



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
12TH NILA HANSARD – 27 JANUARY 2010**

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

VISITORS TO THE PUBLIC GALLERY

SPEAKER This morning Honourable Members I welcome to the Public Gallery Mr Bruce Kelly who has recently taken up the position of Official Secretary in the Office of the Administrator, so welcome to Norfolk Island and welcome to this Sitting and we certainly hope that you enjoy your period of appointment here in Norfolk Island

CONDOLENCES

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

MR SHERIDAN It is with regret that this House records the passing of Henry Leopold Buffett affectionately known as Harry, on Saturday the 2nd January. Harry as he was known to us, and to many as Drake, was born in Norfolk Island in 1941, the oldest son of Estelle Evelyn (nee Evans) and Gustav Ephraim Buffett. He was one of six children raised principally by Estelle following the early death of his father Gustav at aged 26 years when Harry was but 6 years old. Harry completed his schooling in Norfolk Island and at the young age of 16 left for New Zealand, taking up residence in the Hamilton area where he worked for the City Council for some 16 years. During his absence in New Zealand, he maintained his close bond with his family who often visited. It was during one such visit that his elder sister June was tragically drowned. Harry is also pre-deceased by a younger sister, Lynnette who died in 2000. In 1963 Harry married Paddy Wise, a local Hamilton girl and this marriage produced their two girls Rhonda and Cara. Like many other Norfolk Islanders before him (and without doubt many more in the future), he was drawn back to his island and family. After an absence of some 17 years he returned home in 1974 and set up house in Grassy Road. He purchased Eddie Yeaman's sawmill in New Cascade Road, which he operated for about 7 years. He supplemented his income from the mill displaying excellent skills in dozer operation and logging. He was a strong and capable worker and like many other generous Norfolk Islanders quite often charged too little or nothing at all for his timber or his labours. There would be few people in Norfolk Island today who have not experienced Harry's generosity; not in terms of money as Harry never had a great deal of that; but in what he did have to offer; wise counsel, a bucket of vegetables or fruit, some advice on pruning your fruit trees, some fish, some job of work that he could do. It was never so much that he gave what he could when he could, but in the quiet and willing way in which he gave it. Nothing was too much trouble if he could provide it. Following the closure of the mill Harry turned to full time gardening for a living, farming at Grassy Road and Baker Valley and finally to pursuing his long time goal of fruit production in Baker Valley. An undertaking which Cara plans to continue. Harry had a number of passions and interests in life, most of which he maintained until his last days. Apart from his love for Paddy and his family Harry had an expensive love for motorcycles which he pursued during his time in New Zealand; he had a passion for fishing and local community affairs, farming and fruit trees. He had a passion for a cold can or two on a hot day. He enjoyed a flutter on the horses or the odd game of cards and in more recent years

took great delight from being the centre of attention at his sidewalk morning teas where the subjects for discussion ranged widely. Harry made a very quiet and dedicated contribution to the community over a period of some 36 years as a voluntary gravedigger. Shane Quintal has estimated that Harry contributed to the preparation of over 400 burial sites. His interest in local political affairs is legendary and many of the islands politicians have been on the receiving end of Harry's opinions and concerns. He was not backward in expressing his views particularly where matters of community interest were at stake. Harry had the unique and disarming ability to combine charm and wit with a style of cussedness, which could leave you either blushing, confused or shaking with laughter. To be with Harry was infectious and almost medicinally therapeutic. Many called on him for advice and guidance. Some got it whether they wanted it or not. Harry took ill some 8 or 10 months ago but was not diagnosed until 6 or 7 months ago. His treatment took him off island three times and in between he was able to have additional treatment locally. Harry did not complain once about his situation and he remained humble and dignified right up to his passing away quietly at home. He said recently that he had "enjoyed the last 6 months". He added that he enjoyed the talks, discussions and the closeness of family and friends who visited. He offered counsel to those in similar health circumstances as his own. To Paddy, his loving wife of 47 years, his daughters Rhonda and Cara and their partners Geoff and Mick, 3 grandsons Brad, Michael and Daniel and 2 granddaughters Natalie and Stephanie, brothers Chilla and Slick, sisters Leonie and Darlene, to the whole heap of in-laws and extended family and friends, to this community who will miss him dearly, this House extends its deepest sympathy. Mr Speaker, may he rest in peace.

It is with regret that this House records the passing of, Isobel Borrett who died in the "Regis Lakes" nursing home on the Sunshine Coast on Friday afternoon 8th January at the age of 94 years. She was the mother of Yvonne Bucher and mother in law of Bill. Her home was at 'Shangrila' in Queen Elizabeth Avenue for 38 years, until some years ago when admitted to the aged care unit at the Norfolk hospital and then to a nursing home in Australia. She was a kind and gentle soul, and a talented artist who loved her garden. To Bill, to her son and three daughters and their families; to her friends in Norfolk Island this House extends its deepest sympathy. Mr Speaker, may she rest in peace.

It is with regret that this House records the passing of Theresa Yvonne Grube. Dilly, as she was affectionately known, was born on Norfolk Island in August 1963 and passed away suddenly on the Sunshine Coast of Australia on the 14th January 2010. Her brother Terrence wrote a testimonial of Dilly's life and I read excerpts from it Mr Speaker. Following the phone call to the family at 3:45 on the afternoon of January 13th, Dilly passed away in the early hours of the 14th and it was comforting that the family had Laurie Quintal, Cindy Bergagnin, Simon French, Jocelyn Mitchell, Lief Krause and his mum Kerrin with her during those final hours. The family went to Australia to do what was necessary to get Dilly home. A small remembrance service in a park in Tewantin turned out an overwhelming number of people. Norfolkers, including Dilly's Great Aunt Gwen Bergagnin, and many of Dilly's Noosa family, who experienced the Norfolk Way with the personal service concluding with prayer and the singing of the Pitcairn Anthem. The family had to endure the agonising but necessary task of going through Dilly's personal possessions and organising her assets. Dilly left Norfolk Island and went into the clothing industry. They found design pattern cuts, style blocks, and tools of trade. She was very talented in this profession and was considered one of the best! Dilly's designs were sold throughout Australia and New Zealand and she also modelled her garments ~ a stunning lady who designed stunning clothing. They found many media articles featuring Dilly in industry write-ups, marketing and promotional posters and materials. All stunning. Dilly was revered in her profession and none more so in the textile, fabric, and design areas of the clothing industry. They found many diaries which included both work related collections and personal information. Dilly's first language was Norfolk and her writings were all in the phonetic Norfolk Language. On occasion Dilly had some difficulties that she needed to mention and she did this with blunt but dignified writing. In difficult times of late she always asked for her dad Bib to help her. There were many times that she wrote of her feelings of loneliness and isolation from her Norfolk family. She adored her mum and

wrote some lovely passages. She could be sketching a clothing design and would revert to writing a note to her mum asking what she thought of the style etc. She wrote notes to her nieces, quite often using them as inspiration in the stunning garments she designed. They found hundreds maybe thousands of photographs. She loved to travel and mostly travelled alone to places such as Indonesia, Vietnam, and locally to Byron Bay. She especially enjoyed the family trips to the South Pacific islands. It was evident that photographic reminders of the family and her travels were important to her and she collected pictures for all occasions. They found pictures and posters, crockery, crystals, and artefacts. Dilly had a particular style and she took great pride in displaying her loved possessions in her home. They found sporting medallions and ribbons, as she was very talented at most sports. Dilly held records at our School for many years and she was with the first team to represent Norfolk Island at the South Pacific games. She performed exceptionally well in NSW State athletics championships and achieved results considered beyond her ability. She played in top grade netball and basketball competitions in Queensland and gained competition awards throughout her sporting career. They found hundreds of CD's. Dilly loved music, particularly music that reminded her of people and her home in Norfolk Island. Dilly must be remembered as one of the last generation of Norfolk Islanders who went to school unable to speak English; a genuine and notable Norfolk Islander who always had her homeland and family in her thoughts; a talented lady with style, looks, passion, intelligence, and commitment in her profession. Dilly will be remembered as a loving and caring person who touched many hearts in so many ways. To Dilly's Mother Yvonne, to her brothers and sisters, Terence, Raymond, Corinne and Jenny, to their families and to her many friends in our community, in Australia and New Zealand this House extends its deepest sympathy. Mr Speaker, may she 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 BRENDON CHRISTIAN Thank you Mr Speaker, a question for the Minister for the Environment, has the Minister received the report from Fly Buster on control of the argentine ant problem and when will Members see this report

MRS JACK Thank you Mr Speaker no unfortunately that report is not available. In making that report they are also relying on further tests of ants taken from sampling in that area of the island. There have been some problems with the manner of the way the ants were sent back to ensure the solution they were sent was the right amount of formaldehyde or whatever preservative is required so those issues have now been met and ants are now being sent and examined and as soon as I get the report I'll be making it available to Members of this House

MR MAGRI Mr Speaker is the Minister aware of whether there has been an outbreak of the argentine ant in the National Park

MRS JACK Thank you Mr Speaker I don't know about an outbreak but I understand one may have been discovered there and I would have to go

back and see if that is correct, but where there is one, one normally thinks of others being present, if it was one it was found where a vehicle had been stationed so I'll take that up with the relevant section of the service

MR SHERIDAN Thank you Mr Speaker a question for the Minister for Finance, Minister are the audited financial statements for the 2008/09 financial year signed off by the auditors and are they going to be tabled today

MR N CHRISTIAN Thank you Mr Speaker the financial statements will be signed off by the auditors but I do not have them for tabling today so I hope that I can table them in the February sitting. I must say by way of information that this is the first time that the Administration statements have been done to the IFRS standard and it required all Members of the Legislative Assembly and Senior Management of the Administration to sign declarations in respect of any commercial dealings they have had with the Administration and I think eight of the nine Members of the Legislative Assembly have provided the head of the Public Service with their declarations and one Member is awaiting the outcome of legal advice and once that information is provided to the auditors they will sign off on the report and send it back to us

MR SHERIDAN Thank you Mr Speaker another question for the Minister for Finance. Minister at the last meeting you gave an assurance that you would gather for Members prior to this meeting a barter card profit and loss together with sales and purchases itemised for Norfolk Air. Minister do you have this information available

MR N CHRISTIAN Thank you Mr Speaker no, I don't have this information available. As I stated the last time I was questioned on the matter, Mr Bruce Taylor Acting Executive Director of the Public Service is the officer responsible for providing me with that information and he's still in the process of compiling it. In his defence I must inform you that over the past few weeks, his time has been pre occupied with the Cruise Ship Industry Working Group, GST Working Group and the like so it's a matter of Mr Taylor prioritizing his work and in due course responding to me and once I have the response I can do a few things. I can either table it in the House or publish it in the paper. Both of those things can happen

MR SHERIDAN Thank you Mr Speaker a supplementary question for the Minister, Minister as Minister for Finance is it a concern to you that a barter card account reconciliation for Norfolk Air has not been done by the Finance Branch since its inception some very long time ago, and that barter card figures are not included in the monthly income and expenditure statement for Norfolk Air

MR N CHRISTIAN Thank you Mr Speaker no I'm not that concerned, whilst I understand that it might not be the best possible outcome, I am not concerned because it doesn't materially change the cash position of Norfolk Air or the Norfolk Island Administration but what I can say is that being involved in the barter card system has in my view had a positive effect on the economy of Norfolk Island. I have been informed that in the five month period immediately prior to Christmas approximately 500 barter card Members had been transported to Norfolk Island. They have paid in cash all of their taxes so airport charges, movements and the like are paid in cash, and when that number of people as I've said, 500 up are present in Norfolk Island I would expect that they'll be spending a combination of trade dollars and actual cash so the effect on the Norfolk Island economy can only be described as positive because the information provided to me is that if it weren't for the barter dollars those 500 people would not have travelled to Norfolk Island and I'm also further advised by the management of the airline that the 500 barter card travellers did not displace any normal commercial travellers

MR SHERIDAN Thank you Mr Speaker a supplementary question, Minister has the Norfolk Air barter card account ever been utilised for personal use not associated with Norfolk Air business

MR N CHRISTIAN Thank you Mr Speaker I'm not aware of that situation. There was a Christmas function that you may be aware of which was viewed by the CEO of the airline as legitimate, hospitality expenditure on the basis that it was a team bonding exercise, prior to Christmas and also doubled as a Christmas party. Some in the Administration and community took a view that, it would be inappropriate expenditure and as I understand it that account was paid for in cash by the CEO of the airline himself. I might also add that the amount that was referred to me was in the order of \$200. If there was any more it would be itemised and identified in the statement of trade dollar income and expenditure that Bruce Taylor will provide to us

MRS JACK Thank you Mr Speaker a supplementary question to the Minister, when barter card is used by tickets, you say that they pay for the taxes in cash, do they pay for the rest of the ticket all in barter card or is it 50% barter card and 50% cash and are they allowed to buy the cheapest ticket on barter card or is it a certain level or standard of ticket that they can purchase

MR N CHRISTIAN Thank you Mr Speaker and I thank the Minister for her question because it is relevant. The barter card travellers do pay all their taxes in cash and there is a special trade fare available to them, so it's a fare at a higher price in recognition that it's going to be paid in trade dollars and up until now, 100% of that has been able to be paid with trade dollars. I can't actually give you the fare amount but its in excess of \$800 on a return ticket plus taxes. What the airline board is considering in going forward, is a. do we want to remain in the barter system and b. if we do remain, what level of the airfare would be able to be purchased using trade dollars, so 100%, 50% or 10% but at the moment I think Membership of the board of Norfolk Air is possibly leaning toward 50% of cash contribution

MR BRENDON CHRISTIAN Thank you Mr Speaker, a question for the Minister for Finance, can the Minister confirm the \$70,000 overhaul of an engine at the power house that was budgeted for, but not received because there was no available funds in the electricity vote

MR N CHRISTIAN Thank you Mr Speaker I thank Brendon Christian for the question but also indicate that I am less than pleased with the negative aspersions that it casts around. Just by way of information for the listening public I can tell you that at the end of December 12009 the electricity service was sitting on \$1,105,200 in cash so it could easily afford a \$70,000 overhaul. What happened was expenditure of that nature is subject to consideration by the Budget Review Committee which meets once a week and when we last met there was a submission put to us, to approve I think \$77,000 for the overhaul of one of the Cummins. The Budget Review Committee referred that back to the Public Service with the following question, was the overhaul absolutely necessary and in the event that it was only to one of the six gensets currently at the power house, if it was not necessary, that expenditure would be deferred until the next financial year as being deemed to be unnecessary work and therefore an unnecessary expenditure in the current economic climate. I can't tell you whether we have deferred the expenditure or not but once we have received further advise from the Public Service we will make a decision in respect of that expenditure

MR SHERIDAN Thank you Mr Speaker another one for the Minister for Finance, he seems to be copping it today,. Minister at the end of the December 09 financial statements there is some \$6.6m total cash at bank, and some \$2.9m in forward ticket sales. Minister these forward ticket sales monies were required to be taken out of consolidated revenue for certain reasons, would the revenue fund have enough consolidated cash to enable the management of the Administration to properly advance in its day to day operations

MR N CHRISTIAN Thank you Mr Speaker. Certainly. You may recall if you look through the cash at bank figures some months ago, the subsidy for the airline was listed as a charge against the revenue fund. Members considered this during a time when Minister Magri was acting as Chief Minister and he thought it more appropriate that the cost of operating the airline be reflected in the airport GBE which is where it is run from and that the revenue fund's cash position be adjusted accordingly. So what I can say is that in respect of the revenue fund at the end of the December there is \$3,263,400 sitting in that account and yes, it can meet its obligations for the remainder of this financial year and beyond

MR BRENDON CHRISTIAN Thank you Mr Speaker, we'll give the Minister for Education a turn, Minister what is the status of the education bill, namely have payment for the education bill been forwarded to the Education Dept and are the Ministers still claiming no contact has been received from the Department on this issue

MRS JACK Thank you Mr Speaker the question regarding payment of the bill would belong to my colleague the Minister for Finance but I have never received any correspondence from the New South Wales DET regarding payment, non payment, methodology of payment, and I believe that one person wrote in the paper that I had, well to that one person who wrote in the paper, I hadn't received any correspondence so no way I can answer it

MR N CHRISTIAN And Mr Christian, by way of information I will be answering the second part of that question when I table the financial indicators later on in the programme

MR BRENDON CHRISTIAN Thank you Mr Speaker, a supplementary question just to clarify from the Minister for Finance you'll be answering the question of payment or of contact from the Minister's Department

MR N CHRISTIAN Thank you Mr Speaker I've previously answered the question at the last meeting in respect of the contact from the Department. There has been none. Minister Jack has just reiterated that and what I have stated is that I'll make reference to the payment in the quantum of the account

MR BRENDON CHRISTIAN Thank you Mr Speaker, a supplementary question on that, and it's not a question I guess, the letter that's been talked about that was in the paper is my understanding from the letters I've read, comes from the Minister of Education and Training in New South Wales and the letter states that she has contacted Ministers in the Norfolk Island Government in regard to the education debt and my question is, do the Ministers find it concerning that a Member of the public can receive a letter in contact from a Minister in New South Wales but the Ministers of our Government have no success in getting any contact from the Department

MRS JACK Thank you Mr Speaker I'm concerned that, that person; has never come down to show me the letter, that takes any concerns that they may have straight out to the paper, to the public, so I wonder at the sincerity or the actual providence of that letter, and I take no standing by that person writing

MR N CHRISTIAN Thank you Mr Speaker there has also been some allegations that a person in the Norfolk Island community wrote a letter to the New South Wales Minister for Education purporting to be a Minister in the Norfolk Island Government and hence solicited a response out of them and I suspect the New South Wales Government have since realised that they were writing to a phony Minister

MR SHERIDAN Thank you Mr Speaker again a question for the Minister for Finance, Minister over the past couple of weeks you have indicated that Norfolk Air staff have been utilising data which has turned out to be incorrect to ascertain

future seat load factors and with no doubt, justification for maintaining the current full schedule. Minister how has this been possible and why has there been no other checks to ensure that the information being obtained was correct as I'm positive that there must be

MR N CHRISTIAN Thank you Mr Speaker I informed Members of this Legislative Assembly about this little problem we've had and I also shared that problem with Members of the community in a recent radio interview with George Smith. Basically what had been happening is that the reservations system which is operated for us by a firm called Medallion in Victoria, spits out a booking report every Monday morning and that report had been sent through to the staff of Norfolk Air and also passed on to the chairman of the Norfolk Island Government Tourist Bureau and for a number of weeks that report indicated that there had been increased booking activity occurring on the reservations system. I became a little suspicious of the figures because I was being provided on a regular basis with updates on forward ticket sales but in cross referencing it with the Finance Manager of the Administration I could see no increase in the amount of cash sitting in the forward ticket sales account at the Administration. I then requested that the CEO of the airport talk to Medallion and find out what was going on and after some inquiries Medallion came back to us and admitted that their booking system could not differentiate between new bookings and old bookings and in fact was counting every access to the reservations system by anybody whether it be to create a new booking or to amend an existing one, or to in fact cancel one, was treated as new business. Clearly it was very misleading so unfortunately we have circulated in the community some information that increased booking activity was running at about 40% over the next twelve month period. Now that's clearly wrong so what Norfolk Air's management have reverted to providing the Board with is a comparison of actual tickets issued each week and we've got comparisons now going back to the beginning of this financial year and it compares it with the corresponding period in 2008 and I can say that for the July 2009 there was a slight increase over 2008, for the August period in 2009 there was a significant decrease over 2008. That continued for September. In October we had a slight increase over 2008. In November we had a slight increase in numbers over 2008 and in December we had a fairly large increase over 2008 but I've got to warn you that December numbers relate to actual passengers carried by Norfolk Air, they do not have a direct relationship to the number of visitors to the island so I think you will see that when we publish the visitor numbers for December there will probably be a slight downturn in actual visitors to the island. Mr Speaker that's the benchmark that we will be using for the foreseeable future until the Medallion system can be amended to produce accurate information and at the moment if we look at the last three months, that's October, November and December of 2009 the general trend is an increase in actual tickets issued in that week of 12% over the corresponding period in the previous years. What we now have to develop is a system of accurately forecasting that going forwards and I don't quite have that information with me at the moment

MR SHERIDAN Thank you Mr Speaker my last one to the Minister for Finance, Minister I refer to a statement you made back in the House in August 2007 where in response to a newspaper article in regard to expenditure. In the statement you referred to the new fire station and the budget allocated to fill this facility. Minister you quoted a figure for the new fire station budget as \$1.6m. Minister could you please explain as to how the current plan for completion expenditure figure to date of around the \$2.5m mark has come about and what has caused this discrepancy in your original stated \$1.6m budget for the fire station

MR N CHRISTIAN Thank you Mr Speaker back in 2007 we were probably at the planning stage. That \$1.6m was an internal estimate within the Administration and from memory it probably didn't include such things as the additional bay that was going to be included for the VRA and the Emergency Services Coordination Centre and it probably didn't include all of the fit out. The project has evolved Mr Speaker. It's been known for probably twelve months or more that the final cost would be between \$2.4 or 2.5m. Now I've articulated that to this House and the community on a number of

occasions so nothing's changed in the last year. What has changed is that we've slowed down the actual pace of work and we're probably going to complete the building six months later than we originally intended to but the \$2.5m completion figure hasn't changed materially that I'm aware of in the last twelve months

MR BRENDON CHRISTIAN Thank you Mr Speaker, a question for the Chief Minister, Minister there's been debate in the community about the appointment of senior public servants at this late stage of the Legislative Assembly's term. Would the Minister explain why these appointments are taking place, what is the process and who makes these appointments

MR NOBBS Thank you Mr Speaker I think this relates to some comments made with regard to caretaker mode when an election is called and as I've said in radio discussions as well, caretaker mode means different things in different jurisdictions. With regard to our ministerial responsibilities they continue until the sign over of the newly elected candidates so for the executives around the table they are still responsible for issues in their areas and for an example I'll pull out of the air, in terms of Immigration I've had perhaps thirty files cross my desk in the last fourteen days and it would be unfair to those applicants to be put in a queue to see them wait three months perhaps to be finalised by an election process. Getting back to the content of the question with regard to the selection process for those positions mentioned in the Norfolk Islander and I think they related to the Crown Counsel and the Secretary to Government positions, they are positions that are selected through a merit selection process through the Public Service and as that is the case, there is no reason for a change in Government to stall any of those processes or to cause problems with the mechanisms to install those persons in those positions

MR BRENDON CHRISTIAN Thank you Mr Speaker, one more for the Minister for the Environment, Minister now that the waste management levy has increased, why is it that the burning facility at Headstone is still chaotic and what immediate plans are in place to fix this concerning problem

MRS JACK Thank you Mr Speaker. Information from the Public Service has come to me regarding a possible movement to one of two places near the Waste Management Centre. I still have to go through legislative change as well as EPBC referrals and as soon as some recommendations on how best to approach that are forwarded to me through the Public Service I'll just be waiting for those referrals to come up Mr Speaker

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

PRESENTATION OF PAPERS

Are there any Papers for Presentation this morning Honourable Members

MRS JACK Mr Speaker in accordance with the provisions of the Interpretation Act 1979 relating to the tabling of regulations I table the Waste Management (Amendment No. 2) Regulations 2009

MRS JACK Thank you Mr Speaker I table the Natural Resource management Plan and give a small talk to it so I'll ask that it be noted.

SPEAKER Honourable Members the question is that the paper be noted

MRS JACK Thank you Mr Speaker and thank you Honourable Members now that paper is so noted I'll just read some excerpts from the executive

summary of this plan. Norfolk Island is home to unique natural resources such as the Norfolk Island pine and the Norfolk Island green parrot. However with over 220 years of human habitation and the diverse range of existence and cultures many of the natural resources have been depleted. Many of the resources continue to be in a state of decline today which is compounded by a lack of coordinated natural resources management. In light of this the unique environment of Norfolk Island was recently acknowledge on a national scale which has resulted in the Commonwealth Government of Australia providing funding from their Natural Heritage Trust for the development of a Natural Resources Management Plan. This plan is a document that aims to recognise threats and issues associated with Natural Resources, for example, land, water, flora, fauna and agriculture and develop actions to mitigate the cause of the threat and not just assistance. A Natural Resources Management Plan is a complex integrated system which provides the framework for people with an interest in Natural Resources issues to share information and to work together effectively to reduce duplication of effort and improve management of Natural Resources. Such collaboration from interested parties and people enables partnerships to be developed which are aimed at getting them the best value for allocation of funds and effort and to make more informed decisions about the sustainable use and management of Norfolk Island's Natural Resources. The long term vision of the Natural Resources management plan is consistent with the principal aims of the Norfolk Island Plan and the plan is based on this vision and the Commonwealth's objectives for Natural Resources Management Strategy development. Accordingly this plan aims to assess the present conditions of the Island's Natural Resource asset, review the values and services provided by these natural assets, identify the major cause of decline in condition, the threatening processes and the management issues influencing the sustainable and management and Natural Resources, establish a strategic framework and targets to guide the various stake holders in dealing with these issues. Suggest programmes of actions that provide the best opportunities for more effective sustainable management of Natural Resources assets. Mr Speaker the preparation of the Natural Resources management plan included stakeholder and community consultation. Consultation has ensured that community and stakeholder issues and concerns are heard, and where appropriate are addressed in the plan. Key issues raised during consultation included waste treatment, soil erosion, plan of change impacts, renewable energy, water quality, flora and fauna, agricultural practices, tourism and culture. The plan looks at the values of issues associated with and threats to all of Norfolk Island's Natural Resources and these resources have been categorised into five broad assets, namely, biodiversity, coast and marine, soils and land, water resources and people and community. It is important to note that the purpose of the management plan is not to solve all the issues and threats to Norfolk Island's Natural Resources but to provide the appropriate direction towards achieving the overall goal for Norfolk Island. Some targets recommend further investigation of particular issues and appropriate solutions and actions can be formulated. Monitoring the valuation and reporting of the plan is essential to the successful implementation of the plan. Monitoring evaluation and reporting will assist the Government of Norfolk Island and the Administration in reviewing the success of the plan where improvements to the plan are needed and amending the plan more appropriate. The final paragraph of the executive summary states that over the Commonwealth Natural Resources management framework, the Natural Resources management plan is accredited and endorsed by the Norfolk Island Government. The accredited and endorsed plan will help in gaining future funding opportunities from State Federal and the Commonwealth. During the time of developing this plan the federal Government changed and with it the emphasis that was placed on the then Natural Heritage Trust funding which was then shifted to the Caring for Our Country funding so the need to have full accreditation for the plan, to have it ratified in this House is no longer a need to there's a footnote to be placed onto the executive summary, and the footnote reads that this footnote will be agreed to by the Legislative Assembly dated today (27 January 2010) and states that the Natural Resources management plan (the Plan) does not require the same level of accreditation and endorsement as was the intention when development of the plan commenced. The Norfolk Island Government considers this plan to be an important educational and reference document and notes that future Norfolk Island Governments will

have to provide sufficient funding to ensure the plan continues to evolve so as to maintain its relevance to both the terrestrial and marine environment of which the community reacts and relies upon. I also want people to be assured that this is not another development control plan as stated at a very useful educational and reference talk, and could be seen as an aide memoir for those people wishing to work within the parameters stated under my speech earlier on, but I table the document with the footnote included to the end of the executive summary. Thank you Mr Speaker

MR GARDNER Thank you Mr Speaker, I just wonder if the Minister might be able to provide her view on the status of the plan in the eyes of those who paid for it, ie the Commonwealth because I believe there may have been, whether there had been a suggestion that it was something we needed to engage with. I understand the explanation that was given by the Minister in relation to change in Governments and I guess the change in focus of the need for the Natural Resources management plan but I'm just wondering whether any comment has been received from the Commonwealth on now our desire to want to, for want of better words, note the plan rather than endorse it

MRS JACK Thank you Mr Speaker the shift has been from accreditation, ratification for example it was first thought that we had to have the Natural Resources management plan accredited or ratified in order to have standing in any of our applications for the Caring for Our country criteria. That is not the case and it is my understanding of discussions with a couple of Members from the Department of the Environment working in that section, but having a Natural management plan in place and noted is at least a beginning to understanding for history's sake of where issues currently stand. We need now to look at some of those and maybe priorities on where we move forward and it also helps in applications offshore for grant funding whether that grant application is through the Administration or via community groups for example Land Care so it is an important tool in that way for reference, but I can only stress that I think it's a very important tool and I would certainly like to see it continue to evolve and not just be put on the shelf and forgotten

MR GARDNER Thank you Mr Speaker, I agree with the Minister's sentiments in relation to the status of the plan going forward particularly in considering any future likely applications under any of the Commonwealth grants programmes for funding under any of the environmental programmes that may exist now or may exist in the future. It would just be useful to clarify with the Commonwealth I think as to whether that will in future be a prerequisite of any funding applications that were lodged by Norfolk Island.

MRS JACK Thank you Mr Speaker in my understanding there's, no, and I can show the emails from Members of the Commonwealth Environment Service who are more than happy with this role being undertaken, for example, it was proposed at one stage to make it a reference point in the plan and I discussed that with officers of the Commonwealth and they were fine that it not be there

MR MAGRI Mr Speaker I just wondered if the Minister in listening to her opening remarks, I presume this comes out of some sort of preamble of the plan, suggest that the Natural Resources of Norfolk Island are depleted and continue to show a decline, I just wonder if you could give a couple of examples of what those natural resources that are in decline might be

MRS JACK Thank you Mr Speaker one that is undergoing collection of data now would be water given the drought and how finite a resource is it. We have tales now of the quality of water in some of the bores, of that water quality lessening, more ecoli or nitrate or whatever might get into some of those bores and therefore effecting the ability of the way they are used, we have some bores drying out. I mean, we tend to take some things for granted We turn on the tap and go to the spring and we flip the switch and the water comes out, but we don't know for sure just how much is there and so it talks of let's examine the water quality that we have, is it staying static across the

board or is it lessening. Is the amount of water that we can draw from some of those bores decreasing, so you look at some of the soil and how the soil type or the richness of the soils across Norfolk Island, I mean this Government subsidised for a whole lot of soils to be taken, about 70 samples I think to go off and be analysed so that became a starting point, and you look at some of the natural bird life and its depletion through development or the natural predators and its all those things. They can be very subtle some of the changes or they can have a big impact and it's those changes. Also to try and reintroduce species back into parks and whatnot so it's a plus and minus of those across the board

MR MAGRI Mr Speaker just one more thing. Originally when the plan was designed and it had an original intention, that is to record what the state of Norfolk Island's Natural Resources are now, and to plan how we can manage those resources in the future, and certainly the word plan in the Norfolk Island Government context refers to that sort of movement where you try to head for particular goals in the future, I wonder if now that the plan has moved to from its original intention away from being an actual plan it should be referred to as a policy

MRS JACK Thank you Mr Speaker the funding was given under plan. The funding was not ours but through the Commonwealth in excess of \$100,000 I think. It started as a plan. I'm not going to agree to it changing now to a policy document because I believe that we really do owe it to ourselves, to the community and to Norfolk Island itself to try and continue that forward planning that this be as a basic step and that's it

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

QUESTION PUT
AGREED

Thank you Honourable Members that paper is so noted. Any further papers Honourable Members. Mr Christian

MR N CHRISTIAN Thank you Mr Speaker. I table the revenue fund financial indicators for December 2009 and the estimated income and expenditure statement for Norfolk Air at the end of December 2009. Mr Speaker the revenue fund financial indicators at the end of December 2009 are in my view very satisfactory. Mr Speaker at the halfway mark of the 2009/2010 financial year I can inform you that the revised position for the full year would be \$15,886,000 in total revenue against \$15,672,000 in expected expenditure, which yields a surplus of \$214,000. Mr Speaker revenue from all sources is running at 105% of budget with the only revenue source behind budget being dividends from GBE's, which has achieved 89%. Mr Speaker on a six-month pro-rata basis the revenue fund was expected to be in surplus by \$107,000. The actual result is a surplus of \$827,000, which is \$720,000 better than budget and a whopping \$1,382,000 improvement on the corresponding period last financial year. Mr Speaker if we consider the month of December 2009 in isolation the results remain satisfactory. The budgeted position was expected to be a surplus of \$18,000 and the actual is \$774,000, which compares very well with a surplus of \$33,000 this time last year. Mr Speaker for the 09/10 financial year the revenue fund budget provided for \$45,200 in Capital Works and Purchases and to date \$1,500 has been spent. Mr Speaker I draw your attention to the fact that this is expenditure in respect of the revenue fund and not the Administration as a whole. At the February meeting I intend to provide a summary of Capital Works and Purchases for the entire Administration. Mr Speaker the revenue fund's estimated position at the end of December 2009 is Total Current Assets \$4,507,200 of which \$3,263,400 is cash at bank. On the other side of the ledger we have liabilities totalling \$4,696,400, which results in a small deficit of \$189,200. The liabilities amount that I have just referred to include an amount of \$483,000 for long term employees entitlements

which will not be totally consumed in a cash sense this financial year which results in an underlying surplus of just on \$300,000 at this point in time. The figures that I have just referred to also include an accrued amount of \$3,266,000 owed to the New South Wales Government for the provision of Education services. While the amount of \$3,266,000 has been accrued only approximately \$2,000,000 of that amount has actually been invoiced. If you were to look at the revenue fund estimated position paper in isolation, one could draw the conclusion that the full amount has been paid to the New South Wales Government. This is not the case. The Norfolk Island Government has had to weather this Global Financial Crisis with almost no assistance from the Commonwealth Government despite making repeated requests for such assistance, since January 2009. One of the measures, which were adopted by the Norfolk Island Government conserve cash resources, was to slow down the payment of creditors and the largest creditor was the New South Wales Government. On behalf of the Norfolk Island community I wish to formally thank the New South Wales Government for its patience and understanding during the time that it has taken for Norfolk Island to recover from the flow on effects of the Global Financial meltdown. I am pleased to advise you that a repayment schedule has been implemented to get the Education account back in order with a payment of \$240,000 having been made on the 4th January 2010 with similar amount to be paid monthly going forward. The Administration had \$6,601,500 cash in the bank at the end of December 2009 with \$263,400 being cash held by the revenue fund. Mr Speaker of late the local paper does not regularly publish the monthly financial indicators of its own volition so I will now put in place a mechanism that will require the Clerk of the House to publish them along with statements from the finance Minister after they are tabled in the House.

Mr Speaker Norfolk Air continues to operate in a difficult economic climate with passenger numbers only being maintained by discounting fares below production costs. December 2009 produced sales revenue of \$1,500,200 and this stacks up against operating costs of \$1,773,200 resulting in a loss of \$273,000 for the month. Mr Speaker losses for the six month period ended 30th December 2009 total \$1,599,240 and is projected to be \$2,429,958 for the full year if nothing changes. The Board of Norfolk Air is reviewing the entire operation of Norfolk Air and this review is being conducted with the assistance of senior management from Our Airline. The Board of Norfolk Air is keen to reduce the losses that are being incurred to a sustainable level until growth in passenger numbers and yield occurs which is not expected before January 2011. The board of Norfolk Air has requested the management of Norfolk Air to present it with a series of options for consideration, which will allow lower operating costs and improved income. Particular focus is being placed on block hour charter prices, fuel prices, matching capacity more closely with anticipated demand, cost of catering, charging for alcoholic beverages and across the board fare increases. The Board of Norfolk Air should be in a position to announce the results of the review by mid February 2010. Mr Speaker on a positive note, I can inform you that wholesalers are reporting renewed interest in Norfolk Island from the group travel segment of our market. The group travel market which traditionally comprises about 30% of all visitors to Norfolk Island was hit particularly hard by the global financial crisis, with many experiencing declines of up to 70% in the value of their superannuation investments and dividend cheques becoming smaller or in many instances, non-existent. Some in the community have been critical of the branding exercise and have accused Norfolk Air and the Norfolk Island Government Tourist Bureau of walking away from our traditional market and traditional methods of marketing. This criticism is unfounded and ill-informed. While the Tourist Bureau has quite correctly in my view focused on the branding exercise and different methods of advertising to be embraced now and into the future, Norfolk Air has continued to fund and participate in the Marketing Partnership Programme along with participating wholesalers. The Marketing Partnership Programme focuses principally on placing ads in Metropolitan and Regional newspapers supplemented with ads in specialised magazine and direct mail outs and occasional Radio exposure. This is a continuation of the policy put in place by Mr John Brown when he was Tourism Minister for the latter part of the life of the 11th Legislative Assembly. In the weeks immediately prior to Christmas 2009 many wholesalers declined to fund any advertising at all as they had reached a consultation that the market conditions present at the time would not yield new

business irrespective of the amount of money spent on advertising. Clearly, continuing to do what we have traditionally done no longer delivers the number of visitors required to sustain Norfolk Island and I therefore wholeheartedly embrace and support the new marketing initiatives and directions being developed by the Norfolk Island Government Tourist Bureau. I am encouraged that the new incoming Chief Executive Officer of Tourism Australia is of the opinion that 30 second television ads and print media ads are no longer sufficient to attract visitors to Australia and he believes that “word of mouse”, and please note that I said “word of mouse” is now the most powerful marketing tool available to any destination. His views are supported by new research that indicate that seniors and older members of society now comprise the fastest growing segment of internet users and the term “silver surfer” has been coined to describe them. Mr Speaker I have said on many occasions that Norfolk Air is the backbone of the Norfolk Island economy and the decision by the Norfolk Island Government to underwrite the cost of operating the airline in the short to medium term has been the correct and only one that could have been made. Mr Speaker that decision was made on the basis that our principle revenue earner is a broad based consumption tax and for the GST income projections to be realised, there must be consumers, which includes visitors on island. Thank you

MR NOBBS
be noted and printed

Thank you Mr Speaker could I move that the papers

SPEAKER
be noted and printed

Honourable Members the question is that the papers

MR NOBBS
Thank you Mr Speaker could I make a couple of references to it. I thank the Minister for bringing it forward and I just agree with him in the context of, for us, Norfolk Air really was the stimulus package that the Norfolk Island Government provided for both the private and public sector economies throughout a significantly difficult time. I would also recognise that although perhaps the Minister has copped some flack in the local paper with regard to how we've managed ourselves through an economy that's been challenged by a global financial crisis, external for Norfolk Island we've had contact from Parliamentarians who have congratulated us on the ability to have managed our way through this very difficult time and in reference to that I think if many of the other jurisdictions were in a similar situation to Norfolk Island whereby the multi billion dollar budget deficits that they are operating on, on the basis of in the future being able to claw them back, if they were operating on the same premise as Norfolk Island then there would be some significant taxation changes in all states of Australia and other areas around the globe so yes, it's been a difficult time and the mechanisms that we've put in place to curb expenditure and to look at ways to increase the economic activity on Norfolk Island have been reasonably successful. They also form the basis of why we've looked at expanding our revenue base into things such as cruise ships, tourism, ebusiness and fibre optic type business. Thank you

MR MAGRI
Mr Speaker just a question for the Minister for Finance there. I note that the cash position the Norfolk Island Government has been the benefactor I suppose of a slightly improved cash position since, and it seems the position has actually been improving since July of this year, and I wonder whether the Minister for Finance has any thoughts on whether we'll continue to see an improvement in the cash position or what other factors may come into play over the next few months. In particular I'm just interested in whether there's going to be a need for some additional supplementary funds to the Tourist Bureau or the hospital or the like

MR N CHRISTIAN
Thank you Mr Speaker I can respond there. There may well be a need for supplementary appropriation at the next meeting of the House or the one shortly thereafter when the new Legislative Assembly comes into office. That's not because there's been a cost blow out in respect of operations of the Administration or any other one of our entities, but we are moving forwards with a new marketing programme for Norfolk Island and the Tourist Bureau has indicated to us that if we were to run this

programme to the fullest they would like some additional funding that funding could be in the order of about \$270,000 to \$300,000 and that's currently being considered by the Budget Review Committee and a little bit more work needs to be done on it. We need to look more closely at how Norfolk Air and the Norfolk Island Government Tourist Bureau inter relate with each other and where they spend their respective dollars and that process is under way. In respect of the Norfolk Island Hospital Enterprise welfare and things like that, they are all cracking according to budget. Coming back to the Norfolk Island Government Tourist Bureau, part of the reason for additional or supplementary appropriation stems from the fact that now more and more of the accounting functions of the Tourist Bureau are being provided by the Administration and more and more of their money is actually flowing through the revenue fund's accounts and I cannot give that money back to the Tourist Bureau even though it is rightfully theirs, unless there is appropriation recognising and authorising that expenditure. That's a process that will happen over the next few weeks Mr Speaker

MR SHERIDAN Thank you Mr Speaker just a question to the Minister there. Minister during your presentation you made reference to Norfolk Air and to changes that the airport has decided upon to try and improve the finances of the airline and in one area you discussed the increase in fares. Now considering I'm not really sure what the increase in fares will be, but say it's \$20 to \$25 per sector, based on something like 30,000 visitors you would expect something between \$1.2-1.5m increase, but as is human nature, with the increase in airfares, there will be that deterrent to travel. Some people will choose not to travel. What figure has the Board come to in reference to the net increase to the operation of Norfolk Air in say the next twelve months as part of the increase in air fares

MR N CHRISTIAN Thank you Mr Speaker it's difficult to determine what the bottom line result will be in respect of increase from airfares. As Mr Sheridan quite correctly points out, that each time you increase the price of something, demand could potentially drop, so the job for Norfolk Air is to try and identify at what period the travelling public can bear an increase in cost. Now the airline management have indicated to us that they're not confident that the market will stand a \$25 per sector fare increase and that's what we're looking at, but what we will do is monitor very closely the effect that increase has on sales and if you need to, you will re enter the market with further discounts and there will be discounts starting from a higher base so hopefully there will be some improvement to the bottom line of Norfolk Air but what they will actually be I can't tell you at the moment, but what I can say, is that if we want to eliminate the losses altogether and we continue to carry the sorts of passengers that we are carrying now, we need to have sector airfares increased by about \$46 and that will take us back to the level of fares that we were getting earlier in 2008. Thank you

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

QUESTION PUT
AGREED

Thank you Honourable Members that paper is so noted. 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 GARDNER Thank you Mr Speaker just a brief statement in relation to the appointment of the Acting Chief Magistrate for Norfolk Island. Mr Speaker as Members would be aware with the expiry of the appointment of Mr Ron Cahill, Chief Magistrate of Norfolk Island in December, that left a vacancy in the position of Chief

Magistrate, and again as Members would be aware the Norfolk Island Government through my office had made direct representation by the Office of the Administrator to the Minister for Home Affairs, the Hon Brendan O'Connor and the Attorney-General's Department encouraging the re-appointment of Mr Ron Cahill for a further period of five years. That was some months ago and whilst the Minister continues to consider the appointment, albeit maybe being complicated by some matters pertaining to the ACT Magistrates Court, it was necessary to ensure that the Administrative Review Tribunal continued to operate in Norfolk Island and also to ensure that we had an appropriate head of the Magistrates Court in Norfolk Island for the Court of Petty Sessions in Norfolk Island and so I have worked through the Office of the Administrator, and thank the Administrator for his assistance in this matter by contacting directly the Act Attorney-General the Hon Simon Corbell MLA and asking for his assistance to identify one of the ACT's magistrates to act as the Acting Chief Magistrate in Norfolk Island until the Federal Minister was in a position to be able to make a permanent appointment to the post. The ACT Government have given a great deal of consideration to the matter. They have advised that they are comfortable with an appointment of one of their magistrates and in this case they have indicated that they are happy for Peter Dingwell who incidentally was also appointed as a Magistrate in Norfolk Island under the Court of Petty Sessions Act in any event, but for Peter Dingwell to act as the Acting Chief Magistrate of Norfolk Island. That matter has been advised through the Office of the Administrator to the Hon Brendan O'Connor's office and as I understand it, he was comfortable for that appointment to proceed and gave the nod for the Administrator to make the appointment a couple of weeks ago so Mr Speaker I know there have been some concern in the community that whilst we didn't have an Acting Chief Magistrate we also did not have a presiding Member of the Administrative Review Tribunal in Norfolk Island I can now confirm that an Acting Chief Magistrate Peter Dingwell has been appointed by the Administrator for a period up to twelve months and that as a result of that appointment he is automatically appointed or assumes the full powers and responsibility of a permanent Chief Magistrate in also filing the role of the president of the Administrative Review Tribunal in Norfolk Island. It's also important to point out that the ACT Government's agreement to the appointment of Peter Dingwell as the Acting Chief Magistrate in Norfolk Island is for a period of up to twelve months so that clearly indicated both to my office and the office of the Hon Brendan O'Connor that they are no longer comfortable with one of their magistrates being appointed as the Chief Magistrate in Norfolk Island and as I said have advised both office and the Hon Brendan O'Connor's office of that which obviously is a consideration that the Federal Minister will have to have in making a future permanent appointment. That may well be in line with the recommendation that the Norfolk Island Government made through the Office of the Administrator to the Hon Brendan O'Connor's office that Ron Cahill continue for a further period of five years, but that is entirely a matter for the Federal Minister to determine in his own time and I would hope that, that consideration for that appointment remains in the basket of options available to the Federal Minister going forward. Thank you Mr Speaker

MRS JACK
statement be noted

Thank you Mr Speaker could I just ask that the

SPEAKER
statement be noted

Honourable Members the question is that the

MRS JACK
matters currently sitting on the table for ART have you any idea if the new Acting Chief Magistrate have been made aware of those matters and do you know of any time frame for those matters to be settled or dealt with

MR GARDNER
he has been fully briefed on those matters and whether he has prepared a sitting schedule for the Administrative Review Tribunal in Norfolk Island let alone a sitting schedule for the court of Petty Sessions for any matters that may be listed for the attention of the Acting

Chief Magistrate. As soon as I have that information I'm sure that, that will be trumpeted loudly to those who have matters awaiting determination by the ART

SPEAKER Thank you Mr Gardner. Any further debate Honourable Members. There being no further debate, the question is that the Statement be noted and I put that question

QUESTION PUT
AGREED

Thank you Honourable Members that Statement is so noted

MR NOBBS Thank you Mr Speaker, I would like to provide a background, or an update on the progression of the Administrative Complaints system. Members will recall that commencing at the start of April 2009, the Administration of Norfolk Island introduced a Customer Administrative Complaints system. The launch of the complaint scheme was heavily publicised, and each Administration office open to the public continues to display signs about how complaints may be made and to provide complaint forms to anyone seeking them. Mr Speaker, the Administrative Complaints System forms part of the Norfolk Island Government's commitment to transparency and accountability. It is our intent that it will be supported and strengthened by the introduction of an ombudsman service, which will be able to consider complaints not resolved by the system. It is now a lengthy time since we reached agreement with the Commonwealth Ombudsman to provide such a service, and we have taken all the steps we can. However, before the Commonwealth Ombudsman can assume this role, it is necessary for the Australian Government to amend its legislation and we still await the details of the exposure draft of the changes which have been in preparation in the Attorney-General's Department over the past year. The Commonwealth Ombudsman, Professor John McMillan, visited Norfolk Island earlier this month and we held positive and cordial discussions. Prof McMillan is as anxious as we are to progress the matter, and we have sought specific details from the Commonwealth Minister for Home Affairs on the likely timelines for action in Canberra on this important reform. In the meantime, the Administration Customer Complaints System is now well established and is functioning well. In almost 10 months, it has received 18 complaints and has finalised 16. Two complaints remain open and under investigation. Half of the complaints received arise from procedures and practices in Administration, and have related to some ten programme delivery areas. Around 28% of complaints have raised concerns about quality of service, while a further 17% have arisen from billing or pricing procedures. I am advised that most complaints are resolved within the time frames set out in the published Complaints Handling Procedures. At the conclusion of each investigation, complainants are advised in writing of the resolution achieved, and have the option of seeking further action if it is required. This has not been necessary in any of the complaints finalised to date. Outcomes achieved from complaints most commonly relate to changes in policies and procedures in the various areas of service delivery. The complaint system is of course in place to ensure that aggrieved members of the community can seek redress to matters of concern. However, one of the major benefits to the Administration is that complaints and their outcomes provide valuable information on areas where improvements can be made. The Administration's Risk Management Administrative Officer, who oversees the complaint system, has suggested that one of the lessons learned since the commencement of the programme is that there would be value in key areas developing service charters and standards which can be made available to the public and used as benchmarks in each area's business and strategic planning. During a training visit in October 2009, a staff member of the Commonwealth Ombudsman's office examined the Complaints Handling System and met with the staff responsible for its management. This has resulted in some suggestions for fine-tuning the system, including some extensions to response times and consideration of nominating several officers as key complaint contacts, rather than complaints being referred as a matter of course to managers in each programme area. Mr Speaker, we are grateful to the Commonwealth Ombudsman for

providing advice and training on our Complaints Handling System, and look forward to building on this cooperative relationship when the Commonwealth legislative amendments are finally enacted. I also specifically want to thank the officer involved on Norfolk Island for their work in setting that process in motion. Thank you, Mr Speaker.

MR NOBBS

Thank you Mr Speaker, I would like to make a statement on the Workers Compensation Scheme. Mr Speaker on 11th January I provided Members with a detailed written briefing on the Norfolk Island Workers' Compensation Public Scheme, prepared by the Administration's Employment Liaison Officer. The Workers' Compensation Scheme was established under the *Employment Act 1988* to provide affordable workplace insurance for workers in the event of work-related incidents or accidents. The Employment Liaison Officer is responsible for collecting premiums from employers (currently 20 cents per hour worked per employee), examining claims received and arranging payments for medical costs and weekly wage benefits on accepted claims. A number of issues were detailed in the briefing, and without repeating all of the information already circulated, I will highlight some of those matters.

- The Scheme had an excess of income over expenditure for a number of years up until 2006/07, but since then claims paid have exceeded income with a resultant fall in accumulated funds from around \$650,000 in 206/07 to just over \$440,000 at the end of the 2007/09 financial year. This downward trend in reserves is continuing in this financial year.
- While income from employer premiums has risen steadily in the past three years, medical costs have increased considerably in that time
- Several long-running individual claims have resulted in significant expenditure from the Scheme
- Costs for medical expenditure and related travel for the first half of the financial year have already reached the budgeted figure for the whole of 2009/10.

The Employment Liaison Officer has recommended that action be taken to ensure that the Workers' Compensation Scheme remains viable and suggested that options include an increase in premiums or seeking an external insurer to underwrite the scheme. At this stage, both options remain under consideration. Mr Speaker, while I am concerned that there has been some diminution of the reserves of the workers' compensation scheme I am not convinced that an increase in the workers' compensation levy is justified at this stage, especially in the existing economic climate. I commend the Employment Liaison Officer for the comprehensive information he has compiled, which I intend to refer to an external actuary as part of a comprehensive review the Norfolk Island Workers' Compensation Public Scheme. The actuary will be asked to make recommendations on all aspects of the scheme, including claims procedures, the quality and content of claims documentation and medical reports, measures to simplify the scheme's administration and the level of workers compensation levies. Mr Speaker, I will provide Members with a further progress report on this matter as soon as advice is received from the actuary. Thank you, Mr Speaker

SPEAKER

Thank you Chief Minister. Any further Statements of an official nature Honourable Members

LEGISLATIVE ASSEMBLY (REGISTER OF MEMBERS' INTERESTS) 2004

SPEAKER

Honourable Members in accordance with subsection 11(11) of the Legislative Assembly (Register of Members' Interests) Act 2004 I am required each year to prepare and submit a report to the Legislative Assembly for complaints received by the Speaker, the Deputy Speaker and the Committee of Privileges under the Act to the Committee of Privileges in the twelve months from the preceding 30th June. I have to report that the Mr Speaker and the Deputy Speaker and the Committee of Privileges have received nil complaints lodged under the Act in the 12 months to 30 June 2009 and I table the report

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. At the introduction of the Bill into the House there were a number of queries raised and in particular were the control aspects of establishing an optometrist authority and how you would control that and the mechanisms to ensure that any conditions under which that authority is provided are adhered to and I think generally the debate around the table was the need to look at how those provisions in the amending Bill could be better strengthened and the other additional one, but also very important aspect was highlighted by my colleague Mr Brendon Christian in relation to the proposal under this legislation to ensure that a person under the age of 18 who was part of a nuclear family committed the nuclear family to the payment of the first \$2500 for a medical evacuation. To be quite honest I had never thought of just what that meant for a patient who was medically evacuated from Norfolk Island. As far as the impact that would have on themselves and also the nuclear family and for the benefit of the listening public, under the Healthcare Scheme to receive a benefit requires the payment of what is called the threshold amount of \$2500 in what is termed free medical expenses before the Healthcare Scheme comes in and covers all medical expenses from thereon so it's an unlimited cover for the provision of free medical services, so in essence it's a very specialised but very beneficial type insurance system for health costs in Norfolk Island. Most other private health type covers that are available do have upper limits, but it was also important to recognise that if somebody was medically evacuated from Norfolk Island the requirement under the Healthcare Act and the medical evacuation provisions of the Healthcare Act also required the individual or the nuclear family to also pay the first \$2500 for a medical evacuation and I think it's reasonable to suggest that a medical evacuation is not normally required for anything other than as a result of major medical complications or the need for emergency surgery or the like so in any event, the first \$2500 that is required to be contributed under the Healthcare Act for the provision of free medical services is going to be something in addition to the first \$2500 for the medical evacuation and I think thanks to Brendon raising the question that tweaked an issue in my mind, that I didn't think that was reasonable and that it was necessary to find a way to try and limit as best we could a nuclear family's or individual's exposure to the consequences of a very difficult medical condition requiring evacuation from the island. In the intervening period I have prepared some detail stage amendments and without wanting to pre-empt the debate on those, it was agreed by Members of the Legislative Assembly that we would look to a provision in the detail stage amendments that would remove the requirement in its entirety to the payment of the first \$2500 that would normally be incurred for a medical evacuation from Norfolk Island. Those detail stage amendments also deal with the date of the Bill and it may be not such a major provision but an important provision obviously so in a nutshell, there were issues raised at the last sitting, I've taken those on board and have prepared the necessary drafting instructions for detail stage amendments to be prepared, they've been done and circulated as at 13 January 2010 and I commend the Bill to the House and I look for Members support for agreement in principle to the Bill in advance of moving the detail stage amendments addressing the issues I've described

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

QUESTION PUT
AGREED

The Bill is agreed to in principle

We move now to the detail stage. Mr Gardner

MR GARDNER Mr Speaker I move that the detail stage amendments dated 13 January 2010 be taken as read and agreed to as a whole. Just to re emphasise the provisions of the detail stage amendments firstly they amend the date of the Bill and make it more contemporary, and it would then rename the title of the Bill an the heading from the Amendment No 2 Bill to the Healthcare Amendment Bill 2010. The second is in relation to the withdrawals from the fund by amending that particular paragraph that in effect would remove the requirement for the first \$2500 contribution from an individual or nuclear family for a medical evacuation from Norfolk Island and the third party of the detail stage amendment deals with those issues raised by the Minister resp0sonbile for social welfare at the last sitting which had been discussed with the social welfare officer and as I understand it through your office Mr Speaker and your involvement with social welfare and the Social Services Board as being appropriate strengthening of conditions that can apply to an optometrist authority and in particular for the referral process as it applies to recipients of the medical assistance under the Social Services Act. Mr Speaker I would be interested in Members views about the detail stage amendments and am happy to answer any questions that might arise

MRS JACK Thank you Mr Speaker and thank you Minister for taking my concerns on board regarding the HMA recipients an those with optical arrangements and I just ask in this House that you reconfirm the current policies that are in place and currently operating and referred to by the social service officer, those policies will form part of the conditions for the arrangements that the optometrist will work under as part of the application

MR GARDNER Thank you Mr Speaker, certainly the intent of the detail stage amendment provisions are to strengthen the ability of the executive member when issuing the authorities and particularly in relation to referrals to pay particular recognition to the Social Services Act 1980 and any of the policies developed under the act

MR MAGRI Mr Speaker just in relation to that I also share the Minister for the Environment's concern about the unusual step that we've taken here where our private practice can bind the Administration to costs and I believe there was as the Minister for Tourism explained, there was some mechanisms built into that Bill to ensure that didn't happen. The detail stage amendments have strengthened those again and I will support that Bill on the basis that the detail stage amendments have strengthened that requirement. But I just wonder whether the Minister could explain something further in relation to one of the other amendments that refers to the removal of the requirement for the nuclear family to pay the first \$2500 in the situation where they are medically evacuated because I don't want to pre empt the debate on that but the agreement to this Bill will not require but would responsibly require us to look at how we collect the monies to cover the costs otherwise covered by the persons being evacuated and I wonder whether the Minister could give us some idea of what those cost increases might be or how he intends to deal with those because that's what we are actually voting for in this Bill

MR GARDNER Thank you Mr Speaker, if I understand correctly the question from my colleague who is seeking my response to just how we would cover the shortfall, that's it in a nutshell, where the \$2500 required will be covered moving forward and again, like my colleague, not wanting to pre empt debate on the next matter on the notice paper which deals with that increase in the medical evacuation levy, and that increase arose from a paper developed by the Healthcare Officer which incidentally was a joint activity earlier referred to by the Chief Minister in relation to Workers Compensation in other words, a review of both the operation of the Healthcare Act and also the operation of the Workers Compensation Act. That paper that was circulated and discussed by Members indicated a need to consider increasing the medical evacuation levy as it did in increasing the healthcare levy and as the Chief Minister explained in relation to Workers

Compensation Scheme the healthcare levy itself and the need or otherwise to increase that will be the subject of an actuarial assessment. It's not unusual. It's happened in the past and it's usually on that advice or that assessment done by an actuary that we have changed the variables of the Healthcare Scheme and how it operates, whether it increases or decreases the threshold, whether you maintain the current levy and any other possible alterations or amendments to the Healthcare Scheme. In considering that motion coming forward there was a need to also consider and this is getting to answering the Minister's query directly, a need to consider just how you would cover the \$2500 contribution under the medical evacuation levy. Some very brief history on that. My understanding is that we budget on an annual basis for six medical evacuations a year out of Norfolk Island and I think at a rough and agreed cost under contract with our service provider of somewhere in the region of \$28000 per evacuation so multiplying that by \$2500 suggests that we need to find somewhere in the region of \$15000 or thereabouts. That activity undertaken suggested that with the number of Members of the Healthcare Scheme on an annual basis would equate to an additional contribution from Members of approximately \$2.50 per Member per quarter so \$10 per year per Member would cover that \$15000 shortfall and that is how it is proposed to be covered, but until we dispense with the Bill, and dispense with the need to try and recover from Members in the future the first \$2500 contribution for a medical evacuation from Norfolk Island that is the reason why a motion will come forward subject to the passage of the Bill. If the Bill passes I will be bringing on the motion as it appears on the notice paper. If that part of the Bill were to be defeated or the Bill itself were to be defeated I would need to revise my motion accordingly

MR SHERIDAN

Thank you Mr Speaker I would just like the Minister to comment on an item I've been here looking at. I note in your detail stage amendments where it says, withdraw from the fund, and you come down to paragraph 4(a) where it says an eligible person means to withdraw from the funds for a medical evacuation is that you cannot be in default of payment for more than one levy period. Now I would assume that to mean that if you are in default of a medivac levy for more than one period which is three months, and you require a medivac, well then you would not be covered for the service even though I understand that medivacs still may go out but to go hand in hand with the healthcare fund itself with the payment of the healthcare levy there is no stipulation within the Act itself to state that if you are not in default of more than say one levy period it sort of signifies that you are still covered. It doesn't say in the Healthcare Act ceasing to become a healthcare Member it doesn't state in there that if you default by more than one period you cease to become a Member so in actual fact what you are saying is you must remain a Member until you leave the island with no intention of coming back or if you've been absent for more than 180 days so to me there's a discrepancy there for the payment of withdrawing funds or payment of your normal healthcare bills, aka up and above your \$2500 or over \$2500 and the medivac levy. Now they go hand in hand but if you don't pay or are in default of one payment you are still covered for your healthcare but you're not covered for your medivac. Is that correct

MR GARDNER

Thank you Mr Speaker, yes in essence that is correct but it may be worth explaining just how it operates in reality. Under the healthcare levy and there are examples of this having happened, a person who has not paid their healthcare levy but as I understand it, incurs costs exceeding the threshold of \$2500 and then may be covered under the Healthcare Scheme the outstanding amount of the healthcare levy is deducted from any payments that they might be entitled to. The law establishes that a person in Norfolk Island over the age of 18 who does not have alternate cover or is covered under another scheme must be a Member of the Healthcare Scheme and they must pay the levy. The Administration has been particularly pro active over the last couple of years in chasing those defaulters on payment of the levy and have been very successful in that to date as far as the medical evacuation levy is concerned, what that means for a customer is if you haven't paid your medical evacuation levy you will be invoiced for the total cost of the medical evacuation so I think it's very clear. Now this isn't a new provision. This is an existing provision within the legislation but the way that this provision has been worded is because there has been a change to the Act itself which picked up some of the

existing provisions within the Act and this paragraph and inserted a new provision within the Act. The detail stage amendments basically reversed what exists in the Act now except it removes from the current Act the requirement to get the first \$2500 back from a patient or a nuclear family for a medical evacuation from Norfolk Island

MR SHERIDAN Thank you Mr Speaker so just for the Minister playing devil's advocate, if a person was to pay a medical evacuation levy portion of his healthcare levy and not pay the healthcare levy he would be covered for a medivac and then if his bills were over \$2500 and he made a claim against the healthcare fund they would then deduct the outstanding account. Is that what you are saying

MR GARDNER Thank you Mr Speaker, in the past that's definitely happened as I've said, and I'll repeat, the Administration has been particularly pro active over the last couple of years in chasing those defaulters on payment of the levy and have been very successful in that to date and they will continue so my expectation is that there is no need to deduct that in the future because those people will be bought to account on their default

SPEAKER Any further debate Honourable Members. The question is in three sections and I put the first question that the amendments be agreed to

QUESTION PUT
AGREED

The amendments are agreed to

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

QUESTION PUT
AGREED

The clauses as amended are agreed to

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

QUESTION PUT
AGREED

The remainder of the Bill is agreed to. Thank you Honourable Members. I now call on Mr Gardner

MR GARDNER Thank you Mr Speaker, I move that the Bill as amended be agreed to

SPEAKER Any further debate Honourable Members. Then I put that question

QUESTION PUT
AGREED

The ayes have it. The Bill as amended is agreed to

Honourable Members that was Order of the Day Number 1, and we now move back to Notices. Mr Gardner

HEALTHCARE LEVY ACT 1990 – INCREASE OF MEDICAL EVACUATION LEVY

MR GARDNER

Mr Speaker most of my debate in this matter has been covered in the debate in the previous matter but I move the motion that appears in my name that the Legislative Assembly in accordance with subsection 6(3) of the Healthcare Levy Act 1990 approves the determination of the executive member that the medical evacuation levy payable in accordance with paragraph 6(1)(b) of the Act be increased by \$7.50 to \$32.50 and that the amount so increased be payable from the next levy day, namely, 1 March 2010. Mr Speaker without boring everybody with repetition, as I've stated the need to look at this arose from the paper from the healthcare officer Gary Dowling and I thank him for his paper. It dealt with two issues, one was the proposed increase in the medical evacuation fee and the need to increase the healthcare levy as I advised earlier, that need will be the subject of an assessment by an actuary who I hope will be able to report back in due course. There is a requirement under the legislation for the executive member to review the operation of the fund on an annual basis and I think it's before August, and there had been discussion almost twelve months ago around the table particularly by the executives of a need to have a very close look at the operation of the Healthcare Scheme and also the Workers Compensation scheme and a proposal then that we go back to an actuary to have a look at the operation of both the schemes and for various reasons that hasn't advanced to date, but with the receipt of those papers from the officer it is expected that it will be completed sometime in the remainder of this financial year. The officer's paper has dealt with the cost of medical evacuations and I think as I intimated earlier, we have an arrangement with our service provider of roughly \$28000 or thereabout for medical evacuations out of Norfolk Island to a port either in Australia or New Zealand for them to be able to get medical attention. With the unfortunate ditching of an aircraft off the coast of Norfolk Island which was from that service provider some months ago, I think back in November, the aircraft that has been available to Norfolk Island has not been available out of its home port being Sydney and has had to be brought into the island from Melbourne, under the arrangements for the provision of services, that cost applies only to departure and arrival of an Aircraft back in its home port of Sydney so we've had to incur the additional cost of the aircraft being brought in from Melbourne and they are significant additional costs. We also have those additional costs compounded by an aging population and I understand that the Prime Minister of Australia has made a bit of a to-do about the aging population and the need to revise the impacts that will have on the Australian economy in years to come and likewise in Norfolk Island we recognised a great length of time ago now the aging population in Norfolk Island and that has been a concern and highlighted by the unfortunate accidents that some of our elderly have faced particularly in this financial year with a number of broken hips and the like that have required medical evacuation to Australia. There is an expectation that those incidents will continue to increase in number and the six medical evacuations for which we have budgeted over the last few financial years will not to obviously be given appropriate attention in the next budget cycles, reflecting our aging population and the need to provide appropriate medical attention including medical evacuation. Mr Speaker as I've explained there is a component in this which is pre-empting and also covering those additional costs and the expected increase in use for the remainder of this financial year and I think we have just about exhausted the six medical evacuations and if that were to be repeated in the second half of this financial year we may find that the fund may find itself in some jeopardy as far as its reserves are concerned and so it's important that we move to cover that and we openly pray that we don't have to use it, but we do need to have the contingency in place should we need to cover any further medical evacuations from Norfolk Island. The other component as explained in relation to the passage of the Bill previously is the need to cover the \$2500 contribution for someone to be medical evacuated from here, we now dispense with that provision within the Act or as soon as it becomes law it will be dispensed with following passage of the Bill in the House today and as I explained, that component is the additional \$2.50 over and above that as recommended by the officer Gary Dowling. In considering this the question has also been asked as far as the future medical evacuation of patients is the utilisation of the passenger

transport services coming into Norfolk Island namely air New Zealand and Norfolk Air and with the takeover of Our Airline from the Ozjet services which were not able to take a stretcher, we again raised the question about the likelihood or otherwise of being able to utilise the aircraft currently servicing Norfolk Island for some of the less urgent medical evacuations from Norfolk Island and it has been suggested that with a proper stretcher that things like the broken hips may be able to be maintained in Norfolk Island until an rpt flight was available and then a medical evacuation occur with an rpt rather than incurring the cost of a medical evacuation using our service provider and I might look to the Minister for Finance, responsible for the airline to maybe give us some input into why that is not a viable alternative at the moment, as I understand bulk heads and insurances and the like but that is something that has been looked at and I would hope in the future, even though I understand that it's not something that is going to be able to be dealt with immediately but in the future as a way to utilise our rpt aircraft for medical evacuations from Norfolk Island may, result in the need to not continue at this level with the medical evacuation levy and if that was able to be done with the aircraft currently servicing Norfolk Island it would be hoped that in the next financial year the new Legislative Assembly may be able to reducing the levy back but that would obviously be subject to the air raft service in Norfolk Island being able to provide that service. I'm pleased that we have agreed in the last two minutes to removing the requirements for the \$2500 contribution to the medical evacuation levy. It certainly removes to some degree, maybe only a small degree but the difficulties that those requiring those services encounter and gives them some comfort but I think it is a move in the right direction and to cover that contribution that had previously been sought community wise is in the best interests of everybody in the community and I commend the motion to the House

MRS JACK Thank you Mr Speaker could the Minister just highlight for those who do have outstanding fees payable for previous medical evacuations the previous Bill did not cancel that debt to the Administration. Also I ask the Minister given that we were not responsible for the accident they saw the plane located in Sydney in unavailable and the Melbourne one have to be relocated why are we paying the relocation costs, and if that was in the contract, when is that contract due for review and will that section of the contract be reviewed. I find it pretty onerous that through no fault of our own we are paying for somebody else's problem and that we have no recompense to try and claim some of that back

MR GARDNER Thank you Mr Speaker, I liken the situation to the unfortunate incident that occurred here in November with the ditching of the Australian aircraft to a situation where that aircraft may have been called to Vanuatu for example and if that aircraft was not available out of Sydney we would incur the additional cost for having to bring an aircraft from another port. It's just unfortunate that he aircraft that we contacted to provide us with service sits at the bottom of the ocean and is not in Vanuatu or Samoa or somewhere else. That is the reality of the engagement that was made for the provision of the air service. If the aircraft is not there, for example is at the bottom of the ocean or some other destination, we incur the cost of having to bring in a replacement aircraft

MRS JACK Thank you Mr Speaker so for a particular plane from a particular port, not the company to provide the service. And the other one, the outstanding charges

MR GARDNER Thank you Mr Speaker, there is no retrospectivity provisions within the Bill we have dealt with so those medical evacuations that have been incurred the \$2500 is recoverable from those patients. I might add that as I understand it in the main, the bulk of those patients may well have been HMA patients and so the Health and Medical Assistance scheme actually picks up that first \$2500 contribution. There was one other part to the Minister's question in relation to the renewal or review of the contract. I think it goes without saying that those sorts of provisions are things that are given close consideration and scrutiny in the review of any of those sort of contractual arrangements but when a company providing those services are limited by the number and type of

aircraft that they have available to them, at times there will be a requirement to incur additional costs. As I understand it, the aircraft that was based in Sydney which I referred to earlier that is sitting at the bottom of the ocean off Norfolk Island is going to be if not already replaced by another aircraft and so we should revert back to the standard costs in the contract but that doesn't remove the situation as I referred to earlier if that aircraft is called to Vanuatu or Samoa or somewhere else on the face of the planet we will under the arrangements have to incur the costs of relocating an aircraft from any other port to be able to undertake another medical evacuation

MR SHERIDAN Thank you Mr Speaker I would like to comment on the raising of part of the healthcare levy. Whilst I don't usually advocate the raising of fees, and I don't usually agree with it, I see that the increase up by \$30 per year which raises it to \$130 per year, for piece of mind for the medical evacuation of anyone who is a Member of this Healthcare Scheme, it must be one of the cheapest insurance policies around for an island community and in saying that, I think as the Minister said, if the next Legislative Assembly got cheaper rates with the charter company that does it, well there may be a reviewing back down again, but I don't really see that a raise of \$7.50 per quarter would be too onerous on any part of the community. I know that there are people out there doing it hard at this point but I believe that just for the piece of mind that this puts up towards a medical evacuation and the ease of which we can access it is really something that everyone around this table would agree to and I wouldn't see too much disagreement within this community

MR NOBBS Thank you Mr Speaker I'm pleased to hear that the ongoing traditional payments that we make for aircraft parking are soon to be rectified, so my question is now for personal information from the Minister and more for the general public in terms of how the evacuation instances appear on the books, if its for a tourist or a DVA recipient and I know at times we've also talked about a contribution of temporary entry permit holders as part of the formula to look after the medical evacuation

MR GARDNER Thank you Mr Speaker, how it appears on the books. We have always, without exception, taken someone. I can't recall one single case where we've said to someone no, we're not going to evacuate you. If they are in real need they will be evacuated and that real need is not something that's determined by me or anybody else around this table. We rely on professional standards and opinions of our medical officers at the Norfolk Island Hospital and it requires consultation between the GMO and the Medical Officer for any medical evacuation. They make an evaluation on their professional judgement and that is what determines whether a medical evacuation will take place or not. In the past and it means going back a little in history, to about 1999 or 2000. prior to that time generally if medical evacuations were provided, generally, free of charge by the Royal Australian Airforce and as I understand it, the RAAF considered those useful and important exercises to evacuate people in training sessions for their staff if a properly equipped Hercules or the like was available and had not been committed to other areas of engagement somewhere else in the Pacific or around the world and in the past that did occur where we were required to fund medical evacuations when those sort of circumstances eventuated but I certainly can recall that we have evacuated visitors to Norfolk Island from Norfolk Island at the island's expense in situations where those visitors to the island did not for example have travel insurance and I think I may have relayed to Members at the last sitting of the House in the debate about the Healthcare Amendment Bill the unfortunate situation that both myself as a Minister for Health back in those days, my predecessors and successors up until the change in the arrangements occurred having to approach the families not just of local people orl Members of the Healthcare Scheme but also Members and families of visitors to the island requesting that they demonstrate that they do not have the means to fund a medical evacuation from Norfolk Island and even back in those days it was \$20,000 odd and that's a particularly onerous task on anyone to have to confront a family that has faced some type of tragedy or some serious medical condition. The Government's first interest is how are y going to pay the Bill rather than look we need to get you off the island, you need care and attention and with

the change in the policy of the RAF in the provision of those services to Norfolk Island what was a requirement for Norfolk Island to devise a means and fund a way of filling the void that was left and that was what we have had now for ten years or so is the medical evacuation fund and the requirement to pay a medical evacuation levy and so the cost was spread right across all of the Members of the Healthcare Scheme in Norfolk Island save for those people who were exempt or suspended from paying, exempt on the grounds of income or any other provisions of the Social Services Act or suspended because they were able to demonstrate that they had adequate insurance in place to cover the cost of the medical evacuation and there are some people still in that category despite the fact that generally and in the main most Australian private health insurance providers now are not permitted to provide coverage in Norfolk Island and those were the changes that we all understand were brought about by MBF but in the main, a requirement by those private health providers in Australia to adhere to the provisions of their own legislation which prohibits them to offer cover in Norfolk Island. As far as DVA recipients in Norfolk Island are concerned, my understanding of those provisions is that the Commonwealth under the Department of Veterans Affairs benefits that are extended to their recipients in Norfolk Island are fully covered for the cost of medical evacuations. I hope that goes some way to answering the imposition of costs on visitors and DVA recipient in Norfolk Island

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

QUESTION PUT
AGREED

Thank you. The motion is so agreed to

ROAD TRAFFIC (AMENDMENT) BILL 2010

MR MAGRI Mr Speaker I present the Road Traffic (Amendment) Bill 2010 and move that the Bill be agreed to in principle. Mr Speaker I also table the explanatory memorandum and I will now read that into Hansard. The purpose of this Bill is to give effect to recommendations of the Road Safety Committee to make special provision for the issue of provisional drivers licences that will require such drivers to observe some restriction on their driving for at least 18 months. The Bill is divided into 4 clauses of which the first 3 are the usual clauses for citation and commencement. The 4th clause consists of a schedule of the amendments to the principal Act. The schedule in clause 4 provides for the various amendments necessary to provide for provisional licences—

Item 1 amends the definition section to provide for probationary licences and to define a probationary licence as one issued under section 17.

Item 2 makes consequential amendments to section 15 that includes provisional licences as a kind of licence required to drive on a road.

Item 3 amends section 17 to include provisional licences among the kind of licences to be issued but provides that such a licence cannot be issued to a person under the age of 16 years and 3 months and provides the Registrar with the power to determine for what kind of vehicle or vehicles such a licence may be issued.

Item 4 inserts a new section 17A to provide 4 restrictions on holders of provisional licences:

- that they not drive with more than one passenger
- that they must not drive a motor vehicle between the hours of sunset and sunrise
- that a vehicle they are driving show a prescribed sign to indicate that the driver is the holder of a provisional licence, and
- must not drive a vehicle of a type other than that of a kind that the holder is, in accordance with the licence, authorised to drive

Item 5, 6, 7 and 8 make consequential amendments to sections 20, 21, 22, and 23 to include references to probationary licences.

Item 9 Amends the provisions of the Act relating to drink driving and provides an offence for a holder of a provisional licence to drive with a blood alcohol level equal to or greater than 0.02. The penalty for this offence is the same as that for the holder of a full licence driving with a blood alcohol level of 0.08 or more.

Item 10 inserts a new section 47Q that makes special provision for the suspension of probationary licences where the licensee incurs 4 or more demerit points and provides for the Registrar to give the licensee notice of 3 month suspension commencing 14 days after the date of the notice.

Item 11 adds new provisions to the Regulation making power in section 56(7) to provide power to make regulations to prescribe the plates to show that a person is a holder of a provisional licence and to prescribe conditions to attach to a probationary licence such as limitation on engine size and power. And the date of the memorandum is 11th January 2010.

Mr Speaker this amendment is part of the ongoing changes to the Road Traffic Act 1982 to provide for the safety of all persons who use the roads in Norfolk Island. In October 2003 Richard Mewthen, a third party insurance consultant visited Norfolk Island and had extensive discussions with the officers of the Administration, Members of the Legislative Assembly and the Police. He prefaced his recommendations in respect of road safety by saying prevention is better than cure and that it was more satisfying and rewarding to prevent or reduce the numbers of serious accidents than having to deal with the consequences. He add the safety provisions should not only contain relative legislation but also be actively enforced. Although his recommendations were in the main directed at the introduction of compulsory third party insurance which has now been successfully implemented, his comments are still pertinent to the introduction of a provisional licencing system for those persons who are inexperienced drivers on our roads. The proposal to introduce a restriction on those persons who are less experienced in driving Motor Vehicles, especially at night, was first identified when legislation for the issue of a provisional licence and related matters was drafted in October 2005. It included provisions for a three year licence, 0.02 on alcohol content and prohibition from driving between the hours of driving between the hours of 10pm and 6am and the restriction to carry more than one passenger while driving a vehicle. In April 2007 the matter of the requirement of a p plate were again raised by the Road Safety Committee and at the February 2009 meeting of the Road Safety Committee of which I am a Member, I indicated my agreement in principle to progress the amendments to the legislation to provide for the introduction of provisional licences. At the April 2009 meeting I indicated to the Road Safety Committee that the matter had been raised by me at an informal meeting of Members of the Legislative Assembly. Subsequently I issued drafting instructions to Legislative Counsel which would tailor the legislation to suit Norfolk Island conditions. One of the main reasons for this proposal to introduce legislation for provisional licences as recommended by the police was because the young inexperienced drivers, were over represented in a number of Motor Vehicles accidents in Norfolk Island particularly in the hours of darkness. This amendment is an attempt to be proactive in the matter of assisting in avoiding any further preventable grief and hardship in the community that could have been easily avoided by the passing of this amendment. The provisions of this Bill are similar to that proposed in 2005 but have been modified to meet the current circumstances following consultation with interested parties including the recommendations of the Police and the Road Safety Committee. I believe that the community at large is keen to see greater responsibility applied to those persons who drive on our roads, and this applies particularly to those who are less experienced. In closing I particularly would like to express my appreciation to the Sergeant of Police Vince Pannell and his officers for doing a great job of traffic enforcement and will acknowledge the contribution of the Road Safety Committee who continues to provide recommendations and sound advise to my office in respect of Road Safety issues. I commend the Bill to the House

MRS JACK

Thank you Mr Speaker I was just wondering if the Minister could explain to the public the reason why its .02 blood alcohol because some people may be wondering why there is that limit. Also this is for people in cars only or if they say, if they use a bike, if they want to go speeding on a bike, do they still have to

have their p plate on a bike, and also hand in hand with this, shouldn't there be given consideration given to better road design so I'm just wondering and in fact you are Minister for Roads as well, how you are proactively looking at better road designs for some of the areas around the island

MR MAGRI Mr Speaker just in relation to the first part of that question which would require, should this Bill be agreed to that a person holding a provisional licence should not have a blood alcohol content of greater than .02 the reason that you cannot have a zero reading is because of medications, which do contain some level of alcohol and a zero reading is not appropriate. In relation to the type of vehicle that this licence applies to, the Registrar has the power to determine what type of vehicle is appropriate to this licence and obviously it also has the ability to determine what Motor Vehicles are not appropriate, in other words, large trucks and the type. Road design. I think it's probably one area that we could make significant improvement in and I'll just defer to saying that at the moment we've got some pretty clever officers in the Administration who do a fantastic job with road design. Certainly if we had an unlimited budget I think one of the first things that I would do is employ a specific road engineer to do some design work. I think however, the combined experience of the Roads Department of the Administration do a pretty good, no a very good job of maintaining the roads with limited resources

MRS JACK Thank you Mr Speaker I just ask the Minister has he also considered not just the roads general maintenance but also looking at speed bumps or more roundabouts as part of that programme and slowing down whilst approaching the school or approaching and driving away from the school or roundabout. The Minister discussed this in our MLA's meeting and I just wonder if he has any further discussion points on those

MR MAGRI Mr Speaker yes I have and I did make a statement in the House just in relation to where the immediate future of the roads programme lies and in particular the discussion in relation to the roundabout at the school. There was some suggestions following a serious accident that occurred there some months ago that we needed to do something desperately. It's not the first time this issue's come up and it was quite easy to go back into the top of the drawer and pull out plans for a roundabout in that area. It was already costed and surveyed. I despite getting some Members saying that I would be better off probably putting speed bumps into that area as a more cost effective measure, the issue in relation to speed is only one consideration in that area. I think anybody that goes up to the school after three o'clock of an afternoon and sees the kids walking all over the intersection will realise that it's much more about traffic control arrangements and management. The roundabout has been designed by expert engineers and is now being moved up the priority list in relation to the forward roads programme and as I mentioned before will be next on the agenda after the Mountbatton Estate road

MR ANDERSON Mr Speaker I will certainly be supporting this Bill and I hope it goes through to finality today because it's been a point of discussion for a long, long time and as far as I'm concerned I don't see any reason why there should have been the delays that we've had. Just going into some of the restrictions here, some people will have a good argument why they should have more than one passenger and these arguments are valid, but I think we have to look at the overall and if we are honest with ourselves we all know that it's peer pressure that bring around the breaking of laws and senseless behaviour and I think it is an important part to restrict it to one passenger. The driving between the hours of sunset and sunrise again, this is essential part of the Bill and the evening or early morning hours where tragic accidents are most likely to occur and I think this is a very important aspect of the bill and should not be watered down. The other things I think are pretty straight forward. The matter of the alcohol reading has been explained. I just ask my colleagues here to get on and pass this Bill today

MR BRENDON CHRISTIAN Thank you Mr Speaker, just clarification from the Minister and I believe he is adjourning the debate today. But just to check how this is coming along with the learner's licences that are currently being issued to drivers on Norfolk Island and whether in fact the intended provisional licence isn't a lot more restrictive than what the learner's licence is at this current time. I don't believe the learner's licence at the moment unless its prescribed by the Registrar has any restrictions on hours that they may drive and I'm just wondering if it's in line with what the intention of the provision is, that you are not going to be allowed to do more on a learner's licence than what you are on a provisional licence. I understand that you have to have a full licenced driver to be a learner's licence but maybe this needs to be tidied up as well, but it's not becoming more restrictive than what the learner's licence today is

MR MAGRI Mr Speaker just to confirm that there's no reason for this Bill to be treated as an urgency Bill and so at the end of the day I will move that the debate be adjourned for a subsequent sitting and that's in the course of ordinary process as I understand and also during that time I'll endeavour that there are no issues in relation to the provisional licence and the learner's licence. I'm not aware of any but I'll certainly do a review and if there needs to be some changes to the learner's licence I'll bring those forward at the next sitting

MR SHERIDAN Thank you Mr Speaker. Just a few comments on this. I thank the Minister for bringing this forward and I have no doubt that one of our elders over the other side of the table there, is showing his disappointment with it not being put through today. I know that we have discussed this many a time throughout the last three years but if Mr Anderson was so concerned about it he could have brought a private Members Bill to the table a long time ago but I think it is important that we do have community input into this as has been stated, there are certain conditions and these are the main thrust of the changes for provisional licence and the conditions thereon that are placed upon them and I think Mr Brendon Christian mentioned the learner's licence. He believes that maybe the provisional licence is a bit more restrictive than the learner's licence. I don't really believe it is. I know that there are differences between them and on a learner's licence you can drive around during the hours of darkness but the one main thing on a learner's licence is that you have to have a full licenced driver alongside of you and again there is no stipulation, against the number of passengers you can carry so maybe that is something to be looked at but in saying that, I think when this was last discussed and it may not have been in this Legislative Assembly it may have been in the last one, I think we were not really poised but I do believe the community's actions over the past short period has pushed our hand a bit and unfortunately the community can't look after themselves and I know it's a small minority but sometimes we have to legislate for their protection and in saying that I most probably will be supporting this but I would like to hear back from the community in the next month. Just going through what Mr Anderson said there, I have no problem with all these conditions. One that did raise a concern the last time we talked about this, was the actual displaying of a sign to indicate that they are on a provisional licence. There was some conjecture there that some of the pensioners out there might get upset because they might think that they are trying to indicate that there's an elderly driver behind the wheel of this car so stay clear of it. That is not the intention. It's a provisional licenced driver. Maybe the same warning is there to stay well clear, whilst they are learning but I would like to hear from the community in the next month and to thank the Minister for bringing it to the table

MR ANDERSON Mr Speaker we've discussed this for three years now in this Legislative Assembly so it's not a matter of rushing it through. You have to get to the stage where you do take action on these things and what do we do. Wait until there's another death in an accident. It's a crazy attitude. We have a Road Safety committee or whatever they call themselves, and they have recommended these things and they are people who have been put in their positions to look at these things and recommend and they have recommended to us now and on previous occasions that we should do something here. Now even though I might be a little older than some here, I can still

remember back to the times of my life when I was a teenager, yes, I was a teenager and I got out my father's car and in retrospect I can still remember how crazy I was. We are all the same. None of us are any different and I can still remember back to when I had teenage girls and the terror that I went through, my girls going out to parties with blokes and speeding and these things are very real and I'm not so old that I can't remember those things. Let's just get on with it. Enough baloney about reasons why we should go to the community. We don't need to go to the community on this. It's been around for three years and the community has had every opportunity to make the point and I'm sure the community generally, maybe some of the young drivers who won't support this

MR SHERIDAN Thank you Mr Speaker I would just like to make a quick comment on this sitting on the table for a month. I think it's quite appropriate even though Mr Anderson may not believe so, but like everything, all Bills that go before this House, we do like community input. We are representatives of the community and one thing that they do not like more than anything is having things foisted upon them without getting a chance to comment on it. I would like Mr Anderson to remember that

MR NOBBS Thank you Mr Speaker the other thing of course is to ensure that we have the mechanism to implement this change of licence and that might involve changes to the safe driving course and things like that but I have a couple of questions for the Minister responsible, and they are to ask, with regard to 17a which talks about penalty units and the demerit points that may be taken away, given that in 47(q)(1) it talks that if four or more relevant demerit points are recorded basically the provisional licence is suspended. Within 17(a) it for example, in (a) it states that the driver must not drive a motor vehicle at any time with more than one passenger. The penalty is two penalty units and a demerit points as prescribed. If the Minister could give me an idea of where they will be prescribed and additionally in the transitional phase with regard to 5(2) which relates to the fact that if a licenced driver has a licence that's under nine months old, that that will be cancelled and they will go onto a provisional licence. (2) of that same point says that a provisional licence issued under this section shall be issued for a period expiring on the date that is 18 months following the issuing of the cancelled driver's licence. So that means that if someone has previously had eight months experience that counts for naught?

MR MAGRI Mr Speaker the first part of that question first. Where the penalty points are prescribed is done by Regulation and just for the benefit of anyone in the community who may be listening and interested, Regulations are made by this House and become disallowable instruments so it might not necessarily be something we debate in the House but they will be prescribed by Regulations. In relation to part 2 of the question which refers to a transitional arrangement for the introduction of provisional licences, I apologise to the Chief Minister for not making sure he had an up to date version of the explanatory memorandum because it was something that we discussed at length with my colleagues here and that was an appropriate transitional arrangement that we should support and it was basically or largely agreed that there should not be a transitional arrangement and that the transitional arrangements should simply exist but should this Bill be passed that any new licences issue from that date of this legislation would be relevant so there would be no degree of retrospectivity or a requirement to have a transitional provision so I apologise to the Chief Minister and simply explain that, that particular clause he refers to is no longer in the amendment Bill

MRS JACK Thank you Mr Speaker I just like to clarify the bill, with Mr Sheridan's tongue in cheek remark regarding the elderly driving in our community for many of them they have years of experience and there were no aspersions being meant I'm sure. They are some of the safest and the most proactive in their driving habits and standards

MR BRENDON CHRISTIAN Thank you Mr Speaker, Mr Sheridan has clarified my concern Mr Speaker it was about the Bill sitting on the table. We have discussed this for a

long time and the community has for a long time as well but in my opinion when you actually go to pass the law, it needs to be table to allow the community and the Legislative Assembly to review, debate and then bring it back for any concerns or amendments that need to be taken into account. It's not a matter of delaying it. It's a matter of following due process

MR GARDNER Thank you Mr Speaker, a couple of brief points if I can. My colleague Brendon Christian said to me one day, you can't legislate for stupidity and that is absolutely correct, particularly when it comes to driving Motor Vehicles and how people handle them and my remarks are not against the provisions of the Bill but are more in accord with ensuring that people are properly armed with the necessary experience and knowledge so that when they come to drive on the roads. This Bill goes half way. It ensures that there are some restrictions placed upon you for 18 months in how you conduct your driving in Norfolk Island. At the end of that time you can do what you want and I think that generally most people gain experience in handling differing road conditions over a number of years. How to break better, turn better, and in a safe manner. I think the part that's missing from this is appropriately arming young drivers with the knowledge. Not just experience but knowledge and skills. I know there's a proposal for a defensive driving course and I would be interested in Members views on that. I think there needs to be some consideration given to that side, in instilling the necessary confidence and skills to our young drivers to be safe. And I witness when I'm pushing my mower around my lawn, people much much older than people 16, 17 or 18 years old, doing some particularly crazy things up and down Cascade Road and its unfortunate that happens. We've all done some silly things but to avoid just one accident is worth instilling skills and knowledge.

MRS JACK Thank you Mr Speaker I agree with where Geoff is coming from. I understand that in Queensland you can't just drive around with a friend or family member and then go for your licence. You have to compulsorily have had so many hours with a licenced learner driver company and its something like twenty hours that you must drive and it's a huge expense in getting your licence so that's one option that one Government has undertaken. I don't know what the others have done in the Australian states but we all know you can't legislate for stupidity but we need to try to instill greater understanding of the power that you've got behind the wheel of a car

MR MAGRI Mr Speaker just to comment on the last two. In South Australia as I understand from researching for this, I believe it's 50 ours and they've just mandated to increase that to 75 hours although the evidence that has been provided to their committees and Parliaments was that the appropriate amount of control learning courses was somewhere around 200 hours so I think this is a step in the right direction. I don't think it's going to solve all problems by any means and I certainly agree with Mr Gardner and in relation to some of the driving courses, just practical learning that is required before you get on the roads and certainly the new Sergeant of Police is being pretty pro active in this area so we might see some of these things happening

MRS JACK Thank you Mr Speaker just a point, that the Rotary provided the school with a learner driver for better upskilling of future drivers, but that was part of a course that was offered through the education system and to get those credits, people were interested in driving but not having to do it as part of their educational requirements or course so it hasn't really been taken up as much as both parties, the Norfolk Island Government and Rotary thought it would. Perhaps we could look at that for better use

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

SPEAKER Thank you Minister. Any further debate Honourable Members. I put the question that debate be adjourned and the resumption of debate be made an Order of the Day for a subsequent day of sitting

1958 and in part 4 the Provident Account 4(1) says an account is hereby established to be known as the Norfolk Island Provident Account (2) contributions of contributors and the payment by the Administration under this Act shall be paid into the Provident Account (3) income from the investments of monies standing to the credit of the Provident Account and monies derived from the realisation of any of those investments form part of the Provident Account (4) subject to this Act the Provident Account shall be administered by the official Trustee. Probably the only other thing that I might bring forward at this stage is just an indication of the formulation of payments and things like that with regard to the Provident Account it's featured in section 9. Payments or contributions by eligible employees. 9. (1) An eligible employee must, in respect of a pay day, contribute to the Provident Account an amount equal to 5% of the base salary payable to that employee at the date of that pay day. And as we know there are various time frames in the payout of the Provident Account as well. That probably serves as an entrée to have discussion on this and as I said I'll be seeking to adjourn it so that we can have even more deliberation and consultation on it, and it seeks to satisfy that some the issues that were raised earlier by Members around the table

MR GARDNER

Thank you Mr Speaker, the intent of the Bill is admirable obviously. It's to encourage the people engaged by the Administration to make contributions to the Provident Account and to give them a similar sort of access for other full time Members of the Public Service as the Act currently stands and to those people who are on a contract of not less than four years but have already done a couple of years service within the Public Service. I think that's correct in my assessment of the current Act. It would appear that there's some maths there with the number of years that might build up towards this six year period that is referred to by the Trustee in his letter and obviously between now and the next sitting I need to get my mind around it as to what's proposed in the Trustee's letter to the Chief Minister. There is an issue I think with the wording of the Bill before us, particularly proposed section 8 and the insertion of the new paragraph which says, who is on a fixed term employment contract and chooses not to contribute to the Provident Account and instead agrees to payment in the form of an agreed gratuity. It is important I think in a situation like this, that you clearly define exactly what an agreed gratuity is because an agreed gratuity between the CEO and an employee on a contract of not less than one year there is nothing that I can see or have been able to read, that suggests that gratuity couldn't range from zero dollars up to the equivalent or more of the whole annual salary of the person engaged so I think it's important that we clearly identify in any amendment provision the need to contain that and as an example to take from the Act as it currently exists, maybe limiting it to an amount no greater than 5% of the annual based salary because that is in the calculation used for other Members of the Public Service Provident Account. The only problem there is that with the roll over of contracts when you hit the six year mark or twelve year mark, then you've got the collection of the Administration's contribution and I think case law is already established that somebody on a contract if it rolls into another contract is considered to have continuing employment for the purposes of the Provident Account and so after you've done your third roll over of two years and then you were to retire and six years was up, you could get your B contribution plus the interest component generated by the Provident Account generally in relation to the funds that have been kept. This is where it may be that there is some degree of unfairness, in the system if you limit it to 5% on the one hand of the contribution and somebody rolls into their third or fourth or fifth contract, then collecting the gratuity but not getting the equivalent of what the B contribution and interest component would be. I think it needs a little more work. I would be interested in gaining some further knowledge on the Trustee's issues that he's raised there and any further input from the Membership of the Provident Account as it currently stands

MR SHERIDAN

Thank you Mr Speaker I mirror Mr Gardner's comments to a degree whereas I understand the Trustees concerns. I don't carry the same concerns and as said, it will be sitting at the table for a month, and I would like to discuss it with him, but Mr Gardner referred to paragraph 3(b) section 8 where they talk about payment in the form of an agreed gratuity. Now I believe that the gratuity would be

part of the contract. The employment contract system would ask, would you like to pay into the Provident Account and if you say yes, then your gratuity which would be payment in lieu of leave and holidays etc would be reduced as such by the 5% that Mr Gardner referred to, so that, that amount can go into the Provident Account. Now that's how I see it operating. May be I'm wrong but it will be sitting on the table and we can discuss this further to get some clear understanding

MR BRENDON CHRISTIAN Thank you Mr Speaker, I have a similar concern but maybe a different way of looking at it. I believe at the moment a full time employee must contribute to the Provident Account. There isn't a choice. Once you are a full time employee you will contribute an amount. The concerns made and it will be interesting to hear more feedback from Members and the Public Service is that the choice, in giving the choice to the contract positions over and above what a full time employee gets. Is it the matter of saying if you are a fixed term contractor you will contribute to the Provident Account to clear any of that up. How much is the gratuity worth and what is that number based on. The other clarification I seek from the Minister is what is deemed as a fixed term contractor. Does that mean that if this legislation goes through, applies to all fixed term contractors in Administration. I mean the cleaning contracts go out for a year, 18 months. Part time contractors with the Administration. Do they all come under the umbrella of being able to contribute to the Provident Account or is it just 37 and a half hour full time fixed term contractor. That's my concern

MR NOBBS Thank you Mr Speaker with regard to that, for example the cleaning contracts, they are put out to tender. They are not specifically an hourly employment rate or anything like that, so that removes itself slightly from there. In terms of enforcing a contribution to the Provident Account that may present some issues if you have someone who only wants a three year contract engagement in that at the end of that three year engagement they've left the Public Service under six years and will not be eligible to receive their B part of the Public Service's contribution to the Provident Account so that's why the section 8 says basically that they either contribute or accept a gratuity on the basis that it is a gratuity instead. Coming back to Mr Gardner, with regard to someone who may not have contributed to the Provident Account however was being paid a gratuity and at the end of their six year period or 12 year period they then vacated their contract position whether or not they were worse off than someone who had, had access to the Provident Account's interest rate additional to the combined contribution, in some ways there's not a lot that we can do other than give them a gratuity on the basis that they use it in the context you would hope that it is used in the Provident Account where it provides a mechanism to put money away in a very similar fashion to a superannuation fund but then still, earns interest in a similar fashion so there are areas of it that possibly won't satisfy every single incident and this is why we need to have the discussion

MR BRENDON CHRISTIAN Thank you Mr Speaker, in the interests of clarity, what I'm referring to is, and I think it's the practice at present now, is that you must contribute to the Provident Account for a period of six years in order to access the Administration's contribution which I would see working in a similar fashion. If you are on a contract and you only choose to work there for three years, well then you contribute to it no different to a full time employee. If someone gets a full time job they then must contribute to the fund, they don't have a choice, and then leave after three, four, five years and only draw down part A of the contribution. I just wonder if to take out the confusion

MR GARDNER Thank you Mr Speaker, further thinking about my concerns I think it is far to suggest that if you are rolling over contracts, then with each contract renewal you could negotiate a gratuity that is commensurate with whatever advantage you would have obtained had you been a permanent employee for the similar length of time. For example, when you got to the fourth contract, which would take you past the six years, it would be reasonable I would imagine to negotiate with the CEO a contract that would reflect what you would have received had you been in the Public Service for six years and not just a 5% salary contribution. That's clearly open to some

MRS JACK
(Amendment) Bill 2010

Mr Speaker I seek leave to present the Child Welfare

SPEAKER
Leave is granted

Honourable Members, is leave granted? Thank you.

MRS JACK Mr Speaker I present the Child Welfare (Amendment) Bill 2010 and move that the Bill be agreed to in principle. Mr Speaker I'll just read the explanatory memorandum into Hansard and then give a small description of how we arrived at this point in time. Mr Speaker this Bill is intended to provide sanctions for the failure by responsible persons to report, (as they are required to do) offences against children of which they become aware during the course of their duties. Earlier advice had led to the sanctions being removed from the original Bill before its introduction to the House but subsequent more detailed examination of the situation has revealed that perceived sanctions through existing Codes of Conduct were not in fact either available or sufficient. In any event it is considered that the requirement of mandatory reporting loses much of its importance when there is no obvious and serious sanction available where breach occurs. Additionally the Act does not provide for any sanction for reporting abuse when not done in good faith and the Bill takes the opportunity to rectify this. The reporting of child abuse is an important aspect of social policy and the provision of penalties is considered appropriate to be put into the legislation at this time. Clause 4 of the Bill provides the maximum penalties for failure to report child abuse while Clause 5 provides for maximum penalties for making a voluntary report or a mandatory report other than in good faith. Mr Speaker a few weeks ago the new Sergeant of Police wrote to me with a series of recommendations after his reading of the Child Welfare Act and there are two formed sets of recommendations, the one on the table today about penalties for failure to report and the other to increase the list of the types I suppose or professions of prescribed persons who are covered for mandatory reporting. In discussions around the table and informal meetings of MLA's there were nine different views on the types of people that could be used and the way of getting around and increasing or covering the people Members feel should be able to report or be forced to report any evidence of child abuse. In consideration the Northern Territory legislation under an information sheet that was provided by the police has any adult on reasonable grounds is to report. Looking through the Northern Territory legislation it wasn't just an easy case of putting that phrase in and ending up with on reasonable grounds and rather than delaying production of the sanctions and penalties my choice was to leave any addition of prescribed persons for a later date for somebody else who takes up this role so I've just brought before the House these provisions for failure to report under mandatory reporting or reporting in good faith. Mr Speaker can I say that the maximum penalties are 50 penalty units, imprisonment for six months or both and it is something that is unfortunate but the failure to report mandatory reporting is always done in hindsight because the case comes before the courts and you then see if it's been reported beforehand or after hand and if there's been a failure of mandatory reporting that's when actions take place and its important that those in these professional areas realise their duty of care but I also say that I'm going to have discussions with the New South Wales DET and to the school given that the codes of conduct, teachers with evidence of any child abuse their mandatory reporting system is to DoCS, the Dept of Children's Services in New South Wales which of course doesn't extend here so I'm going to have to sort out that aspect with the New South Wales DET and with the Headmaster and the current codes of conduct at the Norfolk Island Hospital and the Minister will correct me if I'm wrong but I understand there's no reporting there for child abuse, it's under domestic violence so in putting this out and educating the public as to requirements there will need to be some working groups organised in strengthening and I hope some of those codes of conduct where it may be seen to be a bit lacking and just putting forward and educating the public on just exactly what this act means. Thank you

MR NOBBS Thank you Mr Speaker and thank you Mrs Jack for bringing this forward. I have also had a representative from the Police Department from Detective Sergeant Pannell where he raised some of these issues with us and they are

certainly issues of concern. I think what has come out in terms of recommendations and changes to the Child Welfare Act are common sense and I hope that they all proceed today. Thank you

MR GARDNER

Thank you Mr Speaker, we've had a little discussion around the table about these amendments and I think the Minister may have explained that initially the Child Welfare Bill in its early stages had provisions in it for offences against mandatory reporting requirements and I forget the reasons now, exactly why they were removed from the Bill before it actually became law. Matters dealing with children are always very emotive issues and I think when people are aware of abuse against children certainly from my perspective and I'm sure the majority of the community would be of a view that, that is intolerable in modern day society and people who are responsible for abuse against children need to be brought to account. It might just be useful if the Minister if she's got the Act before her, might be able to outline to us and to the listening public exactly what constitutes child abuse or matters that require the court because a learned associate of mine in recent days has raised exactly that question with me whilst I was trumpeting the fact that in my view there should be no exemptions to the rule if you are aware of child abuse, that it should be incumbent upon every man, woman and child on the face of the planet to ensure that it is reported to the appropriate authorities, and the question arose as to exactly what it is that constitutes child abuse. I having been brought up in a very disciplined environment would not suggest that the many wallops on my behind that I received and the leather belt across my buttocks constituted child abuse. To me that was a part of growing up. A bit like falling out of a tree, and you can't even climb a tree in this day and age without someone being legally liable. In my day that was the done thing. And I don't think a society even as recent as 15 or 20 years ago is necessarily turned any of us into bad people. To the contrary I think we all have a far greater understanding of what it means to be disciplined and the reason to discipline people so before I make any further comment on the proposed provisions it might be important that we have a clear understanding of exactly what that is, and I thank my esteemed associate for her words of wisdom earlier this week

MRS JACK

Thank you Mr Speaker I can answer the Minister's query to say that the meaning of abuse and neglect in this chapter, abuse in relation to a child or young person means physical, sexual or emotional abuse including psychological abuse if the child or young person has suffered, is suffering or is likely to suffer in a way that has caused, is causing or is likely to cause significant harm to his or her well being and development or has been, is being or is likely to be exposed to behaviour that is domestic violence offence within the meaning of the Domestic Violence act 1995 section 3 and that has caused, is causing or is likely to cause significant harm to the child or young person's wellbeing or development. In this chapter neglect of a child or a young person, means a failure to provide the child or young person with a necessity of life that has caused, is causing or is likely to cause the child or young person significant harm to his or her wellbeing or development. And listed here are examples of necessities of life, Food, shelter, clothing and medical care and we are all aware of recent DoCS cases where something that we take as a given, that is supplying adequate food and shelter to a child was recently denied and the child starved to death. Now we're not saying that those sorts of things are going to happen here but in presenting the original Bill the Child Welfare Bill before the House it was sent offshore to a really strong children's advocate, in Barbara Hollborough who has been a magistrate and is a strong and continues to be a strong advocate for children, she was recently interviewed on television regarding the change in New South Wales system where DoCS will only get the severe cases or the certain level of cases and others will be put off to her departments for care and attention which greatly upset Miss Hollborough but all I can say is that we are not making it along the New Zealand system where you can't smack a child. What we are saying is that there's to be reasonable care and attention and a duty of care given to raising an incredible asset in this community

MR GARDNER Thank you Mr Speaker, I do recall the reference of the original Bill to Dr Hollborough and a very useful exercise I think it was. She came back lauding the provisions of our legislation as being proactive and innovative a whole lot of other things and bearing that in mind it probably convinces me a little more than the current amendments, would it do any harm at all to run those past her. I'm just very conscious of the issue that was raised with me earlier in the week. I just want to make sure we get it right

MRS JACK Thank you Mr Speaker yes those provisions were there. I'm not sure that they were in the one that Ms Hollborough saw or not. I have no trouble because it's my intention to leave this standing and so I can send a copy off to her this afternoon and ask for her comments including the penalty provisions. That having been said, it will be interesting if one comes back yes or no. I can only go by recommendations to me and then it becomes one of personal preference in the House but I have no trouble in sending it off to ask for her comments

MR MAGRI Mr Speaker I just want to applaud the Minister for bringing this forward obviously. I actually had the pleasure of going to a Parliamentary Conference where Margaret Hollborough was the guest speaker and she's very well respected in her field and I think it was a great move referring this legislation to her. She was the first person to set up a Children's Court in New South Wales and is very well respected in her field. Just in relation to the amendment Bill itself, I just wondered if you could for the benefit of anyone listening and interested, one of my concerns with this piece of legislation is how vexatious complaints may be dealt with. As you are aware a complaint of this nature whether proven or not proven has a potential to cause the person who the complaint was made against a serious long term criticism so I was just wondering what the penalty provisions currently are for somebody who feels that they might want to lay such a complaint and just to make sure that those provisions are adequately harsh because I think its necessary

MRS JACK Thank you Mr Speaker clause 41 of the Act covers a person who has mandatory reporting, people such as a medical practitioner; or a teacher at a school; or a police officer; or a person employed to counsel children or young people at a school; or a person caring for a child at a child-care centre; or a public sector employee who, in the course of his or her employment, provides services related to the health or wellbeing of children, young people or families. For people who are not part of that group you have clause 42 for people to Report other than in good faith, so it is a neighbour, or anybody else, any other adult who feels concern about the way a child is presenting themselves or what they hear as neighbours, that they can make this report in good faith. The penalty comes in not if the report has no basis, but for example as has happened, parents with a very acrimonious divorce or separation where one might try to say that the other is abusing the child or neglecting. That is what is considered vexatious and that is reporting other than in good faith and it is there that actions may be taken through the courts and the penalty there is 50 penalty units or \$5000 or imprisonment up to six months. Those are the maximum penalties

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

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

SPEAKER Thank you Minister. Any further debate Honourable Members. I put the question that debate be adjourned and the resumption of debate be made an Order of the Day for a subsequent day of sitting

QUESTION PUT

AGREED

The ayes have it. That motion agreed to

ORDERS OF THE DAY

Honourable Members we move back to Orders of the Day and No 2 is the Planning Act

PLANNING ACT 2002

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 it is not my intention to try and finalise the passing of the review at this point in time. Members still have two clauses and two definitions of the Act that as Members we are looking at. One is the definition of access. The other is height. Until those two definitions have agreement I will hold off. The ability for me to do that is in the Act, of just presenting it under section 12 and come into the Legislative Assembly seeking approval. I have the ability to have the plan approved in the draft plan or approve the draft plan subject to its being altered in a specified manner or rejecting the plan. Mr Speaker we are still coming to agreement over the alterations and a couple of the definitions so I'll just hold off and make it a matter of debate for a subsequent day of sitting if I may, but I would also like to highlight some concerns that have come to me through an email today with concerns that are seen by a couple of people of my failing to adequately consult the community. I have done more than required by me under the Act. In fact I've had three public meetings, which are not required. I've also inserted an extra provision by having the draft document tabled and had it sitting there. All I'm required under the act is seek submissions from the public, deal with those submissions and then I can not do anything else no earlier than 28 days following the notification of the draft plan, present a copy of the draft plan to the Legislative Assembly so that it is either agreed to, changed or rejected so there have been three extra meetings, I've had notification in the newspaper as to content of those meetings, as I said, I've inserted extra provisions, because I've tabled a provisional draft that members have provisionally agreed to. The Chair of the Planning and Environment Board has through your invitation been allowed to come down and discuss a few of the clauses the Planning and Environment Board have had trouble with, and so I don't agree that there may have been a lack of adequate community consultation and in fact it was interesting to note that one of them was from Fred Howe, full of concerns about that, and if I recall, when Mr Howe was the Acting Planning Officer he made a decision under the old DCP for signs relating to illuminated signs which in those days was permissible with consent, which he signed off himself, so for him to raise a lack of public consultation, let's remember all those little bits of detail in our previous life

MR BRENDON CHRISTIAN Thank you Mr Speaker, can I just add to the Minister's process of public consultation, she didn't mention that it's actually also on the web and it's also on public display

MRS JACK It's at Circa, yes, the Post Office, the Library

MR BRENDON CHRISTIAN Thank you Mr Speaker, just for the Members of the public who wish to seek it and can't access the web, that there are hard copies out in public in the usual places where they can go and view the draft document and put in any concerns that they may have before this document is finalised

SPEAKER Any further debate Honourable Members. Mrs Jack I call on you again

MRS JACK Thank you Mr Speaker I move that debate on the amendment be adjourned and the resumption of debate 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

SOCIAL SERVICES (AMENDMENT) BILL 2009

MR SPEAKER Honourable Members we resume on the question that the Bill be agreed to in principle and Mrs Jack has the call to resume. Mrs Jack

MRS JACK Thank you Mr Speaker I'll leave my debate for the detail stage amendment part if I may

SPEAKER Thank you Mrs Jack. Any further debate Honourable Members. There being no further debate I put the question that the Bill be agreed to in principle

QUESTION PUT
AGREED

The ayes have it. Thank you Mrs Jack, you have foreshadowed detail stage amendments. Mrs Jack

MRS JACK Mr Speaker I table these amendments and move that the detail stage amendments dated ASTERICK * 21 January 2010 be taken as read and agreed to as a whole but I would like to talk to certain changes that have occurred between the detail stage amendment I spoke to in the December sitting but did not table, and the ones before the House today. At the December sitting I spoke of numerous changes. The move to have both men and women apply for age benefits move to 65 years of age, and not as it is at present with women at 60 and men at 65. There were recognition of same sex couples and other definitions for couples there as well. The ability to approve forms. Some recognition for invalid benefits that the medical examinations be every twelve months for those in receipt of invalid benefits to have a medical, claims of benefits, the pro rata aspect following the death of a beneficiary. However since talking to those detail stage amendments in the House in December I've been notified that Social Service Amendment Regulations passed in 2000 were not valid and there has been provision in this set of detail stage amendments in fact in clause 4 titled ratification of regulations, it states the Social Service Amendment Regulations 2000 are deemed for all purposes to have been validly made. Those Regulations were signed off at the time by the then Norfolk Island Minister and as they are a schedule 3 matter they should have been signed off by the Federal Minister. Consequently it could be deemed that all payments made under those Regulations were not valid. What that clause 4 does is it makes them valid. There was never an intention to try and get those monies back. It would be foolhardy to say the least so that is just my legal advise, to put a note in there that is recognising them and giving them validity. As a result of that aspect in the schedule a new item 11 regarding Regulations has been put in to amend section 49 of the principal act and clause 1 says in subsection 1, for Minister, which means the Federal Minister substitute Administrator. Now in going down this avenue what I've attempted to do is, the Administrator is on the island, he is aware of the way the House is working, and what we are aiming for in the regulations, and I'm hoping to have the Administrator be able to sign off on Regulations. I'm trying to shorten the time taken in having some of those Regulations approved. As far

as I'm aware the Federal Minister still has the ability if it is disagreed and the Administrator has signed off to pull those Regulations out, and it's just trying to ease up the system somewhat by having the Administrator take the place in this regard, of the Federal Minister. Unfortunately I did ask the Administrator if he could discuss this proposal with the Attorney General's Department and see if that amendment had a chance of getting up. The response was if you put it, we'll look at it in terms of the whole Bill and so I have no idea whether they are agreeable to that section or not. They are going to look at it as part of the whole. The third change comes in item 4 of the schedule. Aged Benefits which amends section 16 and in particular section c, I have taken out the paragraph that mirrored the Australian pension requirements, aged benefit requirements, and put in "is a resident of Norfolk Island under the Immigration Act 1980 and has at the time of the claim been ordinarily resident in Norfolk Island for not less than five continuous years immediately before that date". Now this section means "is a resident of Norfolk Island" means that they can be a GEP but they cannot be a TEP or a visitor. They must be a resident under the Immigration Act and has at the time of the claim been ordinarily resident which means that they must be at the time of the claim, living on Norfolk Island so they can't be a resident of Norfolk Island living in Hobart making a claim on our welfare and social service benefit system, they must be a resident living on Norfolk Island at the time the claim is made and they must be a resident in Norfolk Island for not less than five continuous years immediately before that date. Mr Speaker I'm sure that Members will come into discuss the detail stage amendments to this Bill but it is again my intention to have it sit on the table for further discussion. Can I say that my understanding is that these have been done in agreement with the Social Service Board and as I say, I look forward to discussion and it will stay on the table for a month. Thank you

MR SHERIDAN

Thank you Mr Speaker just a couple of comments on the amendments the Minister has put forward and if I may just start out with virtually forming an opinion of same sex couples in a relationship. Now I note just reading some advise from the Office of the Administrator which was sent over in August with comments from the Attorney-General's Department incorporating some advise from other Australian departments, with regards to some views they had on the original changes and in there they state that the definition of a couple and they are saying there that this section has a number of areas where same sex couples would find it difficult or impossible to legally demonstrate and they go on to show an example, that requires a relationship to be a marriage like relationship however the ordinary meaning of marriage only relates to opposite sex relationships so what they are saying there is that the people in same sex relationships would not be able to show that commitment in a marriage like relationship and is referred to in the Minister's Bill in paragraphs 3a 2c the social aspects, and when you try and form an opinion about the relationship one of the parts you have to form you opinion on is the social aspects of the relationship, include whether people hold themselves and it's got here, out as married, 2 or, in a de facto relationship. The advise from the Australian Departments indicate that they would not approve this in its standing if we leave in "as married to" because we cannot form that, they themselves could not form that view and also, going down further in that same section 2 to paragraph e subparagraph 4 it mentions it again whether they consider a relationship as a marriage like relationship. Maybe the Minister would delete the marriage like relationship there and also hold themselves out as married to, and maybe that would have a better chance of getting passed. Now the only other issue I have and the Minister has bought it out as a requirement for the aged benefit is the requirement to be eligible for that benefit and I'm very uncomfortable with leaving it as they have to be living on Norfolk Island at the date you make the claim. Fair enough. But a resident of Norfolk Island under the Immigration Act 1980, yes I agree with that and I was unaware that a GEP is classified as a resident under the Immigration Act well that's one thing that I would not agree to, but I would like to see and have at the time of the claim being ordinarily resident in Norfolk Island, ordinarily resident, means that you must reside on Norfolk Island. It does not matter what your status is. A temporary entry permit holder a general entry permit holder or a resident, that is your normal residence. I would like to see that changed from being just ordinarily resident to being a resident in Norfolk Island for not less than five continuous years immediately

are the budgetary implications of such a move, I wouldn't have a clue and it would just be a ball park figure and I don't like and I don't believe it's responsible in my position to bring in legislation that could have dramatic imposts on future budgets so I'm trying to ease up the restriction but do it in a considered manner that we can start to get an idea of who is out there that would be making a claim. This is easing up those requirements but it's not taking off the brakes fully. It's doing it as we can manage in a sensible way for the economy of the island

MR NOBBS Thank you Mr Speaker Tim actually raised the issues that I had so I'm happy to pass on

MR BRENDON CHRISTIAN Thank you Mr Speaker, it's obvious that this paragraph here is causing a lot of concern and the Minister for Finance probably said exactly what I was feeling, but whatever it is, we have to change the paragraph as it doesn't read that way to the way I interpret it, to say that we have to be here for five continuous years immediately prior to your application. Now whether it takes a clause in there to say except under exceptional circumstances as granted by the Minister because we've all talked about it. We would hate to see someone who's lived here for their whole life and then they are away for two or three years, for medical treatment or whatever, and then they come back and find they are not eligible for the aged care but on the same token, I understand what you are saying about opening up the floodgates so that people will become entitled to a benefit. The way I read it here is that you can come to Norfolk Island at the age of 60, be a GEP for five years, get your residency and then claim the aged care benefit for the very next day and I don't know if that's the intention but I find it difficult to grasp that concept and the other one, a small one, the payment of benefits. In section 9 it states that there are two ways to receive benefits. One is directly into a bank account, and the other one refers to a person who is a long term care beneficiary. I'm wondering if the Minister is also planning on maybe putting a clause in there to allow by discretion of the executive member to have payments in another method other than direct payment as I think there may be occasions where there may have been social welfare before

MR MAGRI Mr Speaker just a brief one, my main concern is around the description ordinarily resident is easily fixed, maybe just to define what you are talking about in the definitions, but just the first line of that paragraph where it talks about a resident of Norfolk Island under the Immigration Act. This is more of a question for my benefit at this stage but is there a difference between a resident with a little r and a resident with a big R under the Immigration Act and if that is correct, I understand that a resident with a little r includes TEPs and GEPs and is that your intention with this amendment. So if I'm wrong on part A, please forget it

MRS JACK Thank you Mr Speaker a few things. Mr Sheridan also raised the marriage like relationship or a de facto relationship. I'll check up on comments made from Attorney-Generals and the Administrators Office in august of last year. My understanding is some of these were dealt with however, I have no problem in checking up. My understanding is that the or there, meant a marriage like relationship or a de facto relationship, so one or the other but I will have no trouble in seeking clarification from Mr Sheridan there. The reason why we are aiming to have direct payment into the account is that it has been surprising that in a couple of instances by having direct debit we have been able to find some other accounts that have forgotten to be stated on their application forms and so it has been helpful and it is something that I will keep there. As for big R and little r, there are cases and benefits that TEPs can claim for the day after they arrive, even on the afternoon of their arrival if they have their temporary entry permit, for example, a special benefit if something should happen, they can make a claim there. So in some regards, everyone is able to be catered for however with the aged benefit it is for people who are resident, GEPs or have had their GEP and have become a resident or born and bred on Norfolk Island and that is my understanding. The current Minister for

Tourism and Health and the current Chief Minister may be able to give you greater clarify on big R and little r but it's something that I'll go into.

MR GARDNER Thank you Mr Speaker, this has been going on a long time and in that process the Minister rightfully has sought input from a number of people and consultation and issues have been raised and I've raised a couple. In this it refers to item 11 under the Regulations and it's a bit of an old bugbear but it's important because Regulations have their place. They do rely upon Members ability to firstly get hold of them once they've been made, and secondly, to understand what the provisions mean and what effect they have in the administration and a whole range of different matters and in social services is the issue of income and asset testing. I think both Mr Sheridan and myself had issues last year or the year before, in relation to that and a keen desire to see them better prescribed other than in Regulations. As to exactly what is meant with income and asset testing and basically the framework that an asset and income test would operate under. This does propose to establish a means of asset testing and I'm not so certain, in fact I'm sure that is not the best place to try and establish an asset testing mechanism in Regulations. Primarily because of the lack of oversight and consultation but it also deals with a number of other issues in relation to hospital and medical assistance and the amount that can be paid and the policies that would apply. It's just an observation and I'm happy to discuss it further in due course with the Minister and the explanatory memorandum it's item 11. It's clearly documented there and I would prefer it defined in the body of the Act rather than by Regulations

MRS JACK Thank you Mr Speaker the Minister just reminded me that during the time that these various Bills have been to the House we originally passed the Bill to recognise same sex couples and we were told by the then Jim Lloyd that no, we couldn't be considered and would not be considered and that part of the Bill was not acceptable and then we put the Bill forwarded again for considered, amended to not have that provision in it and we were told by the new Federal Government that it was inappropriate and we should consider and accept same sex couples and so this toing and froings due to the length of time and I feel that I've been jumping up and down and calling it progress but certainly the attitudes in Canberra have changed and I sometimes wonder if they know what way is up

SPEAKER Thank you Mrs jack. Any further debate Honourable Members

MRS JACK Mr Speaker I move that debate on the amendments be agreed to and the resumption of debate made an Order of the day for a subsequent day of sitting

SPEAKER Thank you Minister. Any further debate Honourable Members. I put the question that debate be adjourned and the resumption of debate be made an Order of the Day for a subsequent day of sitting

QUESTION PUT
AGREED

The ayes have it. That motion agreed to. Debate is so adjourned

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 Tuesday 16th February 2010, at 10.00 am.

MR GARDNER Thank you Mr Speaker, is there any particular reason as to why we are proposing to sit on the Tuesday rather than the established Wednesday and if it can't be the 17th why not the 24th

SPEAKER Thank you Mr Gardner there was some approach made to me by Members regarding the 17th as being the day of nomination for the new Legislative Assembly and it was thought prudent after those discussions that a better day would be the 16th rather than the 17th and a phone around which gave a favourable response to the 16th February

MR GARDNER Thank you Mr Speaker, was there a reason why not the 17th

SPEAKER The reason given was that it may be disadvantage to Members who have placed their names for re election, will know about others on the electoral roll by mid day and it may give them an advantage to put their case or make some statement in the House on that day

MR GARDNER Thank you Mr Speaker, with all due respect, are you seriously suggesting that the day of declaration of nominations would therefore prevent this House sitting at any time after the 17th

SPEAKER Certainly not but it's Members choice obviously, if Members wish to change the date we can do that right now

MR SHERIDAN Thank you Mr Speaker I support the motion that's on the table. I was one of the ones that you called and I think I made my views clear at MLA's meeting on Tuesday. I believe that it would be in bad taste, for a better word, to have a sitting on the day of nomination. I think it would be in poor taste to have a sitting on that day when nominations for the new Legislative Assembly will be read out at 12 noon from the stairs behind me and so I would agreed to Tuesday the 16th as being a better day than the Wednesday

MRS JACK Thank you Mr Speaker I had a preference for the 17th but when you phoned me I said, look it doesn't worry me because I'm fully aware that the reasons for bringing it forward a day is, as Mr Sheridan said, a perception in the community by no way does it mean that another sitting is going to be put off because we are going to say something untoward in the House. It doesn't worry me either way. We are going to have a meeting. We'll carry on the work of Norfolk Island

SPEAKER Thank you Mr Jack. Is there any debate Honourable Members. I put the question that the motion be agreed to.

QUESTION PUT

AGREED

MR GARDNER NO

The ayes have it. The motion is agreed to and the sitting day for the next meeting is Wednesday the 17th February 2010

ADJOURNMENT

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

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

MR NOBBS Thank you Mr Speaker just in regard to the normal situation with the Minister's Forum, I understand there are a few appointments early on tomorrow morning however we'll try and get to the radio station sometime after 9.30 10 o'clock tomorrow

Mr Speaker I've got a feeling that this may be the last sitting opportunity to recognise our Secretary to Government prior to his departure and I just want to take a few moments to recognise his work as an integral part of the Legislative Assembly and the Government process for Norfolk Island through his intergovernmental communications at officer level and joining us at various committees and preparation of submissions to committees. His assistance in establishing connections and progress with the Ombudsman and ICAC offices, particularly considering the Secretary to Government's prior work with the Ombudsman, it certainly made things a lot easier. Additionally the Secretary to Government has had a significant impact on media that's been put out to the community and not just Government related issues but I think also in some areas of assisting Administration in some media releases. He's certainly displayed a high level of community drive and has participated in many of the community and social events, as well as fund raising and has been an active participant in the Norfolk Island church community. He's also been very instrumental and a great benefit to me in assisting with the setting up of CIRCA but just to give the date he commenced with was the 10th September 2003 and in bringing those notes forward I thank him for his dedication and service to Norfolk Island and to the Members around this table.

MRS JACK Thank you Mr Speaker I would just like to let the public know that Professor McDermott from the University of South Australia, Professor Gary Egger from Southern Cross University and Gary Webb, Project Manager with Greatest Asset and I will be talking on local radio about the Personal Carbon Emission Trading Initiative tomorrow morning just after the 8am local news

SPEAKER Thank you Mrs Jack. 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 17th February 2010, at 10.00 am

