



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY  
13<sup>TH</sup> NILA HANSARD – 3 NOVEMBER 2010**

**SPEAKER** Good Morning Honourable Members, we commence with the Prayer of the Legislative Assembly.

**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.

**SPEAKER** Please be seated.

Gentlemen if you wish to take off your coats, please feel free to do so. Ladies and Gentlemen please make sure your mobile phones are turned off.

**CONDOLENCES**

**SPEAKER** Honourable Members we commence with Condolences please. I look to Mr Sheridan.

**MR SHERIDAN** Thank you Madam Speaker. Madam Speaker, I just have the one condolence today. For Ruby Selwyn Florence Selwyn Matthews. Ruby Mathews was born at Kingston in Norfolk Island in 1906. Fifty years after the migration of the Pitcairn Islanders. Although she was very young, Ruby had memories of how gentle and loving the Pitcairners were and she recalled the dignity they possessed. She was raised by her grandmother Helen Amelia, whom she loved and to whom she was devoted. She modelled her own life on her Grandmother and encouraged others to do the same. Ruby moved to Sydney around the age of 19 where she initially worked as a nanny for the six children of the Mort family in Vaucluse, and quickly became one of that family and formed a lasting friendship. Ruby married and raised three sons: Bill, John and Doug, at 18 Pacific Street, Watsons Bay. They were joined along the way by Ruby's 'extended adopted family' and took on boarders during the war years where lifelong friendships were formed. Ruby also provided a home away from home for many Norfolk Islanders who visited Sydney. Ruby loved Watsons Bay and her home there ~ she spoke constantly about it and spent most of her life there. She loved her neighbours, her garden and the harbour. Her son's often boasted that they could bring their friends to the house freely, no matter the time of day or night, and they were always made welcome and encouraged to return. Ruby was famous for producing the best meals from her kitchen. You could smell the roast as you came up the front path at Watsons Bay. Through her sons, Ruby developed a lifetime love of watching them sail, and was forthright in telling them where they went wrong during races. She always told people to look at the positive, and to remember the good things. It was good advice. When her grandchildren came along, Ruby was just the best Grandmother anyone could ask for - she gave them unconditional love and was always there when they needed her. Her attitudes and standards were those of a gracious Norfolk Islander. This Island was her place. She did live away for most of her years - and loved where she lived - yet when the evening of her life approached, it was here she returned. After her husband Douglas died in 1973, Ruby lived alone until she returned to Norfolk at Christmas of 1999, at the age of 94. In April 2006 Ruby Mathews achieved her 100<sup>th</sup> birthday. Trees were planted on House Road and an off road picnic area was created as Norfolk Island celebrated. Upon Ruby's return to Norfolk Island she was lovingly cared for by her son John and his

wife Jan until she moved to the care of the Norfolk Island Hospital, two years ago. When she moved there, she was looked upon by the staff as if she were their family. Ruby's friends were so numerous, the Birthday and Christmas cards came in their hundreds. On her 100<sup>th</sup> birthday, family and friends were reading her cards in shifts, there were so many. Ruby passed away last month in her 104<sup>th</sup> year. To her sons and their families, to her many friends, to the Norfolk Island community on the passing of this great lady, this House extends its deepest sympathy. Madam Speaker may she rest in peace.

**SPEAKER** Thank you Mr Sheridan. Honourable Members as a mark of respect to the deceased, I would ask that you stand in silence. Thank you Honourable Members.

## **PETITIONS**

Honourable Members we move now to presentation of petitions. Are there any petitions this morning? No petitions.

## **GIVING OF NOTICES**

Are there any notices to be given this morning? Thank you.

## **MATTERS OF PUBLIC IMPORTANCE**

Honourable Members I now move to a matter of Public Importance. Honourable Members the Chief Minister last evening, proposed to me, under Standing Order 81 that a definite matter of Public Importance be submitted to the House for discussion. I advised that the matter was lodged within the timeframe provided and have determined that it is in Order. The Matter of Public Importance being proposed by the Chief Minister is to announce the taking place of discussions with the Commonwealth Government on financial and associated arrangements for Norfolk Island. The Standing Orders go onto provide that the proposed discussion be supported by three members, including the proposer rising in their places as indicating approval for the Matter of Public Importance. I look to Members for that support. Thank you Honourable Members. I now call on the Chief Minister to speak.

**MR BUFFETT** Madam Speaker thank you. As a preliminary to this statement on a Matter of Public Importance I recount that at the commencement of this Assembly I spread out the rationale for erecting four Ministries to manager our Finances, to foster our principle and other Industries, to provide services to the Community and to maintain relationships with the Commonwealth of Australia. And at our most recent business Sitting of the Assembly I presented the Governments directions paper and illustrated actions and progress in these four areas over the six months since we commenced the Legislative Assembly. I will not necessarily repeat them all here, that document was published in the local press and it continues to be available. But there are important areas. One area dealing with the relationship with the Commonwealth of Australia in covering that I said, a positive partnership with Australia is essential and this is particularly illustrated in the difficult economic times that we currently face. I end that quotation there. I explained further in this paper Madam Speaker that the Norfolk Island Government had written to the Australian Government seeking to meet expeditiously to both brief and discuss on Norfolk Island's operations and circumstances and I particularly set out in this paper some of the issues, whether or no they were of a controversial nature. Examples included, reconsideration by the Commonwealth Government of prompt financial relief whilst factors to secure long term sustainability are secured, joint Government evaluation of the longer term sustainability of Norfolk Island, it's infrastructure and it's delivery of services. Whether the Norfolk Island Government may contribute to the Commonwealth and become eligible for a range of Commonwealth Funding and grants. Madam Speaker, these issues that I have just exampled have been

pursued. And this Matter of Public Importance is to advise the House of happenings to date. And what I am about to read to you is a statement agreed between the Honourable Simon Crean Minister for Regional Australia, Regional Development and Local Government and myself. I therefore inform the House Madam Speaker that since the new Federal Government was formed there have been positive communications between myself and the Minister for Regional Australia, Regional Development and Local Government, the Honourable Simon Crean. I communicated with him immediately an Australian Government was formed post the August Federal Elections and Minister Crean was identified in that context as the appropriate Minister dealing with Norfolk Island affairs along with broad responsibility for all Australia's territories. My most recent contact, a conference call with Minister Crean, was on Monday afternoon. This statement I am making today was jointly agreed between us. I am now confident that the Federal Government is aware of the critical financial situation that the Island is facing and that both Governments are now committed to working together to establish a package to address the situation. The Minister and I have agreed that it is necessary to urgently achieve short term solutions as well as working co-operatively to ensure long term sustainability of the Norfolk Island economy. Through structural reforms to the Island's Governments arrangements and participation in the Australian Taxation and Social Security Systems. This discussion regarding taxation and participation in the Social Security System will proceed on the basis that there will be a net benefit to Norfolk Island and it's Community and there is appropriate consideration of local circumstances. Minister Crean has provided me with an assurance that a Senior Officer from his Department will be on Island this week. And that the Department of Finance and Deregulation will provide a Senior Officer to be on Island as soon as practical and to be available for the immediate future to make a thorough assessment of our financial situation so that it might assist the two Governments to develop these solutions. Given my discussions with the Minister there is greater confidence to say, and I do say, that the Norfolk Island Government now supports the passage of the Territories Law Reform Bill through the Australian Parliament. The Minister and I have agreed in broad terms to Norfolk Island's participation in the Australian Taxation System to ensure that our Community is able to participate in Commonwealth benefits and Commonwealth packages. This aspect of course has not been developed in detail, it is very early days and this detail it's expected to be lengthy, will be the responsibility of myself and my colleagues to enhance and to bring forward. The Minister for Finance, the Honourable Craig Anderson will particularly have a role to ensure the financial details are developed in a partnership between the Norfolk Island Government, the Community and the Commonwealth Government. Minister Crean and myself have agreed to meet in Canberra on Thursday 25<sup>th</sup> November, in a couple of weeks of time, in the fortnight period in which the Commonwealth Parliament again gathers in Canberra prior to their Christmas recess. By this time it is expected that sufficient preliminary work will have been conducted by the Commonwealth Officer to provide substance for further discussions. As I have said it is early days. In the context of this, I urge the community to be positive and to be confident in the knowledge that the Government of the Island, Norfolk Island, and the Commonwealth Government are both committed to the future sustainability of Norfolk Island. Madam Speaker that concludes the statement on the Matter of Public Importance. But I do continue to say that when I have further matters to report, I will do so.

**SPEAKER** Thank you Chief Minister. Members you may find it helpful if I read to you from Standing Order the procedure. Standing Order 82 provides that at any time during the discussion, in other words the matter is now open for discussion, that so as not to interrupt a Member speaking a motion may be moved by any Member that the discussion be now concluded. Unless it shall appear to the Chair that such motion is an abuse of the rules of the House or an infringement of the rights of the minority. Such motions shall be put forthwith and decided without amendment or debate and if agreed to the Business of the Day shall be proceeded with immediately. The matter is now open for discussion Honourable Members. Mrs Ward.

MRS WARD Thank you Madam Speaker. I am not speechless, I am never speechless. I would like to thank the Government, I would like to thank particularly the Minister for Finance for his persistence and I am pleased that my faith and the Community's faith has been rewarded and I would like to thank Minister Sheridan for standing up when he wrote his Policy platform in saying that he would invite the Commonwealth in to deal with taxation if that was ever the question and he's obviously done that as part of this Government. I would like to thank the Chief Minister for delivering this statement as a Matter of Public Importance. It certainly is and it will provide relief and a light at the end of the tunnel for many people and I appreciate that it may have been difficult for the Chief Minister to have said what he said today but he also stood up and said in his policy platform, we'll assess the finances and we will do the right thing and that's what the Government and the Chief Minister have done today. Two very important points in that statement and that is the participation in the Australian Taxation System and Social Security. I think that it is the best way of securing an economic future, a strong long term, economic future for Norfolk Island. Clearly the short term relief options need to be addressed swiftly. It is more than that, it is putting in place and concreting in those long term security systems for us. And it's another way of achieving, I believe, a way in which our children will be respected and treated like every other Australian child in that we'll become eligible for benefits to do with technology and learning for the future. It goes without saying that our people, that we all want a safe and pristine environment, but we have to deal with these really important issues. The Government's support now of the Territories Law Reform is a crucial part, not everybody is going to like every proposed clause in the Bill, but I think it's the only way for us to move forward, so I am pleased that the Government now supports the passage through both Houses of the Federal Parliament the Territories Law Reform Bill and I have no doubt that Simon Crean's experience as a Politician will result in swift decisive action, as has the Chief Ministers. I think I will leave it at that. Thank you, thank you Chief Minister, thank you Minister Anderson particularly for your persistence, thank you Madam Speaker.

SPEAKER Further discussion Honourable Members. Mr King.

MR KING Thank you Madam Speaker. I guess I am lost for words as well. Unlike, Mrs Ward, perhaps I should say that I do recognise that it is early days, it is far too early to say that my faith has been restored. I am happy, more than happy to hear that there has been an agreement to join, in some way, in some way I have to say, the detail is yet to be worked out, but I am happy to hear that there is agreement between the two Governments for Norfolk's participation in the tax system, if that is what I heard. It does represent the sound basis for securing the future for Norfolk Island. There is absolutely no question about that. I have been critical of the existing Government and past Governments of their management of the Public Fiscus and the economy of Norfolk Island. I would have increased with vigour today in condemning the existing Government for it's silence and it's lack of Policy in relation to the economy and restoring some faith in the Community for the future. I have been nipped in the bud, my questions without notice have been cut in half precisely by this announcement. I hope that the majority of the Community shares in my pleasure in this statement. I commend the Government's efforts and I thank Mr Buffett for his statement. Thank you.

SPEAKER Thank you Mr King. Further discussion Honourable Members. Minister Nobbs.

MR NOBBS Thank you Madam Speaker. It is good to reach this point in toing and froing of communication. The obvious objective of both Governments is to look at the long term stability and sustainability of Norfolk Island and that's exactly what is on the table at the moment. I won't go into any of the past discussions because what we have on the table for us now is a way to evaluate and productively move forward. If we are to look at the arrangements up to this point, Norfolk Island has found itself, in many ways fiscally isolated through the Global Financial Crisis and we need to,

in as many ways as possible, remove that isolation, so that we are better able to manage, given our remoteness and the expectations of our Community and ongoing costs. And that's in due recognition to those other countries, Island's and Nations around us that are in particular difficulty as a result of the last several years. So in my view, this is a step forward. The longer term considerations to do with the alignment with the Australian Taxation System has been recognised by both Governments as a process that will have to go through a very strong due diligence to ensure that we bring better outcomes across the economy. That is all I have to say, thank you Madam Speaker.

SPEAKER Thank you Minister Nobbs. Further discussion Honourable Members. Mr Snell.

MR SNELL Thank you Madam Speaker. Madam Speaker, as some of the other Members have already indicated that this is quite a surprise announcement by the Chief Minister and whilst I recognise the need for a new financial arrangement for Norfolk, it will come as a sad day for a lot of us who pushed and supported internal Self-Government for Norfolk Island for many many years. It is sad to acknowledge that are ability to determine our own future of today being of probably put on the road to oblivion. I know my thoughts are not those of some my colleagues. We have differing views and I recognise Madam Speaker that the expectations of this Community have now exceeded the Governments ability to provide what is now considered a right of all peoples. I have no doubt that this announcement will be met with some trepidation in the Community. For those wishing to have more questions, more proposals put to them I hope the decisions that will be made by this Government, and the proposals put by the Australian Government will be for the benefit of the Community as a whole, not to the minority. I am looking forward to further proposals and discussions on this matter. Thank you Madam Speaker.

SPEAKER Further discussion Honourable Members? Mrs Ward.

MRS WARD Thank you Madam Speaker. I would just like to make this comment and that is; that the Territories Law Reform Bill does not erode our move to Self Government there are actually major parts of it that are concreting and securing our path of Internal Self Government, we are talking about the financial situation here. Not the Government situation and it's this Assembly that must display maturity and commitment to pull together and guide our Community through this transitional time. Thank you.

SPEAKER Any further discussion Honourable Members? Mr Sheridan.

MR SHERIDAN Thank you Madam Speaker. Just a few words. Madam Speaker, I believe that this position that we find ourselves in today, it was inevitable, it was always going to come, I think after 30 years of Self Government, we have seen and this is where I can agree with Mr King, we have seen our finances eroded over a period of time. And I believe that we have come to the realisation that a Community of 1800 souls can not provide all the Services that this Community wants. This Community has virtually the best of everything, I believe, they do have a very good social network. It's unfortunate that our taxation system you might say does not raise enough revenue to support all of our wants and so with this agreeing of the participation of the Australian Taxation and Social Security area, it will bring some relief in those areas that we have found to be wanting in financing over the last two years especially. The last two years since the financial crisis around the world has been very difficult for Norfolk Island, we have attempted to get through it, without outside assistance, we have had very little, in that sense, I am glad that the Commonwealth, now, has seen the need to participate in Norfolk Island's sustainability. I look forward to the months ahead. It will be a long road to hoe. I urge all of the Community Members to voice their opinions, it will not please everybody. I know that it will certainly not please all. But I ask people not

to be silent, voice your concerns, voice your support so that we can have a fully educated debate, and we can have some informed discussions with the Commonwealth and hopefully that the results that are achieved will be the best for the Community of Norfolk Island. Thank you Madam Speaker.

SPEAKER Further discussion Honourable Members? Mrs Griffiths.

MRS GRIFFITHS Thank you Madam Speaker. In Mr Sheridan's urging not to be silent, I have to say, I have to speak on this issue. I'm probably representing those of you that are heart broken over this, we are talking, not just about financial sustainability, my interest in the Community is for the financial sustainability but, it is also an issue for our very hearts and souls, our identity. And it is a sad day, but I'm very glad to be sitting where I am, and to work with the Chief Minister. I urge the Chief Minister to involve the Non-Executive Members at the same time in moving this forward. Thank you.

SPEAKER Thank you Mrs Griffiths. Further discussion Honourable Members? Minister for Finance.

MR ANDERSON Thank you Madam Speaker. Just a short comment in relation to the statement. I would like to thank Minister Crean for his positive interaction in relation to this and the fact in that we are now moving forward. I'd like to make the comment that I stood on principally one platform and received a great deal of support and that was on the basis that we needed to improve our relationship with the Commonwealth and that we were in financial difficulties and that would involve some difficult decisions which we have now commenced to take. The suggestions that we participate in the Australian Taxation and Social Security Systems are not new, they have been around for a long time, I raised them in my initial letter of the 15<sup>th</sup> of July and there was some discussion of it, none of which came to me as being negative, I would just like to say to the Community, not to panic, this is going to be a very long process, it will be done on the basis that it is done for the mutual benefit of the Community on Norfolk Island with the assistance of the Commonwealth. It's not something that is going to happen overnight and it will be a long period of consultation, not only with the Commonwealth but with the Community, there is nothing to fear, the outcome will be positive, which, when I give the Financial Indicators, you will understand it is going to be very necessary. Thank you Madam Speaker.

SPEAKER Thank you Minister. Any further discussion Honourable Members?

#### **QUESTIONS WITHOUT NOTICE**

We will move along now to Questions Without Notice Honourable Members. Are there any Questions Without Notice please? Mr King.

MR KING Thank you Madam Speaker. Question for the Minister for Tourism. Can the Minister please explain why in the face from weighty opposition from Industry Groups and from the Tourist Bureau itself regarding the proposed restructure of the Board that he never the less embarked on the expensive exercise of preparing an Exposure Draft of an Amendment Bill?

MR NOBBS Thank you Madam Speaker. To engage in the consultation process on any Amendment or change to an area one needs something to discuss. Quite simply put, the expense that Mr King is referring to can only be attributed to general usage of our Legal Services Unit in the capacity that they are engaged for, which is to provide us those Amendments and advice. So in real terms, and I intend to

make a statement on those Amendments later in the Sitting, there needs to be some structure to be put there to consult on.

SPEAKER Thank you Minister Nobbs. A supplementary Mr King.

MR KING Thank you Madam Speaker. Is it the Minister's intention to proceed with Legislative changes despite the strength of Industry opposition?

MR NOBBS Thank you Madam Speaker. As I have made my platform clear in standing for the Assembly, I gave a commitment to review the Bureau, the structure, the operational parameters and also to, wherever possible bring the airline and the Bureau closer together. Those objectives, are precisely what I have been working on, the issues with the Bureau are to ensure that there are appropriate Management structure and accountabilities.

SPEAKER Thank you Minister Nobbs. One more Mr King, please.

MR KING Can I ask the Minister if I can take that as yes he intends to proceed.

MR NOBBS Thank you Madam Speaker, yes I do intend to proceed and I am proceeding through a consultation process, so even though the Exposure Draft is on the table, that will not necessarily be the final document. The final document will be derived from the consultation process.

SPEAKER Thank you Minister Nobbs. Further Questions Without Notice? Mrs Ward.

MRS WARD Thank you Madam Speaker. Minister Nobbs, it is noticed within the Community that the Norfolk Island Government Tourist Bureau is recruiting more staff, the Community is also asking where are the Tourists?

MR NOBBS The question you are asking is?

SPEAKER Would you like to clarify your question Mrs Ward.

MRS WARD I can proceed, or I can take that as the Minister's answer to the question.

SPEAKER I think there is some misunderstanding as to the question being asked. Please repeat that question.

MRS WARD Ok, it is noticed within the Community that the Norfolk Island Government Tourist Bureau is recruiting more staff, would the Minister care to clarify that situation?

MR NOBBS Thank you Madam Speaker, thank you Mrs Ward. The situation that the Bureau was, there were several temporary employees across a number of areas, this is to actually put more stability in those areas of employment. It certainly doesn't change the budget provision with regards to salaries for those areas, but it does create a more stable employee base.

SPEAKER Thank you Minister Nobbs. Further Questions Without Notice Honourable Members? Mr King.

MR KING Madam Speaker, a question for the Minister for Tourism etc. The recent works that have commenced on the South East end of the main

Airport runway on an uncosted basis, on a, to be crude, on a suck it and see basis. Can the Minister advise the progress with this project including the costs to date, whether sound cost estimates have now been prepared, what they are and whether and over what period the project will be completed?

MR NOBBS Thank you Madam Speaker. A substantial costing arrangement was proposed by the Manager of the Airport at the time. That also I think was brought to discussion to this House on a number of occasions including the CASA responses to that proposal. My understanding from recent discussions with the CEO regarding the progression of that end of the runway and safety area, was that it was still in line with the original proposal.

SPEAKER Thank you Minister. Further Questions Without Notice? Mrs Griffiths? I'm sorry, Mr King, a supplementary, then Mrs Griffiths.

MR KING The answer was a little bit unclear. Is the Minister saying, that yes, sound cost estimates have now been prepared? Is it not a fact that at the time of commencement of this project, that only \$30,000 was initially allocated on the basis that the expected costs were unknown at that time?

MR NOBBS Thank you Madam Speaker. No there was a quite detailed cost structure proposed by the Manager of the Airport. That included utilisation of Administration equipment and workers. Without that detail with me at the moment, it is virtually impossible for me to expand beyond that.

SPEAKER Thank you Minister Nobbs. Mrs Griffiths.

MRS GRIFFITHS Thank you Madam Speaker. My question is to the Minister for Telecommunications. In view of the letter in last weeks Norfolk Islander regarding the delays in considering the use of the publically owned copper cable by Norfolk Island Data Services to deliver more contemporary internet services to the Community. Will the Minister be making a statement in the House today?

MR NOBBS Thank you Madam Speaker, yes, thank you Mrs Griffiths.

SPEAKER Further Questions Without Notice Honourable Members? Mr King.

MR KING A supplementary. Will the Minister then in his statement be informing the house of the justification for the fact that the embargo temporarily imposed, almost 12 months ago, for the purposes of seeking further information to allow the Government to clearly articulate it's policy in relation to the provision of telecommunication services? That is a bit long isn't it! Is the Minister going to offer any justification for the fact that embargo was placed on a temporary basis 12 months ago and remains in place to this date.

SPEAKER I believe the question is, are you proposing to answer that in your statement?

MR NOBBS Thank you Madam Speaker. The purpose for making the statement, I intend to make three statements this morning, that will enable engagement by all around the table to have their discussion and ask their questions and put their views on the issues such as the photovoltaic, telecommunications issue and the Tourist Bureau Amendments. With regards to Mr King's question on the further restriction on additional connections to the Telecommunications Network, that was on Legal Advice at the time, and that is the advice that the Government was following.

SPEAKER Thank you Minister Nobbs. Further Questions Without Notice Honourable Members? Mrs Ward.

MRS WARD Thank you Madam Speaker. Minister Nobbs, is it a fact that the Community is subsidising the airline, firstly by direct Government funding and also by way of Accommodation Houses reducing tariffs to support packages being offered by the Airline?

MR NOBBS Thank you Madam Speaker. Certainly the Community subsidises the Airline or subsidises the economy in the broader concept of the discounting the fares and the costs of operating the Airline. The choices of operators to provide discounts on their properties of Tourist Accommodation is generally something that is co-ordinated between Wholesale Operator Agencies that sell the packages etc. That is more in line with a commercial assessment on those operators parts, on their best outcomes for tourism in their Accommodation Properties.

SPEAKER Thank you Minister Nobbs. Further Questions Without Notice Honourable Members? Mr King.

MR KING Thank you Madam Speaker. A question for the Minister for Community Services. At the first June meeting of the House, the Minister advised the House that it was his intention to review the Social Services Policy and make it into lump sum one off payments received by Pensioners or applicants for pensions. He said the review had been delayed by staff absences, but was hopeful of an outcome by July or August. Presumably the Minister meant by July or August of this year but by the September meeting nothing had appeared and the Minister advised that he was working on the review and that it will be in place by July next year. My question is what has bought about this extraordinary delay and is this delay an indication that the Minister has a preconceived view that there is no unfairness or disrespect in the present policy.

MR SHERIDAN Thank you Madam Speaker. No, it is certainly not due to any lack of respect to anybody within the Community. When I did say that I would have this Policy available by the middle of next year, and the reason why that is, is because that is when the next review period will come about, is in July, August and September, that is usually when the reviews are completed by. So in saying that, you might say that I have not pursued this as a priority, and that it will be completed by the next review period and that is what I always intended it to be. By the next review period we will have a policy in place for lump sum payments.

SPEAKER Thank you Minister Sheridan, Mr King.

MR KING A supplementary if I may. Is it not a fact that any change in a pensioners income circumstances, is required by law to be advised to the authorities at the time the change occurs and not have to wait until July next year, isn't it a fact that in those circumstances and in circumstances where a person's applied for pension at the current lump sum, one off policy, in relation to income will continue to be applied?

MR SHERIDAN That is correct Madam Speaker, under the Act. I do have a letter here that I was going to table later on. I will just quote from it. Yes, in the letter that goes out, it does state that should there be any substantial change of your income it is requested that they notify this office. Yes, I can agree with Mr King, it is most probably for the purpose for when the review takes place later in the review period, they would not be substantial discriminated against I suppose, or the payments may not be so large. So I take that on board what Mr King has said about circumstances could change throughout the period of time and I suppose I will move that Policy forward.

MRS WARD Thank you Madam Speaker, Minister Sheridan at the last meeting of this House the Minister said that he intended to table the final actuarial report relating to Workers Compensation Scheme and the local Health Care Scheme, will the final report be tabled today?

MR SHERIDAN Thank you Madam Speaker unfortunately not as I have not received the final report as yet. The person who was conducting the review, when he left the Island he was awaiting more information from the Service with regards to previous years data/figures, in saying this, the Service have been attempting to input the data into the FigTree System which is their computer system which they use down there at Social Service. But unfortunately they have struck a few problems with the data, that they can only virtually get in the last years worth and we were looking for more information than that, so that we could have a good case study you might say. At this point in I have instructed the Service that I will not wait any longer, I need this review done and he is to finalise the report and get it to me post haste.

MRS WARD Thank you Madam Speaker a supplementary if I may, is the Minister in a position to refer the House to the Governments published policy on Workers Compensation Scheme and the Health Scheme and for that matter general benefits so the Community can better inform itself in relation to these matters?

MR SHERIDAN Madam Speaker I will take that on notice just so I can give a full explanation at the next meeting, but I could not see a reason why it could not be so, we are in a process, and I'm expecting a question on this later on, in the process of going through our Social Services, going through a Public Relations Campaign and formulating a up to date brochure that the Community can access, so in that sense through Workers Compensation, Health Care, Social Services, it all comes into one basket, an all encompassing PR Campaign, yes I supposed I could look at that. I'll answer that question fully at the next sitting Madam Speaker.

MR KING Thank you Madam Speaker. A question for the Minister for Community Services. Six months ago the then Minister with responsibility for Employment, Mr Anderson, gave an assurance that he would deal effectively with under-reported yet genuine cases of employment exploitation. Can Mr Sheridan as new Minister now explain how he intends to deal with reported exploitation of foreign workers in Norfolk Island by large Employers in the Island, where those workers face prospect of being returned to whence they came if they complain?

MR SHERIDAN Madam Speaker I take on board Mr King's question and his concerns with regards to the possible exploitation of temporary entry workers by organizations on Norfolk but before I investigate or these could be addressed there needs to be somebody coming forward to make complaints. We are aware of...

MR KING What if they can't speak English?

MR SHERIDAN Well, I'm sure that if a complaint needed to be addressed and a complaint was addressed to the Employment Officer we would find a way forward to investigate that complaint.

MR KING Madam Speaker, one supplementary, if I may, not to prolong it too long, but I wonder if the Minister is aware of a similar situation which emerged in the '80's where it was dealt with by threatening to withdraw the ability of the Employer to engage workers who require a temporary entry permit. That was recorded as a solution. Did that make sense?

MR SHERIDAN No I am not aware of that case Madam Speaker I was aware in the 80's but if Mr King would like to update me on that or I can do some research on it. It is a difficult situation here on Norfolk Island Madam Speaker, where

temporary entry workers have to find enough hours to work to maintain their temporary entry permit and of course we have to take into consideration our local peoples requirements as well. But in all fairness, if these people are employed in an establishment and their conditions are being abused, I urge them to contact the Employment Officer and yes, the complaint would be investigated. As to the consequences well that would come out as part of the investigation.

**MRS GRIFFITHS** Thank you Madam Speaker, my question is for the Chief Minister. Chief Minister, over the period of a week over September last the Chief Minister changed from an intention to submit a draft directional plan to the House to delivering a finalized Government Plan, at what point and with what justification did you decide to ignore the wishes of the non executives to be involved?

**MR BUFFETT** I am not too sure that I heard that all correctly. I indicated that when I presented the directional paper that this was the direction that the Government wanted to follow and it would welcome any indicators or responses from Members of the Assembly. I said that when I presented the paper. I also indicated that there was a further paper which is yet to be provided which would set out various strategies and elaborate a number of things and I would, when an appropriate stage was reached I would share that detail with Members and there would be opportunity for comment. That still remains. That has not been change of mind, to try and pick up the word, I'm not too sure I remember correctly the words that you used, but there has been no change of mind about that.

**MRS GRIFFITHS** A supplementary if I may Madam Speaker. Chief Minister will the non executives Members have an opportunity to comment on this before it is presented to the House as a fate accomplii?

**MR BUFFETT** Yes, I am happy about that, and I think that is what I indicated earlier, there has been no change of mind about that. What has been difficult is the time frame to get to that stage. It is a more extensive document, but it remains as I earlier described.

**MR SNELL** Thank you Madam Speaker I ask a question to the Minister for Community Services regarding the importation of fruit. Minister, several meetings ago you indicated certain progress or otherwise on the importation of fruit, could you please advise the House on how the situation now stands on this matter?

**MR SHERIDAN** Thank you Madam Speaker and Mr Snell. Yes Madam Speaker the importation of fruit has you might say, has not been able to be completed, primarily due to the non approval of the regulations by the Commonwealth Government and the main reason there was that Norfolk Island does not have its own pest status. So before any further attempts to change the Act of Regulations to allow the importation of fruit we first have to identify what Norfolk Island's pest status is. So with this in mind I have already commenced this, I have asked the Service, through the CEO to identify whether or not we are able to achieve this goal of locally doing a pest status for Norfolk Island. If we are unable to do this locally I intend to ask for the Commonwealth assistance through their AQIS Service to see if they are able to enable us to put in place a document which identifies Norfolk's pest status and then our quarantine regulations would take that into consideration when we apply new changes to the Act to import fruit etc. This goes for all, this might go for all plants, fruit, etc, until we determine our pest status the Commonwealth will not approve any amendments to the Act as it stands.

**MR SNELL** Thank you Madam Speaker, Madam Speaker I direct a question to the Minister I believe of Public Monies regarding the absentee landowners levies that are being imposed on people living away from the Island. Could the Minister please reassure the House that all persons living overseas with land on Norfolk Island have been subjected to proper assessment of absentee landowners fees and charges?

MR ANDERSON Thank you Mr Snell for the question. The notices go out in September every year based on the information that is available for the periods in which people are either on or off the Island and anybody that qualifies as having been off the Island and therefore an absentee receives an assessment.

MR SNELL Thank you Madam Speaker, a supplementary. Minister do you personally have any checks and balances on those that are living overseas to ensure that everybody who lives overseas pays the appropriate fee? Through you Madam Speaker what I am trying to say is that everyone who lives overseas subject to the same rules and regulations pertaining to the Absentee Landowner Levies Act?

MR ANDERSON As far as I am aware the information provided by the Registrar of Titles to himself is then verified against those people having been on or off the Island for the required amount of time and that causes them to be assessed and an assessment to go out. The system should pick up everybody and as far as I'm concerned they are all being treated equally.

MR SNELL Madam Speaker I would like to ask a question of Minister Sheridan regarding the purchasing of rock from private property and the certification of rock from private property. Minister is the process and the policy intended that rock purchased from private property on Norfolk Island be certified for use particularly by the Administration of Norfolk Island, is it being conducted at this time?

MR SHERIDAN Thank you Madam Speaker, thank you Mr Snell. I am unaware whether Island Industries, who crush this rock, when they purchase the rock from local people around the Island. And I must say that they can only purchase surface rock they cannot mine it. If it is laying on top of the ground it is deemed that they can dispose of it. I would not like to see this happen, down in the valley's and places because it is a unique part of our fauna and flora you might say rocks. And we have minute specimens who do utilize these rocks as homes you might say. But as to the certification of that, no I would have to make further checks on that and exactly what you mean by certification and what certification is carried out on these rocks.

MR KING Further question for the Minister for Community Services Madam Speaker. At the 28 July meeting of this House the Minister voiced his support for the current Health Care Scheme and said that after the first \$2,500 of your Health Bills everything is provided for free. My question to the Minister is, was that statement a slip of the tongue, a misunderstanding on his part, or a deliberate attempt to mislead the House and would he now like to correct the statement?

MR SHERIDAN Thank you Madam Speaker I can respond to that. No it wasn't an attempt, as Mr King said, to mislead the House. If the intention of my answer was taken in the wrong context, I apologise. I am just looking for some information that I do have here with regards to the Services. Once you have reached the \$2,500, Mr King is quite correct, the Healthcare Scheme does not cover every single item. Just like all schemes there are certain items that are not covered. But when I said that once you have reached your \$2,500 everything's covered. I will clarify that by just saying, yes once you reach \$2,500 if you are here, and that was the intention, if you are based, if you are hospitalized here on Norfolk Island, virtually everything would be covered after that \$2,500 limit. But there are just a few things that healthcare will not cover, and I'm sure Mr King is aware of this, but just for the Community, I will just state what Healthcare will not cover and that is elective or cosmetic surgery or treatment, that is fair enough as that is your own choice, it is elective, theatre fees, as this is a fee charged only by Private Hospitals so if you are in the Public System and this is what we base our healthcare system on, the Public System, theatre fees are not applicable. But if you chose to go to a Private Hospital you are then liable for theatre fees. Accidents or

illnesses that started overseas, we will not, the Healthcare Scheme will not cover you for instances which commence overseas, new members are not covered for any pre-existing illness or injury for a period of five years, so that is just a time limit. Dental services are not covered under the Healthcare. Travel costs are limited to \$200 per member per year, so this is in the way of airfares or ambulance costs and accommodation costs whilst not in hospital, so if you go off shore for treatment and you stay in hospital for three days and out of hospital for four days in private or public accommodation like a hotel, your accommodation is not covered. So yes, with those exemptions, Healthcare covers quite a range of things Madam Speaker and of course it covers hospital, medical and outpatient treatment on Norfolk Island. Specialist Services in Norfolk Island, hospital accommodation and medical treatment in Australia or New Zealand when your healthcare member referred there for treatment, only to the equivalent to a Public Shared Ward Rate in a Public Hospital. Medical Services covered include surgeon fees, anaesthetist, prosthetics costs, previous approved drugs and pharmaceuticals, surgical extras and medical supplies, pathology fees, x-rays and scans, consultants, consultations. As I said there is a \$200 limit on travel as well as there is a \$200 limit on services such as physiotherapy, chiropractor, prescribed medication to medical appliances are provided, diagnostic laboratory specialist services whilst overseas which are related to the original Healthcare referral issued by the Norfolk Island Government Medical Officer. So Madam Speaker, yes, the fund does cover virtually everything and I'll correct my statement when I say that it covers everything, there are just a few exemptions that any normal health scheme would not cover and that is by the choice of the patient usually.

MR SNELL Thank you Madam Speaker, I ask a question of the Minister for Tourism, Industry & Development. Minister a correspondent in the Norfolk Island some three weeks ago made claims that the Government had saved over \$800,000 in fuel at the Power House. Could the Minister please elaborate if the statement is true or false.

MR NOBBS Thank you Madam Speaker, thank you Mr Snell for the question. I did go looking for those savings and have also requested the Executive Level of the Public Service to comment if there were real data that supported those numbers. At this point the feedback that I have had as of this morning is that those numbers aren't supported, although there has been perhaps reduction in usual at the Power Station of equipment to generate electricity that can also be attributed in some ways to reduced tourism numbers over this last period.

MR SNELL Thank you Madam Speaker I redirect another question to the Minister for Community Services. Mr Sheridan regarding the stock pile of rock up by the school, can the Minister please inform the House if there is any progress and why and if the rock is going to be used for any purpose.

MR SHERIDAN Thank you Madam Speaker yes that rock in Portion 44A up near the School, yes it is intended that the rock will be utilized. At this present time we are trying to extract ourselves from the quarry in accordance with the contract that we do have with the land owner there and we are attempting to stock pile what rock we can onto that portion 44A, therefore any request for rock is usually sourced from the quarry at this time, until we fully put the quarry back into it's, well into the condition that was agreed in the contract. Unfortunately just with this weather have been having over the past few months with the showers etc, it just makes it very hard to get out of the quarry to put it back in it's final shape. Once we are out of the quarry rock will be sourced from 44A only.

MR SNELL Supplementary Madam Speaker, this brings back to the question why rock is being sourced from private property. Is it the matter of the quarrying industry themselves that they do this at a cheaper rate or is it because the rock is not being made available to them?

MR SHERIDAN Thank you Madam Speaker, Mr Snell. No the rock availability from the quarry or 44A is there at all times. It is obviously a business decision that the operators take when they source rock from private people around Norfolk Island.

MRS WARD Thank you Madam Speaker, it is a question for Mr Nobbs, will the Minister point out perhaps two or three areas where the installment of photovoltaic solar panels has caused disadvantage to the Administration Power House.

MR NOBBS Thank you Madam Speaker as I said earlier I intend on making a statement on photovoltaic so it will have general availability for discussion on this. I suppose three areas just in brief would be perhaps surge management given that there are some 311 photovoltaic units on the Island that can generate up to, if they were operating at 100%, around one megawatt of power, if you consider that that one megawatt of power may be in full operation on a bright sunny day and if a cloud were to obstruct the sun and then that one megawatt of power then has to be transferred to the generators that is a significant challenge for the generators and the switching equipment. Another area for consideration would be line capacity and that's whereby we are assessing the capacity of the lines to those owners of the photovoltaic systems and ensuring that those lines are capable of supply in the two directions and the capacity that may be drawn across the two directions, particularly if you have a household with a photovoltaic system that have because of the benefits of the photovoltaic system added significant electrical appliance to their house that is a substantial draw, then when the photovoltaic system is off line that draw is then through the line and from the generator. The other disadvantage worth considering, and it is something that we have discussed in general terms earlier this morning, about the size of our community, and the spread of costs. The size of our community and the number of terminated power connections, or metered power outlets, is generally how the division of the cost of power generation, maintenance, reticulation and all those things is divided. If you were to now look at the formula, there are quite a number of houses that are now almost paying nothing other than their meter reading costs. It's certainly going to mean that we have re-evaluate our formulas for the spread of costs.

MR KING Thank you Madam Speaker a question to the Minister responsible for the airline, and I know everyone is sick and tired about hearing about RESA but I think I owe it to myself to attempt to ascertain the point in time when the Norfolk Island Government's obligations in respect to the runway end safety areas changed from being a requirement to satisfy licence requirements for International Airport standards to use the previous Minister's words to one of simply satisfying the requirements to the best of our capacity to use the current Minister's words.

MR NOBBS Thank you Madam Speaker, I get a vague question out of there that Mr King is asking if there has been any change in the specification requirement for the Norfolk Island Airport to satisfy RESA.

MR KING Well I'm not really, I understand that something has changed. I'm seeking to understand why that at one point in time the Government was saying that we had to spend an incredible amount of money in respect of one part using some obligations which were said by "then" Government to satisfy licencing requirements for International Standards when you are now saying Minister that we need only to do RESA works to the best of our capacity. When did that change?

MR NOBBS Thank you Madam Speaker I made this quite clear in an earlier Sitting and I would certainly refer Mr King to the Hansard of that Sitting where I also tabled a Document from CASA which detailed the process that Norfolk was going through to satisfy the RESA requirements or Runway and Safety Area requirements. So I suggest Mr King reference back to that document and that section of Hansard because



completed by the end of this week, not to put any pressure on her, I'm sure I read that here somewhere. So hopefully within the next couple of weeks we will have a completed EIS and development application submitted to the Administration for assessment and until that's been submitted it's very hard to say what conditions will be imposed.

**SPEAKER** So tabled Mr Sheridan thank you. Further questions without notice, Mrs Ward.

**MRS WARD** A supplementary and thank you to the Minister for his comprehensive response. Considering the Administration does not adhere to any standards regarding gaseous emissions and no way of measuring it even if we did, how does Administration intend to monitor potentially toxic emissions from the proposed incinerator? Either prior to or after full installation.

**MR SHERIDAN** Thank you Madam Speaker it might be a bit pre-emptive you might say what type of monitoring might be undertaken. This will be decided as part of the Planning Officers assessment of the application. It will depend what is in the application as to what methods, as to what should be monitored etc and then it would be up to the applicant to ensure that those conditions are complied with. So if that means that we have to install some sort of monitoring device for gases or toxins, that will be stated in the approval and then we will have to comply with those conditions, prior to the commencement of the air curtain incinerator.

**MR KING** Thank you Madam Speaker, I have a question for the Minister for Inventions, Mr Nobbs. At the last meeting of the House the Minister stated that many well established inventors and developers, at the invitation of the then Norfolk Island Government, and had been evaluated and assessed by himself and a former Ministerial colleague. How did the Minister identify the lucky people to be invited to Norfolk Island to have their inventions and proposals assessed and evaluated by himself and the previous Minister? How many lucky people were identified, how many were invited and how many came to be assessed by the Minister and his colleague?

**MR NOBBS** Thank you Madam Speaker, that's taking a bit of a broad brush. To make it quite clear we certainly made it known that we were looking at alternative energy opportunities as well as waste management opportunities and better technologies to operate. There were no invitations, there were various operators that contacted the Government and made proposals of equipment that was then assessed for whether it could operate within Norfolk through those discussions or not. As we are all aware there are still some of those operators who are dealing with us after three years of fairly intensive work on their behalf.

**MR KING** A supplementary Madam Speaker. Can I ask the Minister what particular expertise and business expertise did the Minister or his Ministerial colleague bring to the table which qualified them to evaluate and assess private enterprise inventions or commercial proposals.

**MR NOBBS** Thank you Madam Speaker generally those proposals were brought to the wider membership and they were discussed on a number of levels. With regard to expertise certainly, my radio electronics engineering background as well as project engineering background, and certainly I used that in part of assessment of what is real within the physics parameters. However in general terms the equipment if it was related to the perhaps the Power Station, the proposals or discussions involved the Manager of the Power Station, so you actually had their expertise and their understanding of the Norfolk Islands systems and their assessment as well of proposals.



MR NOBBS Thank you Madam Speaker, no there has been a report prepared by IT Power Group and I will contact them and ensure that that report is agreeable to them to be tabled.

SPEAKER Further questions without notice Honourable Members? There is five minutes to go. Mr King.

MR KING Thank you Madam Speaker. In July, four months ago, the Minister for Community Services if I may. In July the Minister confirmed his desire presumably in the interest of public health to test the water assurance scheme for sewage leaking and advised the House that he was, quote, in the process of engaging a company to undertake that work. According to the Minister at the last meeting, no one has been engaged thus far and tenders have not even been called for. Can the Minister advise if he was mistaken four months ago when he informed in the House that a process of engagement was underway and whether this delay indicates a relegation of public health interest within his portfolio.

MR SHERIDAN Thank you Madam Speaker, thank you Mr King. No, I don't take public health any less seriously than I did four months ago. I suppose four months ago when I made comment, we did have a couple of estimates from a couple of companies to undertake this work, unfortunately the Administration Officer who is in charge of this area, he has been quite overwhelmed with some work that he has had and he had to prioritise his workload you might say. He thought that towards the end of this year, early next year would be a better time to undertake this survey of the water assurance scheme, purely because in the main it is generally drier, there will be less water in the system. It is still the intention to call for a tender for somebody to undertake this work before the end of this year so that the work can be carried out early in the next year.

MR KING A kind of Supplementary Madam Speaker, it is in relation to public health to Mr Sheridan. In a reply to a Question on Notice at the last Assembly Meeting, the Minister advised no random inspections had taken place under the Sale of Food Act 1950 I think, over the last six months, the Minister did not reply to that part of the question seeking the number of random inspections conducted during each of the past three years. But he added an attempt is made subject to staffing resources to conduct annual inspections. My question to the Minister is this, does such an irregular and uncertain inspection protocol meet the Government's policy objectives in relation to protecting public health.

MR SHERIDAN Thank you Mr King, Madam Speaker. No it does not Madam Speaker, it does not meet the expectations of the Government. Over this convening period I have had talks to the area concerned and the reason as to why they haven't been able to provide me with numbers as to how many inspections etc, is because, you might say, that their file keeping has not included all the necessary details like the dates the inspections were carried out etc. I have informed them that this is unacceptable that there is a requirement for these things to be monitored regularly and they have taken that on board and the files to be kept up to date, so that we do know when these premises are inspected and the reports are actually on each file. Over the past month, it has been undertaken by that Department, it is their intention to send out sale of food notices, renewal notices, which haven't been done in the past. It has always been up to the person who has the sale of food, just to front up early in the new year and pay for it. It is their intention to send out notices for the relicencing and they have started that already. So their intention is that they will start the inspections prior to them issuing a licence starting from the 1<sup>st</sup> of January in the new year. So I have taken onboard what they have said, that the Officer that used to do these inspections has since retired, he hasn't been replaced, they are down one person in this area, but they have already commenced some inspections on some of the larger premises, so hopefully the process

in the future will be a bit more clearer, we will be able to maintain statistics on it and we will have better record keeping.

MR KING I would just like to thank the Minister for his informative and satisfying answer, it has finally dawned upon him that not every question directed at him is an attack. Thank you very much.

SPEAKER We move now too.... Mrs Ward.

MRS WARD Thank you Madam Speaker I move that a motion that Questions Without Notice be extended by 30 minutes.

SPEAKER I put the motion Honourable Members that time be extended by 30 minutes.

QUESTION PUT  
AGREED

Extension by 30 minutes is agreed.

MRS WARD Thank you Madam Speaker my question again is to Minister Sheridan, and I am happy if he takes this question on Notice. Is it a fact that Medical Personnel contracted to Norfolk Island, from the Mainland, have professional development training allocation in their salary package and if so, what is the hospitals professional development program for locally recruited staff and what amount is budgeted for each year for such matters.

MR SHERIDAN Thank you Madam Speaker and Mrs Ward. No I can answer that because Mrs Ward did indicate that she would be asking me a question on this and I have had some correspondence by the Hospital Director. No, all offshore staff you might say, they don't have any different conditions with regard to their study as do the people here on Norfolk Island. I will just read this out from the Hospital Director, but in short, all staff are entitled to 10 days study leave per year, all staff are encouraged to apply for educational opportunities, all staff are entitled to study leave for off shore conferences etc, airfares, accommodation and conference study course fees are paid for by the Hospital, the budget as you asked for in the 2010/11 year is some \$18,000 plus an additional \$18,000 for scholarships and \$11,300 for professional journals. The Director is currently negotiating with the New South Wales College of Nursing to provide a weeks in-service education on Island for nursing staff and the enterprise is considering paying half the cost of continuing online education to Ausnet who have a significant number of online lectures etc for nursing allied staff. The annual cost per member is around \$297, which provides unlimited access to everything on the Ausnit online and provides continuing professional development for annual registration, it is estimated that it would cost the enterprise approximately \$2,250 per annum. And just regards to professional education, the Cancer Council are providing in-service training for staff in May 2011 and visiting Specialists and other professionals to Staff whilst they are here. Does that satisfy your query there.

MRS WARD Thank you Madam Speaker my question is to the Chief Minister. Given the current economic climate which hopefully will not last too much longer, can the Government afford to have a Deputy CEO and where is the funding coming from to pay for this incumbent and was the position advertised both locally and offshore?

MR BUFFETT Thank you Madam Speaker, the present position within the Service is that there is a CEO and an Executive Director, two positions at this moment. The person that has the Executive Director position, in a sense acts as the Deputy CEO and is paid a salary at present. Once this new arrangement is put into



MR BUFFETT Madam Speaker, Mrs Ward is correct in relating that to the earlier statement that I made. As a Matter of Public Importance. Yes, indeed I will enquire. But it will be in the context of discussing this issue which is already on the list for discussion in the earlier context which I described today.

MR KING Thank you Madam Speaker, question for Minister Nobbs. I know we are all sick and tired of hearing about SPIN as well, and one day it will either be dead and buried or up and running and we will all be happy. Could I ask if the Minister can advise, and this question has been put before, but he has simply failed to answer it or address it. Will the Minister advise the expected role out cost for the high speed broadband connectivity to homes and businesses from the SPIN project, and how the role out is expected to proceed. If he can't answer, will he now admit these things were never considered.

MR NOBBS Madam Speaker in looking at the questions on Notice from Mr King, I see the same question.

MR KING The same one? I've got a little bit mixed up.

MR WARD You are head of yourself Mr King.

SPEAKER 72 perhaps?

MR NOBBS Yes.

SPEAKER That will be dealt with in Questions Without Notice.

MR KING I will add to it a little bit at that time.

MRS WARD Thank you Madam Speaker, Minister Nobbs at the last Sitting of the House, Minister Nobbs said that he was working through the Worley Parson's Harbour Report with the Chief Executive Officer. Will the Minister now table all final reports and/or any current draft report in relation to a construction of a Harbour on Norfolk Island.

MR NOBBS Thank you Madam Speaker, certainly I was working through with the Chief Executive Officer access to all those reports. I have provided a detail to the Members previously on that issue at this present time I don't have a Worley Parson's Report to table, however as soon as I am able to it will be on the table.

MRS WARD Thank you Madam Speaker, Mr Nobbs again. At the last meeting of the House, Minister Nobbs stated that Norfolk Island contributes between 10-15 million dollars to the Commonwealth taxation coffers, he also undertook to gather relevant information to support that statement. Will the Minister now table that information?

MR NOBBS Thank you Madam Speaker. I have been in touch with the Chief Executive Officer with regards to that paper and I table the paper subject title "Joint Task Force on Revenue – Initial Australian Taxation Revenue Estimate on Merchandise Export to Norfolk Island and Service Imports by Norfolk Island Residents" prepared in October 2009. Just to give an overview of those listening. The background to this paper reads, at request the Administration has commenced the process of quantifying the level of taxation contribution currently being made by Norfolk Island Residents to the Australian Taxation System. This information is to help guide the discussion of the proposed Joint Task Force on Revenue. It will be the first of several such papers. It lists a number of areas Madam Speaker including taxation collected on merchandised goods sold on Norfolk Island, taxation collected on exported services to Norfolk Island, taxation collected on the investment by Norfolk Island residents in

Australia, taxation collected on the investment of Australians and Norfolk Island residents in Norfolk Island. The list is not exhaustive. I previously mentioned the figure of around 15 million dollars that attracted the tax contribution and formed the basis of Norfolk Island's previously calculated contribution to the Australian Taxation System through exports, company income tax etc, I note that this paper is updated on 1995-1996 estimates and details around 21 million dollars in exports that attract the estimated tax take. I note that in tabling this paper that the CEO's comments with regards to this paper that the weakness in the analysis is the tax take by the ATO on industry benchmark figures, but it was what was presented for working with at the time. The most important thing of that work, is that it was subsequently found that the Australian Government has acknowledged this type of contribution, it was specifically referenced in discussion paper, Taxation Options for Norfolk Island (Australian Government Treasury), third paragraph, page six. I table that. Thank you Madam Speaker.

MR KING Thank you Madam Speaker, question for Mr Nobbs. Minister Nobbs the petrol pricing policy of the previous Government was to extract no more from the consumer than was necessary to replace the revenue earned under the previous fuel tax, does the present Government have a pricing policy or is the fuel operation just regarded as another revenue raiser where prices are set according to what the Government thinks the consumer will pay?

MR NOBBS Thank you Madam Speaker, prices are set on a formula, which is not about maximizing profit, but providing the best outcome to the Community.

MR KING A supplementary Madam Speaker. Isn't it a fact that the price differential between Australian priced average fuel, unleaded and Norfolk Island unleaded fuel had moved, what is the word, the gap between the two has widened considerably since the Government took over the distribution of fuel?

MR NOBBS Thank you Madam Speaker. I really can't comment on that without seeing enough data. However, as I elaborated on earlier in a previous meeting regarding fuel, our fuel as I understand it is purchased from Singapore, it is subject to barrel price as well as exchange rate and I would imagine shipping factors as well. Thank you.

MR KING I do have just one more, Madam Speaker if I may, two actually if you bear with me. I have a question in relation to the Toon Buffett Environment Trust. Which has been given to me by a third party and I have undertaken to at least place the Questions on Notice, recognizing that the responsible Minister, and I don't know who that is, may not be able to answer the questions immediately, so I would understand that. But I will read the questions. My understanding in relation to the Toon Buffett Environment Trust is that it has been operating for about four years and it's formed with monies raised from the Freehold and the Crown Lease properties and many grants have been given over the past four years. My questions are as follows; can the Minister provide assurance that all grants to date have been provided in accordance with the Trust Guidelines; secondly, can the Minister provide assurance that all grants have been audited for performance, both in terms of grant outcomes and financial performance. Three, can the Minister advise if there is a consolidated report available on the Trust at this time. Four, can the Minister confirm that no grants allocated to date have been applied to commercial activities. Five, can the Minister confirm that the eligibility for grants by individuals or organizations is confirmed prior to grants being allocated. Six, can the Minister provide advice as to the balance of the Toon Trust funds at this point in time. Seven, and this maybe one question that he may be in a position to answer immediately; Seven, will the Minister ensure that all the proceeding questions have been responded to before any further grants are allocated and eight, can the Minister ensure that when grants are allocated the recipients purpose and funding level of the grant are made public. I would mention that I will be placing that on the Notice

Paper for the next meeting so that any answers that the Minister may be able to come up with in the meantime would be appreciated.

**MR SHERIDAN** Thank you Madam Speaker. A very appropriate timing you might say because I'm going to make a statement on the Toon Trust during statement time. But just a bit of background on the Toon Trust the Board does assess every individual submission. No, they don't approve all of them. They do have their guidelines as set down by the Toon Trust that they do go by and in some areas they do reduce the funding that is asked for, as some things are not in accord with the guidelines that are set up under the Toon's Trust. Unfortunately I can't guarantee that, number 7 there Mr King, that no more applications be granted until I answer those questions because I've spent two hours yesterday afternoon at a meeting with the Toon Trust and the assessment Board people, and we walked through 12 applications and I'll be making a statement on this and yes, some of them have been approved. So I can't guarantee that unfortunately. The rest of it I will take on Notice, Mr King will put on the Notice Paper, so that I can answer it in full next month about the audits etc because I am unaware at what that stage all those requirements are at.

**MRS WARD** Thank you Madam Speaker, the question is to Minister Nobbs, at the last meeting of the House the Minister stated referring to our arrangements with Air New Zealand, that Air New Zealand had, and I quote, had us in the critical list, would the Minister explain what he meant by those words and if the Minister doesn't recall those comments I can elaborate.

**MR NOBBS** Thank you Madam Speaker, it was quite some time ago, and that was the result of the meeting that myself and the General Manager of the Tourist Bureau had with Air New Zealand Executive. At that meeting we pointed out some of the initiatives and profile building proposals to encourage more travel and tourism through Air New Zealand to Norfolk Island. At some point in the meeting they referred to having had Norfolk Island on the critical list, it has obviously had the flights from Air New Zealand reduced down to one a week, and there was some major issues with the loads that they were carrying and the costs that were then being carried by Air New Zealand to continue a service to Norfolk Island that was not necessarily profitable. However with our commitment to raising the profile and putting programs in place, that I'm happy to say are already starting to bring us to front of mind going for those travelers going to the Agencies. Air New Zealand indicated that they were much more confident moving forward with us.

**SPEAKER** Mr King, I thought you wanted a second question?

**MR KING** I was thinking twice about it, but I'll ask it, thank you. Madam Speaker, just a final one for Mr Anderson, so he doesn't feel forgotten! Madam Speaker at the May meeting of the Assembly Minister Anderson agreed that the policy requirements and practices in relation to job advertisement which support immigration applications would be revisited to ensure that advertisements are a genuine attempt to attract applicants. Can the Minister can explain why six months after undertaking to review the situation advertisements are still appearing with the words, TEP renewal, or similar or using job descriptions which require multi and diverse skills such as the recent one, which I'm sure attracted everyone's attention, and purported to seek an applicant who was honest, happy, hard working, creative, well presented, well spoken, an artist to draw, a painter, a sculptor, an instiller of something, a jewellery maker, a hairdresser, a cook, a cleaner, a landscaper, a masseur, a linguist who can write in pigeon English. Minister don't such practices make a mockery of the Immigration requirements and the Government's supposed desire to ensure maximum job opportunities for local people.

**MR ANDERSON** Thank you Madam Speaker, thank you Mr King for your question.

MR BUFFETT Point of Order Madam Speaker, may or may not be relevant, is Mr King seeking to be an applicant in terms of that position?

SPEAKER Thank you Chief Minister. No Point of Order. If Mr King would like to respond?

MR KING I have many of those qualities Madam Speaker, but not all of them.

MR ANDERSON Thank you Madam Speaker, thank you Mr King. The situation is that the continuation of the use of the term TEP renewal or in fact as recently as last weeks Paper, this is not a TEP renewal, has been monitored and a policy is being developed by the Manager of Customs and Immigration. In respect to the advertisements themselves, yes we agreed whole heartedly that that advertisement you are referring to, was an abuse of the system and the person who placed that was told that immediately. As a result of that advertisement and the development of the policy, we are working on having a template for what is acceptable in advertisements and making a statement as part of that policy that references to TEP renewal will not be deemed acceptable, and if they appear then we will be saying that the advertisements do not satisfy the criteria to having sought alternative candidates.

MRS WARD Thank you Madam Speaker, my question is to the Chief Minister and relates to the Rawson Hall upgrade. Chief Minister confirmed at the last meeting the existence of a project to upgrade Rawson Hall in a combined Community and Government partnership. Can the Chief Minister advise what type and level of Community participation is expected or to be sought and if the project depends upon Community contributions, how can it be regarded as a Government Initiative? Chief Minister may like to refer that question to his colleague Minister Nobbs.

MR BUFFETT Did you want to respond to that, or me? Madam Speaker, thank you for that being referred to me. Mr Tim Sheridan has carriage of that particular area, and if he is equipped with that answer I'll turn to him.

MR SHERIDAN Madam Speaker. Mrs Ward, thank you for the question. I suppose just to answer the last part first, as a Government Initiative, there's always been a need to upgrade Rawson Hall, and there has been consultation with various people on the Island that share that same view. We have agreed that you might say, together with some Service Clubs on the Island, and they have taken on board, and especially a non-service Club, you might say that it is the Rawson Hall Committee for want of a better word. There is half a dozen people who are interested in progressing the upgrade of Rawson Hall and they've talked to Service Clubs and with myself and we have come to the agreement that if they come up with a design that they would like Rawson Hall to look like, it would be considered. Where the Service Clubs come into it is, they are the Clubs that utilize or would like to utilize the Hall for conventions etc, so they would like some input, and they believe that they maybe able to source some funding to carry out that work. So this is where we are at at this point in time. Exactly there. The development of the drawings for the redevelopment of Rawson Hall is being developed by these groups. I'm not too up to date with it, I must say that I have had a request for a meeting with one of these lasses sitting on my desk, and it is something that I intend to do after this meeting in the next week or so to get an update on exactly where they are. But the intention is that the Government will be in partnership with them. We will be providing some funds, some funds from the Community, a lot of Community input into the work. So it will be a good development project for the Community and this Government to achieve and undertake in the next couple of years.

MRS WARD Thank you Madam Speaker, the question is to the Chief Minister. Can the Chief Minister confirm that the Public Service Board which now includes new Membership, has been provided with comprehensive guidelines for the



MR NOBBS Thank you Mr Deputy Speaker, Mrs Griffiths question is; at the last meeting of the House the Minister said that he had had a prospectus prepared by the gaming director and also had "some commercial documentation" on communication facilities prepared for potential gaming operators. Will the Minister now table this documentation? Mr Deputy Speaker, the Norfolk Island Gaming Authority is currently completing their new website. Following this the authority will also finalise the prospectus which is being prepared for information and marketing purposes. The website and prospectus will include details of telecommunication capabilities for interested parties. And as of the day before yesterday I was advised t that the presiding member of the Norfolk Island Gaming Authority has requested a formal sitting of the authority at the end of this month this meeting is significant in terms of new applications and will also include the website an prospectus approvals. The formal sitting of the authority will be held in Norfolk Island. It has been agreed that following this meeting a briefing will be provided to the Members of the Legislative Assembly. And I might additionally point out that I have viewed the website in its current form that is going to the authority and I commend them on their work, it is professional and it is in line with what I'd hoped to see.

MRS WARD Mr Deputy Speaker may I ask a supplementary question. Thank you. Is it a fact that a website, and the development of a website, completion of a website is more important than a prospectus? The second question is how does the Norfolk Island Government measure the productivity level of the Norfolk Island Gaming Authority?

MR NOBBS Thank you Mr Deputy Speaker, as I have said earlier, the prospectus and the website have been dealt with in tandem. The reason the website is the first to be initiated and I guess demonstrated to me is, that we wanted continuity between the website and the prospectus. So that is specifically on that aspect of Mrs Wards question. With regard to the performance criteria of the Authority and the Director, they are obviously charged with the role of accommodation and attracting new business in the realm of gaming for Norfolk Island. There is a report that is given to the Minister responsible on a regular basis which shows their initiatives and outcomes in those areas.

MRS WARD One more if I may thank you Deputy Speaker. Therefore is it a fact that it is the Minister who regulates the accountability level of the Norfolk Island Gaming Authority?

MR NOBBS Mr Deputy Speaker, the purpose of establishing a Gaming Authority was to give it the utmost integrity and probity and so in the regard the Minister has a very little role in many of the application processes and progression of licences.

DEPUTY SPEAKER Further discussion? Note Madam Speaker has now re-entered the Chamber, I will ask Madam Speaker to take the Chair.

SPEAKER I believe we are at Question on Notice Number 63, Mrs Griffiths to the Minister of Community Services.

MR SHERIDAN Thank you Madam Speaker the question reads is it a fact that persons whose pensions have been reduced on review have not been provided with full reasons for such reductions and have not been advised of their rights of appeal? I thank Mrs. Griffiths for this question because I've had some correspondence with another Member of this Parliament in recent times. We have sorted out a couple of the glitches. As I say, this provides me the opportunity to allay some fears within the Community with regards to pension adjustments. Social Services pension reviews are conducted annually and are effective from the first full pay in July. Reviews are normally

completed in September, and at that stage 4 or 5 payments have been made at the previous year's rate. If there is a downward adjustment to their benefit there is no deductions made retrospectively, however there would be no further increases in the following financial year until any overpayments were recovered, in other words the increase the following year would not take effect until the overpayments had been recovered from the previous year. Madam Speaker on completion of the review a letter is sent to all recipients stating the following and I will table the letter sent out to all recipients and it virtually states Madam Speaker that the review of their benefit has resulted in an adjustment to their benefit, whether in be up or down or it may stay the same; it advises the recipient of their previous benefit and their new benefit; reason for any reduction, usually increase to their wages, superannuation, bank interest etc.; the date that the new benefit is payable from; the recipients category under HMA; advice on the next review period, and advice that if there is any substantial change to their income, then is requested that they notify the Social Services officer; a comment advising them if they require any further details, to contact the Administration authorised Officer; and also it advises them to their appeal rights under Section 33 of the Social Services Act. So in short to answer Mrs Griffiths question, pensioners are advised of the reasons for reductions and of their rights of appeal and I table the standard letter that is sent out to all Social Service recipients.

SPEAKER Thank you Minister, that letter is so tabled. Mrs Griffiths, did I see you, no.

MR KING May I ask a supplementary?

SPEAKER Yes.

MR KING Is the Minister saying that that is the letter which is been in use for some time or a new letter.

MR SHERIDAN This is the letter that has been, no it has only been recently been amended, after consultation with yourself, and in particular with regards to the appeals, the right of appeal. But this letter has been used for all appeals just recently conducted.

MR KING So there are a number of people that were not advised of their right of appeal?

MR SHERIDAN Madam Speaker if I may, if their pensions had been reviewed after July this year, they would have received this letter.

MR NOBBS Thank you Madam Speaker question 64 from Mrs Griffiths reads will the Minister table or distribute to Members the briefing document and operational guidelines for his Economic Development committee, advise the House of the Membership and advise the House on the expected costs for secretarial and other support. Question two, actually I'll go through the questions and answer, otherwise it will get difficult for people to comprehend. The answer to that is the guidelines and structure of this Committee has been undergoing a Cabinet assessment process, I've presented the objectives, background and consultation program to the Cabinet and until I'm satisfied that all framework is in place to commence this Committee I will not be inviting Membership other than the Exofficio Members of the Executive of the Administration. However, to provide some documentation to be tabled, I've tabled the Statement of Intention to establish the Cabinet Sub-Committee focussing on economic development and that will show some of the processes, the objectives, the backgrounds and the consultation program that we see out of the establishment of this Committee.

SPEAKER That paper is so tabled.

MR NOBBS Thank you. Question two, inform the House just whose initiatives he was referring to when he previously said that the committee's purpose is to "enable analysis and community awareness of some of the initiatives that are on the table" and to which table does the Minister refer? Initiatives which the Committee would analyze would come through my Office and be presented and assessed, some of the key initiatives of the evaluation are the research and development options for Norfolk as well as incentive schemes to assist capital upgrades for commercial operators on the Island. Question three, advise what authority he has to divulge these initiatives, to his Committee, if they are initiatives of the private sector, and to have the Committee analyse them? Madam Speaker I am not claiming an authority to divulge initiatives of the private sector, the initiatives discussed have been Government initiatives. Having said that if a private sector operator were to propose an initiative that required evaluation on a Government scale and it was seen to be in the Communities interest I would certainly facilitate that option. Question four, if they are initiatives of the Government, then will the Minister explain them to the House before he lays them before an ad hoc committee? As with many initiatives Madam Speaker and policies, they do not necessarily come to this House prior to some assessment being made. Having said that, I'll present such initiatives in areas of assessment to the Assembly whenever possible.

MR NOBBS Madam Speaker question 65 from Mrs Griffiths reads at the last meeting of the House, I asked if the Minister would table the past two CASA audit report (*for the Norfolk Island Airport Fire Service*). Is the Minister now in a position to do so? Answer yes, I now table the CASA report. At this stage I'm tabling the CASA report with the audit start date of 28 July 2010, records are in the process of retrieving older audit information.

SPEAKER The paper is so tabled Minister.

MR NOBBS Thank you Madam Speaker question 66 from Mrs Griffiths, reads Last July 2<sup>nd</sup> a Gazettal notice sought expressions of interest for Fuel Handling, delivery and management on Norfolk Island. With these expressions closing on 16 July, could the Minister please advise the House whether the matter is finalised by public notice; How many applicants lodged expressions of interest documents; Who were the successful applicants; What are the financial arrangements for the parties; What are the security and insurance details of the agreement? As the process for finalising the provision of fuel handling, delivery and management on Norfolk Island has not yet been completed, confidentiality issues preclude me giving details answers to Mrs Griffith's questions. I can however advise the House that a number of Expressions of Interest were received prior to the closing date of July 16<sup>th</sup>, 2010. All parties who expressed interest have been invited to submit full tender documents by the closing date of November 15<sup>th</sup>, 2010. Upon the receipt of full tender documents, the tenders will be assessed under the Administration's Policy and Guideline "Procurement of goods and Services – Purchasing, Tenders and Contracts"

MRS WARD May I ask a supplementary Madam Speaker? Thank you. Does the fuel handling management on Norfolk Island, the terms, include the tanks at Ball Bay? The financial and environmental liability?

MR NOBBS Thank you Madam Speaker, I think their responsibilities ends with distribution and I think the management of the asset falls to the Administration, but I will seek to get clarification on that.

MR NOBBS Thank you Madam Speaker, question 67 from Mr King reads The Government's directional plan revealed that additional telecommunications revenue was expected to be achieved from the lease of a pacific number range (presumably telephone number range). Can the Minister advise what levels of revenue are likely to be generated and will the additional revenue be sufficient to return the

telecom to profitability? At this point in time Madam Speaker we are in a contract negotiation phase with the operators who are seeking to lease those lines so there is perhaps not a lot that I can talk about in that regard other than to say everything in that regard is working inline with what we anticipated. However, I will say this with regard to the final comments in Mr King's question in regards to returning Telecom to profitability. And that is when you wade through the 09-10 audited financial figures Norfolk Telecom does in fact show a healthy profit if Telecom was not required to subsidise other Administration entities. For the benefit of Assembly Members this detail has previously been provided, you may recall, but I will briefly outline it was again. Of a total income of \$2,769,402.00 in the 09-10 budget Norfolk Telecom provided the following subsidisation; \$212,334 to run the Radio Broadcasting and Television Station, \$214,000 management fee to the Administration, \$97,471 credit card merchant fees for non Telecom Accounts.

SPEAKER

Mr King you have the opportunity at the end of this.

MR NOBBS

Just to clarify Madam Speaker, Mr King is incorrect. These are operations outside of Telecom that Telecom is subsidising. The credit card fees are to do with Telecom handling the Accounts Receivable for the Administration, and has been worked out on a Merchant Fee component of 18% of the total received over the counter at Telecom. A further \$386, 618 in capital purchases and infrastructure improvement and \$23,000 in free rental to local and mainland pensioners. This equates to \$933,423 of subsidisation provided by Norfolk Telecom. Agreed, Norfolk Telecom may not be the cash cow that has previously been enjoyed, however we should also not forget that we reduced International call charges from \$1.50 a minute to mainland Australia to \$.20 cents a minute. Norfolk Telecom now being part of the revenue fund for the 10-11 Financial Year should better reflect that Norfolk Telecom is in fact a healthy and profitable business bringing a good return to the revenue fund and the Community.

MR KING

Excuse me Madam Speaker, may I have one supplementary please? The Minister referred to and bases his answer largely on his examination of the 09-10 audited figures for Telecom. Is it not a fact that the audited figures for Telecom have not yet been audited? Certainly not in the public arena?

MR NOBBS

These were the figures that have come through. The Accounts Department have also been certified through management of Telecom.

MR KING

So not audited?

MR NOBBS

I would have to seek the Finance Ministers advise on whether an audit is likely but they are available for audit.

MR NOBBS

Thank you Madam Speaker, Mr King's question 68 reads In July 2010 the Minister told the House that he was taking a particular interest in the Tourist Bureau budget for the year and on questioning he expressed the hope that the amount of unpaid creditors at year's end, of which he was unaware at that time, would not exceed \$100,000. My question is how much were the unpaid creditors for the Tourist Bureau which were carried forward to be paid this current financial year and what is expected to be the impact on the Bureau's planned activities? After review by the new management of the Bureau from mid 2010, the actual unpaid creditors for the year's end 2009-10, that relate to a matter resolved after investigation and resolution that dealt with an operator on the Island with an amount owing of \$2,184.30 and another on Island operation that is currently under review, various meetings held, maximum liability as advised is \$21,509.13 and that dates back to invoicing from June 2006. The outstanding creditors were known through financial monitoring from mid May 2010. It is worth note that one of the comments I've made in an earlier discussion regarding the timely payment and appropriate management of budget for the Bureau I mentioned an amount of some \$47,000 that the contractor had been advised not to present it until the last day of the Financial Year. The amount was presented on the last day of the Financial Year, however the accounts were able to process it on the last day

of the financial year as well, so hence it hasn't reflected across here and in fact on this budget.

MR KING One supplementary. I wonder if the Minister can advise the House if the budget estimates for the Tourist Bureau have been achieved and whether the revenue fund subsidy has been paid in full or if regular expected instalments from the revenue fund have been received?

MR NOBBS Madam Speaker, I will take that on notice, there are number of areas that have been documented for me to provide a significant answer.

MR NOBBS Thank you Madam Speaker, question 69 from Mr King read what level of funds were allocated in the Tourist Bureau's budget for extensions of the main office building, how much has been expended to date and can the Minister produce the original cost-estimates to demonstrate that proper efficient planning took place? The total appropriation Madam Speaker was \$23,000 and that was based on the quotations prepared from Works Depot and pricing of furniture fittings and sundry if required in there as well. To date the project is within budget and it is certainly being monitored by the General Manager for the Tourist Bureau. Thank you.

MR NOBBS Thank you Madam Speaker question 70 from Mr King reads At the last meeting of the House the Minister expressed no knowledge of a defaulted debt to New Zealand Telecom in the order of some \$1 million; stating only that no invoice had been received. Can I ask the Minister, whether an invoice has now been received, how much is owing, by how much Norfolk Island is in default of its contractual obligations, whether an instalment plan for repayment has been agreed and whether Norfolk Island is in a position to service the debt satisfactorily? Yes we have received two invoices and they are as follows \$674,622 dated the 6/11/09 is where the invoice dates back to. And \$359,588 dated back to 1/10/10 that one is for satellite bandwidth and telehousing. Number two, is the amount owing is estimated at the end of June at \$973,766 from Financial Indicators and Number three we currently owe on all of these payments. The payment date for 1B above is 30/10/2010. With regard to question 4, a payment schedule has been documented and proposed to the Finance Minister and the CEO and that followed telephone conference that involved myself, the Finance Minister, the Executive Management and Accounts area for Telecom New Zealand International. Following that payment schedule options were discussed with TNZI who gave us quite a positive response as a follow up to that, the Administration as I understand it, has prepared formal documentation for that to go further. The last part of the question dealt with whether Norfolk Island is in a position to service the debt satisfactorily and the ongoing servicing of this debt has formed part of our discussions with the Commonwealth. The proposal that is on the table for Telecom New Zealand, is one that we would review in the Budget Review process anyway.

MR SHERIDAN Thank you Madam Speaker. Just getting used to the Minister speaking there I thought he might be able to answer this one for me too! Question 71 from Mr King reads at the last meeting of the House the Minister advised that he was actively looking at caring arrangements for Norfolk's war veterans and added that he will revert to the House on the question of adopting whatever means are necessary to accommodate carer support and on the question of the timing for dealing with the issue. Will the Minister now so advise? Madam Speaker, I thank Mr King for his follow up question from the last Sitting where I stated that I could assure Mr King that we were actively looking at some caring type arrangements. Not only for the DVA Veterans on the Island but also for other elderly in the Community. I would just like to clarify that when I said that I am looking at caring type arrangements, these arrangements will be along the lines of home care, where as elderly residents of Norfolk who are deemed to require some kind of assistance on a daily basis will be able to access these services. It is envisaged that this will be through a private provider. These services will be provided at this point in time on a shared cost basis as is the practice elsewhere. Following on with regards to Norfolk's war veterans, the Department of Veteran's Affairs provides 1.5 hours of care per fortnight, homecare for entitled Veteran's,

through Veteran's homecare. As an example, in the financial year 08-09 DVA considered 79,000 applications for homecare, which 26,700 were approved for some kind of assistance. The average age of recipient was 83 years and 90% of the help was for domestic assistance. These services are provided by groups who are contracted to Veteran's Homecare following their most recent visit to Norfolk Island the Department of Veterans Affairs met with the Hospital Director, myself and Lorraine Bataille. DVA is currently negotiating with Lorraine to set up such a service. Once this service is set up, Veteran's will be able to access this care through this local provider. Homecare services for non Veteran's through Social Services is currently being considered and costings and needs assessments are being undertaken. Amendments to the current legislation will be needed to accommodate this service. Timings for the introduction of the DVA Service are a matter between DVA and the Provider. On the timings for the local based homecare, the Administration is producing a paper for me to consider based on services provided in other jurisdictions, so that I can make an informed decision on requirements etc. Legislation would or may need also need to be amended, so to nominate a time frame would be very difficult.

MR NOBBS Thank you Madam Speaker, question 72 from Mr King reads Will the Minister advise the expected roll out cost for the high speed broadband connectivity to homes and businesses from the SPIN project and how the roll out is planned to proceed? The rollout of a fibre backbone to strategic nodes was designed to supplement the introduction of the SPIN cable. This would provide a total completion of the fibre to the node project and dovetails Norfolk Telecom's ongoing technology directions and replacement lifespan of the existing copper cable network. This has been costed in detail and was included in the 2010/11 budget proposals. However it was decided to hold off until the December budget review. This work was planned to be staged over two years, which includes all fibre terminal equipment, laying the fibre and in some areas trenching and ducting, totalling \$208,000 after completion. In my discussions with the Telecom Manager this work can be staged and spread across an extended period, implementing specific elements as required and when budget allows while still allowing increases in bandwidth to homes and businesses. Of course the ultimate aim will be to provide fibre to all of the strategic nodes as planned.

MR NOBBS Thank you Madam Speaker, question 73 from Mr King reads At the last meeting the Minister when answering a question in relation to the government airline, referred to a balance sheet for the airline operation. Given that a balance sheet for the airline has never formed part of official finance documentation and has never seen the light of day can the Minister now produce to Members a copy of the new-born balance sheet as at say the end of September or is he prevented from doing so by LSU advice or a non-disclosure agreement with Mr Murdoch? An unaudited version will suffice. Madam Speaker we have another demonstration of where Mr King doesn't listen during Parliament, doesn't read the Hansard and unfortunately doesn't attend the Meetings to get some clarity. I would suggest that you read it, as it's actually you that referred to a Airline Balance Sheet, I refer to the fact that the Finance Minister's advice was that the asset registration of the Barter card was within the Airport entity, as suggested by the Auditor. However, I will just add to this and say, the Profit & Loss Statements for the Airline are, of course, produced on a regular basis and are tabled regularly and will be tabled today perhaps by the Finance Minister. So there is a fair degree of information and transparency in that regard, and I will just add also that Geoff Murdoch does not have a non-disclosure agreement.

MR KING I'm sorry, I have one supplementary. Could I ask then, is the Minister therefore confirming that a Balance Sheet for the Airline does not exist? Whether hi tal et ala nort

MR NOBBS Yes, I didn't say there was one.

MR KING You did.

- MR NOBBS No I did not. And as indicated earlier...
- MR KING Does he have a Balance Sheet, a simple question  
Madam Speaker.
- SPEAKER Does it have a Balance Sheet Mr Nobbs?
- MR NOBBS Madam Speaker, I'll take the question on notice.
- MR KING Yu kaa waa? Yu kaa waa?
- SPEAKER He is taking it on notice Mr King. Moving now to Question on Notice number 74.

MR SHERIDAN Thank you Madam Speaker, the question, what are we up to, number 74, from Mr King, at the last meeting of the House the Minister undertook to seek advice on the conduct of a review of published material reflecting the range of social services assistance available in Norfolk Island. Can the Minister advise what progress has been made in this matter? Madam Speaker I am happy to advise Mr King and the House, that over the past few weeks since I came back from the Commonwealth Games I have been in contact with the Chief Executive Officer of the Administration and the Social Services Administrative Officer of the Service to ascertain the best way forward in providing this information on Social Services benefits available to the Community on the Island. The proposed way forward is a combination of media releases together with a brochure. The media information will detail: what the benefit provides, conditions attached to the benefit, application process for access to the benefit, how it is determined and appeal rights. This media information is currently being compiled by the Administrative Officer from Social Services and once completed will be released through the Chief of Staff to the public. It is also intended that the combined material will be put together in the form of a brochure that will be provided to the public on completion of the media campaign or whenever the brochure is ready, whichever comes first. Hopefully it is anticipated that the first media release will appear in the local paper on Saturday on the 6<sup>th</sup> November.

MR SHERIDAN Thank you Madam Speaker, question 75 from Mr King is, at the last meeting of the House the Minister undertook to ascertain what measures were in place to monitor and test the ground water supplies of those who sell water to the Community. Has the Minister determined if any measures exist and if no measures exist does the Government intend in the interests of public health to introduce a testing regime? Madam Speaker, the simple answer is yes. There are measures in place to regularly test ground water supplies. The Administrations Quarantine & Health Department has the facilities to and regularly conducts testing of the main underground water supplies and some surface creeks across the Island. The Department regularly tests the school, hospital, the two main water suppliers (who both utilize 3 bores for their supplies), the public water pipes at Kingston and Headstone, also the airport bore. These would be tested on an approximate basis of each month, with more regular testing during the summer months. Food shops, restaurants, hotels and motels are also checked on a regular basis but not as regular as those previously mentioned. Private testing of water tanks and/or bores is usually done on request. And there is some \$26,000 available in the budget for this year for purchases and materials in the Water Assurance Scheme and this is where the funding has come for the water testing. Each test costs approximately \$11.50.

MR SHERIDAN Thank you Madam Speaker and thank you Mr King for the question. Question 76, can the Minister advise the House, whether in relation to the operation of the Hospital Enterprise; 1. The agreed operating budget is being observed with all estimates being achieved, and 2. Whether the subsidy appropriated from the Revenue Fund for 2010/2011 (ie.\$1.4m) has been paid to the Hospital in full, or if the subsidy is paid in installments whether regular expected

payments are being received from the Administration. I am pleased to advise Madam Speaker to the house that the agreed operating budget is being observed by the Norfolk Island Hospital Enterprise with all estimates being achieved. All creditors payments are up to date. In comparison to last year, revenue has increased by some \$52,000 but expenses are up by some \$66,000, however Madam Speaker this does include the upfront payment for Medical Malpractice Insurance of some \$110,000. Debtors still remain an ongoing problem and at the end of September the overall debtors was \$381,732. The main concern is the 90 day plus debtors, which amount to \$264,025. This amount is of serious concern and normal recovery actions are being pursued to reduce this amount. Madam Speaker on the part of the question as to the payment of the subsidy, the Hospital subsidy is paid in 12 equal amounts of some \$93,000 per month. The process is that the Director sends me a request to advise the Finance Manager to release their monthly payment, up to this date there has been no delay in the processing of this request.

MR SHERIDAN

Thank you Madam Speaker and thank you Mrs Ward for question 77, a recent Federal press release confirmed Norfolk Island's eligibility to apply for health infrastructure funding as part of round 3 of the \$1.8 billion National Health and Hospitals Fund. Would the Minister advise; 1. If Norfolk Island had previously been eligible under rounds 1 and 2; 2. If applications had been made; and 3. if unsuccessful; whether those limitations can be overcome in preparing applications under round 3? Madam Speaker in short, the answers to the three parts are yes, no and not applicable but I will amplify a little bit! To amplify a little Madam Speaker, Norfolk Island was notified of the eligibility for funding under Round 2, however this notification was received very late in January 09, and following discussions between the Government at the time, Administration, Hospital Advisory Board and Ralph Condon it was determined that the time frame to put together a considered application was insufficient. The closing date for applications was the 19<sup>th</sup> January 2009. They actually got notified of the eligibility after the closing date, and with discussion they did allow them a couple of weeks to get it in, but the paperwork involved they decided against it. Currently the Hospital Director is currently working on an application for the third round and is developing a proposal for the construction of a new hospital. The application requirements are very detailed and the director is attempting to put together sound arguments to suit the requirements. Areas that require detailed assessment are: Executive Summaries, Self Assessment providing statements on the objectives and strategic direction of the project, Evidence that the benefits of the project will contribute to significant and sustainable ongoing improvements in health care, A financial plan that sets out projected revenue, Operating costs, Capital costs for the project as a whole and for each major component of the project, A project design consistent with current health sector standards, and a business case that outlines the whole of life use of the asset. As you can see it is a very detailed submission that is required and full costings of the project will be required and the Hospital Enterprise is awaiting the arrival of representatives from Architects Without Frontiers in late November to progress these, who will be on Island to assess the Islands requirements. Madam Speaker, just to follow up on that, I think applications close in late November, so the direction we will be heading we will be submitting a substantial application to these people but with advise that detailed costings etc may not be available until early in the new year. And this is after we have had time to fully assess it.

MR KING

A supplementary for clarification. Does the Minister say that we were in fact eligible for earlier rounds one and two but we couldn't muster, or we didn't have the knowledge to make applications?

MR SHERIDAN

Madam Speaker, I suppose Mr King is correct. I am unaware that we were invited to apply for the first round, I can't find any information. On the second round, we were advised of our eligibility after the closing date.

MR KING We were in the middle of a GFC and we weren't alerted of funding opportunities?

SPEAKER Through the Chair please.

MR SHERIDAN I don't know why that was and whose fault it was, but it is past and I don't intend to go down that road and point fingers, all I'm interested in is to get this application to the best of our ability, completed and submitted by the closing date.

MR NOBBS Thank you Madam Speaker question 78 from Mrs Ward, reads and I'll add some grammar if that is alright, is it a fact that a pilot study for a high energy efficiency generator is to commence on Norfolk Island, would the Minister advise: 1. Is the generator an over unity or perpetual motion generator; 2. Will *Standards Association of Australia* certification be obtained prior to installation; 3. Will an energy efficiency target be announced before on island testing; 4. Will a stand alone test be conducted prior to connection to the main power grid; and 5. Will testing be transparent and open to the public? Madam Speaker although I have answered many of these questions to Members and also in the House previously, what I did in regard to this particular question from Mrs Ward is forwarded it to Redemptech and asked for their answers and I will quote from their answers if you don't mind. Question one, Redemptech has defined as a high efficiency generator so not a perpetual motion generator. Question two, the high efficiency generator will be certified to Australian or equivalent standards prior to installation. Question three, and energy efficiency target will be discussed with the Norfolk Island Government prior to on Island testing and following independent evaluation of the high efficiency generator technology claims by a suitably qualified international engineering firm. Question four, the appropriate engineering protocols including stand alone testing prior to connection to the main power grid, will of course be adhered too. Question 5, testing will be transparent to the Norfolk Island Government but will not be open to the Public due to commercial confidentiality.

MRS WARD Thank you Madam Speaker, because I did miss the answer to point two, was will *Standards Association of Australia* certification be obtained prior to installation which was the indication that the Minister gave us at MLA's.

MR NOBBS Correct, I did read that out. That was their responses. The high efficiency generator will be certified to Australian or equivalent standards prior to installation.

MRS WARD Or equivalent, thank you Madam Speaker.

MR NOBBS Thank you Madam Speaker question 79 from Mrs Ward reads, over the life of this Assembly several questions have been asked about the previous and existing Government's assessment of the prospects of success of Norfolk Island's participation in the cruise ship Industry. Is it a fact that a professional risk assessment and analysis was not carried out and that by failing to do so the Government was uninformed of the extent of capital expenditure associated with its involvement in the industry? Madam Speaker as I have detailed earlier, I have asked the authors of the Risk Assessment Documentation to get stakeholder tick off so I can table that document and I anticipate that I will be tabling that document at the next Sitting. Because I have already had feedback on that at this point. In terms of, that will probably do, but that's the intention, to table the entire document, that way all can have a look at the work that was done.

MRS WARD Thank you Madam Speaker. Will the documentation when it was tabled at the next Sitting of the House include a business case that assessed Norfolk Island's investment and likely return?

MR NOBBS Thank you Madam Speaker, I anticipate that is what will be included in the document. Just as a point of interest, prior to the arrival of the first cruise ship I was given passenger data that showed the pre-book component for tours...

MRS WARD I am happy to wait for the documentation to be tabled.

MR KING We look forward to it.

MR NOBBS Excellent.

SPEAKER Thank concludes Questions on Notice Honourable Members, and I'm mindful of the time and I'm looking to you...

MR NOBBS Sorry Madam Speaker, could I just clarify one thing which was to do with the Balance Sheet for the Airline. The reason that I indicated that I would take it on Notice...

SPEAKER Where are we please?

MR NOBBS This is in regards to Mr King's question on the Airline Balance Sheet, and that number is 73. The Airline now falls in the revenue fund and so I would anticipate that the Minister for Finance would be making those assessments on the P&L's that are supplying. Thank you.

SPEAKER Thank you Minister. Members I'm mindful of the time. It is now 12.45pm. I'm looking to you to see whether you want to break for lunch now.

MR BUFFETT I suggest we break until 2pm.

SPEAKER We are in agreement Honourable Members, this House stands suspended from 12.46 pm until 2pm.

Honourable Members we resume today's Sitting today at 2.05pm at Presentation of Papers and Honourable Members we begin.

## PRESENTATION OF PAPERS

SPEAKER Honourable Members in accordance with sub section 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 about complaints received by the Speaker, Deputy Speaker and the Committee of Privileges under that Act in the twelve from the preceding 30 June. I so table the report and I shall now read it. I, Robin Adams, Speaker of the 13<sup>th</sup> Legislative Assembly under sub section 11(11) of the Legislative Assembly (Register of Members' Interests) Act 2004 report to the Assembly as follows; 1. That three complaints under the Act were received by the Speaker of the 12<sup>th</sup> Assembly in the 12 months to 30 June 2010. All three complaints were contained in the one letter of complaint. 2. That nil complaints were referred by the then Speaker to the Committee and 3. Of the three complaints by the then Speaker a) the first complaint was deemed by the Speaker to not be a breach in the terms proposed in the complaint, b) the second complaint was held by the Speaker to not provide sufficient information to indicate that it is a complaint of substance and c) the third complaint was in the view of the Speaker an allegation of such seriousness that it ought be determined by a Court or Tribunal before being considered by the Committee of Privileges. My report is dated 02 November 2010.

Thank you Honourable Member's. Further papers for presentation Honourable Members. Chief Minister.

MR BUFFETT Madam Speaker I present a paper which relates to a draft determination to amend the **Human Resources Policies and Procedures Manual**. I table this document and its accompanying document which sets out the detail of prospected amendment. Madam Speaker this paper encompasses, it is part of a process Madam Speaker, and this particular paper encompasses three proposed amendments and they relate to fixed term employment. The first component of this indicates that where there has been a fixed term employment arrangement erected that it may be rolled over if the contract performance requirements are met, then it can be rolled on for a further period not beyond the original period. The second part of this relates to an elaboration of the occasions in which fixed term employment arrangements may be undertaken. The third part relates to how it is assessed at the end of the time in terms of considering a further period. The process is this, the CEO has examined these arrangements and they have been in part proposed to him by the Public Service Association. He has forwarded them to me and I have a statutory requirement in respect of these. I need to advise the Public Service Board and the Public Service Association and I have written to them accordingly. Giving them a time frame to respond to me. I equally have written to each Member of the Legislative Assembly quite separately to this tabling, I wrote on the 18<sup>th</sup> of October. It has now reached the stage where I formally put these documents upon the table, because not today, but at a future Sitting, I will be able to evaluate any comments that come forward including from Members of the Assembly to see how then to proceed with the proposals that are in front of me. At that later time we can discuss how we would want to proceed with that and I would do that by making a formal motion. But that is where we are at, I'm tabling these today in that context Madam Speaker. I so table.

SPEAKER The papers are so tabled  
Madam Speaker thank you Chief Minister. Further papers for presentation Honourable Members? Minister Nobbs.

MR NOBBS Thank you Madam Speaker  
I'm tabling today the **Electricity Regulations**. These regulations are direct result of the information I received during the public consultation process recently undertaken by the Government. The regulations provide explicit and unambiguous direction as to the original intent of accumulation of credits by consumers who install photovoltaic systems. Regulations allow us for photovoltaic credits to be accumulated and utilised as electricity credits only on the same circuit on which they are accumulated. In response to the public consultation I've not regulated that credits be neutralised at the commencement of Spring. But rather that utilisation of credits be explicitly determined. Regulations will not however remove the requirement for a complete evaluation of the effect of the photovoltaic program commencing in January 2011. This evaluation is an essential component of the photovoltaic program and is necessary to assess the impact of the injection of photovoltaic arrays into the electricity grid infrastructure. It has been identified in other jurisdictions that photovoltaic arrays programs have unintended consequences. One such consequence was outlined in a media release in the Sydney Morning Herald on the 28<sup>th</sup> of October 2010. The media release indicates that if consequences are not identified and rectified they may constrain any future alternative energy programs or create increased costs for the consumer. Madam Speaker I will table that media release now.

SPEAKER Minister Nobbs before you go any further, can I just make sure that we have the right name. Electricity Supply (Amendment) Regulations 2010. For the records, thank you.

MR NOBBS Yes, thank you Madam Speaker.

SPEAKER Further papers for presentation, Minister for Finance.

MR ANDERSON Thank you Madam Speaker. Madam Speaker Section 2B2 of the **Customs Act 1913** makes provision for the Minister to exempt goods from Duty where the Duty payable is less than \$200, Section 2B5 of the Act provides us with where the Minister has exercised this power he shall a copy of the exemption on the table of the Legislative Assembly. I so table the only exemption that's been made in recent times. It is for the grand total of \$24.13 on the importation of small and medium medical kits for St. John's Ambulance.

SPEAKER That paper is so tabled, thank you. Further papers for presentation? Minister for Finance.

MR ANDERSON Thank you Madam Speaker, Section 32B of the Public Moneys Act makes provision for the Executive Member to direct in summary if there is insufficient funds in one sub-division or division and there is sufficient in another, that we can transfer them between the division. Sub Section 32B1 provides that the Member shall lay a direction given under that Section, before the Legislative Assembly within two sitting days of the making of that direction. I so table those directions being the virements since the last Sitting.

SPEAKER That paper is so tabled, thank you Minister. Any further papers to be tabled? Minister Nobbs.

MR NOBBS Madam Speaker, the **Inbound Passenger Statistic for September 2010**.

SPEAKER That paper is so tabled. Minister for Finance, I believe you might have?

MR ANDERSON Thank you Madam Speaker. I table the **report of the Legal Aid Advisory Committee** for the period ending the 30<sup>th</sup> June of 2010. Under Sub Section 31(4) of the Legal Aid Act 1995 and Clause 12 of the Memorandum of Understanding between the Commonwealth of Australia and Norfolk Island, I am required to lay before the House the report addressing the matters set out in the Sub Section which are report of the activities of the Committee for the period, all recommendations of the Committee that have been accepted and a statement of reasons where any recommendations were not accepted, confirmation that no legal assistance has been provided to a body corporate and the summary of the financial records of the fund. Those matters are all addressed in the report now tabled. I note that during the six months ending the 30<sup>th</sup> of June 2010, no assistance has been granted, the presiding Member, Mr Mike Hare, has reported he took over as presiding Member, in fact from myself, on the 12<sup>th</sup> of April this year, he also advises that whilst the fund has a cash balance of \$74,812 and an asset balance of \$76,103, he regards this as being seriously low and any major matter would soon exhaust the available funds. It is noted that the Norfolk Island Government had contributed \$20,000 during the financial year, but no contribution was received from the Commonwealth. Under the memorandum of understanding, both Governments are required to make contributions to the fund, in a ratio of 80% from the Commonwealth and 20% from the Territory, once the funds assets are below \$250,000. It should also be noted that the Commonwealth provided significant additional funding during the McNeil trial, but the balance has never returned to \$250,000 following that trial. The Administrator has advised me, pursuant to my enquiry that the Commonwealth have discovered a difficulty has a risen since the signing of the MOU in 1995 as it was before passage of the Commonwealth Financial Management Accountability Act, or the FMA Act in 1997. As the Attorney-General's Department has neither a funding agreement with the Territory for the provision of Legal Aid, nor appropriation in the Departments current portfolio budget statements, any funding provided to the Territory would be in breach of the FMA Act. The Attorney-

General's is currently reviewing the funding arrangements to ensure they are lawful. We were advised that they also wish to align the funding with that provided to other states and territories. This in itself would not appear to be a problem except that the funding to other states and territories ensures that Commonwealth funding is used only, and I emphasise only, for the matters that meet the Commonwealth Legal Aid priorities, and that is expenditure is limited to matters such as family law, child support, Commonwealth criminal law, national security matters, social security matters, Commonwealth benefit matters, Commonwealth immigrations, equal opportunity and discrimination matters. One or more of these might become more relevant, such as Commonwealth social security benefits if we were in time to be given access to them, the others are of little current relevance. Obviously we have family law and child support matters, but while the equal opportunity and discrimination laws extend to the territory we have fortunately and traditionally not had any issue. Which is not to say that it will not arise. National security and Commonwealth immigration matters have generally not been an issue for us, but local circumstances have meant that people charge locally for criminal matters have often been legally assisted. But those are not charged under the Commonwealth criminal laws, they are under the Norfolk Island criminal laws and under the new criteria they will be excluded from the Commonwealth funding. Once again the territory of Norfolk Island seems to be a square peg in a round hole and does not fit the same mould as the other States and territories. Were a substantial part of the funding in those states and territories is provided by the state and territory to cover its own state or territory matters. It will be necessary to raise in the near future this Territories unique circumstances that will require variations of the Commonwealth Legal Aid priorities, to ensure we have a realistic and viable and functioning legal assistance scheme. I will be raising these unique problems with the Department as soon as time permits. Whilst this funding is not currently as critical as the funding that the Chief Minister made the earlier statement about, a single major case that requires legal assistance will potentially create an immediate difficulty, particularly if the purpose for which the Commonwealth funding can be utilised has not been clarified. In essence, we are not having our funding topped up because the Commonwealth are unable to do it for legal reasons, but they are also assessing the Scheme and the way that we operate, and there will need to be some submissions made to them, so we can continue in the way that we have functioned up til now, which I will be undertaking. Thank you Madam Speaker.

SPEAKER Thank you Minister. Further papers for presentation this afternoon Members? I think perhaps Minister for Finance.

MR ANDERSON Thank you Madam Speaker. The Financial Indicators, which everybody is no doubt sitting on the edge of their seat waiting for! I table the **Financial Indicators for September 2010**. Having previously circulated them to all Members, theoretically, as one apparently didn't receive one. These appear to have much the same layout as those provided prior to the consolidation of the Revenue Fund, despite our efforts to have them presented in a more easily understood format. You will notice the statement called The Statement of Financial Position, is essentially the statement formally called The Revenue Fund Current Assets Less Creditors. It is suggestive that the Administration has a nett worth of over \$22 million dollars. But that given the statement includes over \$25 million of buildings and structures and 6 million of machinery and equipment, the true picture of the Island's liquidity is far from rosey if you consider we have a \$22 million dollar surplus in assets. At the 30<sup>th</sup> of September we had available cash of \$3.19 million, and one of our major liabilities was around \$3 million dollars in pre-paid airline ticket sales. This is cash that we are holding that we have simply not yet earned. We also have finally quantified debt to Telecom New Zealand, amounting to \$1.034 million dollars which has already been referred to by the responsible Minister. As I mentioned at the last Sitting, the format of the statement was changed to comply with the Australian Accounting Standard 1049, which is known as the whole of Government and general Government Sector Financial Reporting Standard. To achieve that we have removed the line by line detail from the report and the working papers that substantiate the figures have been attached. This

simplifies the report whilst still providing the detail separately, for those who want that detail to be made available. I acknowledge however that the detail having been a nett is still difficult to follow. The Statement of Comprehensive Income is in a similar format that what was formally known as the Revenue Fund Monthly Financial Indicators. I wanted this to report actual figures as known at the time of compilation rather than some actual figures combined with estimates or actual that are only indicators of the true position. What I wanted is not what has been provided and this was part of the reason why indicators for July and August were rejected. It has also brought out that the indicators have never ever tested the actual figures against the estimates provided each month, so the accuracy has never been tested. Only the accounts prepared annually contain the actual known figures. The intention was, that using concrete figures, we could present past actuals compared with current actuals, providing a true current position. Not just an indication of the current position, and an indication as always been accepted in the past. Our systems of Accounting Hardware are a serious impediment to improvement of the information flow in the short term. A statement based on actuals has not yet been achieved and immediate short term is unlikely to be. The most critical report that has not been provided is our cash flow statement. This is a new report which we specifically requested be made available and is also a part of the Commonwealth financial requirements, and it is also part of the Government's standard financial reporting. This should eventually give us a clearer picture of where our cash is coming from and going too each month. Our computer systems are still apparently not able to provide this data and our Consultants have recently visited the Island and are currently working on the problem that is generating incomplete and conflicting information in this area. I hope we will have this rectified in time for the presentation of the October cash flow statement of the next Sitting. Now to the Indicators, but first to the Healthcare Fund. The Healthcare Fund has a cash balance of \$129,100 as at the 30<sup>th</sup> of September, and this was after providing a grant of \$250,000 on the 1<sup>st</sup> of July. That is to say that the levies received were insufficient last financial year to meet all claims and the Fund needed a top of \$250,000 to meet it's existing commitments and still have some liquidity. That means that every member of the Community is currently subsidising from the Government Revenue the expenses of the Health Fund, it is clearly not sustainable in its current form. The Fund has requested a further \$250,000 as an additional top up, just three months into the financial year, and I am currently considering that request. I understand that once it is funded the Health Fund may still not have sufficient funding to make it through to 31 December, the Minister for Community Services has advised previously he is working on this problem, which is obviously currently burning a hole in the Governments pocket. The Revenue Fund Income is estimated, and I emphasise again we are now still using estimates for the Indicators, so we have an estimate that the Revenue Fund Income reached 82.8% of budget as at the 30<sup>th</sup> of September. So we already have some \$2.48 million dollars behind expectations, this has arisen in part from lower than expected visitor numbers and consequential reduced spending and from perhaps some optimistic estimates in some areas. Seasonally this should improve, but we will wait and see. Liquor Bond sales are sitting at 26.3% of pro-rata budgeted income for the first quarter, so the drinkers appear to be doing their bit to keep the budget on track, to which I thank them! Gaming receipts are estimated to be \$72,000 behind budget despite a very conservative estimate having been included for the first six months. We will see what the second quarter brings because of the different assumptions made with respect to income for that, for the second half of the year. GST receipts for September will not be known til early November, but based on July and August, they are estimated to be at 91.4% of budget, which surprisingly is only \$156,000 behind what was projected, if the estimates prove to be correct. GST continues to perform better than we expected. Overall expenditure to the end of September is estimated to be running at 87% of budget, so tight spending controls are proving to be effective. As I mentioned last month, this might also be delayed spending rather than mere savings. The estimated Income and Expenditure Statement for Norfolk Air for September shows an excessive of Income over Expenditure of \$284,600 for that month, taking the financial year to date losses for the Airline to \$1.066 million dollars. September saw loads of about 62-63% capacity and October was similar making both months below budget. All routes continue

to lose money. In September the Cash on Hand actually rose from that on Hand the previous month, in the future when we are producing cash flow statements, we will be able to see precisely why that occurred. The analysis I have does not provide to me a clear explanation, and the estimates provide a conflicting picture. We are however sure of the cash balance on Hand as of the 30<sup>th</sup> of September, it's just difficult to explain precisely the increase at this time from the estimates. Overall we appear to be treading water in September, but October may provide some surprises, but so far I have detected nothing unusual. The current situation is therefore that we have been and must continue to cash flow manage our funds. We will continue to maintain the provision of Government Services with the light at the end of tunnel being the positive discussions we have recently been having with Minister Crean on behalf of the Commonwealth, those discussions as have been stated are in their very early stages, at least provide us with the comfort that we can continue to trade as normal, still conserving cash, but aware that as the Cash Balance declines as it inevitably will, we have a real possibility of Commonwealth assistance, sooner rather than later. This I see as a very positive for Norfolk Island and the economy because while I will maintain my tight rein on the finances, we are no longer proceeding on the basis that we would eventually be unable to pay our bills or provide all services. We can now proceed, in my view, with renewed confidence in the future sustainability of Norfolk Island. Thank you.

MRS WARD Here here.

SPEAKER Further papers for presentation?

MR KING Is there a question before the House that papers...

SPEAKER No, no, please, Mr King the question before the House is the House take note of the paper, Mr King.

MR KING Thank you, thank you Madam Speaker. I suppose that whatever way you look at this bundle of documents the picture is grim. I don't know that Mr Anderson said in his presentation what I'm about to say, but most of this is useless. This is very much like the information that has been provided for many many years to the Legislative Assembly and the Community by tabling that information and it has not served to portray an accurate financial position. In fact, quite the contrary, much emphasis has always been placed on the amount of cash in the bank without having due regard to the amount of creditors out there. Or their ageing. It is a grim.. You got a reasonable illustration Madam Speaker of what I'm talking about. Let me say firstly that the kind of information would have been necessary to track the liquid position of the Administration, more important now because we have a consolidated viscous, can be represented by four figures and four figures alone and probably graphical or tabular depictions of trends. Trends which, if Members had have been privy to them, or had had them provided to them, and take notice of them over the years, the trends would have been evident, the historical trends, and the directions in which we were heading, would have been blatantly obvious to blind Freddy. Madam Speaker I am disappointed, I am gravely disappointed, that despite Mr Anderson's, and just by his best efforts of course, but despite his undertakings given in his budget speeches the emulation to the amalgamation of the Public Account and the promised quarterly figures that we are still not able to get accurate readings, heaven only knows what sort of figures were provided to the Minister. Allow me to suggest, Madam Speaker, that these figures in front of me, on a reasonable analysis represent a deterioration since the last audit position in June 09, a deterioration in consolidated liquidity of in excess of \$5 million dollars. And that is without, that is without making any provision which you would normally do for bad and doubtful debts. That is a fairly drastic situation and I know Mr Anderson stops short of actually mentioning any figures but he knows as well as I do that one has very scant regard to the asset structure of the Administration when looking at your liquidity position. Liquidity is about the ability to be able to carry on, to be able to perform the basic and core functions of Government. It is not about the value of the roads or the telegraph

poles, or in the previous Ministers observations, if you were divide that amount, the value of those roads and airport pavements by the population number, we would all be rich to the point of \$20,000 each. That was a ridiculous statement and a ridiculous statement now. The important thing to understand that the consolidated position was two and a half years ago, somewhere in the order of \$10 million, liquidity, it was reduced by the end of June 09 or 08-09 to about \$200,000, it is now reduced further to about \$5 million deficit. Those figures are accurate figures available for anyone without having to have regard to a whole bundle of documents, which I regard as fairly useless documents. I join with Mr Anderson in expressing his disappointment about the inability to provide actual figures. I would certainly hope that in the very near future as we move, it would seem hand in hand, in financial management of the Island, with the Commonwealth, that we will be able to conduct ourselves in a far more professional manner than we have in the past. Thank you.

SPEAKER Thank you Mr King, further debate Honourable Members, on the question that the House take note of the Paper. No further debate I put the question

QUESTION PUT  
AGREED

The Aye's have it. That paper is so noted. Is there any further papers for presentation this afternoon Honourable Members? In that case we move to Statements of an Official Nature.

## STATEMENTS

MR NOBBS Thank you Madam Speaker I would like to take this opportunity to make a statement on the **Government Tourist Bureau Amendment Bill**. I thank all the members of the Community who have taken the time to comment on the exposure draft of the Norfolk Island Government Tourist Bureau (Amendment) Bill 2010. As you are aware Madam Speaker, it was put as an exposure draft, so I will refer to that as the exposure draft that was put on the table. As I previously indicated, the Exposure Bill proposes Amendments that are the results of discussions of the Norfolk Island Government Tourist Bureau, Board, current and previous General Managers as well as having regard to the Norfolk Island five year tourism strategy. The underpinning intent of this Bill is to change the organizational structure of the Norfolk Island Government Tourist as established under the Norfolk Island Government Tourist Bureau Act 1980. The Bill is intended to ensure that there is transparency and accountability. Particularly in relation to expenditure of public monies. In the past there has not been sufficient oversight of the Bureau Budget, resulting in budget blowouts, in excess of \$600,000 and contracts being entered into without sufficient appropriation. The revised structure will be similar to that established for the Norfolk Island Hospital Enterprise, under the Norfolk Island Hospital Act 1985. To that end, the Norfolk Island Government Tourist Bureau will retain its name and corporate identity but the powers, including the employment of the Bureau and day to day management of the Bureau activities will be exercised by the General Manager. There will be an Advisory Board of five persons nominated by the Executive Member in accordance with the resolution of the Legislative Assembly, two of whom may be nominated by recognized associations. These members will hold office for three years and may be reappointed. The Executive Member will appoint the Chairperson. The General Manager will be appointed by the Executive Member on the recommendation of the Advisory Board. The Norfolk Island Government Tourist Bureau Advisory Board will act in relation to the Bureau in the same way as does the Hospital Advisory Board to the Hospital Enterprise. The Advisory Board will be a source of advice on strategy and direction regarding the Bureau and the development of Tourism Strategy of the Tourism Industry. As stated at the commencement of this statement, I've already received a number of comments in regards to the Bill and have from these comments determined that the Bill requires

further Amendments to encapsulate the true intent of the Legislative changes that I'm committed too. These include but are not limited to a clarification of the delegation powers and the financial arrangements. I am anticipating tabling the Bill, complete with required changes as a result of consultation, at the next Sitting and welcome further input prior to the next Sitting. As I said earlier Madam Speaker in the Questions Without Notice, the purpose of putting this document on the Table in exposure was to enable a point to make consultation from and I table this statement and ask that it be noted to enable around the Table discussion.

**SPEAKER** Thank you Minister Nobbs. The question before us Honourable Members is the House take note of the statement, is there any debate Honourable Members? Mrs Ward.

**MRS WARD** Madam Speaker, I might just take this opportunity to thank Minister Nobbs for pointing out that it is only an exposure draft clearly, that should be clear now to everybody in the Community and that a lot of people have taken opportunity to make submission to the Minister and that all Members are being given ample opportunity to make input as well, submission to the Minister. Thank you.

**SPEAKER** And for the record Minister Nobbs statement is so tabled and noted. Mr King.

**MR KING** Thank you Madam Speaker. I have no difficulty what so ever in Executive initiative, no difficulty in that, that is their job, that is the Minister's jobs, they are there to do that. If they don't, they have back benchers scowling at them for not moving along, for not being progressive, and I understand that if Mr Nobbs has a notion in his head that things can be corrected by shifting certain responsibilities into the political arena, I don't share that view. The general proposition put by Mr Nobbs is that this is about transparency and accountability of expenditure of monies etc. That there hadn't been sufficient oversight of finances in the past. Madam Speaker my proposition is that that was the responsibility of the Minister in those days. The buck stopped with him. It stopped with him then as it stops with Mr Nobbs now as the relevant Minister. I have to say that the responsibility can probably sheeted home to the Parliament of the day for not keeping the Minister to account in relation to expenditure of public monies and the operation of the Bureau. It can't now blame someone else, or shift that responsibility out of the political arena and sack them, or take away their authority, it wasn't their fault Madam Speaker, the dilemma's will not be addressed by these simple movements back to the political arena. Personally I wouldn't put any great faith in 9 out of 10 of the Tourism Ministers that have graced these premises over the years, how could you expect these participants in our only Industry to do that, it just simply won't happen. I understand that also it is a desire on the Minister's part to do the same with the Tourist Bureau financial management as has been done with the Hospital, my response to that is, that the economy of the Island does not revolve around the Hospital it revolves around the Industry and it is paramount, paramount Madam Speaker, that the Industry participants and organizations are confident in the Ministers endeavours and share a degree of participation and responsibility in the decisions relating to promotion and marketing of the Island. I note the loud opposition of Industry Groups, I made that point in Questions Without Notice. I repeat it again, I hear that Mr Nobbs is going to be bringing some Amendments forward, I'm not sure that that will deal with the opposition from those Industry Groups, it would be very sad if the Legislation went forward without the support of the Industry Groups. I have to say, whilst I appreciate Executive initiative, I have to wonder, I have to wonder at the expense that has been incurred, and not just the normal run of the mill expense of the Legal Department as the Minister mentioned in his answer to Questions. This involves engaging and commissioning drafts people off the Island, we pay for them, that is in addition, so there is additional cost. I don't know how much, so I can't quantify it, but I wouldn't have wanted to incur that expense myself without knowing that the Industry was on side. That hasn't happened on this occasion. Thank you.

MR NOBBS Thank you Madam Speaker. Just in response to some of those issues raised, yes it is the responsibility of the Minister how the eventual budget outcomes are of the Bureau, as the Legislation stands at the moment, the Minister can be the last person to know. The powers of the Bureau, the powers of the Board, enable commitment to contracts, commitments to payments and can place public funds indebtedness to contracts that they have gone through their process with, without it necessarily coming through the Minister. This is to ensure that although they can certainly move down the path of evaluating those things, providing policy and strategic advice that there is a tick off before they are committed too. In answering some of the issues raised by the two bodies that have written to me in particular the ATA and the Chamber of Commerce, I think that they believe that by an Advisory Board that the Minister operates the Bureau. In no way does that move towards that, it merely moves away from creating a multiple manager structure to a singular manager structure, with some accountability in the management of money and process. There was a claim that there were secrecy provisions of the new Section 9A which will result in even less transparency of the Tourist Bureau marketing activities, quite frankly that is a load of rubbish, there are confidentiality enabling provisions in that exposure draft that are to do with the General Managers management of his position and discussions or documentation that he may have in those areas. Further, the employment yet of more staff in the form of Deputy General Manager, this doesn't necessarily mean the engagement of more staff as we have covered already today in a Question on Notice but what it does do is start to move us towards some succession training for a change in the Bureau, and that is something that I think we really need to look towards. There is a further note that the changes to the Tourist Bureau Legislation are not in accordance with the Tourism Strategic Plan, quite frankly the time frames that I've taken to use in the exposure draft and the input from those groups, is from the Tourism Strategic Plan, the five year Tourism Plan. With regard to an email that I think we all received from the Chamber of Commerce recently, when they actually deal with the exposure draft they say that the Minister for Tourism already has the power to issue directions to the Bureau, subject to a copy being tabled in the Legislative Assembly and the draft Bill does not add to that in any worthwhile way. Members may well be aware that in the last Parliament there was a tabling of a direction that was to ensure that the Bureau complied with the Public Monies Act, we still had some issues, and this is to tidy up those issues. This is not for the Minister to take a controlling role in the Bureau, this is not to do anything other than provide appropriate transparency for management and commitment of public funds. Thank you.

SPEAKER Thank you Minister. Further debate Honourable Members on the question that the House take note of the Statement? There being no further debate...

MR KING Madam Speaker. I'm sorry. I thank Mr Nobbs for this early opportunity to discuss some finer points, and I won't be going to any great length. We all put a lot of store by the requirements of accountability and transparency of the Government, I have maintained loud and long but there hasn't been adequate scrutiny and accountability in the Parliament. It is not appropriate talk for Mr Nobbs to simply justify his direction by saying that the Minister was the last to know what was going on. It was the Minister's job to know what was going on, and if he didn't know, then the Parliament ought to have bought that out by thorough questioning. If I ask Mr Nobbs questions in relation to financial position of the Bureau and what trends have been suffered or are occurring in that area, I would expect clear answers. A lot clearer than I normally get, I would have to say, otherwise I would start to be suspicious and I would dig a little bit deeper. It is simply not appropriate to find justification in a statement like the Minister is the last to know. He should know and if he doesn't know, he oughtn't to be in the job. Also I take issue, I would ask Mr Nobbs to point out to me where the direction he is taking is consistent with John King's recommendations and observations in relation to the Industry. Not necessarily now but in some future time. Thank you.

MR NOBBS Thank you Madam Speaker. I think it is in Section 6 that you will find the duration of appointment, you will also find the number of bodies involved and the method for appointment in those areas, as I've pointed out that was taken on board in the exposure draft that is on the table. But let me just point this out, it's quite clear to the rest of us around the table, particularly where I pointed out, that an invoice that had been directed by, I think at that stage, the General Manager of the Board to not be produced until the end of the financial year caused some issue because I came in at March to take on this role, there didn't seem to be paperwork that was appropriate to track those things down. We're not trying to limit the capacity of the Board, we are trying to increase the availability of information about these commitments from the Board. Frankly, I mean the Board does a fantastic job, they are a volunteer arrangement and I absolutely commend the work that they do. In discussion with the Board, one of the issues that was raised is the accountability in some regards and the politicizing of the Board with the process that they have to go through in reconciling the dollar amounts and whether or not that is effective use of the Boards time. Or whether the Boards job is more about developing strategy and policy and ensuring that the performance out of the Bureau is attained.

SPEAKER Thank you Minister. Further debate Honourable Members? There being no further debate I put the question that the House take note of the Statement

QUESTION PUT  
AGREED

I believe the Aye's have it. The Statement is so noted. Any further Statements of an Official nature this afternoon Honourable Members? Minister Sheridan.

MR SHERIDAN Thank you Madam Speaker. Just a short statement on the **Toon Trust**. Madam Speaker yesterday I had the opportunity to meet with Russell Glover and Amanda Matley from the Department of Environment, Water Heritage and the Arts and the Department of Agriculture, Fisheries and Forestry. Who are on Island assessing submissions for the Toon Trust. On Monday and Tuesday morning these officers together with the local members of the Toon Trust assessed 12 applications. The Trust sat yesterday over a lunch period to deliberate on these submissions, I can only advise that 10 of these applications were successful and the amount of funding provided was approximately \$117,000. Madam Speaker, as these individuals have not been advised as yet, no names can be mentioned nor the areas that they assessed. But I was impressed by the way that the Trust assessed, deliberated and made their decisions. Russell Glover said that it was indeed an advantage to assess properties prior to decisions on funding, as in an Australian environment most decisions are made on the papers. He was very impressed with the work that had been completed in prior Toon Trust Fundings and is excited by some of the new proposals. One matter that he did indicate that these Toon Trust Grants are an avenue for the Community to pull together and form partnerships. Especially neighboring property owners. These would indeed assist the Community. I will just back up a bit there Madam Speaker. For the Community to pull together and form partnerships, especially neighbors, neighboring properties and formulate submissions for projects to be applied for. Not only their property but adjoining properties as well as these would indeed assist the Community, not only the Community, but the environment as well on projects that cover a larger area. I would like to thank the Toon Trust personnel for their work that they do on behalf of the Commonwealth and the Government of Norfolk Island and look forward to some exciting projects in the next round.

SPEAKER Thank you Minister. Mr King.

MR KING I move that statement be noted please.

SPEAKER The question is that the statement be noted.  
Debate Honourable Members.

MR KING Very briefly Madam Speaker, and it's in the nature I guess in a question to the Minister. A number of questions in relation to the Toon Trust were raised in Questions Without Notice and if I understood and recall correctly, the Minister has taken them on notice. Those questions were in relation to the conduct and guidelines of the Toon Trust and the credibility, accountability and transparency of its operations. If the Minister was unable to answer those questions at that time in the affirmative, how then can he justify proceeding of 12 applications now?

MR SHERIDAN Thank you Madam Speaker. Yes, I did take those questions on notice. A lot of revolved around the audit process and the structure that the Board deliberate on. Unfortunately Madam Speaker, I am not an integral part of the Board, I am just a Minister there. So when they deliberated over these applications, most of their deliberations had been complete by the time I joined in for their final sign off. So they indicated in some areas what their concerns about these applications, so that was why I took on notice I would have to go back and fully find out as to what the criteria is to these fundings, the process that they go through to initially get assessed etc. So, yes, I as a Minister only come in late and I am just the carriage of that area you might say. So that is why I took those questions on notice and I will get back to Mr King next month.

SPEAKER Thank you Minister. The question before the House is that the House take note of the statement, any further debate Honourable Members? There being no further debate, I put the question

QUESTION PUT  
AGREED ,

The Aye's have it, that Statement is so noted

MR NOBBS Thank you Madam Speaker. I wish to make a Statement in regards to the report that I have recently received regarding utilization of public **telecommunications infrastructure by private entities**. The report was commissioned as a result of the recommendations of the working group, independent consultants tasked with providing the report were chosen for their expertise in the field of telecommunications. A fair amount of experience in providing advice with regards economic regulation, pricing decisions, marketing analysis and strategy and business planning in the area of telecommunications. They have provided advice to Telstra Australia with regards to current cost accounting, to the Independent Consumer and Competition Commission, the Telecommunications pricing regular for Papua New Guinea. The Director of the consultancy was subsequently appointed to a part time position of the Associate Commissioner for ICCC. The Governor General of Australia appoints the Commissioners to ICCC on the advice of a Committee that includes the Prime Minister, so you will understand the level of integrity and independent advice we have sought and expertise we have sought in this process. In addition they have advised the National Telecommunications Commission, the National Telecommunications Regulator in the Philippines and advised and assisted the AAPT Telecommunications Group on a matter before the Australian Competition Tribunal. So I am confident that the source of the advice that I have obtained is of a high quality and is of completely independent nature. The report amongst other matters identifies how an extension of the current private access will alter the consumer costs relating to the maintenance and operations of the existing telecommunications systems. I believe that as Minister responsible for Telecommunications the use of this expertise is the responsible and correct course of action. I am by commissioning the report ensuring that extension to the current access will not adversely affect consumers or the

Community as a whole. I think it is worthy of note that during the preparation of this report, assessment of existing DSL circuit migration was carried out and advice was provided to NIDS in this case on their ability to alter connections, this involved additional consideration and the report is still met its timelines and requirements. In my discussions with the consultants I advise that this report will need to stand up to an extremely high level of scrutiny. Through Cabinet, through Members of the Legislative Assembly, through the Parliament and if necessary through the Courts. The report is in the process of being reviewed and a decision for a way forward is expected in the next few weeks. I would like to make it clear in this House that as Minister responsible for Telecommunications I am in no way aiming to put a private operator out of business in relation to Telecommunications, I am merely being responsible in ensuring that I am in a position and in possession of all the facts to enable my Colleagues and I to make an informed decision that is not to the detriment to the Community.

**SPEAKER** Further debate Honourable Members. Mr King the question before the House is that the House take note of the Statement. Debate Honourable Members. Mr King.

**MR KING** Thank you Madam Speaker. I hear what Mr Nobbs is saying in relation to this issue. I've heard it before. I've heard him say that certain decisions, certain actions in relation to this matter, certain outcomes will be achieved within a certain timeline, he tells me now that all the set timelines have been observed. I just can't see that that is the case. This arose from an embargo after, after connections to the common network were allowed by private enterprise and the embargo was placed on a temporary basis 12 months ago. During that period of time I can quote a couple of pages of the undertakings and the words that were used in respect to the issue and the Government's approach to it. I simply see it as continuing intrusion and hindrance of private enterprise. I see it as being inconsistent of Section 5 of the Telecommunications Act which calls upon the Government in its actions to embrace competition. If you are not going to embrace that I've said before, repeal the Act that is the answer to that, don't ignore it. You place these people in commercial peril by the procrastination in relation to the matter. I have no confidence what so ever that Mr Nobbs can bring this to a conclusion to use his words, within the next few weeks. It is an indictment of Government performance, it is not an earth shattering issue, there is no way in the world. To privatise it or to allow connection is consistent with the rest of the world, I don't care what the report says. Have you tabled the terms of reference that were given to these grandiose group of people? Well I might refresh my memory on those. At the appropriate time I will move that the debate be adjourned and made an order of the day for next Sitting.

**MRS GRIFFITHS** Thank you Madam Speaker. I commend the Statement made by the Minister and note the caliber of the consultants that he has engaged. However, I can't help but feel that these consultants in their work, and the countries that they have worked in have one thing over Norfolk. They do have competition of opening up their markets and what I would like to see is that Norfolk Island Government not try and put other businesses, that's not in our best interest we actually should be encouraging, and I hope that is the principle in which these consultants are working to encourage economic growth and to encourage business on Norfolk. Thank you.

**MR NOBBS** Thank you Madam Speaker. I appreciate those words. It is worth noting that the time frames have been achieved for both the report coming back from the working group and the time frame for this consultancy. Now this also takes into consideration the fact that I met specifically with NIDS on an issue to enable, or to consider enabling a proposed change to their current circuits. It shouldn't escape anyone around this table because it certainly doesn't escape anyone in the Community that this is no different than the consideration of a privatization change to the Liquor Bond or enabling private operators to operate through the liquor bond

arrangements. We need to consider it in a broad context in exactly the same way as other areas have considered it. As I've made it clear around the table, I don't have an issue with competition, as long as public infrastructure is not going to suffer.

**MRS WARD** Thank you Madam Speaker, I think the difference here to the Liquor Bond, is that we are dealing with existing users of the infrastructure. I think that the Minister will correct me if I am wrong, NIDS in this instance expected a report would include a pricing structure so that they could make a commercial decision whether they would close their doors or continue in wanting to utilize publicly owned infrastructure. There is nothing to say that NIDS can not continue using wireless technology, but I think that the Community, when the Minister said a report was coming through for pricing, expected pricing at the end of last month. I will have to ask the Minister what is another few weeks actually mean?

**MR NOBBS** Thank you Madam Speaker. It is a comprehensive report, in just requesting a, within the scope of the enquiry that there are a number of areas that also come out of that in broad context it's almost a constitutional matter for Norfolk Island because it affects our revenue collection stream in some ways as well. I just want to briefly reference back to what Mr King was referring to with regard to enabling competition. I think it is in Section 5 of the Act. That is outside of the network, and I think you need to read that carefully because it specifies that, I don't have the Act with me at the moment, but I am well aware of it. And outside of the network, there is no issue. We are not trying to prevent NIDS from operating their wireless networks or whatever other things that they do outside of the network. But what we are doing is evaluating what the impacts are, what the charges should be, what the process should be evaluating the way forward if they are to use the publicly owned infrastructure. Copper cabling, etc.

**MR KING** I am sorry to belabor the issue Members but Mr Nobbs keeps adding little bits which I feel I must respond too. And really the strongest point that I can make here is the point about the environment in which we are asking private enterprise to offer. How can one operate in an environment under advice such as this Madam Speaker? 11 months ago official advice, actually 13<sup>th</sup> December 2008 in Rawson Hall the Minister stated he will treat NIDS and Telecom the same, can't get any fairer than that. 11 months ago, official advice to NIDS, I have agreed that we will allow a temporary embargo, the reason I have agreed to this is that we are seeking further information to allow the Government to clearly articulate its policy. Hell it's hard to articulate policy Madam Speaker, I expect this information will be provided by the first week in January, February. Is it 9, 10 months ago? These leases lines, terms and conditions will cover the standards for equipment to be connected to the leased line and are currently being prepared by the Legal Services Unit. Details of the lease agreement will be shortly available for Mr Kim Davies, 10 months ago. May, six months ago, Mr Nobbs, Madam Speaker, I am giving this a particularly high level of focus. These people in private enterprise are continuing, they are hanging in there. Five months ago, Mr Nobbs to NIDS, I am waiting from the response from the CEO on that Ministerial, as soon as that file comes back to me with a recommendation regarding access and charges I will formally discuss it with Legislative Assembly Members and advise you, that is the addressee, the NIDS organization if there is any other requirement or delay in progressing this issue. Five months ago, the Norfolk Island Government policy is to allow competition in the Telecommunications area, Nobbs to NIDS, to this end the Government and Norfolk Telecom are currently completing a process to evaluate operational replacement and maintenance costs associated with private operators utilizing publicly owned telecommunications infrastructure. Madam Speaker that is the environment that we invite people to invest in Norfolk Island, 12 months later. On NIDS behalf I thank you for leading them up the garden path. Who would invest in Norfolk Island Madam Speaker?

MR NOBBS Thank you Madam Speaker, it certainly comes down to a couple of things, it comes down to before making some of the connections and decisions for making new connections through the public infrastructure any operator, whether it be through Telecom or through some other public infrastructure needs to do the appropriate due diligence. What Mr King has demonstrated there a lot of the communication that I've provided to NIDS to keep them up to date on this process. I have kept them up to date on this process, this process even with regard to the Ministerial that traversed the Public Service which was part of the working groups outcomes. Certainly it was my intention and hope that the working group could work through the issue and come out with a pricing structure for us to evaluate at Cabinet level after it had gone through the Public Service. They recognized, and this is a working group that consisted of Community Members as well as Executive Level of the Public Service, they recognized that this is no simple matter. And that in no other location has it been a simple matter and I would not be doing the right thing by the Community if I didn't take this as a serious matter, that doesn't mean that it has been delayed or forestalled, as any time that it has been in my court to have an action to take, I have taken it, literally straight away.

MR KING I move adjournment Madam Speaker.

SPEAKER Unless there is further debate? No. The question before us Honourable Members is that the House take note of the Statement, debate on that motion be adjourned and be made an order of the day for a subsequent day of Sitting and I put that question

QUESTION PUT  
AGREED

Thank you. That motion is agreed to. I believe the Aye's have it. Debate is so adjourned. Any further statements of an official nature this afternoon Honourable Members? There being no further statements this afternoon we move on

#### **PRESENTATION OF REPORTS FROM STANDING AND SELECT COMMITTEES.**

Am I correct Mr King, you wanted to make...?

MR KING I have no written report, but perhaps a few words.

SPEAKER By all means.

MR KING Thank you Madam Speaker. I make a report, an oral report, as Chairman of the **Impact of Bills Committee** in relation to it's current reference and that is to examine the Employment (Amendment) Bill 2010. I make this statement understanding that the Minister is unhappy that the Committee has not yet finalized and produced it's report to the House and I would say to the Minister that, like the Government, the operation of the Committee is plagued by resources and finance as well as the Government is. And of course we have been, and I can assure the Minister that it was a perfectly worthwhile exercise given the quality of the Bill and he will be ultimately pleased with the report I am sure. I'm reasonably confident, and I have to say that the final material, in terms of evidence, in terms of trend exhibits and transcripts are still not yet available so the Committee has completed its public deliberations and well it remains now to receive those final transcripts and exhibits and compile the report, the process which I hope will be completed by the next meeting of the House. Thank you.

SPEAKER Thank you Minister King. Honourable Members we now move to the substantive matters on the Notice Paper

**LEGISLATIVE ASSEMBLY ACT 1979 - APPOINTMENT OF THE CLERK TO THE LEGISLATIVE ASSEMBLY**

I look to the Chief Minister, Mr Buffett.

MR BUFFETT Thank you Madam Speaker. Notice Number One Madam Speaker. I move the Motion that is in my name that this House in accordance with section 48 of the Legislative Assembly Act 1979 recommends that the Speaker appoint Rosemarie Gaye Evans as Clerk to the Legislative Assembly of Norfolk Island (the Clerk); and that the Speaker determines the terms and conditions of appointment of the Clerk be specified in the Schedule to this recommendation tabled in the House at this Sitting. And I so table those recommendation Madam Speaker.

SPEAKER Chief Minister, the question is the House take note, that the motion be agreed.

MR BUFFETT Thank you Madam Speaker, Madam Speaker all Members will know that are respected Clerk in March 2010 to be successfully elected to this Legislative Assembly, and of course she is now Speaker and I pay her compliments for her years in service in this particular role. Encompassing some sixteen years Madam Speaker up to the present, Mrs Gay Evans has held the position of person to appoint to act as Clerk, and she has served well. It needs to be said that the opportunities to act as Clerk to a Parliament, to become experienced in this specialized field, such opportunities are limited. I think there are only, if I count correctly, some nine Parliaments in Australia, and we are extremely fortunate in the situation that we have, that we don't need to step out into the unknown to gain a competent officer, we have one in the circumstances that I have described to the House, who has been in succession training over a long period. I mentioned the period of sixteen years. The subject of this motion has been performing the role in a full time basis, for the past seven months, that is since substantive Clerk resigned. It is now time therefore to give formality by the House to an appointment. The appointment of Clerk Madam Speaker, and we will all know this, but I will just say it for the record and especially maybe for people who are listening. The appointment of Clerk is made by the Speaker, on the recommendation of the Legislative Assembly, and this motion is therefore to be the Legislative Assembly's recommendation to the Speaker. And whilst this matter stands in my name as Chief Minister, this motion is not a Government measure, the Government doesn't appoint the Clerk, the Legislative Assembly, all of the Members as a whole, make the resolution. I merely have the pleasure of promoting this motion today and I do so. I mention two things very briefly. One is that the motion that has been moved by myself, plus the recommended terms and conditions have both been cleared by the Legal Services Unit so there is assurance of the legal processes having been followed and performed in this process. I commend this motion to Members.

SPEAKER Thank you Chief Minister, the question is that the motion be agreed to. Further debate Honourable Members. I ask the Deputy Speaker to please take the Chair please.

DEPUTY SPEAKER Thank you Honourable Members I do believe that Mrs Ward you indicated? Please go ahead.

MRS WARD Thank you Deputy Speaker. Thank you Chief Minister. Clearly the law states under the Legislative Assembly Act 1979 that the motion before us today adopts the process to follow in appointing the Clerk, in the knowledge that I may be called understanding Order 72A, hopefully the Deputy Speaker is not as quick as the Speaker! I will say this, I am aware that the Acting Clerk has over 20 years experience in the Compound, she has served on two Legislative Assembly's and has held the position as Minister on one occasion. I know that she is a parliamentary educator to us here and the Youth Assembly. I know that she is capable to continue

fulfilling the role. Having said that, a resolution of the September the 22<sup>nd</sup> Sitting of the House endorsed changes to the organizational structure as part of the re-structure of the Public Service. I believe that is necessary to build a healthier Administration and that the same philosophy should extend to this place. A very important part of the re-structure is the development and implantation of performance bases contracts. They are important not only for the CEO in that instance to be able to assess and record progress but also for the Employee so that they might have the chance to analyze their own performance and be encouraged to come up with initiatives to make their work place more efficient, or generally more productive. This Assembly must continue to provide tools to allow improvements to occur in merit based interview and performance appraisal are two of those tools. How does that relate to the position of Clerk? It would appear that it doesn't. The previous House, well a previous House, this goes back to 2000 as I understand it, appears to have established one rule for this side of the pound paddock and another rule for the other side. I understand the reason for this was to ensure independence and I understand those principles as well. But what has happened as a result is that the Acting Clerk is not being given the opportunity to demonstrate merit, the same merit that has been displayed superbly since 1994. The schedule to be tabled contains the terms and conditions of the appointment. There is Community perception that Madam Speaker, who is a personal friend and colleague of the Acting Clerk for over 30 years, is perhaps not an appropriate person to determine accordingly. But I will say this, Madam Speaker, has in lieu of a Parliamentary Service used the Norfolk Island Public Service as a bench mark for employment and this is similar to how other parliaments would set employment conditions, so it's basically mirroring the principles of the Public Service. Part of the motion is to support a fixed term contract for the Clerk and I'm not convinced that that is entirely relevant to this position. However, after hearing other Members debate I will aid consensus on that question, but in doing so we must ensure that work continues in this compound to either develop a proper Parliamentary Service for appointment of the Clerk or to go back ten years and readopt the Public Service recruitment process for the Legislative Assembly or the Legislative Assembly's Clerk. But I am sure that today Mr Deputy Speaker common sense will prevail and the Community can rest assured that the motion has not gone unquestioned. Thank you.

MS ADAMS

Thank you Mr Deputy Speaker. This could seem repetitive, some of the debate that has already taken place. In 1994 in accordance with Section 48 of the Legislative Assembly Act of 1979 Mrs Evans was appointed by this House to act as the Clerk in the event of the absence of the Clerk or in the event of a vacancy in the Office of the Clerk. At that time Mrs Evans was a member of the Public Service. For the past sixteen years Mrs Evans has acted as the Clerk, as and when the need has arisen. In 2002 Mrs Evans resigned from the Public Service and from that time up to February this year, Mrs Evans and the Clerk job shared that role. With Mrs Evans acting as the Clerk on average two days in each week. At the Sitting of the Legislative Assembly on 16 October 2002 in the adjournment debate, following the resignation of Mrs Evans from the Public Service, Mr Geoff Gardner, the then Chief Minister and Minister for Intergovernmental Arrangements acknowledged Mrs Evans in the following terms; I would just like to acknowledge the service of Mrs Gaye Evans to Members of this House in her role as both the Deputy Clerk and in her varying capacities in this compound over a great number of years. Mrs Evans has been a Member of this Legislative Assembly, she has also been a Minister in a previous Norfolk Island Government, she has been front office secretarial support to Members of the Legislative Assembly, to the Speaker and the Chief Minister and for her efforts and for her continuing role as Deputy Clerk, we are not going to lose her services from this compound and I wish her well on behalf of all Members those present and of past and our sincere thanks for her support, her valued advice and her dedication. It is my firm belief Mr Deputy Speaker that in 1994 Mrs Evans was merit selected by the Legislative Assembly of Norfolk Island. As a person deemed worthy to be the Clerk to the Legislative Assembly of Norfolk Island. Because when there is no Clerk in the compound, or there is no Clerk appointed, she is the Clerk, with all the duties, the

powers and responsibilities under statute as the Clerk. Since that time in 1994 this august body has had no cause to think otherwise. The words spoken in Legislative Assembly by Chief Minister Gardner in 2002 attest to that fact. Mrs Evans has not only fulfilled the role and the duties required of the Clerk for the past sixteen years on a part time basis she has also done so since 18 February 2010 as has already been stated on a full time basis following the resignation of the Clerk on that date. Mr Deputy Speaker in addition to carrying out the regular duties required of the Clerk Mrs Evans of her own volition, took on the role of Parliamentary Educator as well as that of Mentor to the Youth Assembly of Norfolk Island and she is to be commended for her professionalism in those roles. Mr Deputy Speaker the Legislative Assembly last year celebrated its 30<sup>th</sup> Anniversary since its inaugural Sitting in August 1979. Over the past 30 years I have watched the Legislative Assembly evolve into the prestigious and well respected institution that it is today, not only within the Pacific Region but also on an International platform, particularly by the International body known as the Commonwealth Parliamentary Association. Of equal recognition Mr Deputy Speaker, on the International stage is the role played by the Clerk to the Parliaments around the Globe. The Clerk is the acknowledged senior Parliamentary Officer in the Parliament, its principle advisor and mentor on Parliamentary practice and procedure and on the management of the Parliamentary Service. Mrs Evans already has a good working relationship with not only each and every Clerk in the Australasian Region but she also has established rapport with many of the overseas Clerks. Believe me this network is invaluable to Norfolk Island. I therefore to propose to you Honourable Members that just as the Legislative Assembly of Norfolk Island has matured over time so too is there a need for appropriate recognition of the maturing of the Norfolk Island Parliamentary Service. The need for it to evolve to meet both present day requirements of the Legislative Assembly and that of future Assembly's. With your support Honourable Members it is my intention as role of Speaker to undertake a review of our Parliamentary Service to ensure the Assembly and it's Committee's are appropriately resourced into the future. Having worked along side Mrs Evans for the past 20 plus years, and I make no apology for having done so, I can personally attest to her professionalism and ability to perform the role of Clerk to the Legislative Assembly of Norfolk Island and it is with absolute confidence that I commend her appointment to this position. Thank you Mr Deputy Speaker.

**MRS GRIFFITHS** Thank you Mr Deputy Speaker, it is my intention to support this motion, I agree that Mrs Evans has given outstanding support, but I am also heartened to hear of the review by the Speaker on the Parliamentary Services, Mr King himself referred to the lack of resources to his Impact of Bills Committee and I think that this is essential that we need to make sure that this Legislative Assembly is adequately resourced. We also heard from Mr Buffett on succession planning and I would like to see that a merit position opened so that we can indeed train someone up to give as many years as service as Mrs Evans has. Thank you.

**MR SNELL** Thank you Madam Speaker. Madam Speaker I am of the knowledge and the views supported by yourself Madam Speaker. There is at this present time no impediment of the Legislative Assembly functions in appointment the Deputy Clerk to the position of Clerk and performing any of those duties associated with that position. However, I appreciate that the understanding of the position could be made clearer and you yourself Madam Speaker has indicated that you may take some remedial work on that position. But in this present time of the engagement of other persons from time to time without having to consult Public Service Sector Management and other Legislation is quite erroneous. The difficulties we have experienced from time to time with the employment for example of the Secretary to the Public Accounts and Estimates Committee is a classic example and also the Legislative Assembly Secretary, which several reasons was delayed for a period of eight months. I feel Honourable Members we can not allow that situation to occur again and I support the motion.

MR ANDERSON Thank you Madam Speaker. Let me state at the outset I have no problem with the individual proposed in the Motion for the position of Clerk in order to eliminate duplication I endorse the words of Mrs Ward, she having covered many of the areas that I was considering covering. My concern is the lack of consistency, I do not accept that because someone has been doing the job that gives them any entitlement to be appointed without further assessment. I draw a parallel for example, the Deputy Coroner, who acts in the position of Coroner 99.9% of the time, but who would never ever be appointed to that position merely because he has been doing the job. Indeed acting in the job gives an individual a decided advantage in any merit selection because it is reasonable to assume that had they not done the job satisfactorily they probably would not still be acting in that position. My concern is that for transparency, which is so often raised in this House and over which the Commonwealth has expressed concern. The position should at least be advertised and other potentially suitable candidates provided with the opportunity to apply and be considered. I seriously doubt that the Clerk of the House of Representatives or the State Parliament or even the Clerk of the House of Commons would seriously consider the position, but with the ability to work with where we are all privileged to live and work, who knows. I believe that the position should be offered at large and if there is only one candidate nothing is lost. If there were additional candidates, the process would proceed as normal and we would have open and transparency, we would have open decisions. In both cases we would have avoided any suggestion that there is a closed shop, that is the inference that might easily be drawn, I therefore can not support the motion. Thank you Madam Speaker.

MR SHERIDAN Thank you Madam Speaker, I will be very short, because I just support Mr Anderson's view that this position should have been advertised and gone through the normal process. But in saying that, as the Notice Number One is worded, and we're here to appoint a person to the position, I like everybody else, fully support the appointment of Gaye Evans to the role. She has done an outstanding job and I have no problem doing that job, I think she will do it admirably, but it is the process Madam Speaker that I believe needs to be amended in the future when we are considering positions such as this.

SPEAKER Further debate Honourable Members? There being no further debate, I put the question that is before the House that the Motion be agreed to

QUESTION PUT  
AGREED

|             |         |
|-------------|---------|
| MR ANDERSON | NO      |
| MR SHERIDAN | ABSTAIN |

Thank you. That motion is agreed to

MR SHERIDAN I would just like to add Madam Speaker, I vote purely just as a protest to the process

SPEAKER Thank you Mr Sheridan, if the Clerk would please note that. The motion is so agreed.

### **SOCIAL SERVICES ACT 1980 – RE-APPOINTMENT OF COMMUNITY MEMBER**

MR SHERIDAN Thank you Madam Speaker. Madam Speaker I move that for the purposes of paragraph 4(3)(b) and Sections 6 and 8 of the *Social Services Act 1980* this House resolves to recommend the re-appointment of Patricia Madge Anderson as a community member of the Social Services Board for a period of three years commencing on the day on which the instrument of re-appointment is signed

and recommends to His Honour the Administrator that he sign the instrument of re-appointment.

MR SNELL Thank you Madam Speaker. As Chairperson of the Social Services Board I wish to commend and thank Mrs Anderson for her continued participation as a very valuable Member of this Board, her experiences over the years have certainly been valuable to myself and in my short term there. But certainly to the Community of Norfolk Island and I thank her for her continued participation.

MR SHERIDAN If I could just endorse those words from the Chair of the Board, I was going to say that being a re-appointment, Pat has served on the Board for a long time and most of those years she has been working down in the front office here at the Assembly Building, now, Madam Speaker that she has changed her role you might say, she is on the other side of the fence, she is not in employment any more, as a retiree, she can bring a different view to the Social Services Board. So I fully endorse her re-appointment for a period of three years, she has proven to be invaluable over the years and I think that her experience will prove valuable in the future.

SPEAKER Thank you Minister Sheridan. Any further debate Honourable Members? Being no further debate, I put the question that the Motion be agreed to

QUESTION PUT  
AGREED

Thank you. That motion is so agreed

#### **IMMIGRATION ACT 1980 - APPOINTMENT OF MEMBERS TO IMMIGRATION COMMITTEE**

MR ANDERSON Thank you Madam Speaker. Madam Speaker, I move that for the purposes of subsection 6(4) of the *Immigration Act 1980*, this House recommends the appointment of Timothy Patrick Rogers as a member of the Immigration Committee for the period 4 November 2010 to 3 November 2012.

SPEAKER Debate Honourable Members. Mr Anderson.

MR ANDERSON Thank you Madam Speaker. May I first state that the vacancy on the Immigration Committee has arisen as a result of Mr Simon Bigg having tendered his resignation to me. Due to his personal and business commitments leaving him with insufficient time to dedicate to the work of the Committee. He expressed to me that he tendered his resignation reluctantly as he enjoyed his involvement with the Committee. I would like to express my thanks to Simon Bigg for his service to the community through his voluntary involvement in the Immigration Committee which is much appreciated. To fill the vacancy Mr Timothy Patrick Rogers has been approached and has accepted the invitation to join the Committee. I thank him for accepting the nomination and commend the motion for his appointment to the House.

SPEAKER Further debate Honourable Members? There being no further debate I put the question... Mr Snell.

MR SNELL Madam Speaker if I may, ask a question of the Immigration Officer. Minister the name you have proposed, is this person a resident of Norfolk Island? A Permanent Resident of Norfolk Island?

MR ANDERSON Yes he is.

SPEAKER Further debate Honourable Members? There being no further debate I put the question I put the question that the Motion be agreed to

QUESTION PUT  
AGREED

Thank you. That motion is so agreed

### **PROVIDENT ACCOUNT (AMENDMENT) BILL 2010**

Chief Minister you have the call.

MR BUFFETT Thank you Madam Speaker, I present the Provident Account (Amendment) Bill 2010 and Move that the Bill be agreed to in principle. I table both the Bill and the Explanatory Memorandum that relates to it Madam Speaker.

MR BUFFETT Madam Speaker, I separately, that is earlier today, tabled a memorandum that was dated the 18<sup>th</sup> of October on a draft determination to amend the Human Resources Policy and Procedures Manual relating to fixed term employment. Flowing from those Amendments if in fact they do at the end of the day find favour with Members, will necessitate the Amendments that I've got in this piece of Legislation here. This is tabling it today, introducing it today, in no way finalizing it today. It will await the other determinations I referred to earlier. This is really some preparatory work to see if it is needed at the end of the day. This piece of legislation as it is framed at this moment, is reasonably simple. The earlier matters that I referred to it, were about fixed terms arrangements. Under the present arrangements in terms of the provident fund, people who are engaged under those fixed term arrangements, are not eligible to be participants in the provident fund arrangements. If in fact, it is thought appropriate then this will allow such people to be, if they are engaged on a term beyond one year and indeed may role over and be for a longer period than that, it gives eligibility for those people. Not only eligibility, it may well give them a choice of undertaking a provident account arrangements or a gratuity in lieu of it, if that be how they would stand at that stage. These would provide options to people, eligibility then options. They are the simple provisions, but important provisions never the less of this Bill. I introduce it, and at an appropriate time I will move that we adjourn the matter and await outcomes in other areas.

MR KING Thank you Madam Speaker, I have no doubt that this Bill or the objectives of this Bill has been considered at meetings of which I may have been absent. I am unaware of how it came about. I certainly understand the objectives as the Chief Minister as described them. I have to say that I am some what intrigued given our precarious nature of our public account, but no doubt the Government and the Chief Minister have considered the cost implications of this and are aware of the number of the new participants in the Provident Fund who may emerge as a result of the Bill. I will say no more at that, it would have my support at the appropriate time, if it is something that enhances the terms and conditions of workers employment, and I would support that.

MR BUFFETT Madam Speaker, if I recall the sequences correctly, I think that this is an area the Public Service participants have raised as a difficulty. Not exclusively, but principally in this area, in circumstances where you have an existing Employee who might apply for promotion within the Service itself and maybe successful in gaining that, if they move to a fixed contract under the present arrangement, are not able to continue their Provident Fund arrangement, or don't have an option of taking a Provident or a gratuity. This will allow such a situation to be entertained, where it is not able to be entertained at this moment. That is one of the principle driving forces, not the only force, but one of the principle forces in bringing this matter forward.

MR SHERIDAN Thank you Madam Speaker. Just following on from the Chief Minister. I was around when this was initially talked about and when there was debate as to the fixed term contracts inability for somebody transferring from employment through the Public Service to fixed term contract and their ability to continue to pay into the Provident Fund. So this is a result of that as Mr King says that he believes that there may be numerous more entrants into the Fund, I don't see it that way. Because the Fund will only accommodate, realistically the Scheme that the Administration encompassed. Whether they be employed into the public sector area or as a fixed term contract, the numbers should not change dramatically, they should remain virtually the same. It just gives the ability for people, and I do know of people who are out there in the Public Service who have considered applying for a position that has been advertised as a contract job, but they have either not done so or pulled out of the process because of the inability to continue to pay into the Provident Fund. So I see this as a bonus to the worker and I fully support it whenever it comes to the House.

SPEAKER Further debate? Chief Minister I look to you for motion of adjournment please.

MR BUFFETT I move that this matter be adjourned to remain Order of the Day for a subsequent Sitting Madam Speaker.

SPEAKER Thank you Chief Minister. The question before the House is that debate be adjourned and resumption of debate made an Order of the Day for a subsequent day of Sitting. I put the question that the Motion be agreed to

QUESTION PUT  
AGREED

Thank you. That motion is so agreed

#### **FIXING OF NEXT SITTING DAY**

MR SNELL Thank you Madam Speaker, I move that this House as it's rising adjourn until Wednesday 15<sup>th</sup> December 2010 at 10am.

MRS GRIFFITHS Thank you Madam Speaker, I seek leave to amend the Motion, I note Madam Speaker that the date of the 15<sup>th</sup> of December is in fact another six weeks away and I think I made my position very clear at the last meeting of the House, this House needs to meet more often. Particularly in light with what's going to be happening with the Commonwealth. This is the only time that the Public has to know what's going on in the Assembly, in their elected representatives and I would amend the Motion to sit with your leave Madam Speaker, to meet on the 1<sup>st</sup> of December which is in four weeks time. That is a Wednesday.

MR SHERIDAN Thank you Madam Speaker, I have no preference for either date, but I think that we must take into consideration maybe the Sitting in January, if we stick to the four week period, we would be sitting on the 5<sup>th</sup> of January I believe it would be, I think that is an inappropriate time to be Sitting after the New Year. If we remain at the six week period, it would come towards the end of January, it would be the norm, we usually sit towards the third last Wednesday of January, which would take it down towards the 20<sup>th</sup> mark. I just think that that needs to be taken into consideration as well. If we sit on the first and then we continue the four week cycle, we would be sitting on the 28<sup>th</sup> of December or something like that, which right in the middle of Christmas, Islanders usually have a couple of weeks break over that period. Just needs to be taken into consideration, either we sit on the 1<sup>st</sup> of December and we sit again mid January, which would be a six/seven week break. Or we sit on the 15<sup>th</sup> which is a six week break and then we still sit later in January which may be a four or five week break. I have no real preference, if you would like to sit on the 1<sup>st</sup> of December we can.

MRS GRIFFITHS Thank you Madam Speaker. Can we talk about the January meeting when the time comes, I personally have no problem meeting on the 5<sup>th</sup> of January, I take the fact that we were elected to lead this Island very seriously and have no problems meeting early in January, but we can discuss it at the next meeting. But I would also like to draw Members attention to the online poll that is being conducted online and there is a poll at the moment asking Members of the Community whether they believe the Assembly should be Sitting every four weeks, six weeks or eight weeks and there is 100% recommendation that we meet every four weeks. That is our obligation. Thank you.

MR SHERIDAN I'll support the motion if everybody supports that we do sit every four weeks, so that would mean that the next Sitting would be the 29<sup>th</sup> of December.

SPEAKER Perhaps Members could guide me that flowing out of the decision from the last Sitting to trial until the end of the year six weeks. If you want to bear that in mind, not that I'm entering into the debate, I'm just putting that on the table. Further debate on the Amendment or the Motion because the Motion and the Amendment are one and the same at the moment? Mr Snell.

MR SNELL Yes, I appreciate what Mrs Griffiths had to say on this. I've had some representation that the House should meet on a four weekly basis, there is nothing to prevent us in December on moving the meeting to January, if it does fall on the 28<sup>th</sup> or 29<sup>th</sup> of December, which I agree with Mr Sheridan is right in the middle of the Festive Season. I am very happy to meet on the 1<sup>st</sup> of December or on the 15<sup>th</sup>. I too take into account what Mrs Griffiths has to say and I would support the meeting on the 1<sup>st</sup> of December.

MINISTER ANDERSON I don't support the Amendment. People know my views, I think we have already expressed the fact that the Service has agreed that they actually are able to get something done between the Sittings rather than having a week or two off and then we start it all over again. We certainly see more things, requiring lengthy consideration coming out of the Service because we have had a six week period. I continue to support the six week period on the basis that it's a better use of resources. The Community continues to be informed through Press Releases, through attendance of Members at Bodies such as the Chamber of Commerce, ATA. The communication goes to the Community already, just because we sit here on the radio, doesn't make it any different in my view. Thank you Madam Speaker.

SPEAKER Thank you Minister, I would like to seek the indulgence of the House to say a view words in respect to the Amendment on the 1<sup>st</sup>, I hope you will indulge me? Our Chief Minister is going to meeting with the Federal Minister on the 27<sup>th</sup> of November, maybe helpful for the House and the Community to know the outcomes of those discussions on the 1<sup>st</sup>. If my understanding is correct to what is happening.

MR BUFFETT What is the question before us now Madam Speaker?

SPEAKER The question before us now, is that the question be put, I'm not putting the question, it's that the question be put

QUESTION PUT  
AGREED

Thank you. That motion is so agreed. The question now before the House is that the Amendment be agreed to, the Amendment being that this House at its rising adjourn until Wednesday 1 December 2010 at 10am

QUESTION PUT

Would the Clerk please call the House

|               |     |
|---------------|-----|
| MS ADAMS      | AYE |
| MR SHERIDAN   | NO  |
| MRS GRIFFITHS | AYE |
| MR BUFFETT    | AYE |
| MR NOBBS      | AYE |
| MRS WARD      | NO  |
| MR KING       | AYE |
| MR ANDERSON   | NO  |

The results of the voting Honourable Members is the Ayes 6, the Noes 3. The Amendment is agreed, the Amendment becomes the Motion. So that we have now before the House that this House at its rising adjourn until Wednesday 1 December at 10am and I put that question

QUESTION PUT

AGREED

|             |    |
|-------------|----|
| MR ANDERSON | NO |
| MR SHERIDAN | NO |

I believe the Aye's have it. Mr Anderson and Mr Sheridan are you comfortable that we record your dissent in vote? Thank you.

Honourable members we move to the adjournment. It stands in the name of Mrs Ward

**ADJOURNMENT**

MRS WARD Madam Speaker I move that the House do now adjourn.

SPEAKER Honourable Members the question before the House is that the House do now adjourn. Is there any debate Honourable Members?  
Mrs Ward.

MRS WARD Thank you Madam Speaker. I will just take this opportunity very briefly that today, at the beginning of this House, when the Chief Minister made a Matter of Importance. It was a momentous occasion. As the Minister for Finance has said there is no need to fear the unknown. The adjustments need to be made to achieve a good functional system and that will happen. There will be a lot of Sitting around the kitchen table and sharing of information once package has been established and is available to be passed on to the Community. I for one look forward to being included in funding and grants and the participation in the taxation system and the Social Security System will lead to a more equitable system, and again I thank the Government for supporting the passage of the Law Reform Bill. Thank you Deputy Speaker.

DEPUTY SPEAKER Any further debate?

MRS WARD I'm sorry Deputy Speaker, just one more point. That I wish the Chief Minister and I'm assuming the Minister for Finance and Simon Crean well on the 25<sup>th</sup> or the 27<sup>th</sup> of November when they meet and I look forward to some information flowing back through this House and that is another important reason

for the Sitting on the 1<sup>st</sup> of December, I do acknowledge that. Thank you Deputy Speaker.

MS ADAMS Thank you Mr Deputy Speaker. This morning in this House the non-executive Members of the Assembly have been advised through a statement by the Chief Minister that the Norfolk Island had reached a position where, amongst other matters, Federal Minister Simon Crean has agreed to meet with the Chief Minister, and that is to happen later this month. It is not my intention today to enter into a debate on the pros and cons for the foregoing position, nor to reflect on actions leading up to reaching this position. However I do wish to record, again Mr Deputy Speaker, the words that I repeated many times in statements made when I stood for the Assembly and reaffirmed in the House, this House, on the 28<sup>th</sup> of July 2010. It is time to build bridges and mend fences. It is time for the Commonwealth Government of Australia and the Legislative Assembly of Norfolk Island on behalf of the Norfolk Island Community to return to the negotiation table with mutual respect for one another. And in their deliberations on our Island's future to be always mindful of the uniqueness of Norfolk Island and its historical origins. Constructive, respectful dialogue must form the basis of any discussion on Island issues, including Governance, finance and environmental sustainability. And further Mr Deputy Speaker that I stood on the platform that if major constitutional and governance change is to happen on Norfolk Island, that that change should only happen with the consent of the Norfolk Island Community. Just as it is time for the Commonwealth Government of Australia to sit down with the Legislative Assembly, it is now time for all Members of the Legislative Assembly to sit down at a table with one another, and to formulate an agreed position that you, Chief Minister, will take forward on our behalf, and on behalf of the Norfolk Island Community to your discussions with Minister Crean. The Legislative Assembly represents the people of Norfolk Island and in the words of justice Bruce Landorf in the Federal Court of Australia spoken by him in this Chamber just last week on the occasion of the Ceremonial Sitting held to mark the 50<sup>th</sup> Anniversary of the Supreme Court of Norfolk Island and I quote, democratic institutions such as this are built on Parliaments which represent the will of the people which they represent. And an Assembly such as this functions by reserving to the Executive, the power to carry out the enactment passed by this Legislative Assembly. The Executive retains that power only so long as the Executive retains the support and the confidence of an Assembly such as this. Honourable Members with great power comes great responsibility. The Commonwealth Government under the Norfolk Island Act is given great power. With that great power equally came great responsibility. And to conclude, I must put my faith in God, that in our negotiations with the Commonwealth Government that they will be mindful of this fact and of who we are and where we come from and always mindful of the uniqueness of Norfolk Island and its historical origins. Chief Minister let our discussions begin. Thank you Mr Deputy Speaker.

MR KING Thank you Mr Deputy Speaker and thank you Mrs Adams for your contribution on this matter, I fully understand what you have said, your understanding is a little different to mine. Firstly I should say that I applaud the Government decision. And that is the decision to adopt and accept a position in relation to this issue. That has already occurred and I applaud them for doing that. It's a little late of course, but I personally stood on a platform that embraced considerable reform to Governance and participation in the Federal Taxation arrangements. I stand by that. Some 30% of the electorate voted for me, I'm not sure that they knew that I supported Income Tax, but never the less that is the invitation that I am happy to accept. That 30% of the Community agreed with my clearly published policy in relation to that. I say to the Government, get on with the job, I will offer as much support and encouragement as I can. Including perhaps with the participation in meetings, perhaps. It is a significant day and momentous I guess. Momentous in some respect, it may well be an unhappy for some of you, and you Mr Deputy Speaker have expressed some unhappiness and suggested something with which I don't agree, now is the opportunity, this is the greatest opportunity to provide for a secure future that is available to us. It is no longer

appropriate for us to sit back and say and we have been in tough times before, we can make our way through it. That denies the fact of parlous situation. We are not in a position. I would regret that we are probably, have lost a great deal of negotiating edge by our tardiness in accepting this as a solution. Change is difficult to humans, but it confronts us each and everyday of our lives in one form or another. People are fearful of change, but it is knowledge back that once change is embraced that that fear will dissipate. This is a great opportunity to provide for a secure future for Norfolk Island. I wish the Government well and again repeat, my offer of as much support as I can. Thank you.

MS ADAMS

Mr Deputy Speaker. So that there can be no misunderstanding, I repeat, second paragraph. It is not my intention to enter into debate on the pros and cons of the foregoing position or to reflect on actions leading up to the reaching of this position. I reserve my right on that at another time. But I have known, I have sat in this complex, I have heard successive Assembly's endeavour to reach a position with the Commonwealth Government and that is as much as I'm going to say, other than, we have tried very hard to get to a position with the Commonwealth and this is the first time that we have had success and that is all I'm going to say there. I've made it quite clear that I'm totally supportive of ongoing communication, but I am asking for a reminder, that it be meaningful communication. And you yourself Mr King will recall in front of the JSC when Senator Ferguson reminded yourself and the rest of us there, we are talking about the Territories Law Reform Bill which is going through now unopposed. But that offers us absolutely, absolutely no financial assistance. That was quite clearly, and you would accept that I'm quite sure, from Senator Ferguson from the JSC. And so I'm not quite sure why, that is even relevant the passage of the Territories Law Reform Bill, why that is even relevant to this discussion with the Commonwealth. We have made our position clear, we have reversed that somewhat, but I am not going there today. I'm only trying to give some heart and some comfort to that part of the Community, the grass roots Community here, who will be shattered by the decision taken today. There will be many that will be happy, I'm just trying to put a balanced view point here. Thank you.

MR SHERIDAN

Thank you Mr Deputy Speaker. I will just change tact a bit and talk about a completely different subject. Mr Deputy Speaker I would just like to inform the House and the Island, that next Thursday I've been given the opportunity to partake in a tour in Sydney, a sustainability tour. Which goes for the day, I intend to take this up, as I believe there is great value in it for Waste Management here on Norfolk Island. I will just give you a quick run down of where we are going, were this tour will be going. Visiting four facilities, which includes the McArthur Resource Recovery Centre, which minimizes environmental and social impacts keeping costs low and meeting local needs where all key factors in developing the McArthur Source Recovery Park Australia's leading fully integrated waste management site. Also we are going to the Smith Family Textile Facility, learning about what happens to clothing, textiles are collected by the Smith Family, using technology and innovation to efficiently and responsibly transform the material and resources many regard as waste into marketable products that benefit the Australian Economy and environment. Also Madam Speaker, we have changed Speakers, we will be going to the Amcor Fibre Packaging Plant which is paper recycling facility where they accept waste paper deliveries and convert the used materials into recycled paper products and also we are going to visit the Sim's Asset Recovery and Recycling Solutions which is in the main, they specialize in total recycling of redundant computer equipment, televisions, mobile phones and other electronic equipment often referred to under the collective heading of e-waste. I just thought it would be a nice aside there Madam Speaker. I'm going by myself, I take the role of Environment Minister as part of my role as Minister for Social Services seriously, the opportunity came up Madam Speaker, I fully intend to partake of it and I believe I will get some useful information out of it.

MR ANDERSON Thank you Madam Speaker, going back to the former subject. I take on board Madam Speaker's comments that many people in the Community may be shattered or many others may be totally in support of what has been announced. I think that both parties need to not ignore the fact that benefits will arise from what may or occur beyond this point. And both parties should not preempt what might be required of Norfolk Island by the Commonwealth. It is very early days, we have not discussed things, we have set very broad parameters and that will now become a matter of consultation. As I said earlier, not only with the Commonwealth but also with the Community. In relation to the Territories Law Reform Bill, there is a very specific requirement for that now to progress, the appointment of the Australian National Audit Office can not progress to undertake our audit until such time as the Territories Law Reform Bill has passed. The Financial Minister's orders under which we will report in future, are not in place until the Territories Law Reform Bill has passed. All of these are setting the scene for our future contact with the Commonwealth. The passage of that Bill will lead to us being able to discuss the issues that we have now raised, there is a direct correlation in getting the Bill through, bedding down what the Commonwealth has concerns with and getting on with the job. I should point out that the Territories Law Reform Bill in no way, shape or form as suggested that the Commonwealth wishes to withdraw self government. In fact they have stated that they are reinforcing it and they want it to continue they're just making changes to the way it continues. They could have simply said it shall be no more. You will be local Council. But they have actually put forward a deal to reinforce the continuity of self government. So, we need in my view, from a legal perspective to get on with that, so we can get on with the rest. Thank you Madam Speaker.

SPEAKER Thank you, is there any further debate in the adjournment debate Honourable Members. I put the question

QUESTION PUT  
AGREED

Thank you. That motion is so agreed. This House Honourable Members stands adjourned until Wednesday 1 December 2010 at 10.00 am.

