, I will say again that as far as I'm aware the CEO is adhering to the policy and in saying that, although there may be a consultation process there, I think there is still the leeway for movement within that to transfer people to sections that need further support or in the CEO's view may provide a better productive outcome

MR BRENDON CHRISTIAN Thank you Mr Speaker, a question for the Minister for Health, Minister does the Administration have the ability to deduct monies from the healthcare refunds and if so, are recipients informed of this prior to deducting monies

MR GARDNER Thank you Mr Speaker, if I can deal with the second part of the question first, I am not sure whether customers are actually informed that money is being or will be deducted until such time as they receive their refund and then I would imagine that it's explained to them but Mr Christian did raise this matter with me before the sitting of the House and I refer to Legal Advise that is provided to the healthcare Manager and the Chief Executive Officer in relation to the general principal or concept of offsetting debts and Mr Speaker the Legal Advise which I'll quote from indicates that it's well established common law that a creditor owed money is entitled to offset that debt against any monies owed to the debtor. The Administration can deduct monies owed to it from any payments made from the funds under its control and the healthcare fund is an Administration fund which is established by section 7 of the healthcare Act and any monies owed to the Administration entities including Telecom, electricity etc can be offset. The healthcare Act specifically extends in section 28(b) of the healthcare Act that same ability to entities in this case, a single entity which is the Norfolk Island Hospital, any debts owing to the Norfolk Island Hospital may similarly be deducted by the extension of that legislation under that specific section 28B which includes the Norfolk Island Hospital so in essence the answer is yes, they can. How the advise is made I'll get further advise on that and let Mr Christian know

MR BRENDON CHRISTIAN Thank you Mr Speaker, a question for the Minister for the Environment. Could the Minister explain the process undertaken prior to the installation of the fence along the creek at Kingston, namely were stock owners and the stock inspector included in this process

MRS JACK Thank you Mr Speaker yes I was expecting a question on this and actually I was included in on an email response to a person also seeking comment regarding this fence so I'll just read from Mr Baskerville who is the Site Manager, his response to that person. It says a referral was made under the EPBC Act for this work in May 2008 by Puss Anderson and Nicole Diatloff who was the Environmental Officer and Puss Anderson was the Project Manager of the site at the time. The referral was only for the length of creek downstream from Pier Street Bridge. The work had three components: remove water weeds, implement a water quality monitoring system, and fence this section of the creek. The water weeds were removed, the water quality monitoring was commenced by the Environmental Officer at the same time, and the fencing is the last stage. The fencing, which is temporary, is to prevent cattle breaking down the creek banks and allow the reeds to regenerate. We commenced hand-removal of water hyacinth in this area following the removal of the weeds, and continue to do so, and will continue to do so. The same applies to the dam. We do not want to return to a situation of large scale mechanical clearing of the creek channels every few years. There is no proposal to do any work upstream at this stage. The Administration submitted a grant application under the Caring For Our Country program earlier this year that included KAVHA component to engage with landholders in the creek catchment to develop an integrated approach to reducing hillside erosion and so reduce silting of the creek, manage the Norfolk Island Pine plantings on the hillsides along the valley, provide water troughs and hard crossing points for cattle, and so on. However, that application was unsuccessful. In reading of the CMP it states that maintaining and continuing the grazing of cattle on the Common is part of the significance of the site, and it should be encouraged to continue. This needs to be done in

a way that also maintains the resources the cattle need, such as pasture grasses, shade trees and clean water. Going back to the fence, I referred specifically to the proposed building of the fence in my KAVHA newspaper columns on 26th September, 3rd October, and 31st October, and will do so again on that following Saturday's column which would have been the first of November. The EPBC referral provided for the construction of a temporary fence to stabilise the banks until such time as another method can be found. We already have some advice on how that can be done, but more planning is needed. The referral allowed for a fence to be constructed up to 20 metres away from either side of the creek banks. However, after discussion with the Stock keeper and our Works Team, it was agreed that a distance of 2-3 metres from either bank (depending upon the soil stability) would be preferable as it kept more of the pasture available for immediate grazing and also avoided potential archaeological sites. So that's the response for that Mr Speaker and I think it deals with the questions raised by Mr Christian

MR SHERIDAN Thank you Mr Speaker a question for the Minister responsible for Norfolk Air. Minister I understand that Norfolk Air recently held a Christmas function for their staff at one of the local restaurants. Minister can you advise what was the cost to Norfolk Air for this function and how was it paid for considering the current financial status of this business

MR N CHRISTIAN Thank you Mr Speaker yes there was a staff Christmas party. It was attended by I think somewhere between 17 and 27 people. The party was held at the Hili's Restaurant in Taylors Road. The cost I understand was about \$1000 and it was paid for using barter trade dollars. Thank you

MR SHERIDAN Thank you Mr Speaker a supplementary question for the Minister. Minister considering that this was paid for in barter card dollars how are these dollars conciliated each month

MR N CHRISTIAN Thank you Mr Speaker we are working with the Internal Auditor at the moment and the CEO of the Public Service. We intend to treat one trade dollar in the same way as a real dollar is treated and in future, once the Accounts Section of the Administration devises a method for accounting for the trade dollars, they will actually appear in the airlines financial statements

MR SHERIDAN Thank you Mr Speaker a further supplementary question. That's all well and good then Minister but could you provide an up to date barter card profit and loss statement for Norfolk Air since the commencement of trade with barter dollars with items purchased and sold itemized prior to the next sitting of the House

MR N CHRISTIAN Happy to do so Mr Speaker

MR BRENDON CHRISTIAN Thank you Mr Speaker, I have a question for two of the Ministers who might be able to shed some light on this question. Maybe the Minister for Health and also the Minister for electricity. Would the relevant Ministers consider amending legislation to move the levy date for healthcare forward one month as to miss Christmas, ie make the dates the 1st November, 1st February and so on and also the reading of power meters to these dates also as to avoid accounts being sent just in time for Christmas

MR N CHRISTIAN In respect of the electricity accounts I am happy to sit down with MLA's and have a discussion about when we send out invoices and if there is a decision to change the date that we issue invoices, I'm happy to do so

MR GARDNER Thank you Mr Speaker, likewise

MR SHERIDAN Thank you Mr Speaker a question for the Minister for Tourism. Minister could you give an update as to the arrival figures for this current financial

year and are those figures in line with the projected arrival numbers for this year and if not, are you confident that these numbers will increase in the first six months of next year and if not what are the strategies that the Tourist Bureau is putting into place to try and rectify the downturn

MR GARDNER

Thank you Mr Speaker, at least it is not a legal opinion

MR SHERIDAN

I just hope he has an opinion

MR GARDNER

There's a number of questions in that. I don't have the monthly arrival figures for November with me today but I understand that they are down on last years arrival figures as have been the last few months arrival figures and I think it was quantified by the CEO in a paper he provided to the Legislative Assembly Members yesterday showing that the net effect of the downturn in tourism had been quantified at approximately 25% or thereabouts on the corresponding period last year and that is obviously not good news for us as a Government because as we know tourism impacts heavily on our revenue and our ability to meet our budget expectations. The Minister for Finance I'm sure will deal with those issues with the presentation of the financial indicators later in this meeting as to how we are tracking against the budget, but its important to recognise that we had deliberately set our targets for this financial year at realistic expectations of arrival figures of some 28 to 29,000 visitors to Norfolk Island in this financial year. I think it's probably fair to say that we are tracking close to that. There have been some disappointing results and there are 1001 different reasons, not excuses, but different reasons why that is happening. We have increased our spend as Mr Sheridan would be aware in the tourism environment and we are spending more than we have ever spent in trying to attract visitors to Norfolk Island. It's fair to say that if we weren't doing that our performance would have been a great deal worse. We have a number of initiatives that are in place which I'm pleased to say the acting General Manager of the Tourist Bureau, Mr Wally Beadman, has taken the time to come down and on a monthly basis whilst he's been in that acting position, present to the Legislative Assembly his assessment as to how the Tourist Bureau is tracking, what initiatives he has in place to increase tourist visitor numbers to Norfolk Island and highlighted that there may well be a need in the remaining six months of this financial year to seek additional resources to support both the activities of the Tourist Bureau and our wholesale partners in both Australia and New Zealand. Those other initiatives have included the recent launch of the brand and I spoke from a brief paper sent to the General Manager of Norfolk Air the general feeling from the sessions with local tourism industry reps suggested that there is a generally positive outlook in the industry on the island and that they are more than happy to make contributions as far as the feedback to the Tourist Bureau are concerned. They are obviously looking at revised communication strategies between the Tourist Bureau and the industry so that some of the detail that is provided to them in newspaper releases etc are not so long winded but more to the point and much more specific about exactly what's happening and Wally and the Acting Chair of the Tourist Board Morgan Evans have taken that on board. There was general consensus from the feedback that the past ways no longer work to best effect and we should target market sporting clubs, corporate travel clubs and professional bodies and that is occurring as you know from the briefing provided from the World Bowls that we've had on the various golf events that occur on Norfolk Island that there is a lot more activity in that area using the resources of the Promotions Manager Rhonda Griffiths so a general recognition some many months ago that events were crucial to the benefits of the tourism industry in Norfolk Island. There was also general consensus that the brand was an excellent thing and that that Tourist Bureau's focus on raising the profile of the destination was fair use of the public's money. We have engaged very closely with our wholesalers in Australia and New Zealand with the marketing partnerships programme to ensure that we derive the best outcome from the dollars that we are spending on our tourism marketing and promotion campaign and I think that one of the most interesting things that has recently arisen, was the social media activities, which have not only been embraced wholeheartedly on island but have also

been recognised as a massive and important marketing and promotion tool for the island through the wholesale industry so the tide is turning. The attitudes are changing and people are understanding that we've got to get much smarter at what we do and it has been a long process but I am confident that it will pay dividends and as far as the question about whether we will meet our targets for 09/10 I am certainly hopeful that we will. As I answered a question in the house from Mr Sheridan last month, my aim is still to achieve 40,000. It's unrealistic opportunity but we have to ensure that we have the machinery in place to achieve our ultimate goals. I hope that goes some way to answering Mr Sheridan's queries

MR BRENDON CHRISTIAN Thank you Mr Speaker, a supplementary question why are the visitor arrival statistics no longer tabled in this House

MR GARDNER Thank you Mr Speaker, a number of reasons for that. I have encountered difficulties in the past with the accuracy of the figures and they have been bandied back and forth half a dozen times on occasion to actually get them right but I've noticed from the distribution list that they are very widely distributed within the community and also printed in the newspaper on a regular basis. I'm open to questions but those figures are readily available but if Members are desirous for me to reintroduce them on a monthly basis I'm more than happy to do that too

MR SHERIDAN Thank you Mr Speaker another question for the Minister for tourism. Minister I believe the Tourist Bureau has been audited and signed off for the first time in a couple of years. Minister how did this audit perform and were the Bureau's finances all in order

MR GARDNER Thank you Mr Speaker, after a series of meetings with the auditors I had requested them to finalise an audit for the Tourist Bureau and that opportunity requires them to go away and satisfy themselves that they have the confidence to be able to sign off on the books of the Norfolk Island Government Tourist Bureau. They had that confidence. They have completed the audit for I think the 2008/09 year where there were discrepancies in the funds that the Tourist Bureau held on account between the trading and trust accounts. There is a sum which I'm not certain of but is approximately \$40,000 which has been written off which will now allow and has allowed the auditors to be able to start with an opening figure balance for the 1009/10 financial year to complete their auditor process as of 1 July 2009 for the last financial year

MR SHERIDAN Thank you Mr Speaker a question for the Minister for Finance, Minister will you be tabling the Administration's audited accounts for the last financial year today

MR N CHRISTIAN Thank you Mr Speaker they will most likely be tabled at the January sitting of this House as I have not yet received them from the auditors

MR SHERIDAN Thank you Mr Speaker a supplementary question I just read from the September Hansard where you made a comment that they would be tabled on the 16th December which is tomorrow which would have been our normal sitting day so is it your intention to move a motion today to ask for an extension of further time

MR N CHRISTIAN Thank you Mr Speaker I wasn't going to move for an extension of time. I don't think I need one. I just indicated at the previous meeting when I expected to have the financial statements. They have been completed but this is the first year that we have done the statements according to the international financial reporting standards and all Members of this House are required to report on any second or third party dealings they have had with the Administration of Norfolk Island and they need to form part of the statements and once the Members get that information back to the Chief Executive Officer where they can be passed on to the auditors the financial statements will be completed, submitted to me and I will then distribute them and table them in the House

MR GARDNER Thank you Mr Speaker if I could ask a question of the Minister for Finance in relation to the declaration by Members of the Legislative Assembly is that the primary reason for the delay in the finalisation of the audit

MR N CHRISTIAN Thank you Mr Speaker I don't know if it is the primary result. It is certainly one of the things that we've had to deal with this year that we haven't had to deal with previously. I'm not aware of any major problems. Everything's pretty much in order. It's just time has slipped by

MRS JACK Thank you Mr Speaker a supplementary question to the Minister, Minister what is the consequences of a Members failing to sign the declaration

MR N CHRISTIAN Thank you Mr Speaker I can't answer that offhand but I suspect that there would be a notation appearing in the financial statements to that effect

MR BRENDON CHRISTIAN Thank you Mr Speaker, a question to the Minister for Roads. Is the Minister intending to change traffic arrangements at the Middlegate crossroads

MR MAGRI Mr Speaker the Legislative Assembly had discussions after the occurrence of a recent accident there and we discussed a whole range of issues in relation to bolstering the licencing arrangements for people who have just received their licences to different safety measures that we could put at the crossroads. There have been accidents there before and there are already in existence drawings for a roundabout at the crossroads. I've discussed ways forward with the Legislative Assembly and I've also discussed the way forward with the Manager of the Works Dept and at this stage, it will be our intention with no final decision to be made that we proceed with the construction of a roundabout at the Middlegate crossroad and at this stage, we've slotted it into the roads programme after Hibiscus Drive. Hibiscus Drive is the current project next on the list and it is our intention that the next major works to be done on the roads will be to construct that roundabout there. We've still got to complete final costings on that and there may be some need for some encroachments to be sorted out but that is the intention at this stage

SPEAKER Thank you Minister. Any further Questions? We move on to answers to questions on notice

ANSWERS TO QUESTIONS ON NOTICE

Are there any answers to questions on notice?

MR N CHRISTIAN Thank you Mr Speaker I have an answer to a question which was placed on notice by Mr Sheridan and for the benefit of the listening public before I provide the answer I'll actually read the question and the question is this. Is it a fact that Norfolk Energy has an outstanding debt for two years for reimbursement of insurance cover of \$50 million, covering the Ball Bay Bulk Facilities and Airport Management and Refuelling agreement with Contractor (Martins Agencies)? If so, will the Minister advise a) why there has been no payment of the outstanding debt for insurance cover according to the "Draft Agreement" and Authorised letter of commencement of management contract for over two years, since September 2007? b) why a formal contract has not been signed for the service provided by Martins Agency in regard to the services provided to Norfolk Energy, and what are the Administrations intentions with regard to providing a formal contract? And c) when will he I think that should read, approve the

payment of the outstanding debt to Martins Agency as invoiced? The current insurance policy expires on the 27th November 2009. Will the Minister resolve the matter of recoverable costs prior to the renewal of any insurance and ensure that a formal contract is signed prior to this date? Mr Speaker my response is as follows. A short explanation of the process of fuel importation and delivery may assist in answering the questions raised by Mr Sheridan. The Supplier of the fuel has responsibility for the carriage of fuel to Norfolk Island and the unloading at Ball Bay. The Supplier insures for their liability which is to the flange in the discharge pipe at Ball Bay. Norfolk Energy has responsibility for the fuel from the time it passes the flange until it is delivered to customers such as Service Stations and the Powerhouse. Thus Norfolk Energy insures the Ball Bay fuel tanks, and the stock of fuel from the time it reached the flange until it is delivered to a customer. Our insurance can only cover Norfolk Energy's liabilities, not any third party actions. The Contractor referred to by Mr Sheridan, under current arrangements, is responsible for:-

1. The supervision of maintenance of the Ball Bay and Airport Fuel Facilities,
2. Refueling of Aircraft
3. Distribution of Fuel throughout Norfolk Island

The Contractor has the responsibility to insure for their actions under these three areas. Under the current arrangements, the Contractor is paid a single rate per litre of fuel delivered. This payment covers all three functions. It is a condition of the current arrangement that the Contractor maintain an insurance policy with cover of \$50 million. It is NOT a condition that Norfolk Energy pay the insurance premium for such a policy.

As the answer to the above question is NO, the following questions are redundant, but answers are:-

a) There has been no payment because there is no commitment to pay. It is the Contractor's responsibility to insure their own actions. Invoices have been presented at BRC meetings and approval has been rejected because it is outside the existing arrangements, and unbudgeted. In the 2009/10 Budgeting process the rate per litre paid to the contractor was reviewed and an increase was given which roughly equates to their annual insurance premium.

b) (i) A formal contract has not been signed for a number of reasons including differences of opinion on some items such as this insurance and the quality of the draft contract. The Administration has requested a comparative quotation from our insurers for the insurance under question.

(ii) The Administration's Legal Services Department (LSU) has recently developed a detailed standard form contract. Instruction to LSU for this contract was to have been completed last week, with the aim of completion by the end of December, however other priorities have delayed this. It is now scheduled to have a draft submitted to the Contractor in mid-January, with the aim of completion by the end of January.

c) I will not approve payment because it is not part of the current arrangements.

And that is my answer thank you Mr Speaker

PRESENTATION OF PAPERS

Are there any Papers for Presentation this morning Honourable Members

MR N CHRISTIAN

Thank you Mr Speaker I present the monthly financial indicators for November 2009. the revenue fund financial indicators for November 2009 are indeed encouraging. The total income stands at 97% of the budget. Customs Duty is 109% of budget and the other taxes category is currently at 147% of budget. GBE dividends have come in at 82% of budget, and GST income stands at 98% of budget and interest on deposits stand at 99% of budget. The other charges income stands at 91% of budget. Expenditure has been limited to 95% of the approved spend for the financial year with good savings in the Administrative and Welfare areas in particular. The month of November 2009 was expected to deliver a deficit of \$14,000 which compares very well with a deficit of \$58,000 for the corresponding period last year. The actual result for November 2009 is a surplus of \$280,000, which reflects the proceeds of the sale of surplus Administration properties having the desired effect. On the pro rata basis for the five months so far of this financial year the results are also good. At the end of November

2009 the budget forecast estimated the revenue fund would be in deficit by \$71,000 which compares very well with the actual deficit of \$588,000 this time last financial year. At the end of the first five months of this financial year the revenue fund is \$53,000 ahead of budget. The revenue fund budget provides for \$49,000 of expenditure on capital works and purchases and to date we have spent \$1,500. the revenue fund also its estimated position at the end of November 2009 follows. We have a total current assets at \$3,720,500 which includes \$2,390,400 cash at bank. Total liabilities stand at \$4,345,400 which results in a deficit of \$624,900. the liabilities which I just referred to include \$741,400 of employees entitlements which will not be called upon in a lump sum, therefore the underlying position is very close to break even. The total liabilities here also includes an accrued amount of \$3,074,000 that is up until the end of November 2009 which is owed to the New South Wales Department of Education. The estimated position of the revenue fund provides for payment of the education account but as yet I have not authorised any payment until signs of improving economic times are evident but I can report that I have written to the New South Wales Department of Education with a proposal to make \$240,000 monthly payments to come off the education account commencing on their December 31st 2009 with the monthly quantum of each payment increasing as economic recover occurs or payment of larger lump sums if the Commonwealth Government was to provide some form of assistance. I have not as yet received a response from the New South Wales⁴ Department of Education. Total cash at bank at the end of November 2009 is \$5,741,600 which is an improvement of \$634,600 on the cash balance at the end of October 2009. \$4,217,700 is held in non trust accounts and \$1,523,900 is held in trust accounts and can only be spent on whatever the particular trust fund provides for. Mr Speaker that wraps up the analysis of the revenue fund financial indicators for November 2009 and the results for Norfolk Air have not yet been given to me but I will undertake to circulate them to Members as soon as I have them to hand

MR MAGRI

Mr Speaker I move that the paper be noted

SPEAKER
be noted

Honourable Members the question is that the paper

MR MAGRI

Mr Speaker just one question for the Minister for Finance in relation to the position of both the healthcare fund and the workers compensation fund and it appears that over time the amounts in these funds seem to be deteriorating and I just wonder if there's anything in train to arrest the decline in both of those funds

MR N CHRISTIAN

Thank you Mr Speaker in respect of the healthcare fund I suspect that the profits there will recharge themselves as the monies start flowing in from the current levy period. In respect of workers compensation I have discussed the matter with my colleagues and the Chief Minister and we are in the process of engaging some actuaries to revisit both the healthcare fund and the workers compensation fund with a view to fine tuning if need be

MR SHERIDAN

Thank you Mr Speaker just another question for the Minister for Finance, Minister just considering the briefing that we had from our Chief Financial Officer earlier this week with regard to some significant commitments that we do have and they total something well over \$6m and considering that we have available to us in our consolidated accounts something like \$4.2m at this stage, there is a difference of say \$2m. Minister are you confident that with your process of paying the education bill in instalments and the commitments that we do have, that is, the pontoons, finishing off the fire stations, all those sorts of things, New Zealand Telecom I think we have a large outstanding account, all those commitments, do you believe that Norfolk Island can fight its way out of this downturn without a significant contribution from the Commonwealth

MR N CHRISTIAN

Thank you Mr Speaker I have no doubt that we can. You might recall that some months ago I sought the Commonwealth's approval for the

sale and lease back of some assets which are totally normal commercial tools that can be used. That would have provided us with \$2.5m worth of cash to the Administration. The Commonwealth declined to agree to that and my letter to the Commonwealth Finance Minister also requested that in the event that he turn down our request, that he provide funding in some other form. To date that funding has not been forthcoming but discussions are ongoing. They have given us a bit of a breather by deferring for one year the \$1.2m loan repayment in respect of the airport upgrade, but I am confident that things have turned around. Some four months ago the Budget Review Committee took a view that it would be the end of November before we had some clear signs that our economy was turning and I believe that as a result of the financial indicators that I have tabled today, there are clear signs that we have turned the corner but we need to maintain our current levy of visitor numbers and if it is possible, also to accelerate them or increase them. I'm not that concerned as well because from July next year there are some exciting developments in the world of gaming, which hopefully will deliver somewhere between \$500,00 per month and \$1m per month into the Administration's coffers so whilst times are a little bit tough at the moment, there is a bit of a ray of sunshine on the horizon and I'm confident that we'll get through the rest of this financial year without too much difficulty

MR NOBBS Thank you Mr Speaker I note that in some of the papers associated with the financial indicators the Tourist Bureau being \$288,000 over. I imagine that this is the periodic draw down at the Tourist Bureau. Can you enlighten me on that and also with regard to how the Public Service's management of the Norfolk Island Government Tourist Bureau accounting has worked out

MR N CHRISTIAN Thank you Mr Speaker I can shed some light on that. Part of the reasons you get these distortions in our monthly financial indicators is that the monthly financial indicators are produced on a pro rata basis, that is, they divide the year into twelve equal months. It takes no account of the seasonality that is occurring throughout the year. In respect of the Tourist Bureau's draw down and being ahead of budget all that means is that we have drawn down a bit of money to fund the new branding exercise and as the year continues on the Tourist Bureau's expenditure will fall back into line. I don't have any difficulty there. As far as the Administration accounts section, assuming responsibility for providing the accounting services to the Norfolk Island Government Tourist Bureau I think the system is working

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

SPEAKER Thank you. Honourable Members the motion is agreed. Any further Papers for presentation Honourable Members. No. We move on

STATEMENTS OF AN OFFICIAL NATURE

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

MR NOBBS Thank you Mr Speaker I've made it a practice to give a statement summarising key issues at the final sitting of the Legislative Assembly each year. As we are all aware, 2009 has been a challenging year, but despite the difficult external environment, much has been achieved. In past years, I have chronicled a great many achievements of the Twelfth Assembly – achievements of which we can all be justly proud. We have tackled some of the big reforms that, to be honest, have not always been attended to by previous Assemblies. These have included reform of budget and financial management processes; a continuing strong effort to improve transparency and accountability; a comprehensive tourism strategy to reposition Norfolk Island into growing

markets while retaining the custom of traditional visitors; reform and possible restructure of the public sector to achieve improved responsiveness, efficiency, customer service and productivity; a series of strategies and practical measures to maintain and develop our essential public infrastructure and finally a range of government support actions which have resulted in great community growth and development. Mr Speaker, this December statement is not about projecting further financial impacts on the Norfolk Island economy. We have managed in isolation through very tough times, and we as an Assembly would have welcomed any options along the way that would have provided stimulus to our Island economy. Through intensive budget review, an increase to GST, sale of assets and ongoing initiatives to inspire travellers to come to Norfolk Island, we have worked doggedly to make the best of challenging times. In discussions I had recently with a parliamentary representative from Queensland, I was informed of the concerns Queenslanders hold for the \$85 billion debt that is a direct result of the Global Financial Crisis in their area – a debt that if calculated on a *per capita* basis would have Norfolk island some \$40 million in debt as a result of the past year's challenging financial times. Mr Speaker, I have made many statements on these issues over the past 12 months, and will not repeat today everything I have said previously. But to illustrate just what has been achieved this year, I would like to give a little more information on three areas – public sector reform, community development and improved governance. To put these in context, we should reflect briefly on the enormous challenges faced this year by the whole Norfolk Island community. I do not need to tell members that we have had to face a global financial crisis of a scale unprecedented in the history of Norfolk Island self government. That crisis had a particularly negative effect on the incomes of retirees and superannuants, who for many years have formed a significant part of our tourism market. At a time when we were implementing a five-year change management programme for our tourism industry, we were hit hard by a fall of over 15% in visitor arrivals. It does appear that the worst is over, but arrival numbers for this financial year are still slightly below those for the previous year and we face many challenges to recover to the levels of 2007/08 and beyond. This has been complicated by the steady appreciation of the Australian Dollar against almost all world currencies, making some of the destinations with which we compete – such as Fiji and New Zealand – a less expensive option for Australian travellers. The rising Australian Dollar has to some extent offset the increase in fuel prices arising from a recovery in world oil markets, but we have still had to face the challenge of higher fuel prices for all Norfolk Island consumers. This has also been a major cost to Norfolk Air, which has continued to develop innovative marketing and attractive fare packages in order to maintain loading levels. In this challenging cost environment, Norfolk Air – like almost all airlines worldwide - has continued to accumulate losses and the government has reaffirmed its commitment to continue to provide our tourism industry with the affordable lifeline which Norfolk Air represents. Despite these huge challenges, we have continued to implement our strategic plan goals through a careful process of change management. Mr Speaker, at last month's sitting, I made a major statement on developing a flexible, efficient, responsive and productive public sector. I do not intend to repeat what I said then, but I would like to update members on the progress of the public sector initiatives in light of recent further consultations with the senior management of the Administration and with the Public Service Association. Mr Speaker, the Chief Executive Officer of the Administration is to be commended for the strong personal leadership he is showing in working toward the creation of a more efficient and effective modern public sector. He has recently written to the PSA, providing clear information about the issues they raised regarding entitlements for employees on fixed term contracts. As well, drafting instructions have been issued to ensure that contracted employees will have clear procedures for rollover of contracts and the ability to be members of the Provident Fund, subject to similar rules to those which apply to permanent officers. I expect to be able to introduce the relevant legislative amendments at the January sitting of the Assembly. The CEO has also provided me with a briefing about the round of meetings he has held with all Branch/Section heads along with their staff in the past seven weeks. He has convened 14 meetings covering the managers and staff in both the Revenue Fund and the Government Business Enterprises. I will make the briefing from the CEO available to all Members. It shows that particular attention was placed during the meetings on achieving an efficiency

dividend of between a 2% and 5% from the salaries and wages cost over the next two years. This will be achieved through a wide range of strategies, including enhanced staff training and implementing creative staff suggestions about achieving efficiency dividends in their sections. I am informed by the CEO that generally the round of meetings was very successful and that he intends to undertake a similar process every six months outside of his normal meetings with branch managers and staff. Mr Speaker, Members currently have before them a proposal for restructure of the public sector over the next two years through the processes set out in legislation, including comprehensive consultation with all key stakeholders. This will ensure that the process of positive reform continues well beyond the life of this Assembly. Mr Speaker, in my Christmas message for publication later this week, I have focussed on some of the really positive developments in the Norfolk Island community and economy during 2009, many encouraged and supported by government actions and funds, and others largely initiatives of hardworking Norfolk Islanders. There are too many of these to list them all, but I would like to highlight a few that show that, even in challenging times, much can be achieved. For example, there have been some effective innovations in communication, consultation and information sharing in the past 12 months. The Council of Elders has consolidated its role and is now a regular forum for ideas and practical initiatives designed to ensure that we value, enhance and protect the distinctive culture of Norfolk Island. In a similar way, in the wake of UNESCO recognition of our unique language, the Year of the Norfolk Language has created much greater interest in the protection, development and everyday use of Norfolk. We have sponsored events and competitions to reward creativity in writing, song, art, recreational and spoken uses of Norfolk. These activities support the ongoing teaching of the language at the school and the continuing language research project supported by the Australian Research Council and Adelaide University. The language awards and events will continue in 2010. Mr Speaker, in another important initiative, Norfolk CIRCA, the community/government information sharing partnership, opened its Community Information Centre, expanded its information network and began an ongoing series of well-attended training seminars and workshops for all in the community. CIRCA was honoured when Her Excellency the Governor-General, Ms Quentin Bryce AC, agreed to be the organisation's patron. Mr Speaker, I am encouraged by the manner in which all elements of the tourism industry are coming together to support the new brand and advertising strategies which are now beginning to bear fruit as part of the 5-year strategy to completely rejuvenate our appeal to broad segments of the tourism market. We are already seeing high levels of customer responses to our television campaigns and growing use of social media. Visitor numbers have stabilised and the last two months appear to have shown that the decline in visitor numbers has bottomed out. We now look forward to an upward trend in future months to set us on the path toward the goals of steady and dependable growth in our most important industry. I am personally encouraged by the establishment of a number of innovative and successful new businesses in 2009, especially by younger members of the community. These businesses are in areas likely to appeal to visitors from the baby boomer and generation X and Y categories, such as creative arts, modern retailing, personal services and leisure activities. The government supports this trend, which will be enhanced by the availability of high-speed broadband facilities when the SPIN project comes on line. I am sure that all of us can think of numerous other examples of the community coming together to achieve progress for the good of all – in landcare, cultural development, cruise ship initiatives, tourism ambassadors to name just a few. Mr Speaker, a major focus of the Twelfth Assembly has been to enhance governance in the interests of good outcomes for all of the community, particularly in areas relating to transparency and accountability. We have put a great deal of effort into these areas, and have now laid the foundations for Norfolk Island to be a model for small states in the way our governance is structured and the manner in which we operate on a day-to-day basis. I must admit to some frustration at the slow pace of action by the Commonwealth in taking the required steps which are not within our legislative powers to help us to implement some of these changes. For example, the Administration has had in place for eight months a successful and comprehensive administrative complaints system. Since 2004, successive Norfolk Island governments have negotiated with the Australian Government to appoint the Commonwealth

Ombudsman to act as Norfolk Island Ombudsman as the final review stage in the complaints system. We are now seeing some action from Canberra, and it was encouraging that a senior legal officer from the Ombudsman visited us late in October for consultations on how to move forward. Similar visits from other Commonwealth officials have raised our expectations of action relating to privacy, freedom of information and enhanced review tribunal functions. It is disappointing that the Commonwealth has decided not to appoint the Australian National Audit Office as Norfolk Island auditor until 2010/11. We had looked forward to the positive advice and recommendations from ANAO arising from its financial, programme and performance audits, which we had planned to commence this financial year. On the other hand, it is positive that the Commonwealth have now indicated that the ANAO appointment will take place in due course. Mr Speaker, we are pleased that the Minister for Home Affairs, the Hon Brendan O'Connor MP, has accepted our invitation to visit Norfolk Island for discussions about the ongoing financial and governance relationship between our two jurisdictions. We look forward to positive outcomes to these discussions, especially on the many issues relating to the closer alignment of the budgets of Australia and Norfolk Island, which have occupied much of our dialogue with Australia over the past year or so. When the Joint Standing Committee was in Norfolk Island in June this year, seeking the views of the assembly in regard to the treatment of external territories and the ongoing issues of communication and continuity, I pointed out the challenges faced by Norfolk Island in getting effective and timely outcomes through the current processes and territories formula. I subsequently wrote to Prime Minister Rudd expressing my concern that the formula for our joint relationship was not working well. I plan to evaluate the outcome of this week's meetings with Minister O'Connor and will probably then write once more to the Prime Minister about the formula for communication and cooperation protocols between our jurisdictions. Mr Speaker, once more I wish to thank our Assembly support staff, the Clerk, Deputy Clerk, Assembly Secretary, Research Assistant and Secretary to Government for everything they have done in 2009 to provide professional support, assistance and advice to the Executive Members and the Legislative Assembly as a whole. I also offer my heartfelt thanks to the Chief Executive Officer, Executive Director, together with every member of the public service, statutory bodies and advisory boards and committees for their support and efforts over the last year – thank you all very much. I especially want to thank Mrs Patricia Anderson for her 7 years of loyal support to the Assembly. She will go into well-earned retirement from our employment this week, although I know that she will continue in many valuable roles with a range of community organisations. So thank you Pat! I would like to finish by wishing everyone here in Norfolk Island or away the very best festive season and a happy, healthy and prosperous 2010. I also wish all of my colleagues here in the Assembly an enjoyable and peaceful holiday season. I trust that we will all return refreshed to work positively together over the last few months of this Assembly in the interests of the entire Norfolk Island community. Thank you, Mr Speaker.

MR GARDNER
noted

Thank you Mr Speaker, and move that the paper be

SPEAKER
be noted

Honourable Members the question is that the paper

MR GARDNER Mr Speaker, I was just jotting down some notes during the Chief Minister's presentation and springing to my defence and the defence of at least three of my colleagues in this House, yourself included and the many other people who have served the Norfolk Island community as Members of the Legislative Assembly and that defence is in relation to the opening words of the Chief Minister's statement about previous Assembly's failing to address and not addressing a number of significant issues. Mr Speaker I think it is important that it be said that the Legislative Assembly's of the past of which I've been a Member of five now, and my colleagues around the table have been on various Assembly's and their absent friends would be incensed I think at a statement that suggests that those Legislative Assembly's failed to or didn't even try to address some of the matters. I think it is fair to say for the public records that all of those Legislative

Assembly's addressed each and every one of those in the most appropriate fashion, maybe failed to achieve outcomes as a number of them are under negotiation but I think it is important to say and state very clearly that I'm incensed by those words and I believe that all of our colleagues from previous Assembly's would be too and I look to the Chief Minister to maybe modify those words and pay the appropriate degree of respect to absent friends and colleagues in relation to their efforts in the interest of the people of Norfolk Island. Just some queries in relation to transparency and accountability and the slowness of the Commonwealth in dealing with issues. As you'd be aware I was involved as well as Mr Neville Christian and Mrs Jack and Mr Tim Sheridan in discussions a previous Assembly with the Commonwealth about all of the transparency and accountability measures that we of the 12th Legislative Assembly have addressed. We in fact had the Commonwealth Ombudsman visit us in 2005 in the last Legislative Assembly not just to send the legal officer from the Ombudsman's office so it would appear that maybe we had taken a backward step in that regard however, there are significant issues that the Commonwealth has to deal with in providing a different governance and accountability and transparency mechanisms in Norfolk Island and some of those include significant changes to Commonwealth legislation and as we are all aware we find that in our own jurisdiction but it's not always possible just to make minor amendments as and when you wish. There are priorities. There are Government priorities and the same to in the Commonwealth sphere and I'm sure in all of our State and Territory Government spheres the same issues have to be dealt with and the same establishment of priorities. It also has to be made clear that the Commonwealth need to fully consider their initiatives and the ANAO Office, was a Commonwealth initiative. It was an agreement by the Federal Cabinet that the Australian National Audit Office be the auditor of Norfolk Island. That was not a Norfolk Island initiative even though a lot of discussions had been had about the various transparency and accountability mechanisms. It is fair to say that was a Commonwealth initiative and it is something that we have embraced and suggested that as per a motion that was in this House a couple of months ago appointing the ANAO as auditors of Norfolk Island which subsequently has been required to be changed and without pre-empting debate on that because it's before the House later in this sitting, we'll be looking to appoint another auditor for the purpose of the Government audit in Norfolk Island. I do have a query. The Chief Minister referred to the alignment of the Norfolk Island and Commonwealth budgets. I'm wondering if for the benefit of the listening public the Chief Minister might be able to explain exactly what that statement means. Thank you

MR NOBBS

Thank you Mr Speaker let me start off by saying that what I said in the beginning of the statement with regard to, and I'll quote from it here, "We have tackled some of the big reforms that, to be honest, have not always been attended to by previous Assemblies." That is not intended as a slight against anyone in previous Legislative Assembly's. We have undertaken some of the truly difficult reforms in our time as the 12th Legislative Assembly. In terms of Mr Gardner's comments that perhaps we've taken a backward step with dealing with one of the legal officers from the Ombudsman's area, I've dealt personally and directly with the Commonwealth Ombudsman's office over a fairly lengthy period of time and the implementation of this has been something that we've directed efforts at it from all levels in going to the Federal Minister. In terms of an alignment there has been ongoing discussions amongst all of us in terms of the taxation taskforce to evaluate Norfolk Island's revenue raising and whether or not there should be any changes to that, or changes to a contribution to the Australian system or other benefit that may come into the Norfolk Island system. There has been discussion from the outset of this Legislative Assembly, I think initially when we started talking about the Minister at the time, Jim Lloyd whereby we discussed the areas whereby the Commonwealth could invest with Norfolk Island in our infrastructure and in our future developments of those areas. That was also taken up with Bob Debus in a very positive light and it is also something that forms part of our discussions as we move forward now

MR GARDNER

Thank you Mr Speaker, just in relation to that last part of the Chief Minister's response arising out of a question about the alignment of our budget, he mentioned changes to the contribution to the Australian tax system and also a

desire for the Commonwealth to invest in Norfolk Island. I take it and the Chief Minister will correct me if I'm wrong, is that seeking to have a budget provision made in the Minister for Home Affairs or the Attorney-General's budget in relation to infrastructure and other items for Norfolk Island on an annual basis

MR NOBBS Thank you Mr Speaker as I said, that forms part of the discussions, part of it also being the taxation taskforce. However, the infrastructure proposals that may be forwarded to the Federal Minister or Attorney-General's Department would need to be done in alignment with their budgetary process and that is the reason for at least evaluating that

MR ANDERSON Mr Speaker the Chief Minister mentioned that Minister Brendon O'Connor is coming and meetings would be arranged with him. Have you an agenda for that meeting

MR NOBBS Thank you Mr Speaker although we have for many months been seeking a face to face meeting with the Minister for Home Affairs, that hasn't eventuated in previous communications. The Federal Minister through the Administrator's office made us aware that he would be arriving this week for meetings with the Government on Wednesday afternoon. At this stage we do not have a lot of information from the Minister for Home Affairs in terms of areas and issues that he would like to discuss, however around the table of MLA's we've certainly discussed areas that we think need to be brought forward

MRS JACK Thank you Mr Speaker. So Chief Minister just in your response to the Minister for Tourism and Health, you are stating that it is definitely on the table an agreed position or a position to meet over possible taxation or is that

MR NOBBS Thank you Mr Speaker the only agreed position as far as I'm aware is that the Legislative Assembly in October 2008, perhaps it was November 2008, provided a submission to the then Minister for Home Affairs, Bob Debus and that submission made it very clear that if there were any changes considered for Norfolk Island that it be done through a collaborative taxation task force to look at any impacts and whether there were negatives and positives that might be resultant in any change

MR GARDNER Has that position put by the Norfolk Island Government in the latter part of last year been confirmed or accepted by the Commonwealth

MR NOBBS Thank you Mr Speaker and thank you for the question Minister Gardner. We have reiterated that position with the current Minister for Home Affairs and unfortunate delay I think or whether or not it is a necessary delay but due to the Henry Report being compiled within the Australian Taxation scheme the taxation task force evaluation for Norfolk Island in the broad spectrum of areas has been deferred until the completion of that report

MR GARDNER Thank you Mr Speaker, is that deferment of the consideration of the request or the deferment of the establishment of the task force

MR NOBBS Thank you Mr Speaker as far as I'm aware the establishment of the task force is something that we agreed upon between MLA's and also the Minister for Home Affairs. However the initiation of it is deferred following the Henry Report

MR GARDNER Thank you Mr Speaker, just in relation to that the agreement by the Federal Minister for the establishment of the task force. Is the Chief

Minister able to provide me with a copy of the confirmation of that in writing from the Minister's office

MR NOBBS Thank you Mr Speaker I'm fairly certain that we circulated the document that was a response from Minister O'Connor's office where it was talking about the task force on taxation and also the fact that it would be secondary to the Henry report however, if its not circulated it is certainly in the drop file and I'll pass it to you in MLA's

SPEAKER Thank you Chief Minister. 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. That statement is so noted.

REPORT OF STANDING AND SELECT COMMITTEES

SPEAKER Honourable Members there are no messages from the Administrator. Are there any reports from Standing Committees

MR N CHRISTIAN Thank you Mr Speaker. I present the Report by the Impact of Bills and Subordinate Legislation Committee. A Report on the Liquor Amendment Bill 2009. Mr Speaker, at the November sitting of this House I tabled an interim report under Standing Order 216. The report that is presented now, is the Committee's final report. Mr Speaker the Liquor Amendment Bill 2009, was referred to the Committee on the 21st October 2009. The Committee, which comprises myself as Chairman, Mr Brendon Christian and Mr Ian Anderson, went through a number of consultative processes in terms of this particular piece of proposed legislation. It consulted widely, with those who administer the Liquor Licensing arrangements, that is, senior officers of the service and members of the Liquor Licensing Board. The committee also sought public comment so there were a number of people who weren't; necessarily engaged in the particular activity but who were interested members of the community and we also had comment from those who have close association with our liquor trading who have businesses offshore. So there was a wide range of people that we heard from and of course we equally heard from the appropriate Minister in the Norfolk Island Government and the Head of the Public Service. The report has been copied in sufficient quantity for distribution to all Members and the committee is pleased to report that in terms of its referral to it as a committee, that task is now concluded. Mr Speaker, I shall now read the report into Hansard and it is my intention at the conclusion to move that the recommendations of the Impact of Bills and Subordinate Legislation Committee, be agreed to.

IMPACT OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE

Mr Speaker this is the Final Report on the Liquor Amendment Bill 2009 and it was tabled in the House on 15 December 2009 and I shall read it into Hansard.

Committee Membership, the Chair was Mr Neville Christian MLA and members were Mr Brendon Christian MLA and Mr Ian Anderson MLA and the Committee Clerk was Mrs Gaye Evans JP, Deputy Clerk to the Legislative Assembly
Introduction

On 21 October 2009 the Legislative Assembly resolved

1. That the Liquor Amendment Bill 2009 stand referred to the Impact of Bills and Subordinate Legislation Committee which shall inquire into and report on the implications of the provisions of the Bill including consideration of, but not limited to –
 - a) the impact on current and future revenue streams to the Administration; and

- b) the impact on current administration employees including options for redeployment and redundancy.
2. The Committee –
 - a) shall provide a progress report on its deliberations at the November 2009 sitting of this House; and
 - b) shall complete its inquiry and table its final report no later than the December 2009 sitting of the House.
3. The Committee is empowered to send for persons, papers and records.

Principal Issues in proposed legislation

The purpose of this Bill is to introduce a new category of liquor licence, the importer packaged liquor licence, into the *Liquor Act 2005*. The current liquor licences under the *Liquor Act 2005* are the –

- general licence;
- restaurant licence;
- club licence;
- manufacturer's licence; and
- BYO licence.

Apart from the manufacturer's licence all licences focus primarily on restricting the supply of liquor for consumption on the licensed premises.

Currently the Administration of Norfolk Island, through the Liquor Supply Service government business enterprise, has an effective monopoly on the importation of liquor into Norfolk Island and the sale of liquor for consumption off premises.

An importer packaged liquor licence will entitle the licensee to both import liquor into Norfolk Island and to sell such liquor for consumption away from the licensed premises. The supply of liquor for consumption on the licensed premises will be limited to approved tasting or sampling at no or nominal charge.

The number of importer packaged liquor licences will be limited to two licences. There will be a two stage approach to the issuance of such licences. The Liquor Licensing Board will have the power to grant such licenses. However, only an "eligible applicant" will be able to apply to the Liquor Licensing Board for grant of an importer packaged liquor licence.

The executive member will be empowered to allocate eligible applicant status through a prescribed price-based allocation procedure. This may involve allocation by auction, by tender or by allocation by a pre-determined price or at a negotiated price. The allocation procedures will be prescribed by regulation.

The allocation of eligible applicant status will not automatically entitle the applicant to the grant of an importer packaged liquor licence. The applicant will still need to satisfy the Liquor Licensing Board, in a manner consistent with the grant of other liquor licences, that they are a fit and proper person to hold the licence and satisfy other applicable statutory terms and conditions. Once granted, an importer packaged liquor licence will continue until it is cancelled for cause or surrendered by the licensee.

The Regulations may prescribe an annual fee to be payable by licensees under an importer packaged liquor licence.

Because an importer packaged liquor licence will carry with it a strong degree of market control over the importation and supply of liquor in Norfolk Island there will be conditions applying to the licences against unfair market practices, such as price-fixing with another licensee, and against misleading, deceptive or unconscionable conduct.

In this regard the executive member will also be empowered to determine a code of conduct for importer packaged liquor licences.

Only the executive member may cancel an importer packaged liquor licence for breach of the Act or applicable licence terms and conditions. Such a decision will be subject to review by the Administrative Review Tribunal.

It must be stressed that the Bill that is before the house does not compel the

Administration to sell the Liquor Bond. It only provides a mechanism to do so if the Administration so wishes, at some future time.

Committee process

The Liquor Amendment Bill 2009 was referred to the Committee on 21 October 2009.

The Committee adopted the following procedures for considering legislation referred to it: Consultation

The Committee -

- Invited public comment, as written or oral submissions, by placing advertisements in *The Norfolk Islander* and broadcasting over Radio VL2NI;
- Called on the Chief Executive Officer of the Norfolk Island Public Service to prepare background documentation
- The Chief Minister invited comment in his address to the Chamber of Commerce on 26 October 2009 and also during his Radio Broadcasts.
- By invitation the following persons met with the Committee
 - Hon Chris Magri, MLA, Minister for Commerce and Industry
 - Mr George Plant, Chief Executive Officer
 - Mrs Midge Prentice, Registrar of the Liquor Licencing Board
 - Mrs Tosca Quintal, Chairperson of the Liquor Licencing Board
 - Ms Jo Jenkins, Liquor Licencing Board Member

Written submissions were received from the following:

Mr Les Nobbs
The Social Awareness Advisory Committee
Mr Bruce Baskerville
Mr Jack Broome, Kings Liquor Ltd, New Zealand
Pastor Michael Browning, Seventh Day Adventist Church
R Saint
Staff of the Norfolk Island Liquor Bond
Mr Doug Jackson and Mrs Sybil Peapells
Mrs Midge Prentice
Public Service Association
Mr Fred Howe`
Mr James Griffith

Oral submissions were heard from the following:

Mr Ron Nobbs
Mr George Smith
Mr Stephen Menzies

Petition

A petition was lodged with the Administrator under Section 6 of the Referendum Act 1964 (NI) calling for a referendum on the issue of the sale of the Liquor Board. The Administrator on the 16th November 2009 advised Hon Lisle Snell, Speaker of the House, that the citizen initiated referenda fell short of the required signatures and as such the Administrator was unable to direct that a referendum be held.

The Committee, in its interim report submitted that nevertheless, the community is entitled to be heard and foreshadowed its recommendation in its final report to the Norfolk Island Legislative Assembly that a referendum seeking the views of the Norfolk Island community on the sale of the Norfolk Island Liquor Bond be simultaneously held with the General Election in March 2010.

On 30 November 2009 the Administrator advised that the Petition had been relodged with the appropriate number of signatures and the process of calling a referenda has been initiated

Committee's deliberations

The intention of the amending Bill was to set the legislative parameters for the issuance of two "import packaged liquor licenses" and to outline the processes for calling for expressions of interest. Under the Terms of Reference the Committee was to assess the impact of the legislation on current and future revenue streams to the Administration; and to assess the impact on current administration employees including options for redeployment and redundancy. The Committee called for public comment both oral and written and extended invitations to interested persons.

Currently the revenue stream from the Liquor Bond represents 6.5% of total revenue fund earnings. The trend in earnings from the Liquor Bond has been declining since a peak of \$1.381mil in the 2003/4 financial year to \$0.861mil in the 2008/09 financial year. This represents a 38% decline in revenue over the period. The impact of the legislation on current and future revenue streams to the Administration is impossible to assess unless the process for calling for expressions of interest is initiated. Unless or until the Committee has details of the amount of money an interested party is willing to pay for a licence, the impact on current and future revenue streams can not be quantified.

In accordance with current policy decision the five permanent staff within the Liquor bond would be offered the opportunity to express interest in vacant positions within the Administration. The staff would also be able to have priority consideration for positions falling vacant during the restructuring process. At the end of the twelve-month retention period any staff member who has not secured employment elsewhere in the Administration can be made involuntarily redundant. Assuming that all the staff in the Liquor Bond were made involuntarily redundant the cost of the redundancy process for the five permanent staff in the Liquor Bond would be the current salary cost for the twelve month retention period (\$185,959) and the redundancy payments in accordance with Table 1.

Table 1 Redundancy entitlements

Complete years of Service with the Administration	Entitlements
Less than 1 year	Nil
1 year and up to 5 years	2 weeks ordinary pay for every completed year of service
5 years and up to 10 years of service	2.5 weeks ordinary pay for every completed year
10 years and up to 20 years service	3 weeks ordinary pay for every completed year of service
20 years and over of service	3.5 weeks ordinary pay for every completed year

Based on an initial assessment of the length of service of the staff involved, this is estimated to cost \$154,000. In addition to this would be the cost of accrued entitlements (Long Service leave, Recreation leave) which would need to be calculated.

The Committee noted that a petition had been lodged with the Administrator calling for a citizen-initiated referendum. Although initially the Petition fell short of the required number of signatures, the Petition had been relodged and the Administrator was initiating the statutory process. The Committee, in its interim report submitted that the community is entitled to be heard and foreshadowed its recommendation in its final report to the Norfolk Island Legislative Assembly that a referendum seeking the views of the Norfolk Island community on the sale of the Norfolk Island Liquor Bond be simultaneously held with the General Election in March 2010. The Committee holds to this view.

Recommendations

The Committee in its deliberation accordingly submits the following:

1. A referendum be held simultaneously with the General Election in March 2010 seeking the views of the Norfolk Island community on the sale of the Norfolk Island Liquor Bond;
2. The Liquor Amendment Bill 2009 be passed by the House at the January sitting after the inclusion of amendments that make it clear that upon the issuing of the two proposed licences, the Administration would withdraw from the importation and sale of alcohol;
3. The commercial value of the Liquor Bond and the two proposed licences be determined by calling for expressions of interest which should be submitted by the 29 January 2010. The call for expressions of interest must clearly define the Terms and Conditions that will be attached to the licences; and
4. The decision whether to –
 - (a) sell the Liquor Bond; or
 - (b) modify the way in which it carries out its businessbe determined by the 13th Legislative Assembly after consideration of the outcome of the expressions of interest process and with due regard to the community's views expressed at referendum.

And that report is signed off by N C Christian, Chairman, and is dated the 15 December 2009. Thank you Mr Speaker

I now move that the recommendations of this Report be agreed to

SPEAKER
Report be agreed to

The question is that the recommendations of this

MR GARDNER Thank you Mr Speaker, I'll try to contain my comments to the question before us but as you'll appreciate there'll be a need to refer back to the body of the report for the text itself and I appreciate having been circulated with this in the last ten minutes or so and having read through it, clearly there's a lot of information in it that need some consideration and normally I would have expected it to sit on the table for a month so that it could be considered in its entirety, however, that said, just looking at recommendations 1, 3 and 4 I probably don't have a great deal of difficulty with. Certainly a referendum. That's been requested. Whether we accept that recommendation or not it's beyond our control. The referendum will be held at a date to be determined by His Honour the Administrator, so it will occur in any event. Certainly I'm supportive of it going to referendum. Recommendation 3, the commercial value of the Liquor Bond and the two proposed licences be determined by calling for expressions of interest which should be submitted by the 29 January 2010. The call for expressions of interest must clearly define the Terms and Conditions that will be attached to the licences. As I understand it, that is primarily to inform the referendum question so that the couching of the yes vote, but I would imagine that the information would be made available to those couching the no vote to be able to dissect the return to the Administration or the impact on the Administration's finances clearly would be something that's dissected and utilised in both arguments and I see no issue in doing that and the calling for expressions of interest is a fairly simple course of action. Simply a matter of putting together a call for expressions of interest, a document that states the parameters in which those calls are asked and it can refer to a number of things. It can refer to draft legislation, it can refer to existing legislation, to existing taxation arrangements, a great deal of other matters and I certainly would be interested to see how that is put together because in my view, the calling for expressions of interest, the process can be initiated without having to pass the Bill that's currently before the House because if the House determines through this process that we agree to the recommendations of the committee that gives the level of seriousness that's been bandied around in the last couple of days and the intent of the legislature to be serious about wanting to gather that information so in my view recommendation 3 probably prepared negates the need for recommendation 2. recommendation 4, the decision whether to sell the Liquor Bond and I think it's been clearly stated in radio presentations, that it was never the intent of the Legislative Assembly to sell the Liquor Bond, but now we've married this in and I think that probably arises from the wording of the petition

calling for a referendum on selling a profitable, and I forget the actual words ~ profit making entity known as the Norfolk Island Liquor Bond ~ whatever it may be, it's not necessary to have it absolutely 100% accurate on that today, or to modify the way in which it carried out its business. My understanding from the briefing that we received yesterday was the overwhelming number of people providing evidence to the committee were of a view that the Liquor Bond would probably be best placed just modifying the way it does its business and I stand to be corrected on this, but there was no push to sell it and there was no major push to issue licences other than to modify the way the Liquor Bond does its business. Going back to recommendation 2, I think it's very unusual that a committee would in moving a motion to endorse the recommendations would be binding this House to pass legislation in the House at a future sitting. It probably should be reworded if it is to progress that the Liquor Amendment Bill be presented to the House in January. Not passed. I don't believe that we can bind the House to that. Going back to some of the detail in the document, and I refer to the table 1 at the bottom on page 6, I just wonder whether there may be a typo error because both periods ten years and up to 20 years, and 20 years and over suggest 3 weeks of ordinary pay for every completed year of service. If there wasn't a typo I would have imagined this said ten years and over but that may need some clarification in the intervening period. May be later on in the day so we can adjourn this and come back to it later in the sitting. If I could now go back to the second paragraph under the heading Committee's Deliberations, ..."Currently the revenue stream from the Liquor Bond represents 6.5% of total revenue fund earnings. The trend in earnings from the Liquor Bond has been declining since a peak of \$1.381mil in the 2003/4 financial year to \$0.861mil in the 2008/09 financial year...". I'm just wondering because $\frac{3}{4}$ we didn't have a GST component. 08/09 we do have a GST component and are those figures a true representation of the total revenues flowing from the Liquor Bond to the Norfolk Island Administration by way of profit, duty if any applies, GST, and any other licencing fees that might be in attendance. All I'm thinking here is back a few months ago when I was corrected by the Minister for Commerce and Industry over my assumption that some \$1.5m or \$1.6m or thereabouts was what was returned to the Administration's coffers in totality by the operation of the Liquor Bond and I think the correction had it standing at \$1.8m or thereabouts, but again I stand to be corrected on that and I would have thought just looking at Minister Magri he's shaking his head and he believes it's about \$1.8m so I think for accuracy probably that additional information may be needs to be provided as part of this report. My other question relates to the submissions that were received because they in turn having informed the committee of the makeup of its recommendations so its relevant obviously, of the twelve or so written submissions received, how many of those were in favour of disposal of the Liquor Bond or the Administration absenting it self from the importation and distribution of liquor in Norfolk Island and how many clearly indicated a preference for modernization of the way the Liquor Bond did its business and how many of those suggested it should remain the way it is as far as its operation under the auspices of the Norfolk Island Administration or Government. If we go to page 4 and I'm sorry for going backwards but we've only had this for a few minutes and I've jotted down notes as the Minister was presenting his report the Bill itself and this relates back to recommendation 2 about the passage of the Bill would allow the executive member to allocate eligible applicant status through a prescribed price based allocation procedure and that can involve a number of different methods, by auction, by tender or by allocation by a predetermined price, so if the Government were to say x number of dollars the Minister is empowered then to go and issue a licence or at a negotiated price, which means that the Minister can sit down with a proponent, negotiate a price and the Minister of the day can just go and issue a licence. That is, a concern that I have in relation to recommendation 2 and why I certainly won't be supporting recommendation 2 in that the passage of the legislation as it's proposed at the January sitting would provide at least the best part of two months, following enactment of the legislation at executive council in January for those licences to be issued, that ought to be issued, two months in advance of the referendum on the question of whether the people of Norfolk Island think that the Liquor Bond should be sold or disposed of. I think it's inappropriate that if we are genuine about asking the people its views on a question that we should be enacting legislation that firmly favours only one of the options and not both. I

think it's important that the considering of the legislation remain the last option in consideration of disposal of the asset and the way the asset will be managed in the future for the reasons that I've outlined which provides a mechanism now to seek expressions of interest from persons in the community based on I would imagine the current regulatory regime that is in place as far as gst duty and other taxation measures are concerned and an indication and those expressions of interest that the intent is that those remain as they are today so that you get a price through the expressions of interest based on the current regulatory environment because anybody putting in an expressions of interest would want to be sure of the fact that the 13th Legislative Assembly if this were to get up, wasn't suddenly going to hike up gst, wasn't going to impose another tax or another regulatory burden which would undermine their ability to derive the necessary profits that they are looking to derive from entering into the sale and distribution of alcohol products in Norfolk Island. I don't think the draft Bill before us despite the fact that we are talking about some amendments, necessarily gives that guidance. What it does is provide a legislative environment for something to happen which we have genuinely decided is a question that need to be put before the people of Norfolk Island before legislation is enacted and particularly before any steps are taken to move from the position that currently exists in relation to the management and operation of the Liquor Bond. That's probably enough from me at the moment other than the annual fee, the regulations may prescribe an annual fee. That's another one of those hidden ones which nobody can quantify at the moment and will certainly be a matter that somebody will rely upon in putting together an expressions of interest of exactly what that fee might be, if its by regulation as we know those regulations can change very swiftly and if the fee were to be \$1000 this year it could be \$100,000 next month and people need to know that information if they are going to be genuine in putting together an expressions of interest. I've no issue in going down the path in seeking expressions of interest. At this stage I can support recommendations 1, 3 and 4 but I'm not supportive of recommendations 2. I don't believe its necessary for the purposes of the exercise as proposed

SPEAKER

A number of persons have sought the call and Mrs Jack you were the first to indicate but would you mind if the Chairman of the Report takes precedence

MRS JACK
concerns

Thank you Mr Speaker I think he may well satisfy my

MR N CHRISTIAN

Thank you Mr Speaker firstly I'll just flag that there are a couple of typos that I would like to amend and I'll do that shortly but if I could just respond to some of Mr Gardner's queries. Firstly, the committee was not asked to make a decision one way or another in respect of selling the Liquor Bond and that became a secondary issue as the result of a petition taken up by Members of the community. The committee recognises that the passage of this legislation could in fact facilitate the selling of the Liquor Bond but the passage of the legislation in no way compels the Administration or the Norfolk Island Government or the responsible executive member to actually sell the Liquor Bond or to issue the licences. It just provides a mechanism for issuing a type of licence which is not currently available. Now we did seek legal advise in respect of the fact that if there is an ability to issue a licence, are you compelled to issue a licence, if someone were to apply for that licence, and the clear answer is that you are not obliged to issue the licence if someone were to apply for it. Mr Gardner made some reference to the earnings figures that are in there and it's quite clear that what we are talking about is the net profit of the Liquor Bond which is transferred to the revenue fund each year by way of dividend. All of the duties and GST which the Liquor Bond currently is liable for would automatically transfer to any other importer of alcohol so whatever is collected in respect of GST, whatever is collected in respect of duty, would remain and that's why we have remained silent on it, because it is largely irrelevant. What we have demonstrated there is that the Liquor Bond's earnings in respect of the revenue fund as a total has actually been declining and that would indicate to me that the Liquor Bond is less important to the revenue fund than it has been in the past. Now there may be many reasons for the decline

in income. It could well be that the price of alcohol is too expensive or it could simply be that we have fewer visitors on the island over that period but we have not drawn a conclusion in respect of that. We have just observed the pure financial impact. In respect to the recommendations and some of Mr Gardner's concerns. I thought recommendation No 4 made it quite clear that if this Legislative Assembly was to pass recommendation 2 at the January meeting of the House recommendation 4 makes it quite clear that it would be the 13th Legislative Assembly that would issue any licences if any changes are to be made, so I've actually I would have thought, bound the 12th Legislative Assembly by adopting our recommendations to in fact, not make any decisions in respect to the issuing of a licence, so the protection mechanism is there if Mr Gardner would like to amend recommendation 2 so that it is presented to the Legislative Assembly for consideration at the January meeting rather than passed, I can live with that, because at the end of the day, that's in effect what would happen. It would be presented brought before the House at the January meeting and the Legislative Assembly at that time could determine what it did with it. It could adjourn it, it could pass it or it could toss it out, so I could live with that so if Mr Gardner would be prepared to move an amendment to recommendation 2 at the appropriate time I think the committee Members could live with that. What I would like to do know is just read into Hansard a couple of little typo changes. On page 5 where we make reference to sale of the "liquor board" it should be sale of the "Liquor Bond". So we need to change "board" to "bond" and on page 6 there at the bottom of the second paragraph the sentence there "where process of calling a referenda" that should be "referendum", is another change there and in the table of redundancy entitlements, twenty years and over the "3 weeks" should be "3.5 weeks" ordinary pay for every year of service and that Mr Speaker are the changes that need to be made there and if Mr Gardner wants to move an amendment to recommendation number 2, at the appropriate time he can do so

MRS JACK

Thank you Mr Speaker I like Mr Gardner have no problem with 1, 3 and 4. My concern with No. 2 stems from some discussion Members had yesterday necessary that the Bill be passed in order that expressions of interest can be put out to show our intent. It wasn't to sell or to hold some clarity or definitive action if it's to go though. My concern is that I just don't quite follow that line of argument that we need to pass the Bill in order to put out expressions of interest. I agree with Mr Gardner that our intent is in the discussion here and that number two is surplus to my requirements however, if we are to go ahead and have the Bill presented I think the Minister for Commerce and Industry is well aware that there needs to be detail stage amendments made to the Bill that states the Administration would withdraw from the importation and sale of alcohol, however given 4(b) if we were to modify it, he may still wish to import but not sell that would have to be the degree in which we were to continue to participate so that would need fine tuning. As I say 1, 3 and 4 are fine. I just have problems with the inclusion of number 2. Thank you

MR SHERIDAN

Thank you Mr Speaker the other speakers have made mention of the content of the report and I don't intend to go through that. I just want to make mention of a couple of the recommendations. I couldn't agree with recommendation 1, because we don't even know if we are going to election in March. That comes up on the paper as the first notice and I may make a motion to amend that date to the 2nd February so I don't think we should accept these recommendations because we're being held to an election in March. The Chairman of the report might like to change that to say simultaneously with the general entry permit and just leave the March 2010 out so that he's not committing himself to a date. Nobody could agree to that first recommendation. The second recommendation I think has been well versed down here already that again, the Bill is before the House and there is no way in the world that we can forecast how the vote could go on that Bill so we don't want to be putting ourselves in the position where if we make a decision here we are then inclined to then pass it in January and the other thing with that No 2 is virtually I do believe if we supported that in any way by either amending it as its been tabled or at presentation or passed, its virtually condemns the Administration to issue two licences and withdraw from the importation and

sale of alcohol. I believe that's how it reads. To make it clear that that is its real intention and I don't know whether it is the intention of the Administration at this point in time, so I do have a problem with the first two. Nos 3 and 4 where it calls for an expression of interest and leave it up to the 13th Legislative Assembly as to whether or not they want to sell it or modify the way that they carry out their business, so be it, but yes, I do have great concerns with the first two recommendations

MR MAGRI Mr Speaker I will probably weigh back into this discussion but I was just referring back to some of the things that Mr Gardner said in relation to the report itself, and I just make reference to the contributions to the revenue fund made by the Liquor Bond and it is true that the revenue fund has realised its incomes in different ways from the period of 2003 to 2008 but the point that the report attempts to make here is that there has been a decline in revenues over that period and that is that. I also do acknowledge that the revenue fund does realise its earnings through other mechanisms. The other point to be made in relation to this, and I hope that this is just information that might be helpful, in relation to the priced based allocation of any possible licence in the future, I think what this is referring to is the actual allocation will be prescribed by Regulations and as we are all aware, Regulations are disallowable instruments and if we disagree we can use the mechanisms prescribed by that process to disagree with it. Just in relation to any possible expressions of interest that may be sought, and about those persons getting some assurances that taxes won't be raised at some time in the future. I've heard this discussion that's been actually spoken around this table a fair bit. I don't agree with it at all. No business is exempt from a Government raising tax at any time and I would question that if that is why we shouldn't proceed in this matter, I would offer the advise that nobody should ever buy another business

MR N CHRISTIAN Thank you Mr Speaker I just need to clarify the situation in respect of Mr Sheridan's contribution to the debate where he's saying that it is presumptuous to say that he referendum should be held in conjunction with the general election in March. Mr Speaker I'm a fairly practical person, and what I was trying to do is to eliminate the need to in effect, run two elections. One for the general election and one for the referendum. They both cost money and I have had discussion with the Administrator. He has to go through a process and likewise we have to go through a process and the Membership of this Legislative Assembly including Mr Sheridan, met last week at MLA's and determined that the date for the next general election would be the 17th march and as far as I'm aware there was no dissenting view expressed at that meeting and hence, that forms the basis of the Chief Minister's motion calling for a general election on the notice paper today, and that's why we have said that the general election will be in march and hold a referendum at the same time. Now if Mr Sheridan wants to change the date of the election to the 2nd February, it just stands that the referendum for the sale of the Liquor Bond would be held at the same time

MR SHERIDAN Thank you Mr Speaker and I thank the Minister for that. Minister I wasn't advocating that I was going to move a motion to alter the notice on the paper. All I was saying is that if we pass this now, we're foreshadowing the debate on the first item and I don't believe it's proper. It might be semantics, but I don't believe it is proper that we put ourselves in the position where we agree to recommendation No. 1 where it refers to the general election in March when we haven't even gone through that process of debating whether or not we are going to actually do that

MR N CHRISTIAN Thank you Mr Speaker would it be appropriate for me to request that further debate on this issue be suspended until further in the meeting until the date for the next election has been determined. Thank you

SPEAKER Thank you Minister. The question is that this matter be deferred until later in the meeting

QUESTION PUT

AGREED

Thank you. That motion is so agreed

NOTICES

REQUEST THAT HIS HONOUR THE ADMINISTRATOR CALL A GENERAL ELECTION

MR NOBBS Thank you Mr Speaker I move that in accordance with section 35 of the Norfolk Island Act 1979 the Administrator be requested to determine Wednesday 17 March 2010 as the date for a general election. Thank you Mr Speaker as already commented on this, we have had discussion around the table about a suitable date for the upcoming elections. This Legislative Assembly will by that time, of the March election have gone into its full term and if this is agreed to, I think it will be about the fifth Legislative Assembly to go to its full term, which is a good thing considering the many challenges and things that have been dealt with in this Legislative Assembly. Thank you

MR SHERIDAN Thank you Mr Speaker I fully support this motion for the 17th March and hopefully I will be back from my holidays in early march so I think it's a great day. As the Chief Minister has indicated we have discussed this already and in the general opinion it was decided that March 17th would be the date and I therefore support this

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

SPEAKER Thank you Mr Christian. The question is that the question be put and I do so

QUESTION PUT
AGREED

Thank you. I now put the question that the motion be agreed to

QUESTION PUT
AGREED

Thank you. That motion is so agreed

REPORT OF STANDING AND SELECT COMMITTEES

SPEAKER Mr Christian, do you wish to return to the report of the Impact of Bills Committee. Thank you. We continue with that debate

MR N CHRISTIAN Thank you Mr Speaker. I wish to make a detail stage amendment on behalf of Mr Gardner to recommendation No 2 and that the word "passed by" be replaced by "presented to"

MR GARDNER Thank you Mr Speaker, because I had indicated that may be there was a need if it was thought that recommendation No 2 was going to get up that the appropriate wording should be not passed by the House but should be consideration by the House at the January sitting. That doesn't mean that I support that recommendation at all which I don't. the point I was trying to make was that it was in the view of the House that that recommendation was going to be supported then I would like to move that amendment

SPEAKER Any further debate Honourable Members

MR GARDNER Thank you Mr Speaker, can move that the question on endorsement of Recommendation 2 be put. As is

SPEAKER The question is that recommendation No 2 as it stands be now put

QUESTION PUT

MR SHERIDAN What are we voting on Mr Speaker

MR N CHRISTIAN We are voting on recommendation 2 as it currently stands

MR GARDNER Thank you Mr Speaker, I understand that the question before us was that the recommendations 1 through 4 be endorsed by the Legislative Assembly. I have moved Mr Speaker that the question on the endorsement of Recommendation 2 now be put. Can you please clarify it for the Members exactly what that means

MR N CHRISTIAN That means that we vote on recommendation 2 as it stands on the paper. So you are voting to agree or disagree with it

MR BRENDON CHRISTIAN So we are now voting on recommendation No 2 as put by the Minister for Finance

MR GARDNER Thank you Mr Speaker, I then move that we deal with recommendations one at a time as they are numbered

SPEAKER Thank you Mr Gardner. So. That motion is that the motion be amended by the deletion of the words after "that" and the insertion of the words, "the recommendations to be considered and voted on one at a time". Does that satisfy Members. I put that question

QUESTION PUT
AGREED

Thank you.

MR N CHRISTIAN Thank you Mr Speaker does that mean we have just agreed recommendation No 1

SPEAKER No. It means that we have agreed to commence the process, one at a time. The question now is that recommendation No 1 be agreed to and I put that question

QUESTION PUT
AGREED

Recommendation No 1 is so agreed. We now move to recommendation No 2.

MRS JACK As it currently reads? As the Liquor Amendment Bill 2009 be passed by the House. That's what we are considering

SPEAKER That is correct

QUESTION PUT

MR N CHRISTIAN Could the Clerk please call the House

SPEAKER You wish the House to be called?

MR MAGRI Mr Speaker does voting on this allow us to vote on recommendation 2 after deciding whether we accept the amendment as proposed

SPEAKER We haven't agreed to any amendments

MR MAGRI Mr Speaker I'm asking you if there is anything in the process that allows that to happen

SPEAKER All we've agreed to is the words after "that" be inserted and the recommendations be considered and voted on one at a time. There's been no move to change any of these recommendations

MRS JACK I thought there was an amendment put Mr Speaker

MR N CHRISTIAN Yes I did Mr Speaker but the process we are now going through is that I've voted in support of recommendation No 2 as it stands. I've asked the House to be called and if the recommendation No 2 as it stands gets defeated well then Mr Gardner or someone else can move that it be amended

SPEAKER So recommendation No 2 is as it stands. We have already voted on this and a Member has asked for the House to be called. Madam Clerk could you please call the House

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

SPEAKER The result of voting Honourable Members, the Ayes three, the noes six. The motion is therefore lost

MR BRENDON CHRISTIAN Thank you Mr Speaker, I believe that's four ayes and if I may Mr Speaker, I point out that it was myself, Mr Christian, Mr Anderson and Mr Magri who voted aye

SPEAKER Mr Magri, did you vote aye. You voted aye. I beg your pardon. I thought you voted no. It doesn't change the outcome. The ayes four the noes five. The motion is lost. We move on the recommendation No 3

QUESTION PUT
AGREED

The ayes have it. We move to recommendation No 4

QUESTION PUT
AGREED

The ayes have it. Now Honourable Members how do you wish to deal with recommendation No 2

registered auditor within the meaning of section 51A of the *Norfolk Island Act 1979*, to be the Norfolk Island Government Auditor under section 51 of the Act for the financial year ending 30 June 2010; and (b) for the purposes of section 51 of the *Norfolk Island Act 1979* determine that the terms and conditions of appointment of the Norfolk Island Government Auditor be —

- (i) an annual base fee of \$39,650 for the financial year ending 30 June 2010;
- (ii) the reimbursement at their actual costs of out of pocket expenses incurred in relation to the appointment up to a maximum of \$11,000 in any one year.

MR MAGRI Thank you Mr Speaker just a question in relation to this because we are all obviously aware that it was not very long ago that we appointed the Australian National Auditor Office as our auditor and that arose out of consultations with the Commonwealth and agreed by the Commonwealth to appoint the ANA as our auditor. Obviously now we are having to appoint the CST Nexia for a further twelve months, and that arises from a letter delivered through His Honour the Administrator saying that they would taken this task on as of the following financial year. I wonder at the meeting where this was agreed whether the time frame was already agreed.

MR N CHRISTIAN Thank you Mr Speaker does Mr Magri mean that the timeframe for the ANAO coming on board was already agreed

MR MAGRI Mr Speaker was there any discussion at the meting when it was agreed that the ANA would be our auditor, as the time frame when they would agree to do that

MR N CHRISTIAN No. The motion was based on the advise given to us by Minister Debus and the decision by Cabinet in Australia that the ANAO would be our auditors

MR GARDNER Thank you Mr Speaker, I think it may be useful just to clarify that. My understanding was that when the motion was passed and presented to the Administrator, he sought advise. The advise that was received back was yes, it was the intent of the ANAO to be appointed as the Norfolk Island Government auditor but the intent had been that it was going to be for the 2010-11 financial year. That was when it was going to commence. It appears that we were of the understanding that it was for this current financial year

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

QUESTION PUT
AGREED

Thank you. That motion is so agreed

APPOINTMENT OF AUDITOR FOR NORFOLK ISLAND GOVERNMENT TOURIST BUREAU

MR GARDNER Thank you Mr Speaker, I move that for the purposes of subsection 18(1) of the *Norfolk Island Government Tourist Bureau Act 1980*, the Legislative Assembly resolve that CST Nexia Chartered Accountants of New Zealand, appointed as the Norfolk Island Government Auditor under section 51A of the *Norfolk Island Act 1979*, be the Auditor of the Norfolk Island Government Tourist Bureau for the financial year ending 30 June 2010. Thank you Mr Speaker it's a requirement of the Norfolk Island Government Tourist Bureau Act as is stated in the body of the moti8on to appoint an auditor and in this case, it reflects the appointment of CST Nexia as the Norfolk Island Government Auditor. I was asked a question yesterday about the arrangements that

are in place for another statutory body's auditing requirements and that was particularly in relation to the Norfolk Island Hospital. The Norfolk Island Hospital Act specifically provides that the Norfolk Island Government appointed auditor shall also be the auditor of the enterprises auditing requirements

SPEAKER Thank you Minister. Further debate Honourable Members. There being no further debate, the question is that the motion be agreed to and I put that question

QUESTION PUT
AGREED

Thank you. That motion is so agreed

MRS JACK Thank you Mr Speaker we've zapped through those two. Would you like me to start the Planning Act and break through that or move to No 5 and then break for lunch

SPEAKER If Mr Gardner is agreeable, we will move to the Healthcare (Amendment No. 2) Bill 2009

MR GARDNER Thank you Mr Speaker, if I can find it I am happy to oblige

HEALTHCARE (AMENDMENT NO. 2) BILL 2009

MR GARDNER Thank you Mr Speaker, I present the Healthcare (Amendment No. 2) Bill 2009 and move that the Bill be agreed to in principle

SPEAKER The question is that the Bill be agreed to in principle

MR GARDNER Thank you Mr Speaker, as is the practice in the presentation of Bills I will read the explanatory memorandum into Hansard and then table the explanatory memorandum and then I have some additional comments that I would like to make on the purpose of the Bill and to give some history to the reasons for promulgation of the Bill and the reason it's before us today. The purpose of this Bill is to make further provision in respect of emergency evacuations from Norfolk Island by clarifying the circumstances under which payments are to be made or excused and to make provision to allow optometrists to refer patients for specialist care and to prescribe a limited range of preparations that can be prescribed or provided. The *Pharmacy Act 1956* and the *Medical Practitioners Registration Act 1983* are also amended to complement the amendments to the *Healthcare Act 1989*. The change concerning optometrists is intended to bring the provisions of Norfolk Island legislation into line with provisions that have been in place elsewhere for 5 years or more and is broadly modelled on the provisions in New South Wales. The intention of the changes is to enable people in Norfolk Island to have equivalent access to care from optometrists as is available elsewhere. More specifically the intention is to make lawful the prescription of some drugs by the optometrist in the treatment of eye disease, the ability to refer directly to an eye specialist without involvement of a general practitioner, and to avoid the current requirements for a general practitioner referral in cases where the patient needs optometric consultations in excess of the schedule for HMA recipients.

The Bill is divided into 4 parts—

Part 1 contains the usual provisions for the short title and commencement.

Part 2 amends the *Healthcare Act 1989* in respect of emergency evacuation and optometrists.

Part 3 amends the *Pharmacy Act 1956* to vary definitions and the authority of pharmacists.

Part 4 amends the *Medical Practitioners Registration Act 1983* to clarify the restrictions on the practise of medicine and to add provisions concerning optometrists.

Clause 4 of the Bill amends section 9 of the *Healthcare Act* in its application to emergency evacuation. In particular the replacement subsection (4) expands the previous references to a person under the age of 18. The old provisions were not clear as to the payments in respect of such persons and the changes are intended to make it clear that a child under 18 is the responsibility of his or her parents who have the responsibility of payment for the child but that if a child under 18 is not a member of a nuclear family (defined in paragraph 3 of the Schedule to the Act) then the child is eligible for evacuation.

Clause 4 also provides that the executive member is empowered to permit the evacuation of persons in circumstances where it would be unreasonable to seek to make arrangements for payment or to ascertain if the person is an eligible person and that in such circumstances the person concerned or where applicable the head of the nuclear family is responsible for the payment and payment may be recovered accordingly.

Clause 5 amends the list of definitions in section 5 of the Act (the definitions are set out in the Schedule to the Act).

Clause 6 amends paragraph 18(b) so that the class of persons whose charges may be reimbursed includes a person to whom a person has been referred by an optometrist.

Clause 7 amends section 20 that deals with the criteria for making referrals and applies to optometrists the same criteria as currently applies to the medical staff of the Norfolk Island Hospital Enterprise and a new subsection (2A) gives the executive member the same power of issuing general guidelines for optometrists as exists for the Enterprise medical staff in making referrals.

Clause 8 inserts into the Schedule a series of new definitions necessary for the application of the legislation to optometrists and in particular provides an explanation of the meaning of an "authorised optometrist" as an optometrist who has an authorisation (called an optometrist drug authority) to possess, use, supply or prescribe a substance and "an optometrist drug authority" is defined by reference to an authority issued under the *Medical Practitioners Registration Act 1983*.

Clause 9 applies the changes of Part 3 to the *Pharmacy Act 1956*.

Clause 10 cross refers to the definitions of "authorised optometrist", "optometrist" and "optometry" in the *Healthcare Act 1989*.

Clause 11 extends the power of a pharmacist to act under instruction from a medical practitioner to include an authorised optometrist.

Clause 12 applies Part 4 to the *Medical Practitioners Registration Act 1983*.

Clause 13 inserts into section 3 a new definition of "optometrist drug authority" to mean an optometrists drug authority approved by the executive member.

Clause 14 amends section 12 by inserting a new subsection to provide that the prohibition on practising medicine does not apply to an optometrist as defined in the *Healthcare Act 1989*.

Clause 15 inserts 3 new sections 14A, 14B and 14C into the Act as follows —

14A provides for the issue of optometrist drug authorities by the executive member and sets out that the criteria for being satisfied that an authority should be issued is that the applicant meet the competency standards of the Optometrists Registration Board of New South Wales acting under the *Optometrists Act 2002* of New South Wales.

14B provides that the term of an optometrist drug authority is not more than 5 years and may be withdrawn by the executive member.

14C describes the kind of substances, the purposes of the use and the activities that can be provided by an optometrist.

Mr Speaker that completes the explanatory memorandum to the Healthcare (Amendment No. 2) Bill 2009 and as I indicated earlier, I just wanted to provide some further minor discussion in relation to the history of the promulgation of the Bill and the reasons for bringing it to the House. Back in about April or so of this year representations were made to me and I understand they weren't the first made by the local optometrist, Mr John Kelly to the Norfolk Island Government to try and streamline the referral processes and the

treatment in the interest of better medical care and attention for optometry patients in Norfolk Island. He provided a great deal of detail in relation to the operation of those mechanisms in other jurisdictions. Sought references from people to support I of that advise in written form. Mr Speaker we had as a Legislative Assembly and particularly as an executive some discussions on the implications of this. I think it's fair to say that it was clearly recognised that the benefits provided in amending the healthcare legislation and the consequential amendments to other legislation were in the interests of those seeking optometry treatment in Norfolk Island clearly to their benefit and clearly a commonsense approach to providing that level of care and attention to people in Norfolk Island. I'm grateful to Mr Kelly for his proposal in April that has led to the preparation of this Bill. It has been as has been explained in the explanatory memorandum made a number of important references to legislation and mechanisms elsewhere to allow for the optometrists in Norfolk Island to provide drugs and to prescribe and the like, and those references are drawn on New South Wales legislation as being the model legislation to follow in relation to Norfolk Island. The Regulations that will apply to the list of drugs will be developed in accord with the provisions of the proposed Bill that's before the House at the moment and they will be able to be adapted from time to time as different treatments become available and there are advances in optometry generally. The other amendment to the healthcare Bill itself about the medical evacuations as the explanatory memorandum says is to clarify who is responsible for the payment of the \$2,500 contribution for a medivac for a person who is under 18 years of age. It does put the onus on the nuclear family as is defined in the legislation but it still provides the flexibility in certain circumstances for that contribution to be waived in cases of hardship and the like in accord with the provisions of the legislation. I commend the Bill to the House. I look forward to Members comments and queries and hope in the intervening period between now and the January or February sitting where I hope to try and finalise this legislation that there will be feedback from people in the community and those with some interest. I might say that in the submissions that I received from John Kelly I had in the intervening period since April received a number of submissions from his patients requesting that streamlining amendments to the Healthcare Act be provided to provide for a far easier and more meaningful and commonsense approach to referrals, the prescription of drugs and the stocking of drugs by people practising optometry in Norfolk Island. Thank you

MRS JACK Thank you Mr Speaker I appreciate the Minister's comments but my clarification sought is in your explanatory memorandum when you say and to avoid the current requirements for a general practitioner referral in cases where the patient needs optometric consultations in excess of the schedule for HMA recipients. What you are putting forward there, if I could seek clarification, is that the policies that have been developed over the past couple of years regarding the number of visits etc still remain but the requirement to get along from together with the optometrist also a general practitioner referral is what you're saying is now not required

MR GARDNER The requirement to be referred to a general practitioner

MRS JACK as well as, because you will appreciate from my perspective with the Social Services Act, is that the Medicare system in Australia has a lot of checks and balances that look at various aspects of medical practitioners. The good and the bad. The method that we have may be a bit more cumbersome here and not be so streamlined but it is also one of our ways to have our own checks and balances. The fact that you have a visit to the optometrist as well as the visit to the general practitioner and I'm just wondering and I'll ask you what sort of alternative you see as being used in order to keep the check and balance in the potential for over servicing whatever and have you discussed it with the relevant officers within the Public Service

MR GARDNER Yes I have had some discussion with officers within the Public Service particularly those dealing with social welfare because this relates to HMA. As I'm sure the Minister will appreciate Mr Speaker in avoiding the need for the

optometrist or somebody practicing optometry on Norfolk Island to refer a patient to a general practitioner at the Norfolk Island Hospital in fact will give a saving under the social welfare scheme in avoiding the \$48 or thereabouts costs associated with making that referral to a general practitioner so in the many tens if not hundreds of patients that are seen in Norfolk Island if you start to do the maths you can start to see the savings that apply. The question of over servicing if you like or the potential for the provisions to be abused in some way and I'm not suggesting that, that is happening, is contained in the empowerment of the executive member who at this stage is myself, to issue an authority for an optometrist to do just that, and the provisions of the legislation make it very clear that, that authority can contain whatever conditions as are necessary and it is certainly my intention that the appropriate policies and I refer again in the legislation to the policies and guidelines that can be issued as are now issued to medical practitioners for referrals, will be developed and will be issued as part of that optometrist authorization which will stipulate exactly the ways in which you can exercise that authority and in advance of doing that, obviously both healthcare and social service officers have had some discussion with you already about that already will be a need to make sure that there is a clearly defined policy in both of those areas which will apply to that authority that's granted so I believe there's more than adequate checks and balances in place to curb any perception that there may be any over servicing or whatever. I think it's a rigorous approach that's been taken and should contain any concerns that you might have

MR BRENDON CHRISTIAN Thank you Mr Speaker, I seek some clarification from the Minister on the proposed amendment to the access for the medical evacuation levy. In the amendment of section 9. We've got subsection 4, at the moment it says the person who is liable for payment of a medical evacuation levy under the Healthcare Levy Act 1990 is in default of payment more than one levy period. Now just a clarification, a person under the age of 18 is not liable for that payment. Is that correct. You don't pay the medical evacuation levy until you are 18

MR GARDNER That's correct, yep

MR BRENDON CHRISTIAN Wouldn't that clearly say then that the section that you intend to add to this clearly stated and those persons who are not liable to pay the evacuation levy would then be liable for the first \$2,500 of that evacuation levy even though they are not liable to be paying the levy

MR GARDNER Thank you Mr Speaker, as I think I explained in my addition comments that levy has a provision within this to be able to waive that so it takes into account somebody's ability to be able to pay that whether you are 18 or not

MR BRENDON CHRISTIAN Thank you Mr Speaker, that's correct but I'm just concerned Minister that this amendment will now, where I believe previously people under the age of 18 have not been liable to pay the first \$2500 for evacuation will now be liable to pay. Is that a major change or am I misreading the description of who is liable for the first \$2,500 of the medical evacuation

MR GARDNER The intent of the establishment of the medical evacuation levy was that the nuclear family would be responsible for the evacuation of a Member of that nuclear family, whether you're 80 or whether you're 8. All this provisions does is clarify that to be very specific to say that you are liable, the nuclear family is liable for the first \$2500 of the costs of a medical evacuation by medivac. The issue that you refer to in clause 4 for subsection 9.4 which has been substituted, those issues and those questions about default of a payment for more than one levy period are existing provisions under the Healthcare Act. They are already there. They already exist, so what this amendment to the Bill provides is clarification on who is responsible for meeting the first \$2500 of a medical evacuation where before it wasn't specific about the nuclear family accepting responsibility for that, this makes it specific. Other persons under the age of 18 where they might be under 18 here and working in Norfolk Island, they can be asked to

pay that but depending on their circumstances it can be waived, so you would still evacuate them and that's the whole idea of the medical evacuation is to make sure that nobody is left stranded. We will evacuate people and that's what these provisions are for. That's what it was all about. To ensure that we were able to evacuate people because for those who are relatively new to the Legislative Assembly I think that the changes took place probably five or six years ago from a situation where as the Minister for Health or the Minister responsible for the healthcare system where there were medivacs prior to the establishment of the medical evacuation scheme, the executive member was responsible for fronting up to a family saying first, not how you are going to meet the first \$2500 but how you are going to meet the first \$40-50,000 of the medical evacuation scheme and only then, when they could say that there was absolutely no way you had to move into a situation of saying well, we waive it. But it is not a particularly nice thing to have to do when people are in circumstances of extreme trauma to approach them to say look, how are you going to pay for this and so the medical evacuation scheme came into being, the levy was imposed, so that it ensured or guaranteed that we would be able to evacuate people from Norfolk Island in case of need. Now nobody's suggesting that you are aren't going to evacuate people from Norfolk Island if they haven't paid their levy, but what it does is provide you with a mechanism to be able to recover that if they haven't paid the first \$2500 at some other time, down the track. I don't know whether that assists

MR SHERIDAN Thank you Mr Speaker just a curiosity you might say with the Minister's comments with the people under 18 in no nuclear family, they are still covered under the healthcare scheme for medical evacuations which I would agree with but I also note in the Healthcare Levy Act they are not obliged to pay the healthcare levy either, is that correct, even if they are in full time employment. They've left school at 16, they don't have a nuclear family here on Norfolk Island, they're working under their own right, they have their own flat etc, there is still no requirement for them to pay the healthcare levy is that correct

MR GARDNER As I understand it, that is correct

MR MAGRI Mr Speaker just a quick question in relation to the giving the optometrist the ability to make referrals and the like, the Minister explained how the executive member has the authority to require the optometrist to make sure the customer is not over serviced, and that service is appropriately supplied, I'm just wondering where that is in the amendments, because I can see one in relation to a drug authority and referring to the New South Wales Optometrist Act, I'm just wondering where the servicing limits or requirements are in these amendments

MR GARDNER Thank you Mr Speaker, in clause 13, interpretation and insertion of a new definition of optometrist drug authority, means an optometrist drug authority approved by the executive member. Mr Magri is quite correct in point out that as far as the optometrist drug authority they can have any condition as prescribed by Regulations and I'm just seeing if I can find the other reference if I can....

MR MAGRI Mr Speaker if I could just interrupt here if I can, obviously I haven't a problem, I think this is good and appropriate Bill, it just is that it really provides for a private business to bind the Administration to meet certain costs and I just wonder whether in relation to the health of the healthcare fund, the costs that may be borne by that fund have been taken into consideration, that was my only concern. Now I understand from a previous question that there are some studies to make sure that the fund is in a sound condition at the moment, I would just hope that these changes can be referred to that study because I do support the Bill and its intent

MR NOBBS Thank you Mr Speaker mine is just a brief question with regard to the optometrist drug authority and the New South Wales Optometrist Act in one of the ways in which it effects Norfolk Island in this context with regard to perhaps the

secure containment of optometry pharmaceuticals, what are the provisions that ensure that whatever pharmaceuticals are held on site are adequately stored

MR GARDNER Thank you Mr Speaker, I can deal with that. One of the references that I referred to that was provided in support of John Kelly's application was from the Optometrists Association of Australia and signed by a Shannon Pew who is the President of that organisation, and for their accreditation for want of better words, for an optometrist to do that they have to meet certain criteria and that's about the prescribing the Administration the keeping of drugs, the obtaining of substances, obtaining restrictive drugs, and the like and there are more than adequate provisional requirements upon an optometrist to ensure that they meet all of those requirements because without meeting those requirements, they wouldn't get the endorsement of their professional organisation so all of that has been taken into account. As you will appreciate, the Bill is quite long. I can't find the specific reference in the Bill at this stage to Mr Magri's queries. I'm confident that they are there Mr Speaker but certainly in the intervening period before the next time this comes back, to the House I'll ensure that they are there but my belief is that it's been satisfactorily addressed in the provisions of the legislation as far as the ability to provide conditions on an optometrists authority and if thought appropriate to freely be able to withdraw that authority as well so there's always I guess the big axe that's swinging over any of those authorities, if it's abused, the privilege can be removed

MRS JACK Thank you Mr Speaker I just ask the Minister I notice in the proposed part 4 item 15 it says the optometrist drug authority, 14(a)(i) it refers to the Optometrists Registration Board of New South Wales acting under the *Optometrists Act 2002* of New South Wales, do we also need to include that there, or is it changed from time to time. I would just hate to see a change occur, an amendment to those ones that could come in and in effect, get rid of the Optometrists Registration Board and yet we're still bound by something that may have changed or if they change the Act at all. How is that to work. We have discussed this before in other Bills

MR GARDNER Thank you Mr Speaker, I think being a realist it's unlikely that there is going to be another optometrist who would open in Norfolk Island however, that said, if there are optometrists services that are engaged through the Norfolk Island Hospital they are engaged under the provisions that apply to the Medical Practitioners at the Norfolk Island Hospital so that's not an issue. If you are suggesting that maybe Mr Kelly sold his practice to somebody from New Zealand for example, we can address that at the time but at the moment this is fairly specific and I have no issue with that. I don't perceive that there's going to be any change and it's probably a useful trigger mechanism for the review of it occurring anyway

MRS JACK No my main concern was should that change or should there be amendments to that Act of New South Wales does this legislation cater for that

MR GARDNER Only if the principal act itself was to be revoked because even if it were to be amended the Optometrist Act 2002 would still be the optometrist Act 2002 so the reference is still there, but like any provisions within the legislation it is a matter of making sure that we continue to monitor any change and as I said in my introductory remarks monitoring changes to the types of drugs that are available or the type of treatments are all things that will be addressed in the Regulations and can be addressed by amendment to the body of the Act itself but I think that we have a piece of legislation here that caters admirably for the needs of the people in Norfolk Island requiring optometry treatment

SPEAKER Thank you Minister. Any further debate Honourable Members . No. Then I call on you Minister

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

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

QUESTION PUT
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

SUSPENSION OF THE HOUSE

Honourable Members I take note of the time. I therefore wish to suspend the meeting of this House until 3pm this afternoon.

RESUMPTION OF THE HOUSE

Honourable Members we resume this Sitting

PLANNING ACT 2002

MRS JACK Thank you Mr Speaker I move that in accordance with subsection 12(4) of the *Planning Act 2002*, this House resolves that the draft plan laid before this House being a revised version of the Norfolk Island Plan originally approved on 25 February 2004 as most recently amended on 18 November 2009, and deemed to be the Plan under section 8 of the *Planning Act 2002*, be approved; and that for the purposes of subsection 13(1) of the *Planning Act 2002* that the date of commencement of the approved plan be 29 January 2010. Thank you Mr Speaker the process for plan review was initiated by way of a notice published in the Gazette in late 2007 inviting public comment on the effectiveness of the plan in promoting the objects of this Act under section 3. Submissions were received during the six week exhibition period and these were considered when the planning office prepared draft amendments to the Norfolk Island Plan. All submissions and all draft amendments were then considered by the Norfolk Island Planning and Environment Board and by the executive member. A series of 97 draft amendments to the Norfolk Island Plan were placed on public exhibition in accordance with section 11 of the Planning Act from the 21st August to the 18th September 2009. the exhibition was notified in the Norfolk Island Gazette on the 21st August and the 11th September 2009 and on local radio. Fourteen written submissions were received during the exhibition period. Three public meetings were held to discuss the draft amendments on the 2nd, 9th and 16th September and the Norfolk Island Planning and Environment Board discussed the draft amendments at a meeting held on the 24th September 2009. I accepted three late submissions on two dates in November, namely two on the 6th November and one of the 17th November 2009 respectively. There are as stated, 97 draft amendments. I don't propose to go into each one but talk generally to a few. Let me say that it is my intention to make available on the Government website a few items. One will be the proposed new plan, the draft of the proposed new plan in its entirety, including maps etc. the other I wish to include on the website will be all the proposed 97 draft amendments and I also wish to put onto the website the results of the Members recommendations on draft amendments. At the moment the Planning officer is on leave for a week, so in order to give the same amount of time as would be considered had he not been on leave during the sitting of the next Legislative Assembly it is my intention to ask that it be put back from the 20th January to the 27th January thereby allowing the same amount of time to get public comment on the draft amendments of the plan,. As stated, I'll just go into some of these amendments. Firstly what came up in the public meetings was initially where to start in debate, whether to go through each amendment or deal with some particular issues and one of the issues that was raised in

the public meetings was the desire put forward by the Planning Officer to change or to delete the use of appropriate or inappropriate in a number of clauses of the current plan. I believe there are nine clauses which use the words appropriate or inappropriate whatever it may be. Members have responded to accepting all the changes being put forward by the Planning Officer and in one of those it was proposed amendment No 5. the point was for that particular clause to be deleted entirely as it was viewed that this was a building matter rather than a planning matter and if you look at proposed amendment No 5 it at present says, ensuring that inappropriate use or development does not occur on unstable land. The view around my colleagues table in discussing that was to take this out of it being a planning issue, they thought it was a building issue, and so that is what is intended. So I will also be having to bring to this House a couple of changes to the Building Regulations and this deletion and putting it into the Building Regs will be one of those changes coming as a result. Another discussion point was proposed amendment No 16 in which it was sought to remove the word rectangle in the description of a number of clauses, for example, each lot should be capable of containing a minimum rectangle of 15 x 20 metres and change that to footprints. This also was discussed during the first public meeting and that proposed amendment is not going to be taken up, and the footprint will not be there. Rectangle will stay. I will say though that while we are determined that rectangle will stay, we want to make sure that the maintenance of a rectangle continuing to meet relevant setback requirements in each zone be adhered to. Another one was proposed amendments 26, 31, 36 and 40 and these were all dealing with flexibility in building setbacks. Currently in the rural zone and rural residential zone there is the ability for building setbacks to have some flexibility. That same flexibility does not occur in the residential, mixed use, business or light industrial zone and Members have agreed that, that flexibility is going to be allowed in with existing buildings, so for example if you already have a building that is say, a garage or a house that may be encroaching on those setbacks that's already been built and because of the current planning requirements the setbacks may be 3.6 metres from the boundary and the building is say 2 metres, and if you want to do an extension to that building, that there is a possibility that the building extension can also be brought with that 2 metre distance from the boundary. There's no guarantee that it will be, but that ability to consider it will now be in the plan. Proposed amendment number 63. This is dealing with the road zone. In discussing this, Members all were aware that road works are as of right in the road zone and did not require and will continue to not require development approval. However the one thing that I do ask the relevant Minister Mr Magri, is that full road works that are going to be carried out within the KAVHA area that just a normal heads up I suppose between the Roads Team and the Manager of the KAVHA area be made aware so that suitable notification can be given and just so that we are aware, there is also a proposal I understand that the relevant person from the Roads Section is going to start liaising with the Site Manager of KAVHA in initiating a roads policy, and Roads Development Plan so I welcome that and I think it's a great step forward. Proposed amendment 74, deals with the fact of demolition of buildings and it is proposed that all demolitions be exempt from requiring planning permission except where the land is identified in the Heritage Register. Demolition is a building activity under the Building Act and therefore requires building approval. The proposed amendment to clause 90 of the current plan be deleted and the following amendment be inserted that the demolition of whole or part of a building or structure except for demolition on land identified in the Heritage Overlay. Any concerns people may have regarding the presence of asbestos in a building will be covered because it will require a building approval or approval under the Building Act to demolish a building and so you will still have to follow the requirements of ensuring that if there is asbestos present in that House that you follow the requirements of the Act as set down. Another one is in proposed amendment 77 we have a new definition come in and this talks about subdivision of land and the subdivision is being given two degrees, a subdivision minor and a subdivision major. Subdivision minor will be able to be dealt with by the Planning Officer, and it will allow for subdivisions in which there is no net gain of portions so we're talking about boundary adjustments. Where there is the creation of new portions they will roll over into subdivision major and will have to go before the Board and then on to the responsible executive member. That was an issue that was given full support by my colleagues. The proposed amendment 78

the provision here is to instead of talk about maps, regulatory maps, to change that to overlay maps and that brings about a housekeeping change where regulatory is deleted and overlay is inserted, and this change of wording will effect the heritage overlay maps and the obstacle limitation services regulatory maps to become the obstacle limitation services overlay map and those amendments are from about 78 to 81, 82 so if you are interested in those I'll just give a heads up there. In the proposed amendment 86 we come up to a new definition for earth works. That has been giving some concern since the plan was introduced in 2002 and so we now will have a definition for earth works that will go, earth works means the use or development of land for the cutting of natural ground, cut and or the depositing of any material or substance fill on land comprising greater than 50 cubic or square metres of cut or fill so as to alter the natural ground level of that land by depth of one metre or greater of cut or fill or the letting remain on land of any material or substance deposited thereon. While there is that new definition there is also a new clause that will go in, to renumber from 81 to 101 in the new draft plan and whereas 89 used to be what activities are exempt from requiring the grant of development approval, that will now be clause 101 and in the case of earthworks it is 101 (b) (1) and (2) and so activities exempt from requiring the grant of development approval will be up to 100 cubic metres of cut or fill with a finished batter/bank of the cut or fill which has a gradient mass deeper than 45 degrees and where such earthworks are no closer than .5 of a metre to any property boundary or cut and fill for the purpose of the installation of underground water tanks or tank with a capacity of up to 45 thousand litres per tank. A wide variety of changes. One proposed amendment was 87 which was to delete dual occupancy. That is not being accepted and so dual occupancy will remain in the plan and as is stated in the note of this, that it be a requirement in dual occupancy that we remind people that this is no short cut way to subdivisions by stealth. That dual occupancy does not mean that you are half way there to having that property subdivided. 88 was one issue that was raised at the second public meeting and I was asked to vote or at least to bring first in the third and final public meeting a discussion over the proposed amendment and that indeed deals with changes to resident accommodation units. It is intended to introduced two new categories of accommodation units. One will be low density. One will be available to the rural and rural residential zone and the medium density will be available in the mixed use and residential zone. Such as is currently available, there'll be no changes there except the type of accommodation and it has been intended that I just go straight to that, purpose definition, at the end of (a), just above facilities. Lot 12 section 4 Government House and grounds is now given its own definition of Government House and domain and it means the use or development of land for the purposes of an official residence of the Administrator and the Administrator's family. A workplace for the Administrator, a workplace for the Administrator's household staff, the conduct of functions including open days to which guests have been invited, the maintenance for curtilage including gardens and landscaping, managed in accordance with the Plan of Management which will enhance community appreciation of the principal buildings and structures on the site, the maintenance of the cultural significant of the place for past present and future generations of Norfolk Islanders and other Australians and other ancillary purposes. Nearing the end of the proposed amendments we had a proposal that was a private submission and it was seeking that portion 36u8 be rezoned from rural to mixed-use zone. The portion is situated on Ferny Lane near the junction of Douglas Drive. The Members have agreed to that and this will be placed not in the actual plan but it would be notified, to the person and put in as a change under schedule 3 that shows any changes, schedule 2, development of specific sites. Nearing the end, there was a problem in the making of the last plan, that between three and five properties up in Taylors Road in town in Burnt Pine that they were made split zone portions. This has created problems for some of the owners who have been wanting to subdivide, so we've tried to come to a solution for those current owners, and they will be notified that they will be given, their properties will be changed, for example, if they are in the rural residential zone down the back and the front might be mixed use, that they will be all mixed use. If it is business and mixed use then business. Not all people who have been caught in this unfortunate position wish to have that split zone nature taken away. One owner has asked that they be left alone and we will accede to their request. One other change was to portion 57(a)(5). It is my intention and I have the

support of my colleagues to change it from a rural zone to a special use zone in order to protect an endangered species habitat and the heritage that sits nearby. I've only gone over very briefly to the changes that have been proposed. They are extensive and as I have stated earlier Members met for about six meetings, each at least two hours. We have gone over those amendments thoroughly. I look forward to placing them on the web and seeking the community's response to some of those changes. I have a feeling that some of them we will get some comment on and I look forward to those comments. It's very healthy and I'll just see if any Member has anything to say on any of these issues. Thank you

MR MAGRI Thank you Mr Speaker I just ask a procedural question that the Minister might be able to help me with. Just in relation, this is something that I would normally have brought up with the Minister if I had noticed it beforehand but I've just noticed it now, and it's in relation to a motion to bring this plan to the House where we are asked in accordance with section 12.4 of the Planning Act that this House resolve that this being the draft plan etc etc. In my reading of this actual 2002 plan, and you might be able to help me out here, sections 7 to 12 are talking about the establishment of declaration from a draft plan into an actual plan and sections 13 through 18 are talking about the processes that we would normally undertake once the plan has been commenced and it commenced in 2002. I think the proper section that we should be dealing with should be section 17 which is the periodic review of the plan and I just wonder if you could answer that, I don't need an answer now but I think it's something we should check before we proceed

MRS JACK Thank you Mr Speaker I have no trouble in checking this because that came through from Legal Services Unit so I just took it as read

MR MAGRI It's just something that we should check before we proceed and brings me on to my question, and that's in relation to section 17 of the Planning Act that prescribes the process that we undertake for a periodic review and in particular section 4 whereby the manner of the review shall be determined either by a resolution of the Legislative Assembly or in the absence of such a resolution in a manner determined by the executive member and I just wonder whether the manner that it's being reviewed is similar to the announcement that you made in 2007 which says that these responses will be considered by the Legislative Assembly and then they'll got for further public review. Is that the process that we're undertaking because it seems to me that it's gone the other way around. It's gone to public review and now its to the House

MRS JACK We've had consideration here by the Legislative Assembly, not formally, but it's also gone out for two lots of comments, seeking submissions, comment on those submissions, it's come into the Legislative Assembly and now it's going out for public comment again by being laid on the table for a month

MR MAGRI Well that probably pretty much answers my concerns. My only concern is in relation to the late submissions that we'll receive and that they get due consideration and opportunity for the community to comment on those late submissions because you wouldn't want any step of this process to circumvent those who make submissions

MRS JACK Thank you Mr Speaker those late submissions I referred to were actually ongoing prior to it, and the comments coming in were submissions on that which all the community had chance to comment on so there is nothing new there. There was one submission that people were not able to comment on and I'm not prepared to talk about the actual case now, I won't mention names, but I considered that owing to the nature of the request, that there was some other motive and I undertook the decision to consider it and I brought it to Members to give it consideration **and I will today notify that particular person of their failure to have that because as I said I feel that at times there are exceptions to be made, and if I have it in my power**

and I believe that the exception is warranted I will do so and that was I think, one of the very rare times when I've undertaken that role.

MR SHERIDAN Thank you Mr Speaker in discussing the change to the plan you might say in any great depth just to let people know that this forum has had consultation down here over a period of about six weeks going through all these changes and we have a vast array of paperwork, we've gone through a lot of submissions etc, and I just ask that the Minister when she does put it up on the web, for public viewing, you might say that's the second public viewing, with all the changes in place, could she ensure that the changes are highlighted so that when somebody in the public is reading this document, they will know what changes have been made from the original document because there's nothing worse than looking at a document and trying to find out what's changed, especially if you haven't kept pace with the public forum and the changes etc, you may not have access to all that paperwork, so if you are looking at one document and it's highlighted what the change is, then you can refer to it in the original document and see exactly what has changed so I just ask the Minister if she could ensure that once it goes on the web, that maybe those things that are changed are either highlighted or I don't know what the wording is, tracked

MRS JACK Thank you Mr Speaker I'll endeavour to do what we can, but the trouble is that the plan hasn't just been gone through from page 1 to whatever and changes occur. We've actually shifted clauses and places in the current plan into other sections so to do a tracked change, I mean, as I've stated before, the exemptions to the development approval is 89 in the current plan. Where it's been moved to is 101 so I just don't know how that could be undertaken. I can have a look and talk to EDP and see if there's a way of doing it. I'll do my best Mr Speaker

SPEAKER Is there any further debate Honourable Members. No.
Mrs Jack I call on you

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

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

QUESTION PUT
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

ORDERS OF THE DAY

WASTE MANAGEMENT REGULATIONS 2004

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

MRS JACK Thank you Mr Speaker this Bill is to seek an increase in the Waste Management Levy that will see the goods imported by sea increase from \$15 to \$32 per cubic metre or per tonne whichever is the greater and for goods imported by air increase the rate from 12 cents to 26 cents per kilogram. I went through the reasons for this last month in that the Budget Review Committee sought to wean the Waste Management Centre away from the Water Assurance Scheme because that is where the topping up funds have been coming from, and it's not the method I would choose to go down. I made that clear. However, the Members asked that I do it this way and so I have

and I've brought it to the table, and now I just seek Members views. One aspect that did come up is surprising support from the Chamber of Commerce. I realise that some of us have had some people contacting us during the intervening months saying how they support it, don't support it, whatever. You yourself Mr Speaker prefer to have a user pay system. I think that may need some clarification from me in that it wasn't a user pays by you pay what you buy, and therefore that goes in, it was more having a separate weighing system at the Waste Management Centre that would see people go along and as they used it, be individually billed and that was thought to be cumbersome by colleagues around the table, so as I said, I look forward to some comments and then putting it to the vote. Thank you

MR NOBBS Thank you Mr Speaker we did have some interesting round table discussion on this both in the previous sitting and also in MLA's and as the Minister pointed out we also had community feedback in terms of different options that they see in terms of managing the operation of the Waste Management Centre as the Minister pointed out, there have been a number of calls for a user pays type operation but as Mrs Jack also pointed out, it does also incur other costs, with weigh bridges and staff being on hand and the like. We've also looked at the infrastructure, replacement funding and how that would also impact on the charges and as I understand it a review of the operating procedures for the Waste Management Centre so it is a difficult issue to bring up to the level of required income to the centre to maintain the operation of the centre and it is just one of the difficult issues for us to get our head around

MR ANDERSON Mr Speaker the issue of charging of course my point that I tried to make was as close to user pays as we possible can. I know there is a cost in that but one section of the community shouldn't be doing the collection of the fees as it has been in the past and it now is a greater amount in the retail sector. I know it's a lost cause because no one else believes in that but I need to make the point that I consider a real user pays system as being the best. Thank you Mr Speaker

MR BRENDON CHRISTIAN Thank you Mr Speaker, just briefly as I said my piece in the last sitting. Just to point out that the system that's in place now is a user pays system. It's an effective user pays system because you are paying at the point of importation with a majority of the waste which comes into Norfolk Island. No one want to see charges going up but as I stated in the lat sitting, it's a false economy when you are running the Waste Management Centre subsidised by the Water Assurance Scheme. You can't continue to subsidise one area from another area where other people on a user pays system are paying for both entities to be run. Sure there are some downfalls in it I see that there are still areas that aren't going to be captured in this raising of the levy being green waste, locally treated timber, but I'm sure that with a little bit of work, these areas can be brought into the net of the user pays system. As I said no one wants to support the increase of any levy but I just see it as a system where it has to be justified, the cost of running the Waste Management Centre and not covered by the waste levy. That's all I have to add at this time Mr Speaker

MRS JACK Thank you Mr Speaker Mr Christian makes a point there on continuing to take funds from the Water Assurance Scheme and actually Geoff and I were talking about this very fact not so long ago and the reason why the fund or the centre did start drawing from the Water Assurance Scheme in the beginning was the idea that parts of the by product of the Water Assurance Scheme would actually be added to the composting material and that sort of for want of a better phrase, cross pollination would see the funds being able to be used as well only that hasn't happened. We now have another issue, the argentine ant issue coming up and so that's all gone on hold but certainly it doesn't mean to say that in the future it shouldn't be a direction that is looked at again

MR MAGRI Mr Speaker just quickly, I won't be supporting this Bill. I think probably what the community really needs to understand here is that this is not

going to be able to solve all the Waste Management problems that we've got. We still need to raise more money to provide an effective Waste Management solution for Norfolk Island and I think that this is only half of the conversation that we need to have. We need to spend some serious money to upgrade the Waste Management Centre to move the burning away from Headstone and in my view sooner rather than later so I'll support this Bill but I hope the conversation continues in earnest

MR SHERIDAN Thank you Mr Speaker I don't have much to say on it. I'm not a real fan of a Waste Management levy you might say. Like Mr Anderson a user pays will be a much more friendly regime but I know the drawbacks on that system with regards to setting it up properly with maybe a weigh bridge and having one person there to man the gate at all times but there's one thing that I'm not happy about with the Waste Management levy and that's the levy that's put on to vehicles. At the present time I believe vehicles are imported with a 15% duty or minimum of \$1000 and they still attract the Waste Management levy. Recently we've introduced a policy to dispose of these vehicles, it's either \$100 or \$200 if you take it out there yourself, and I think this is double dipping. We charge a Waste Management levy on these vehicles and then we charge somebody \$100 if they burn it out, strip out the fuel, take the tyres off, take the rubbers off and all that sort of thing, take it down there, then the Waste Management Centre team burns it and disposes of it. If you want the Waste Management Centre team to do all that for you, I think you still have to take it down empty of fuel, and they'll do the rest. They'll strip it down and then charge you \$200. I believe that the Waste Management levy on these vehicles should be sufficient without having to charge extra so I would like the Minister to make comment on that because I can't see us increasing the Waste Management levy per cubic metre to some \$17 as this will attract over a vehicle, a vast increase for the importation of vehicles, and yet we are also going to charge them to dispose of them if the Minister won't agree to revise that policy whereas the vehicles are disposed of as per the norm as all the other waste on the island is free of charge then I won't be supporting this increase

MR N CHRISTIAN Thank you Mr Speaker I was just wondering whether Mrs Jack could indicate to the House whether she would be prepared to amend the proposed Regulations here. It seems to be a little bit strange that we are taking ship borne cargo from \$15 per cubic metre to \$32 per cubic metre. Now if we talk about a cubic metre, in terms of water, a cubic metre would be 1000 kilos so we've taken ship cargo to 32 cents per kilo is that right or have I my maths wrong, but it appears to me that we are having a cheaper rate for air freight and a more expensive rate for sea freight and possibly they should both be the same

MRS JACK Thank you Mr Speaker first of all in response to Mr Sheridan's comments, he is quite right that, that policy has just been developed. That policy was developed before the change to the proposed change here because currently at the moment cars on an average pay between \$120 and \$230 depending on the size of the vehicle coming in for the Waste Management levy. The Waste Management Centre personnel are not the ones to burn the car, it's the fire brigade and they'll be doing it as part of an exercise and they'll be determining what days will be suitable to do it and it will be the Waste Management that take it out for tipping over headstone. I agree with Mr Sheridan, it's not a good way to go but I need to be able to develop a policy that sees the burning of cars. Now the funds coming in are part of the normal Waste Management levy that we pay, and they are not enough to run the centre. And just like we are here in the House now to increase the levy in order to bring it up to operational requirements, \$467,000 odd, we would be short if that didn't go through so I mean if this gets up, if this change gets up then one could actually say that the increase would be able to fund the change because a car coming in would in actual fact be paying that difference and if I can get the isolation factor from the service, then theoretically one could say that, that fee would be changed, but I don't think the theory in actual fact turns over when it comes to practice because the cost of burning cars and then taking them out and tipping them over Headstone are not included in that, now if I'm to burn them out at Headstone and just throw them over, I have other OH&S issues that have to be met. I'm faced with problems

whichever way I turn and all those problems have cost implications if they are to be dealt with effectively so..... where to go

MR BRENDON CHRISTIAN Thank you Mr Speaker, just on that point, it would probably be worth noting to Mr Sheridan that as far as fairness and user pays goes the Waste Management levy was only introduced in 2004 so vehicles pre 2004 have effectively paid no Waste Management levy for disposal. If there was a system or a way that you could say that vehicles after 2004, then I fully agree. You've paid your Waste Management levy on it and there should be a system to say that you've already effectively paid for disposal of that vehicle. You're getting new tyres for that car, if you pay the Waste Management levy on that to dispose of it, but in the interest of fairness, no car pre 2004 has paid any Waste Management levy to dispose of it whatsoever

MR SHERIDAN Thank you Mr Speaker just in response there, I suppose if you are going to say that anything that was imported to the island prior to 2004 hasn't had the Waste Management levy charge on it, so in all fairness it should have some sort of levy charge on it and this would include all building materials that have been on the island for some 40 to 50 years, then you get a myriad of items that you could dream up that have been on the island for longer than five years that are eventually disposed of. You are talking about furniture, you're talking about all your household goods and appliances, they don't get charged anything and they go down there. Why should you pick on a car, I'm just doing some quick maths here on the back of an envelope as the Minister for Finance often does, and I just look at the extra income that you would get on the Waste Management levy on a vehicle of an average size and you would get an extra \$300 on this increase so there's the extra money that you would get to run the Waste Management Centre and also for the disposal of vehicles

MRS JACK Thank you Mr Speaker as I said when that policy was introduced, there was no certainty that this would get up so that policy is able for review should this get up

MR GARDNER Thank you Mr Speaker, just a brief contribution. My debate at the last time this came up centered on maybe reviewing the way we do things and the way we apportion funds from the revenue fund for particular purposes. A lot has been said about user pays and the principal involved yet we don't have the same qualms and certainly I'm not suggesting that we apply the user pays system to education but the revenue fund funds education in its entirety and yet only 300 people use it if that makes sense. And certainly my preference long term would be for the revenue fund to pick up the cost of the delivery of those community services from its general revenues and in this case, in the main would be from GST but at this stage; our budget doesn't provide us with the flexibility to do that. With the discussion that's happened in the intervening period since this last came up, clearly we are not in a position to revise our current expenditure to cover the cost of doing this, so begrudgingly, I'm prepared to support the motion that's before us in relation to these Regulations but I certainly do hope that at some future time when the state of the economy is such that it has improved to a degree that we are again back in surplus mode as far as our revenue raising measures are concerned, that we can look at doing away with these levies and that we are funding out of more a general pool of money raised under our revenue raising measures, thank you

SPEAKER Any further debate Honourable Members. I put the question that the motion be agreed to

QUESTION PUT

Madam Clerk could you please call the House

MR SNELL
MR B CHRISTIAN

NO
AYE

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

Thank you Madam Clerk. The result of voting Honourable Members, the Ayes six, the noes three therefore the motion is so agreed to

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 this Bill has been sitting on the table for some considerable time and during that time we have been aware of a lot of changes in the views the Commonwealth has over some of the aspects of the original Bill that was put years ago. The purpose that I would be seeking would be to amend the Bill with a complete detail stage amendment and instead of reading it, it's not my intention to read the detail stage amendment into Hansard, but I do have an explanatory memorandum that I will read. Mr Speaker the purpose of the changes to the Bill by the proposed amendment is to remove contentious matters from the Bill, revise some provisions and present the format of amendment by way of a Schedule. For convenience, ease of reference and to avoid re-numbering, all of the clauses of the Bill other than the three introductory clauses are replaced by one new clause setting out the Schedule of amendments. Clause 4 contains the Schedule setting out in item numbers the changes to the Act. Item 1 inserts some new definitions of the Bill, clause 6, introduces the new concept of a couple which will extend the application of the Act to persons who are in a "de facto" relationship. Item 2 inserts a new section 3A to make it clear what is meant by the new expression "member of a couple". Item 3 inserts new sections 15A and 15B to authorise the executive member to approve forms for usage where they are not otherwise prescribed rather than simply require applications in writing, and to authorise delegation to an authorised officer (who is defined as a person who has been appointed by the executive member to be an authorised officer). At present there is no delegation power. Item 4 provides for a gradual implementation of a common age of 65 years for "age" benefits by amending section 16 of the Act to insert a table of ages at which the benefit may be claimed by females moving from 63 years to 65 years. Item 5 alters the requirements for eligibility for invalid by changing "permanently incapacitated for work" to "long term incapacity", now defined in the new definition inserted into section 3. Item 6 Bill provides a more extensive description of the process for obtaining and retaining an invalid or handicapped child benefit and includes the requirement for an annual medical examination and medical report. Item 7 amends section 30 to require a claim to be in a prescribed form and by requiring the provision of income information. Item 8 clarifies the class of persons who may be required to provide information concerning a person applying for, or in receipt of, a benefit. Item 9 is included to clarify the change in the method of payment in subsection 46(3) that was made by the *Social Services (Amendment No 3) Bill 2009*. Item 10 replaces section 46 to clarify the manner of dealing with an unpaid benefit following the death of a beneficiary. Item 11 amends the regulation making provisions to provide more extensive power to make Regulations concerning the income and assets tests for eligibility of benefits, and the grant of benefits. Item 12 provides a Schedule of minor and consequential drafting changes to the legislation that do not affect its application. Mr Speaker it's also handy to note and it's to be found in item 4 of the schedule under aged benefits, that there's also proposed under 4 © a change. At the moment the Act requires that a person is a resident of Norfolk Island under the Immigration Act 1980 and was ordinarily resident in Norfolk Island for the ten years immediately prior to the placing of an application. The proposed change is to a resident of

Norfolk Island under the Immigration Act 1980 and was ordinarily resident in Norfolk Island for not less than ten years before that date of which at least five years was continuous. Mr Speaker it is one aspect that I find difficult to continue agreeing with while it is true that inclusion of clause 3 will match resident requirement to that of Australia it is to me a complete about face with our current residency requirement and my concern in taking the breaks off so much is that I am unable to gauge potential budgetary impact to such a change and it may well be that following further discussion with Members here that I may seek a further amendment to that to have it reads to ten years before that date of which at least the last five years immediately prior to application was continuous. It's just changing the current ten year immediately before to five years immediately before. It's just a change that has been muted and it's come up from the current Social Services committee as well. Perhaps Members have a different view and we could talk about that in the intervening time because it's not my intention to deal with this matter to finality today. I will leave it sitting on the table for the community to read and also give their opinion on because social service is a very emotive area and we need to have some change and so I look forward to comments coming through from the community. Just to make sure that we are all looking at the same detail stage amendments it should be that on the first page reading clauses 4 to 24 inclusive of the Bill be deleted, it should be on item 4, aged benefits at the end of (a) just above the table it goes ;and not ; or and in column 3 of the table Mr Speaker just below that where it says men eligible for aged pension not adge and that's it. I look forward to hearing other Members comments

MR SHERIDAN Thank you Mr Speaker I think that there have been attempts before to get some changes to the Social Services Act in this area for quite some time now. I see with the revised detail stage amendment to this amendment Bill there's been withdrawn all the mention of pensioners to income, there's no asset testing. That's what I was looking for. Anything to do with asset testing has been taken out and that was one of the bugbears that I had with the original one. I just make a couple of comments. One with regard to the Ministers problem with being a resident of Norfolk Island for not less than ten years before that date has expired must be continuous, maybe just before that if ordinarily resident was changed to "was a resident in Norfolk Island for not less than ten years before that date" so that would mean that you would have to be a resident, you would have to have your residency for at least ten years during that period, so it means that anyone on a permit system would not count towards a pension in that sense so maybe that's one way the Minister could look at that because then if you get down to the residency stage, if you're on a general entry permit, you are there for five and a half years then ten years as a resident, then you've contributed a fair amount of time to Norfolk Island so maybe that is one way for the Minister and also I see a Member of a couple there with a definition that's come back into it now, I think it's the same sex Member of a couple. Maybe it could put some teeth into it if we could ask the Minister responsible for the Marriage Act is it I don't know what it is if maybe there could be a review of that Act to enable the proper union of these people on Norfolk Island so that there is no impediment or discussion about it and I think that would be welcomed by the same sex couples here on Norfolk Island

MRS JACK Thank you Mr Speaker could I just say that the Marriage Act is a Commonwealth Act and one couple did try to introduce the legalisation of same sex couples the Commonwealth put it to right, well the Commonwealth thought they put it to right. I have a different view Mr Speaker and so I am not able to initiate that review or undertake the amendment. So I take your point on what you were saying before about residents

SPEAKER Any further debate Honourable Members

MRS JACK Thank you Mr Speaker can I just say that the detail stage amendments will be able to be found on the www.info.gov.nf website from tomorrow under the heading Bills Awaiting Passage Through the House and that I table the explanatory memorandum and proposed amendments

SPEAKER Thank you and now Mrs Jack would you like to move the adjournment

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

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

QUESTION PUT
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

FIXING OF THE NEXT SITTING DATE

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

MR B CHRISTIAN Mr Speaker I move that the House at its rising adjourn until Wednesday 20th January 2010, at 10.00 am.

SPEAKER Thank you Mr Christian. Is there any debate Honourable Members.

MRS JACK Thank you Mr Speaker. As I stated earlier in the discussion over the Norfolk Island Plan Review, the Planning Officer is away for this week and I would like to ensure that the public are given a fair amount of time to comment and that, that time not be shortened by his absence from post so to speak so I would appreciate it if we could move the meeting to the 27th January 2010. I understand also that we have several absences in the Legal Services Unit and there's some issues arising there where getting a legal opinion back may be difficult

SPEAKER Thank you Mrs Jack. Is there any debate Honourable Members. The question is that the adjournment for the new sitting of the House be Wednesday the 27th January in lieu of the 20th. I put the question that the motion be agreed to.

QUESTION PUT
AGREED

The ayes have it. The motion is agreed to and the sitting day for the next meeting is Wednesday the 27th January 2010

ADJOURNMENT

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

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

MR N CHRISTIAN Thank you Mr Speaker just a quick request to the Minister for the Environment Mrs Jack. I know we have just passed a motion allowing her to go off to the executive council and change the Waste Management Regulations and I'm not attempting to debate that but I have got my head around what I was trying to say in

debate and the situation I think we've developed is that we are discriminating against how freight comes in to Norfolk Island where the Waste Management Centre doesn't actually care how freight comes in, it just wants to dispose of it, and as I see it now, we intend to charge \$32 per cubic metre for seaborne cargo but we're in fact going to charge \$260 per cubic metre for airborne cargo and I think it's a little bit inequitable and maybe before the Regulations are actually made we should rethink this and strike a flat rate for each kilogram of cargo or cubic metre of cargo brought into Norfolk Island with water being the standard that's used so you have 100 kilos per cubic metre

MR BRENDON CHRISTIAN Thank you Mr Speaker, Minister does it make a difference that air freight is not charged in a cubic metre in volume

MR N CHRISTIAN Thank you Mr Speaker it makes not much difference to me. The airline at the moment charges all freight into Norfolk Island by the kilogram weight and cargo coming into the island is by the cubic metre or kilogram whichever is the higher. That's sea cargo. But what I'm saying is for waste levy purposes, it shouldn't matter what the difference is. It's either a kilogram of waste and whether you bring it by air or sea the charge to dispose of it should be the same so what I'm saying there on this basis, it's actually eight times more expensive at the moment to bring something in by air and if you used a kilogram basis, airborne cargo to be on the same par as ship cargo should only be 3.2 cents per kilogram

MRS JACK Mr Speaker this can be discussed in MLA's

MR MAGRI Mr Speaker just quickly as this is obviously the last sitting before Christmas I just want to thank Alma and Peter, and Robin and Gaye and Chelsea for their help during the year and Pat in her retirement, wish her good luck and just remind everybody – just give a bit of a plug for the Chamber of Commerce's Christmas pageant that's going to be held on Thursday night, and hopefully everybody will turn up and get into the festive spirit and everybody drive safely over Christmas

MEMBERS Hear, hear

MR ANDERSON Mr Speaker Mr Magri's taken the wind out of my sails for a bit, we're discussing business and then he's wishing everyone a Merry Christmas. I can understand what Mr Christian was saying about the...

MR SHERIDAN Thank you Mr Speaker it's quite obvious that we've already debated this matter and let's get this over with and let's go home

MR ANDERSON Well Merry Christmas everyone

MRS JACK Thank you Mr Speaker I just mirror Minister Magri's Merry Christmas wishes to all on Norfolk Island, have an enjoyable time and I hope that the one's of us who have family coming home have a great time. Not too much cooking. Just get out there and enjoy it. I would also like to thank all the Members of the Old Military Barracks as well as the support staff that do a great job in helping me in my portfolio's and those in the Administration and to thank all those on my voluntary boards who put in a lot of time and effort in supporting the Acts also within my portfolio and I would also like to thank my husband for putting up with a lot of never mind

MEMBERS Hear, hear

MR SHERIDAN Thank you Mr Speaker I too would like to joint the rest in wishing all on Norfolk Island the very best and a safe Christmas and into the New Year. I look forward to the challenges ahead and would encourage all revellers this holiday period to enjoy times with their families and their friends and also trust that Santa finds all of them well

MR GARDNER Thank you Mr Speaker, Christmas Greetings to one and all in the community and particularly our visitors to Norfolk Island over the Festive Season. I'm sure that they will enjoy their time with us. Thanks to all the Members of the Public Service for their support in my various areas over the last twelve months and particular mention to the statutory authorities namely the staff at the Norfolk Island Public Hospital and the Norfolk Island Government Tourist Bureau who continue to do their very best to support the community of Norfolk Island both through the provision of health services and also for importantly at the Tourist Bureau through the provision of strategies designed to increase visitation to Norfolk Island. It has been a very difficult year in that area but I'm as confident as ever that we will with the strategies that are in place, resume what are I guess better described as our regular visitor numbers to Norfolk Island and the fact that they are enhanced to meet the target of our tourism strategy and in saying that thanks one and all. Thanks particularly to staff in the compound

SPEAKER Thank you Mr Gardner. Any further debate Honourable Members. I also wish to reiterate and make mention to all Members around the table and staff within this compound for the great service they have provided to me as Speaker and I would also like to mention others like Mrs Pat Anderson who has retired as Secretary and to thank Pat for her years of service and happy attitude towards the Legislative Assembly and her efforts and to the Clerk and Deputy Clerk of the Legislative Assembly and to those over in the western side of the compound and I also take the opportunity Honourable Members to record my thanks to the Secretary to Government Mr Peter Maywald. Mr Maywald will be leaving us shortly and maybe even before the next Legislative Assembly meeting and I certainly wish him the very best on his return to Australia and I would also like to extend best wishes to the Public Service to those of the Government Business Enterprises and certainly to the Office of the Administrator and Mrs Walsh

MR NOBBS Thank you Mr Speaker I won't take up too much time as I've given a fair few of the Christmas greetings in my earlier statement. I reflect all of the sentiments you brought forward there, particularly the entire Legislative Assembly wishes the Administrator and his wife all the very best for the Festive Season and the New Year. I did also want to mention that with the arrival of the Federal Minister or the Minister for Home Affairs tomorrow, there is unlikely to be a ministerial forum following this Legislative Assembly sitting however I do want to pass on our very best wishes to all on Norfolk Island and all who area away from Norfolk Island for the Christmas Season and the New Year

MR BRENDON CHRISTIAN Thank you Mr Speaker, just to join the Christmas cheer and wish everyone a Merry Christmas and well done to all the staff and the Public Service and my colleagues around this table for having a good year and be safe everyone and I'll see you next year

SPEAKER Thank you Mr Christian. Is there any further participation in adjournment debate Honourable Members? There being no debate I put the question that the House do now adjourn

QUESTION PUT
AGREED

The motion is agreed to. Therefore Honourable Members this House stands adjourned until Wednesday 27th January 2010, at 10.00 am

