



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY  
13<sup>TH</sup> NILA HANSARD – 19 JANUARY 2011**

**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** Gentlemen if you wish to remove your coats please feel free to do so. Please make sure your mobile phones are turned off. Thank you. Good Morning all and good morning to our locals who are in the public gallery this morning, welcome. I turn to condolences Honourable Members but before I look to Deputy Speaker Snell, I would like to read some words. Honourable Members in recent weeks we on Norfolk have been watching the catastrophic floods that have been devastating so many parts of the eastern States of Australia, in particular our closest neighbour Queensland. It is said that some three quarters of the State has been, and many parts continue to be, under water, which is something that is just so very hard to imagine, and as a consequence of which there has been tragic loss of life, of homes and of possessions, in all flood affected areas. Honourable Members I know you will agree with me when I say that it is difficult to find the words with which to convey the depth of our feeling for all the people in Australia whom we know have been so tragically affected by these floods; floods which are still continuing at this time in the southern part of the State of Victoria. With heartfelt sympathy, sincerity and on your behalf Honourable Members, and on behalf of the Norfolk Island community, to all in Australia who have suffered, and continue to suffer deep loss at this time I send you our deepest sympathy and our prayers that you find the strength and courage to rebuild your lives in the months ahead. I now turn to the Chief Minister to join me in offering words of condolence.

**MR BUFFETT** Thank you Madam Speaker, we of course have seen on television and heard on radio about the devastating floods that you have just described to us, particularly in Brisbane and significant area of Queensland. 20 lives have been lost, at least 10 people remain missing. The Norfolk Island Government and our Community here do offer condolences to the Government and the people of Queensland and further in Australia in this loss. We especially offer our sympathy to the families of those who have lost their lives in this flood. We offer encouragement, encouragement for the determination that the people, particularly of Queensland, are exhibiting, as they now face the task of rebuilding homes, businesses and facilities throughout the flood affected areas. I totally endorse Madam Speaker the condolences that you have offered on our behalf.

**SPEAKER** Thank you Chief Minister, I now turn to Deputy Speaker.

**CONDOLENCES**

**MR SNELL** Thank you Madam Speaker. Madam Speaker it is with regret that this House records the death of Alfred Hugh Sampson, Rosina Ruth Park and Seremaia (Jerry) Batirua. It is with regret that this House records the death of Alfred

Hugh Sampson on 2 December last year. Hugh was born in Eastwood, New South Wales in 1924. In those days the depression was upon Australia and in a family of five children, times were very tough. Kids were pulled out of school early to help on the farm so Hugh only had three years of schooling in total from when he was 8 through to 11, which meant he didn't write or spell very well. In later years this didn't stop him from attending land management classes at night school and running various successful businesses through his life. The family moved many times in those hard early years working at various occupations including market gardening and timber felling. Hugh remembered those days very clearly, and could recount them in vivid detail. He could describe their wattle and daub house with a bark roof and demonstrate the correct technique for taking the bark off a tree and steaming it to straighten it, as well as lots of other bush lore. At one time the girls slept inside the house and the boys slept in the hay shed. According to Hugh he was a terrible tease and the kids used to play lots of practical jokes on each other including wiring the doorknobs on his sister's bedroom door so that they would receive an electric shock. Hugh always loved animals and recounted stories of his favourite fox terrier and also of chasing local kids with his pet carpet snake. During his life he would often have a rescued animal somewhere, including a baby joey he would carry about inside his jumper, various sugar gliders and a wombat determined to live inside the house. Animals responded to his kindness and in later years he was seldom without a devoted cat. Hugh took over the running of the family timber yard in Bankstown, when he was in his late teens. This work was physically demanding. Around this time, he also worked in Kangaroo Valley where he felled trees for mine timbers and railway sleepers. Hugh's knowledge and love of timber grew from this period. The timber cutters, a fairly colourful lot of characters, would camp in the bush for weeks at a time. Hugh prided himself on his squaring of timber sleepers. He also worked for a time on the Hay Plains as a drover on his uncle's property but he much preferred the bush. The last family venture was a dairy farm in the fertile district of Pyree, near Nowra, which Hugh worked with his father and his brother Victor. Hugh's small wage was paid straight back into his board and keep. He said that one of the reasons he married so late was he never had enough money to provide for a wife and family. He met Helen when her sister moved into the property next door and Helen came to visit. In 1967 Helen, her mother and her daughter Tori from her previous marriage moved to Bowral and in 1968 Helen and Hugh were married, with the undertaking from his father that the farm be sold and Hugh to take his share. Their first daughter Margarita was born when Hugh was 45, in 1970, and apparently she interrupted the 4.30 morning milking. Hugh and Helen opened a nursery in 1972 on a corner of the old farm, and expanded to include a second nursery in Berry later on. Alice was born that year also and Helen remembers having a stomach ache when she was hanging the nursery sign, and realised a little later she was pregnant. In the mornings, they would have to shoo out the kangaroos that had wandered into the nursery for a nibble on the plants. In 1975 they decided to move as Hugh's asthma was badly affected by the fallout from the Port Kembla steelworks. He found an ad in a nurseryman's journal for a nursery on Norfolk Island, and came back to excitedly tell Helen he'd found somewhere that was never going to be ravaged by bush fires. Hugh and Helen's enthusiasm and hard work saw the nursery grow to an extensive business with many shade houses full of plants. Hugh taught himself grafting and tissue-culture, exported seeds, and many gardens on the Island would have something in them that Hugh brought in or propagated. A visit to the nursery was a regular part of Island life in the 70's and 80's, and many people will remember Hugh's ready smile, his generosity and his knowledge of plants. After retiring in 1986 Hugh took to wood turning and cabinetmaking with his usual enthusiasm and meticulous eye and turned out beautiful pieces that are still in use today. He was a keen bowler and croquet player and used his wood knowledge to make diabolically hard croquet mallets to trounce the opposition. His early hard life meant that Hugh's health was never robust and deteriorated badly in later years. He and Helen moved to Milton in 1996 while he was battling cancer then back to Norfolk in 2002. Hugh was cared for at home for some time then in worsening health he moved to the hospital last year and was an often cheeky stalwart of 'daa Randa'. His family was his pride and joy, and he was always very proud of the achievements of his daughters, his two sons-in-law, and his

grandchildren who he loved to bits, Ella, his little angel and Cameron, his in-a-eye. To his family, to Helen, to his brothers and sister, this House extends its deepest sympathy. May he rest in peace. Madam Speaker, it is with regret that this House records the passing of Rosina Ruth Park. Ruth was born in 1917 in New Zealand and passed away in December 2010. Ruth Park was a much loved, much studied author of adults' and children's novels. She wrote eight novels for adults as well as twenty-four children's books of which "Playing Beatie Bow" and "The Muddle Headed Wombat" are well known. In 1974 Ruth moved to Norfolk Island and made many friends in this community. To those friends this House extends its deepest sympathy. May she rest in peace. Madam Speaker it is with regret that this House records the passing of Seremaia Batirua on 14 December 2010. Jerry as he was affectionately known here, was born in November 1975. He grew up in his village in Vatutu near Nadi Town and spent a good number of years in primary education at the Catholic Mission School living with his grandparents. At an early age, Jerry learned to live tough, tending cattle morning and evening, gathering firewood for cooking, doing endless tasks before and after school. At the end of every school year, Jerry's performance would be assessed and he would receive awards for high achievement. Jerry was a doer, an achiever chasing after excellence, and as he grew to manhood, this strength in character continued to show. Jerry was a diligent learner; from secondary school at St. Thomas High to tertiary education with the Fiji National Training Council; from a wait help, a bank clerk, teacher, to being a resort manager, Jerry showed the dedication to duty as instilled in his early years by his grandfather. Jerry had a great big caring heart. He loved children. He loved to make people happy, to care for them and help them back on their feet and he used his talents and resources to reach this end. One such story is told where at Jerry's first teaching post in the village school he noticed a little girl who came to school in a torn, raggedy, dirty uniform. He took her under his wings, provided uniform, books and pencils, visited her parents to encourage them to continue to send the child to school. He even got one of his nieces to make lunch for her every school day. Many years later on a local bus, a young teenager came to him and greeted him, 'hello Master Jerry'. He turned around to see who it was but didn't know the young girl, she was in the uniform of the best girls' school in Fiji. This was the same little girl that he had supported at village school. This is one of many stories where Jerry went out of his way to help others. His sisters recall that every time he arrived home from Norfolk Island, every relative would be given a portion of what he brought through, whether it be cash or other gifts. Jerry shared duties at the Fijian church in Norfolk Island. He was a great support and always eager and ready to take additional responsibilities. In life Jerry loved to have people around him, his house was always open to anyone who wished to stop by. To his relatives and many friends both here and in Fiji, this House extends its deepest sympathy. May he rest in peace. Madam Speaker.

**SPEAKER** Thank you, Honourable Members as a mark of respect to the memory of the deceased, I would ask that we all 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 this morning.

## **GIVING OF NOTICES**

Moving now to Giving of Notices, are there any notices to be given this morning? No.

**QUESTIONS WITHOUT NOTICE**

**SPEAKER** Moving now to question without notice, are there any questions without notice Honourable Members? Mrs Ward?

**MRS WARD** Thank you Madam Speaker. My question is to Minister Nobbs, is the Minister prepared to table the consultants report on competitive use of Telecom infrastructure.

**SPEAKER** Thank you Madam Speaker. Certainly am. I have it with me and it will be tabled today and I can table that now if it works within Standing Orders?

**SPEAKER** Thank you, that paper is so tabled. Further questions without notice? Mrs Ward.

**MRS WARD** Thank you Madam Speaker. My question is to Minister Sheridan. At the last meeting of the House the Minister said that the delayed actuarial report on Healthcare and Workers Compensation Scheme was not his fault and he was just waiting for it to appear, can the Minister advise whether or not the report has appeared and does the consultants contract have any reporting date requirements and/or clauses for not meeting the requirements.

**MR SHERIDAN** Thank you Madam Speaker. Unfortunately Madam Speaker I can't really give any more information than I did at the last Sitting. The report has still not appeared, I believe where it is at at the moment, well obviously it is still with the consultant, he's been given some additional information, at the time of the last Sitting, I think I said I wasn't willing, I didn't want him to wait for that information, but you might say, paths crossed, and information was flowing to him when I was actually making that statement you might say, so he has the additional information and I'm just waiting for that report to come forward now. As to time lines, yes there were original time lines for the delivery of the report, as for any penalties if those time lines weren't met, I am unaware of. I'm unsure of, I would have to get back to Mrs Ward with that aspect of the question Madam Speaker.

**MR SNELL** Thank you Madam Speaker. I direct a question to the Minister for Tourism. Minister it has come to my attention, and you have informed the MLA's at its meeting that you intend to travel to Australia to seek consultations and discussions with Carnival Cruises, amongst other people. Minister I understand that you are to be accompanied and you have requested, by invitation, the General Manager of the Norfolk Island Tourist Bureau or Tourism to accompany you. Minister can you please explain why he needs to accompany you to the discussions, particularly at Carnival Cruises.

**MR NOBBS** Thank you Madam Speaker. Thank you Mr Snell for the question. There are a number of levels of discussion that we need to have with Carnival Cruises, the meeting has been some time in the making, from a GM level there would be a discussion on the delivery of packages and the experience of the destination, the enhancing of the communications and the facilities that are provided on the Island, discussion on promotion and opportunities out of the cruise ships and the advertising and those areas. Obviously the GM has a long standing communication with many members of Carnival Cruise and an interest in Norfolk Island being a successful cruise destination. There is also, I suppose, some discussion on some of the passenger feedback, if you like, I can give an idea of some of the Government level discussions that I would like to have there if that is alright Madam Speaker? That's to do with infrastructure and some of the solutions to disembarkation and that's both immediate, short and long term, obviously the commitment to the longer term schedule and the

discussion on arrival charges. Additionally there have been some initiatives that I have discussed with both the GM for the Tourist Bureau and the CEO for the Airline, whereby we might offer a specific travel package to Norfolk Island for those passengers who have been unsuccessful in landing on Norfolk Island due to weather or whatever other constraints might come out of that. Thank you.

MR SNELL Thank you Madam Speaker I have a supplementary. It is a concern in this financial climate Minister that the General Manager has been invited to attend at such a time where it conflicts with his ordinary time that he spends in Australia, two weeks of every month for the next six months. Minister it is unfortunate that this visit couldn't be coincided with one of his two weeks in Australia and he has to do a separate journey which has cost implications. And also taking into account Minister given the situation, how can the General Manager be gaining knowledge of the Island's industry here when he is away for so long? Considering our low record on tourism numbers and the number of presentations or representatives we already have on the mainland, how long does the Minister intend for this to continue, that he is away for the Island for so long?

MR NOBBS Thank you Madam Speaker. Quite appropriately put Mr Snell, there are a number of cost implications to consider, just to provide some detail on the timing and the costs, the GM will be away for the Thursday and the Friday at the end of this month, returning on the Sunday. The original meetings planned were to fall within his time in Australia, however, as circumstances changed, the meeting time also had to change. So originally it was to fit in with his schedule there to reduce costs, it is worth noting that whilst carrying out these things in Sydney the GM pays for his own accommodation and transportation and things like that. So in terms of cost, it is the airfare only.

MR KING A supplementary Madam Speaker. Isn't it a fact that the long term and medium term scheduling for visits for P&O Cruiseline Ships, does not look particularly good, in that it has only scheduled Norfolk Island as a port of call in it's 2012 scheduling twice and twice only. And is it necessary for the Minister to go to P&O, to make a trip to the mainland to be able to inform that House why that is the case?

MR NOBBS As I indicated earlier, that is not the primary reasons for discussing these things with Carnival Cruise. The schedule for Carnival Cruise arrivals for this year includes a schedule of some ten arrivals. The schedule for 2012, I don't have in front of me at the moment, but obviously some of their considerations are the percentage of successful arrivals. That is obviously determined by sea conditions and our own abilities as well as the suitable tender vessels to bring them onshore.

MR KING One more supplementary Madam Speaker. Could the Minister then inform the House what the likelihood of a P&O Cruise Ship disembarking is in percentage terms?

SPEAKER I think you are asking for an opinion...

MR NOBBS ...It is an opinion, however I can say...

SPEAKER ...Would you like to change the question.

MR KING If necessary I will change the question Madam Speaker, but numbers are a matter of fact, not opinion.

SPEAKER You seem to be wanting an opinion. Minister Nobbs.



review of the contractual arrangements that have been arranged prior to your position of Tourism Manager in the previous Assemblies of the appointment of marketing and promotional contracts issued in Australia and New Zealand. Minister are you reviewing these contracts and what are your progress in trying to finalise or reduce the cost of such contracts?

MR NOBBS Thank you Madam Speaker and thank you Mr Snell for the question. As I gave information at the time, not long after the election I carried out a review with the GM of the contracts and ensured that we had all contract information available so we could assess it, we then went through those contracts that we were committed too, to ensure that we were going to get some performance indicators out of those bodies and give them clearer focus which has also meant that we have had this past year, to evaluate their focus, to ensure that they weren't overlapping and to ensure that we had measurables out of those contracts. So that at this point in time that we can make decisions on continuing or otherwise. My personal view, and I would imagine that I would have to be fairly cautious in regard to this. There needs to be some substantial changes to those contracts. A reduction is certainly on the books as I have discussed with the Board and the GM. And getting back to some more focussed, centrally focussed, and the basics of performing advertising. Thank you.

MR KING In the nature of a supplementary one, on Tourism Madam Speaker. At the last meeting the Minister advised the House that there was some progression on the outcome of discussions between, at officer level, between Tourism Australia and Tourism Norfolk Island on co-operative marketing. Can he now inform us of the progress of those discussions?

MR NOBBS Thank you Madam Speaker. They are still ongoing with the GM of the Bureau and the officer level at Tourism Australia, however I will ask him for a documented report on how that is commencing and what is likely to be the outcomes for Norfolk in that.

MR SNELL Madam Speaker I direct a question to the Minister responsible for delivery of fuel and Madam Speaker I note that it is a question on notice, number 113, from Mrs Griffiths. But in addition to that, I would like to ask a question, but Madam Speaker I seek your guidance as to whether I leave it as a supplementary to that or I can ask the question now?

SPEAKER Questions on Notice have preference to Questions without Notice, so at that time, I will look to you for that supplementary.

MRS WARD My question is to Minister Sheridan, the Environmental Impact Statement on the proposed pit burner was due to be presented in draft form on the 8<sup>th</sup> of October, has the report, draft or otherwise been completed?

MR SHERIDAN Yes, I have received, you might say, a draft of a draft, no, it was a draft. And I think I advised the House prior that I had received the draft. There were some holes in it that needed filling that the author needed to assess with the appropriate people, ie the Works Manager and also the Waste Management Centre Management. I had had an email from her this past week and she has indicated to me, of course as well as EIS she is developing the Development Application that will go with the EIS for this High Temperature Pit Incinerator to be allowed to operator. So she is developing both of those and she sent me an email this week saying that some of the design of the Pit Burner needed to be modified and she would be completed this week and that I would have the report and the development application by Monday the 24<sup>th</sup>, next Monday, so that is the timeline I am working on at this point in time.

MR KING Thank you Madam Speaker. Question for the Chief Minister if I may, is it true Chief Minister that one of your Ministers has conveyed to a



was because we had used the Tasmanian standards you might say for the importation requirements and they advised us that before they would assent to the apple importation we would need to identify Norfolk Island's own pest and disease status so that we could then create our own quarantine standards which suit Norfolk Island, not elsewhere. So yes, it does relate to apples. We need it, it's not for export, it is for import. It's not only in relation to apples, it is in relation to any importation of products or animals which may import a disease, we need to now, and the Service is working on this, we need now to determine Norfolk Island's pest and disease status so that we can determine appropriate import requirements for those things.

MRS WARD Thank you Madam Speaker a supplementary to Minister Sheridan. Does the Service have a timeframe for which the pest and disease status documentation needs to be developed.

MR SHERIDAN Thank you Madam Speaker, thank you Mrs Ward. No, I haven't seen a timeframe from the Service, but I do know the CEO has been in discussions with a contact in Australia with regards to the production, or the assistance of the production of our requirements. There has been no indication actually whether or not we can get that assistance as yet, we have just asked for it, because the task is too big for our local quarantine service.

MR KING A question for the Tourism Minister Madam Speaker. Minister why haven't the visitor numbers for December 2010 been published as is the normal practice and is it a fact that the tourism figures need to be agreed and cleared by the Minister before publication?

MR NOBBS Thank you Madam Speaker. Thanks Mr King for the question. You are quite right, for some reason it does have to come through my desk after going through all the other processes for it to be ticked off. Through the Chair Mr King. The reasoning for that is I suppose ultimately I am responsible for the data as it is released. The December stats have been released, as I understand, this morning and within Members boxes there was a version of those stats this morning.

MR KING A supplementary. Is it a fact Madam Speaker that part of the reason for withholding the visitor numbers is a desire on the Ministers part that the numbers may change for the better?

SPEAKER Further questions without notice? Mrs Ward.

MRS WARD Thank you Madam Speaker. My question is to Minister Nobbs, at the last Sitting of the House the Minister refused to table the previous Governments business case relevant to the SPIN Project, that legal services unit had advised him not to, as it would be a breach of contract. Isn't it a fact that the development of the internal Government business case had nothing to do with anyone other than the Norfolk Island Government and that no breach of contract would arise because all analysis plus an alleged discussion with the Commonwealth took place before engaging with negotiations with SPIN as reported in the media on 24<sup>th</sup> April 2009. I'm asking the Minister for the due diligence document carried out by the Government prior to starting the conversation with the SPIN people.

MR NOBBS Thank you Madam Speaker. At this stage the advise I have from legal with regard to placing any information on the table which may put us in breach of that contract is advice which I am taking very seriously because the penalties are quite high.

MR KING A question for the Chief Minister Madam Speaker. Chief Minister in your press release dated the 14<sup>th</sup> of January you referred to a number of reports currently being done as part of the recent funding agreement between the

Federal Government and the Norfolk Island Government, those reports are according to your press release inquiring into the provision of electricity on the Island, the application of the Privacy Act, the Social Service Act, the local Act, Norfolk Island's Immigration Policy regarding self-funded retirees, investors and entrepreneurs, public and private healthcare arrangements and options for reforming existing business models for delivery of services on the Island. Madam Speaker I understand the question is quite lengthy and complex and I will certainly accept if Mr Buffett wishes to give some further information in relation to the question in some other medium, but can he now offer any information as to why it was felt necessary to enquire into these particular issues and how and who framed the terms of reference for those enquiries?

MR BUFFETT Thank you for the question. The particular reports that have been mentioned by Mr King, have not necessarily been initiated by the Norfolk Island Government. Except for the one that relates to Immigration Policy, it wasn't necessarily initiated in terms of that agreement, but there had already been in place an arrangement to have such a report prepared, they were principally initiated with me by visiting Commonwealth Officers, I have got to say that I don't have any objections to the particular reports that are there, they will be useful. However I think it can also be said that there are other reports that may have had priority over those, if the court had been ours to do so. I think that might be helpful to see it in that context. Those views of course were put to the Commonwealth, they were not heeded to our total satisfaction, but there you are, that is how we are placed at this moment, it is either get on with that or the document is not signed and we don't receive funds, that is to put it very bluntly. The terms of reference are those that are mentioned, as far as I am aware, in the document that you have referred to. They were principally initiated by the Commonwealth, we have had some opportunity to comment in respect of those.

MRS WARD Thank you Madam Speaker, my question is to Minister Nobbs. Has the Worley Parson's or IT Power Group replied to the Minister or the CEO's request to present their reports in order for the Minister to table them?

MR NOBBS Thank you Madam Speaker. Recently I brought this up at Cabinet to pursue it with the Chief Executive Officer, at this point we do not have the Worley Parson's report back, however IT Power Group have forwarded through their report, so I will be able to table that.

MRS WARD Madam Speaker, again to Minister Nobbs, at the last Sitting of the House Minister Nobbs tabled the Risk Analysis and Management Plan relating to entry into the Cruise Ship Industry. Is it a fact that this document was rejected by the previous Government of the day as non-essential and therefore the advice contained within it did not form part of Government consideration of the viability of joining the Cruise Ship Industry.

MR NOBBS Thank you Madam Speaker, that is a difficult one to answer. Madam Speaker that was obviously in a Minister's portfolio and he assessed the report, from what I can see, a great degree of work was done on it, which was why I ensured that it was finalised for tabling in the House here. However I think between that report and the working group, there was certainly, all the issues were brought to light to the various Members.

MRS WARD A supplementary if I may Madam Speaker. The document claims that the value of total economic contribution to the Island is estimated at 2.5 million dollars per annum, how was this figure arrived at when an economic contribution study could have identified the financial benefits but was never carried out?

MR NOBBS Thank you Madam Speaker, at the time for my involvement for this, there were some figures provided through the Tourist Bureau, in terms of pre-booked tours and the revenues that would come in through those tours and

perhaps that is the basis of the figures that you are talking about there. However without having been personally involved in a lot of the collation of this data it is very difficult for me to make a comment.

**MRS WARD** One more supplementary Madam Speaker. A P&O marine operations Manager assured Norfolk Island Tourism that, and I quote, unfavourable landing conditions would have little impact on the P&O tenders unloading of passengers, unquote. This is clearly not the case, and will Norfolk Island Tourism seek compensation from P&O for the half million dollars spent on infrastructure, namely the pontoon, and is it a fact that the Government relied solely on the assessment of one person?

**MR NOBBS** Madam Speaker thank you, thank you Mrs Ward for the question. Obviously there wasn't a sole reliance, there was a working group, there were a number of bodies, including engineers in the evaluation of the industry and with regard to, I'm sorry, I'm just going to have to re-read the earlier part of the question, the unfavourable landing conditions would have little impact on P&O tenders unloading passengers, obviously there is a strong difference as what is reported as someone's view and the reality of weather conditions and our conditions on Norfolk.

**MR KING** I have a question on the same matter Madam Speaker if I could ask of the Chief Minister. Does he support, or does his Government support the tabling of a Risk Assessment and Analysis of Cruise Ship Industry participation 18 months after the Government decision to enter the Industry and he might add some words on what value he would place on such a document being tabled 18 months after the event?

**MR BUFFETT** Madam Speaker this matter is ably being handled by the appropriate Minister, it is not necessary for me to enter the lists. I have got to say that whilst that was going on I was looking at another matter, so the detail you have just raised, I am happy that Mr Nobbs continues as he is.

**MR KING** A question to Mr Nobbs. Minister Nobbs, thank you. What basis Minister are free airline travel tickets to Community individuals and Organisations and why are free tickets given to commercial organisation if that is indeed the case?

**MR NOBBS** Thank you Madam Speaker. In answering this question, I have been reviewing and putting together with the CEO of the Airline and in discussion with the Norfolk Air Board, a philanthropic policy which really drills down into the support that goes out there. In brief, there are a number of tickets provided to support events and also as encouragement for those events that exceed certain numbers. There are certainly benefits available to those events that expand our tourism capabilities through reduced charges on freight if it is musicians and the like for the various festivals. There are a number of areas there, and perhaps I could provide a summary of those at the next Sitting.

**MR KING** I have a supplementary on that Madam Speaker, just a supplementary in clarification please. Did the Minister answer that part of the question which sought information on whether free tickets are provided to commercial organisations?

**MR NOBBS** I'm unaware of that being the case, however I will seek some clarification on that one.

**MR SNELL** Madam Speaker, as a person that talks to probably more visitors to the Island than anybody else in a one on one capacity. Madam Speaker one of the greatest problems that I hear is the cost of the airfares and I would like to

direct a question to the Minister responsible and maybe to Minister Anderson for the Airline. I know this matter Minister has been discussed on many occasions, if possible, give an indication as to whether a review of the fare structure of Norfolk Air tickets to and from Norfolk is underway. Taking into consideration again Minister that it appears QANTAS can substantially reduce the airfare, and I take into account Minister that they don't have the overheads that Norfolk Air has and they can probably play with the airfare much more freely than Norfolk. But Minister, is it possible that Norfolk Air could review, or is reviewing the fare structure to and from Norfolk Island?

MR ANDERSON I can tell you the finances...

MR NOBBS I am certainly happy to answer. Under the co share agreement, which it stands at the moment, which is a fairly basic co share arrangement the QANTAS component of their seats, they do have the opportunity to sell them at a lesser rate than ours. With regard to an evaluation of the fares and the scheduling and the like, that is something that we have certainly embarked on along with the Commonwealth in the engagement of their endorsed consultant to review the operation of the Airline for Norfolk.

MR SNELL So Minister we take it for granted then with your comments, that review of the airfares will be undertaken within this consultancy arrangement?

MR NOBBS Thank you Madam Speaker, thank you Mr Snell, currently underway.

MR KING Madam Speaker, a question for the Chief Minister. Chief Minister can you explain to the House the policy and the administrative arrangements which determine the Governments and Madam Speaker's use of the VL2NI Radio facility, when simple back benchers such as me have to jump through hoops and apparently provide detail on content before accessing the radio.

MR BUFFETT Madam Speaker, I have got to say, that I have not viewed in the life of this Assembly, any policy that the Radio Station might have in this respect. I certainly know that Minister's on official business and Madam Speaker on official business would have access for the Community's benefit in terms of the content. Wider to that I can make some enquiries as to what the present situation is and whether there needs to be a review of that situation.

MR KING A supplementary please. Does the Chief Minister support access to the radio facilities by back benchers?

MR BUFFETT Madam Speaker, in a general sense there can be some facility for a wide range of people, but what we think we probably need to take account of as to whether we conduct all of our business on the radio or whether we conduct our business here for example, or another sphere. In terms of gathering views and in terms of disseminating information, that of course is a very useful tool. And it has been the method that has been used to date anyhow for those purposes.

MR KING A supplementary in clarification. Did the Chief Minister answer yes to that question?

MR BUFFETT I didn't answer yes or no.

MR KING I thought that. You artfully avoided it Chief Minister.

MRS WARD Thank you Madam Speaker. My question is to the Chief Minister. Chief Minister at the finish of the last meeting of this House there was a

public meeting at Rawson Hall, hosted jointly by yourself the Chief Minister and Robert Patch from Canberra, the meeting gave an opportunity for the Community to discuss issues relating to our newly developed and ongoing partnership with the Commonwealth Government. When will the Community be provided with its next opportunity for a similar meeting?

MR BUFFETT Thank you for that question, that is useful and helpful, Mr Patch is due to come in the next week. Where there will be discussions of that nature. And therefore we would be in a better position, given those discussions to know time frames for further community consultative processes.

MR KING Madam Speaker a question for the Minister for Telecom. Minister why on the 24<sup>th</sup> of December did you say in relation to the Telecommunications issue and I quote, my intention is to circulate the consultants report and other information to enable all Member's to understand the consideration of many levels that was given to this issue, end of quote. And then on the 7<sup>th</sup> of January then decide that he would not release the information. Is the change of mind, one, because the information does not support the decisions taken, or two, because the House does not have a right to know, or three, because he is collectively responsible fellow Executive Members would be embarrassed by his behaviour and lack of quality advice or four, because he wasn't really serious and nor were his executive colleagues serious about being open and transparent in their behaviour?

MR NOBBS Thank you Madam Speaker. In amongst there I think the question was about releasing information. The document that I said I would release at that point in time in particular at that point in time... Through the Chair matey.

MR KING Do you talk gwen me daffy.

SPEAKER Mr King, Mr Nobbs.

MR NOBBS Thank you Madam Speaker and so I made that report available and I also mentioned and had been asked about other documents and considerations in the process, I provided information that I had through the Chief of Staff, made contact with the private operator to seek their approval on releasing some of their documentation as they had pointed out to me early on that it was particularly commercial sensitive and confidential. At this point I do not have a response to that, so I can not release that documentation. The two versions of the consultant's report were put in the Member's boxes and the reason for that Madam Speaker is that in the first instance, as is the case with many consultancy reports, a draft is prepared and then it is discussed on a number of levels and the final report obviously includes all the discussion material, additional requests for expansion on advice within the report and related matters. So that report was also placed within the box. The only issue that is not available, well two issues actually not available in document form, were the Services work on a pricing structure as that was overtaken by the commencement of the consultants and their professional expertise in evaluating a pricing schedule and opinions given in Cabinet by members of the Service and the reasoning for that, is that at the end of the day Madam Speaker this is a decision of Government and we take responsibility for that decision. And we also have to respect the confidentiality of those people that make presentation to Cabinet so that we are able to get free and frank discussion. Thank you.

MR KING A supplementary Madam Speaker. Isn't it a fact Minister that despite the fact that in this House and on the 24<sup>th</sup> of December and on the 31<sup>st</sup> of December by memo to all people considered, principally Members of this House, you indicated that you had, following this process of honesty and transparency that you purport to follow, that you had sought information from, permission from, the NIDS organisation to realise documentation, when in fact you didn't, and you hadn't, and you never did that until the 7<sup>th</sup> of January.

MR NOBBS As I said, I had requested through the Chief of Staff to make that communication, as it turned out, it had not gone, so as soon as I was aware, and obviously checking immediately after this communication in December, I did ensure that it went straight out. Having said that, I am not passing the blame to the Chief of Staff, because as it turned out, she had sent me a draft of that correspondence that I hadn't been aware of, and hadn't given the tick off too.

MR KING A question for Minister Nobbs Madam Speaker. What meetings and discussions have taken place with representative industry groups in Norfolk Island in an effort to assess the economic impacts of the continuing decline in tourism numbers and what is the outcome of those discussions and meetings, including the Minister's own assessment of economic impact over the next six months?

MR NOBBS Thank you Madam Speaker, as Member's would be well aware, wherever possible I do attend the meetings of the ATA, the Chamber of Commerce, I have individual informal meetings with both Presidents of both those organisations, I have regular, beg your pardon, I have irregular meetings with various private sector operators in the accommodation industry, the larger scale accommodation, I've met with the banking Manager's also to ascertain a better idea of exactly what our current issues are with the reduced tourism numbers and what the likelihood of further negative implications over the next six months. The reality is, is that everyone is struggling, it is very difficult out there at the moment with reduced tourism numbers. If we continue to have exceedingly low numbers, then of course it extrapolates out to everybody.

MR KING A supplementary, is Minister that comprise your assessment of the economy and the assessment of impact over the next six months.

MR NOBBS In a nutshell Madam Speaker it is quite simple, low tourism numbers impact on our economy, which rolls onto all the other sub areas of the economy.

MR KING Madam Speaker, a question to the Chief Minister. Chief Minister is it a fact that the Executive Government, in their guise as a Cabinet, has committed to protect in all Public Sector advice on which they base their Cabinet decisions, by not realising any of it to the House or conversely only releasing what the Cabinet decides what it wants to release.

MR BUFFETT Madam Speaker, Cabinet decisions and processes does have confidentiality attached to it. That includes the documents that go to it. That is the general norm. There have been and there no doubt will be in the future, some occasions whereby the Cabinet may decide to release some documents. That will depend upon the merits of whatever situation is in front of it. That situation is not unusual, either in this place, or in other places. That is how it exists here.

MR KING Madam Speaker, a supplementary. Isn't it a fact Chief Minister that this practice and the adopted doctrine of Cabinet responsibility are entirely contrary to the practices of the past 30 years and what has bought about this significant change in executive behaviour?

MR BUFFETT Mr King, don't use colourful language in describing it. The reality is Madam Speaker that whilst that may have been the majority of times, it has not been all of the times. One of the criticisms that both Mr King and others, including the Commonwealth Government have levelled here is the fragmentation of it's Governmental processes for decision taking. One of the results of that has been a proposal within the Territories Law Reform, when it was a Bill and is now an Act and is now in place, in which it places the, in a formal statutory sense, the Chief Minister's role



MR KING Just one final one from me Madam Speaker, and that is to the Chief Minister. Is the Chief Minister aware of the 2007 publication entitled *Be Honest Minister, Restoring Honest Government in Australia* published by the Australasian Study of Parliament Group and it's possible benefits for inexperienced, novice, lay, incompetent and dishonest Minister's of Government and would he like me to provide copies for his Ministers?

MR BUFFETT I am not aware of that publication Madam Speaker.

SPEAKER There being no further Questions without Notice we move now to answers to Questions on Notice.

### QUESTIONS ON NOTICE

SPEAKER The first Question stands in Mr King's name, number 98, directed to the Minister to Tourism, Industry & Development. Minister Nobbs.

MR NOBBS Thank you Madam Speaker, the question reads, can the Minister inform the House of the level of forward airline bookings for the upcoming months of February and March, expressed in numbers and as a percentage of the actual bookings for the same periods last year? The number for last year, was 2,357 for February which currently we are sitting at 59% of that figure. And March was 2,499 and we are currently sitting at 46% of that figure. It is appropriate Madam Speaker to mention that the booking profile, that means that these numbers will obviously improve as we get closer, but that is the short answer.

MR BUFFETT Thank you Madam Speaker, the Question reads Madam Speaker, is it not a fact that for each of the first eight months of the present Government's term, visitor numbers fell to or were equal to all-time historical record low levels and accordingly will the Chief Minister advise whether any of his Tourism Minister's stated initiatives for improving tourism has produced any meaningful improvement? Madam Speaker I just mention two areas here, firstly the Norfolk Island Government Tourist Bureau Board and the General Manager in that context, they really set strategies and implement initiatives for the promotion of Tourism, they do have the endorsement of the Tourist Minister, but that area principally has carriage and does have carriage of promotional arrangements for Tourism in Norfolk Island. So I mention that and you will see the context of it. However having said that, I am aware of initiatives commenced and implemented by the Minister for Tourism and I will just mention a couple of them Madam Speaker. I'm not planning to be all inclusive here, but I will just mention a couple of them, that the Minister has initiated and has bought benefit, centralisation of the Norfolk Island Government Tourist Bureau offices and the Visitor Information Centre, Members will remember that there was an office further up town and there was a known benefit in bringing those areas together and that has been done and that is now operating. It has reduced costs and there is better communication I would say between the Visitor's Information Centre and the Bureau and its officers and those that work for it. There was a need for a closer co-operative arrangement between Norfolk Air and the Board and we bought UTC marketing representation into that process and that has been an initiative of the appropriate Minister. Member's may well recall that Air New Zealand placed Norfolk Island on the critical list.

MR KING May I make a point of order on relevance Madam Speaker? With the greatest of respect, the question asks for an acknowledgement of the fact and an expression of whether in fact any of the Tourism Minister's initiatives had produced any meaningful outcomes, not another discourse on what initiatives Mr Nobbs has taken, we have heard that incessantly.

SPEAKER I don't see a point of order there Mr King.

MR KING You don't?

SPEAKER In order to answer this question I believe the Chief Minister has to in fact expand on the initiatives. Chief Minister.

MR BUFFETT Madam Speaker thank you. I'm continuing Madam Speaker to elaborate those matters which the appropriate Member has asked about the Tourist Minister's initiatives. Members will remember that Air New Zealand in its continued evaluation in its air service to Norfolk Island, placed this service on a critical list and the Minister entered negotiations with Air New Zealand satisfactorily, Norfolk Island came off that critical list, in addition to that, erected a 12 month profile building program in New Zealand. Utilising our New Zealand representative of course, Mike Hogan and that gave enhanced promotion with Air New Zealand Holidays, with special deals for Norfolk Island. With the Tourist Bureau itself, there was a review of existing contracts, if I remember the conversation in the earlier Questions without Notice Madam Speaker, some of these were touched upon, but the Minister entered the lists to ensure that there were key performance indicators in terms of the General Manager and clearer indications for DDI, Match Media and Public City for example. There have been more measureable outcomes in terms of those areas there. The Minister has equally been able to, given implementation of those arrangements, to be able to better judge those things that are useful for us in the longer term and maybe identifying that there are overlaps or the like. The Minister was equally able to enter into, with Norfolk Air, simplification of the airfare structure, earlier for example, there were some seven levels of fares and this was reduced to say three. So there was a greater simplification. I am only mentioning those Madam Speaker as selections so I might respond to the Minister when he asks me about the Minister's initiatives and they are some examples. And there are benefits that have been derived from those. Have they improved in a total sense the overall figures? That can't be claimed. But it's not in the Minister's particular initiatives here that all of that lies. Everyone has tried to lift their game in terms of delivering further people to the Norfolk Island community that is a hard ask in the present climate and we continue to work at that. But I do compliment the Minister on endeavouring to pursue these initiatives and pursue the programs initiated by the Tourist Bureau and its General Manager, so that the best we are able to do, we are doing.

MR SHERIDAN Thank you Madam Speaker, the question is, some months ago the Minister said that he wasn't aware of any professional audit having been done on Norfolk Island's state of readiness to deal with local natural disasters although he said he believed we were in good hands. In the light of increasing extreme weather events in our region can I ask again whether the Minister has confirmed his belief that we are well prepared and whether he had after previous questioning considered it desirable that our emergency services be professionally and independently audited? I thank Mr King for this question and in light of the events over the past five to six days in that the Emergency Services were put on standby for two cyclones that could have caused considerable damage to the Island, it is an opportune time to consider in depth this question. The following agencies are the lead agencies that respond to local natural disasters, bearing in mind that a state of disaster has not been declared in Norfolk Island the past twenty years. These being, the lead agencies being, the Emergency Management Norfolk Island, the Norfolk Island Police and the Norfolk Island Fire Service. Within these agencies, supporting agencies within these lead agencies are as follows; within the Emergency Management of Norfolk Island we have the Executive Committee, the Norfolk Island Government, the Emergency Management Australia (EMA), the Crisis Control Centre in Canberra (CCC), the Australian Defence Force, Agriculture and Animal Services, Norfolk Island Telecom, and other Island Resources such as the Airport, Health, Welfare, Transport. And within these agencies there are also supporting organisations be them local or external to the Island. Madam Speaker, the Norfolk Island Police, they have supporting agencies in the Australian Federal Police

Officers and local and special constables with support from the Federal Police Organisation, the Norfolk Island Volunteer Rescue Association, which are affiliated with the New South Wales Volunteer Rescue Association, and of course the support that these off shore supporting agencies can muster. We also have the Norfolk Island Fire Service involving the Community Fire Services, Aviation Rescue and Fire Fighting Service (ARFSS), the Australian Department of Environment & Water Resources, Norfolk Island water carters plus the Norfolk Island Parks & Reserves. Madam Speaker the following agencies are fully certified to undertake the jobs necessary, Norfolk Island Police, Norfolk Island VRA, the Norfolk Island Fire Service as well as the Norfolk Island Emergency Management, some members of this committee are fully certified whilst others are awaiting training for final certification. Madam Speaker in considering all the above agencies and their certifications I am confident that the Emergency Services on Norfolk Island are prepared for any local natural disasters which may befall the community. Assistance has been offered from the CCC to assist the Committee to review its Disaster and Emergency Plan and as part of this review I will request that a functional audit be completed to assess the Islands readiness to support such a disaster or emergency.

**MR NOBBS** Thank you Madam Speaker, Question from Mr King reads; at the last sitting of the House the Minister expressed his understanding that modifications to the very expensive, and now almost redundant cruise ship pontoon, were being carried out with oversight by the manufacturer and that engineering certification would be unaffected. Will the Minister now confirm his understanding and table the certification? The manufacturer's and engineer's certification of the cruise ship pontoon were provided prior to the arrival of the first cruise ship in March 2010. As no further modifications have been made to the pontoon, these certifications are current. There has been a proposal put forward to reduce the width, and thus the weight, of the pontoon to allow for the installation and removal operations to involve a single crane. The Service advises that this modification is undergoing consideration and re-certification would be required after this modification. Funding of approximately \$20,000 would be required for re-engineering and work required to modify the pontoon.

**MR KING** A supplementary, is it a fact that the pontoon itself has effectively been cut in, cut in to two pieces, and how can that be turned into proposal if that work has been done?

**MR NOBBS** Madam Speaker, I can understand Mr King's perhaps query or confusion on this because, at an earlier point in time in the scheduling that I had been advised of, it was due to be dissected and re-certified, at this point in time, it hasn't been modified or cut in anyway.

**MR NOBBS** Thank you Madam Speaker, Question 102 from Mr King reads, at the last meeting of the House the Minister said he was happy to table the legal advice that formed the basis of his decision to continue with the year-long embargo on the leasing of the Administration's copper wire circuits. Will he now do so? Thank you Madam Speaker, although I may have been happy to table such advice Madam Speaker, could prejudice the Government's rights under legal professional privilege and it is not in line with Norfolk Island Government Policy regarding the utilisation of professional legal advice. Therefore, I will not be tabling such advice.

**MR SHERIDAN** Thank you Madam Speaker, Question 103 from Mr King reads, in the December meeting of the House the Minister said that he "supposed" that an unemployed or underemployed person suffering hardship might qualify for a social services special benefit but that the mere fact of unemployment is only one of a number of factors taken into account. Will the Minister now advise what factors other than unemployment and having no income, would be taken into account? Thank you Madam Speaker. Mr King is quite correct in that a person who is unemployed thus having no income may be eligible for a Special Benefit, but as I said at the last meeting,

being unemployed in itself would not automatically qualify a person for a benefit. As Mr King would already know, I as the Minister am the only person who can authorise a Special Benefit as laid down in the Social Services Act 1980, but only after a recommendation by the Social Services Board as per S15(3). Of course I am not bound by this recommendation but would take it into consideration. Other pertinent factors that must be taken into consideration are; are they suffering hardship? By reason of age, physical or mental disability or domestic circumstances or for some other reason is not able to earn a sufficient livelihood for themselves or their dependants, Is not qualified to receive any other benefit. Madam Speaker some other considerations that maybe considered would be; are they entitled to any paid leave, sick or annual leave? Do they have ample accessible funds, are they actively seeking employment, have they registered on the unemployment register at CIRCA, are they eligible for compensation or damages from elsewhere, i.e. third-party, and workers comp? Do they have any other insurance i.e. loss of income insurance. A person may be unemployed thus have no income but have sufficient funds, or access to sufficient funds, so as they would not be deemed to be in hardship, and be expected to utilise these funds and therefore may not qualify for a Benefit. Madam Speaker it is interesting to note that in Australia they do not have a benefit that is called unemployed; they now call it the new start allowance which in itself has strict limitations. You will not receive a new start allowance if you have funds of over \$5,500 if you are single or \$11,000 for a couple or single with dependants. This allowance is also asset tested. There is also a note that informs an applicant that if you have assets but little or no income you are expected to rearrange your affairs to provide for yourself. As well as other criteria. Madam Speaker the Social Services Officer, the Social Services Board together with me are currently reviewing benefits and attempting to put into place policies so that the Board and the Administrative Officer can have guidelines available when assessing applications.

MR KING A supplementary Madam Speaker. Can the Minister confirm then that he has abandoned the proposal that a person be unemployed for six weeks before he applies or is eligible for a Special Benefit Pension, and does he realise, and of course was that abandonment an acknowledgement of the fact that people starve to death after only 14 days?

MR SHERIDAN Thank you Madam Speaker, no that policy or guidelines are still in the review, and one of the criteria that can be considered.

MR BUFFETT Thank you Madam Speaker, Question 104 from Mr King reads, at the last meeting of the House the Chief Minister undertook to make available to Members a copy of the so-called fact book provided to the Commonwealth Government as part of the governance discussions. Will he explain why that has not been done? Madam Speaker the fact book was supplied to several Members of the Australian Parliament, including Minister Crean at our meetings in Canberra last year. This same document was distributed to Member's locally and I understand that the date of that distribution was probably Friday the 14<sup>th</sup> of January of this year.

MR ANDERSON Thank you Madam Speaker, Question 105 from Mr King reads, at the last meeting of the House the Minister was unable to provide satisfactory reasons why he had been unable to implement his executive decision to ban job advertisements that are not genuine attempts to attract local labour. What promise will the Minister give that this relatively minor issue concerned with protecting job opportunities for locals, will be dealt with? Thank you Madam Speaker and thank you Mr King for the tenuous criticism and innuendo that has been disguised as a question. Mr King in reviewing hansard...

MR KING Point of Order Madam Speaker please. It is unparliamentary language referring...

SPEAKER (Tape unclear). Minister for Finance.



to be prepared in respect to this issue, I expect that it will probably be ready at our next Sitting.

**MR NOBBS** Thank you Madam Speaker, Question 110 from Mr King reads, at the last Sitting of the House the Minister advised the House, in support of his decision to exclude private operators from the Administration's copper wire network, that the unaudited net profit for the telecom business, after depreciation for the 09/10 financial year was \$231,353.00. Is it not a fact that this figure is significantly wrong and that the Minister has therefore misled the House in a material manner? Thank you Madam Speaker, I have sought the CEO's revision of these figures and the Telecom figure of \$231,353.00 is the correct figure for income in excess of expenditure for the 90/10 year after for a provision of \$519,738.00 for depreciation from the CEO's copies of the unaudited statements as well. Although Mr King is an authority on misleading the House Madam Speaker, in this case Mr King you are incorrect.

**MR BUFFETT** Thank you Madam Speaker, Question 111 from Mr King reads, what is the justification for and the economic consequences of, the Government's recent policy decision to not accommodate self-funded retirement entry into the Island? If it was considered in the formulation of this policy that this category of entrant might represent a potential burden on our social security and health systems, was this weighed against the immediate economic benefits of allowing such entry? Madam Speaker there is a misinterpretation in how this question is phrased. It's not the Government's recent decision policy, the Immigration Government Policy and guidelines in place at the commencement of this Assembly, that is the 13<sup>th</sup> Legislative Assembly did not provide for self-funded retirement entry, it didn't provide. The question rather implies that it does, that isn't the case. However the present Government considers that there is merit in allowing such entry, providing safeguards are adequate against longer term call upon our health and social security resources, and so to this end, the Minister who has responsibility for Immigration has introduced a policy trial over the next 12 months, to consider self-funded retirement in Norfolk Island, this is expected to bring economic benefit to the community, that is obviously foreshadowed in the question that Mr King asked. So in the context of responding to that question, I table the statement of intention about self-funded retirees which has been prepared by the Government and it might be useful in responding to that so that it can be seen to how that is intended to travel.

**MR NOBBS** Thank you Madam Speaker, Question 112 from Mrs Griffiths reads, at the last meeting, the Minister for Tourism undertook to provide the House with data on the success of his initiative with regard to the promotion of Norfolk Island through the Westpac Bank. Will the Minister now provide that information? The advice I had through the Westpac Banking Corporation indicates that the external competition was promoted through the New South Wales country regional area which included 123 Westpac Branches, a large poster showing the scenery over the Golf Course in twilight tones was displayed in the front window of each of those branches, there was over a 100 entries received and the winner was in Orange. The winner was also published in the Australian Newspaper, just to give you an idea on other areas where visibility was. And of course that doesn't include those people that passed the window and weren't necessarily bank account holders. With regard to the internal competition, there were over 600 staff entries and an article and competition link posted on the internal intranet home page for a week and then transferred to previous news and again featured when winners were announced. If you don't mind, I would like to thank Westpac on Island, as well as the executive in answering that question for their participation in this and I understand that they are also planning on taking this competition through a little bit more of a Norfolk Island touch in meeting the winning entrants at the Airport and giving them a bit of a hand in getting into the Norfolk swing.

**MR NOBBS** Thank you Madam Speaker, Question 113 from Mrs Griffiths reads, at the last three Sittings of this House I have asked a number of

questions relating to fuel handling, delivery and management. a) Will the Minister now advise whether the Expressions of Interest/tender process, which was initiated in July, has been permanently resolved? b) Will the Minister explain the delay? C) How many tenders were lodged? and d) Has any operator been informed whether their tender is successful or not? With regard to question a) Yes, the Expression of Interest/tender process has been completed. b) As explained in response to Mrs Griffith's Question without Notice in the House on December 1<sup>st</sup>, 2010, the process involved the issuing of Expressions of Interest in July 2010 and then those who expressed interest were invited to submit a detailed tender. These tenders were reviewed and the Tender Committee have made their final decision. Three Expressions of Interest were received, from which two detailed tenders were received. Both operators were informed last week, as to whether they were successful or not. The outcome will be published in the Government Gazette of January 21<sup>st</sup>.

MRS GRIFFITHS Thank you Madam Speaker, Minister you mentioned a Tender Committee, can you inform me whether this Tender Committee is any different from the Cabinet, or whether in fact this Tender Committee was the Cabinet?

MR NOBBS Thank you, a recommendation comes to Cabinet from the Tenders Committee which includes, I beg your pardon, actually the Tender Committee is comprised of Cabinet, but is advised on the basis of the Corporate Management Group. So a recommendation will come to us as a recommendation from the Corporate Management Group's evaluation of the tenders.

MR SNELL Madam Speaker a supplementary if I may? Minister, there was a letter published in last week's Norfolk Islander from the current contractor who delivers fuel. Minister is this an indication that there may be some concern in the delivery of fuel to outlets throughout the Island as occurred several months ago? Do we need to panic again?

MR NOBBS Thank you Madam Speaker and thank you for the question Mr Snell, I certainly hear where you are coming from in that regard and I will just provide some advice with regard to an agreement that was put in place by the Administration and co-signed by the Administration and the Managing Director of Martins Agencies Limited. I will just read the, basically the last paragraph, which should give you some confidence in how the handover process should take place. I quote, it is further agreed that the arrangement will continue until the appointment of the successful tenderer, or subsequent operator consequent upon the tender process that closes on the Friday 12<sup>th</sup> November 2010. In the event that the subsequent operator is not Martin's Agencies Limited you will continue the uninterrupted supply of petroleum product and services of Martins Agencies during a reasonable hand over period, which Martins Agencies agrees to co-operate with to ensure an orderly transition. If this is acceptable please sign the attached copy of this document as acknowledgement of your acceptance. And that is signed, so there should be an orderly transition in the change over, and one would hope that no major interruptions to fuel distribution.

MR SNELL In the event of a changeover? Thank you.

MR NOBBS Thank you Madam Speaker, Question 114 from Mrs Griffiths reads, has the Minister progressed, as he undertook to do in November last year, the introduction of medical airfares? In answering this question Madam Speaker, both the Norfolk Air CEO and myself have provided feedback to the Minister responsible for Hospital and healthcare, clearly a policy does need to be defined and the questions that we need to ask from an Airline support and an Administration point of view, whether the policy would cover just the patient, whether it will extend to an escort being wife, husband, partner, parent, to what extent will it cover elective treatment or does it only cover mandatory treatments or life threatening ailments, does it only cover treatments not available on the Island? Is the assistance to be means tested? In saying that there

are a number of considerations that have to be looked at from the administrative side, from the budgetary side, obviously any change to our fare structure or reduced fares and the like, impact on the Airline budget, so there is a preference that support be treated in a budgetary manner as opposed to the creation of a range of special fares, whose budget would it come out of? It is perhaps a contentious issue, so there is a suggestion that the Healthcare Fund may be the right place given that there is also a facility for offshore treatment assistance and this would allow the Government to quantify its support. But having said all that, it is still something that both Minister Sheridan and myself are looking through.

MR SHERIDAN Thank you Madam Speaker, Question 115 from Mrs Griffiths, reads, can the Minister explain to this House and those who are on the water assurance scheme why, in October of last year, subscribers found an additional charge for Effluent Disposal in their monthly invoices in addition to a rise in price on their accounts? What is this charge for and why wasn't it gazetted prior to being applied? Madam Speaker, this question is virtually the same as the one previously asked of me by Mrs Griffiths at the last Sitting of the House in December. Simply put this Effluent Disposal charge on the invoices was the result of the RPI being increased from \$21.90 to \$25.05 as advised to the Community in the Norfolk Island Government Gazette of 7<sup>th</sup> August 2011. In the same edition of the Gazette there is a table which indicates all charges which relate to Unit Fees and their increase, which includes the Water Assurance Charges Act 1991. This Unit Fee increase was effective from the 1<sup>st</sup> July 2010 as also indicated in this same gazette notice. This additional charge for Effluent Disposal on the October accounts is for the applicable increase due since the Unit Fee increase on 1<sup>st</sup> July 2010, unfortunately the billing increase took some time to filter through to the monthly accounts and therefore was not seen on the accounts until the October account without an explanatory note attached Madam Speaker. I have spoken to the Administrative Officer responsible for these increases and have been assured that the time lag for the notification of the increase will be dealt with in a more timely manner next year.

SPEAKER Honourable Members we move now to presentation of papers.

## PRESENTATION OF PAPERS

SPEAKER Are there any papers for presentation this morning?  
Chief Minister.

MR BUFFETT Madam Speaker, I table a document which is entitled "Funding Agreement for the Territory of Norfolk Island". It is the Funding Agreement that has been signed by Commonwealth Officers and Norfolk Island Government Officers, it is not a Ministerial signed document, and that was signed on the 16<sup>th</sup> of December 2010. I table that document Madam Speaker.

SPEAKER So tabled.

MR NOBBS Thank you Madam Speaker. I table the inbound passenger statistics for December. Madam Speaker the inbound visitor statistics for December record 2,238 visitors which is just above last years December figure of 2,228. In the 2008 year we had 2,462. I highlight this figure as in the 09/10 years we have had reduced schedule from New Zealand that has reduced the 08 figure for December from 464 passengers to 247 for 09 and 267 for 2010. Quite frankly we are among a myriad of destinations desperately buying for attention and customers, it is not an easy task and at present it is certainly a thankless task for the Members of the Bureau and the Board, so I do take this opportunity to thank the GM and the Staff for their dedication to the task of rebuilding our Tourism fortunes, as well as the CEO for Norfolk Air and the various private operators who are directing their efforts towards the promotion of Norfolk. Not an

easy task when you consider Norfolk Tourism has had a decline over a 10 year period, and unfortunately tourism is not something that can just be turned on and off just like flicking a switch. As a Government, and for me as the Minister responsible for Tourism, we have provided support and encouragement for the many initiatives, both within the NIGTB and in Community ventures to encourage visitation to Norfolk. Some have been successful and some have involved great effort with surprisingly low responses, in terms of visitor interest and conversion to travellers to our magnificent Island. The recently commenced Imparja advertising promotion is an example of creative thinking, networking and Community and Government co-operation, unfortunately that program has created little or no response to the agencies designated as the call to action, however, I do not think that we should be too disheartened by that outcome given the commencement and suspension of the promotion through the flooding in Queensland. There is no single solution that will translate into a return to high tourism numbers for Norfolk Island, however we will need to utilise all promotional vehicles within our means to increase the profile of Norfolk Island and create the desire to travel to this destination. I would hope that the Imparja promotion will become a year round fixture to assist in that process. The Tourist Survey feedback still serves as a valuable resource and we need to take note and adapt to the service delivery expectations of our customers, there have been a number of professional surveys analysing private sector and Government service delivery to the Tourists visiting to our Island, we need to act on those recommendations if we are to gain positive word of mouth referrals or even to retrain wholesaler and travel agent confidence. I'm acutely aware of how tough it is on Norfolk Island at present, as a direct result of reduced tourism numbers. And I remain dedicated to increasing our visitor arrivals through the NIGTB, Industry Partners and whatever means are available to this Government and the Community. Thank you.

MR ANDERSON Thank you Madam Speaker. Madam Speaker under Section 32B of the Public Monies Act 1979, I as the Minister responsible, may direct in writing transfers between divisions, sub-divisions and/or individual items in the budget if there is a saving or surplus of funds available elsewhere within the budget. Sub-section 32B1 provides that the Executive Member shall lay any directions given before the Legislative Assembly within two Sittings days of the making of a direction, I so lay those directions. Thank you Madam Speaker.

MR ANDERSON Sorry, I thought Mr King had one, I have several to go. Thank you Madam Speaker. Financial Indicators, I table the Financial Indicators for November 2010, they have been previously circulated to all Members. December's Indicators are still being prepared and are not available to for this Sitting due to the demands on the Finance Branch whilst we are proceeding through the mid-year budget review and the 11/12 budget hearings. These hearings are being held simultaneously. These Indicators contain for the first time the Statement of Cash Flows, the Cash Flows Statement shows a reduction during November of available cash of \$191,911. That is, to put it simply, the cash we received was \$191,911 less than what we paid out. Monthly declining cash is the reason we had to seek emergency Commonwealth financial assistance to ensure that we have enough cash to meet our commitments each month. Of course we are all aware that the financial assistance commenced to flow from the Commonwealth in late December and will become part of discussions in later Indicators. The November Indicators are little change from those of October, the cash at bank including airline prepaid ticket sales on the 30<sup>th</sup> of November stood at \$2.838 million, airline prepaid ticket sales are estimated at that time to be \$2.285 million, leaving a balance of \$553,000 as working capital. This month, January, we have transferred non-current trading month prepaid ticket sales funds to a separate trust account, but I'll make further efforts to that when we are presenting the General Indicators, the January Indicators sorry. The net worth of the Administration is essentially unchanged at \$21.8 million, this is a reduction of \$147,400 since October, the changes are a slight reduction in accounts receivable of approximately \$134,000 and an income in accounts payable of \$207,100. Advances to the health fund increase by \$245,000 and inventories are estimated to have increased by approximately \$154,000. Now to the Indicators

specifically, dealing first with the areas not included in the Revenue Fund; Healthcare as at the 30<sup>th</sup> of November had a balance of \$119,000 in its account. This includes the additional \$245,000 of funding paid during the month as an advance from the Revenue Fund and brings advances to the health fund from the Revenue Fund to \$736,600 as mentioned in last month's Indicators. The Workers Compensation Fund has a cash balance of \$71,000 and estimated debtors of \$25,000. The Fund is still being assessed to determine it's sustainable at current contribution levels. KAVHA's cash balance has reduced to \$175,000 from a total of \$267,000 available in October; the KAVHA Fund is awaiting budgeted contributions to be added by both the Commonwealth and the Norfolk Island Governments. Now turning to the Revenue Fund, income in the Revenue Fund is estimated as at the 30<sup>th</sup> of November as being 89.4% of budget, that is some \$2.554 million behind the budgeted income expected. Expenditure to creditors including capital, as at the 30<sup>th</sup> of November, is estimated to be 91.99% of budget so is approximately \$1,946,000 less than budgeted to be spent. GST actual receipts for November were \$504,696, the delay permitted me to actually give you the actual receipts, that was as at two weeks ago. The crude figure of \$605,000, so until all November payments are received we can only say that we expect receipts to be close to budget, you will understand that GST can take up to three months to arrive for each month, as it's not due until the 28<sup>th</sup> of the following month and then it can trickle in over the following two months. The Airline incurred a loss estimated to be \$277,500 against the revised budgeted loss of \$189,000, that is an additional unbudgeted loss of \$88,500. The flown revenue is estimated to be about \$191,000 behind budget and additional expenditure in charter costs accounts for about half of the blow out. The outlook for the Airline is for a further deterioration in the number of passengers, as alluded to earlier by the Minister, and result in an increase to the budgeted loss. This will have very serious consequences for our very tight cash position and we are already working on the likely impact of the greater losses we will have on cash flow. The floods on the mainland will impact peoples travel plans probably for the next 12 months and competition between destinations for the reduced number of travellers travelling domestically will get even more intense. The Airline will not be sustainable without large cash injections. Liquor Bond sales, that is visitors, local and bulk sales in November were \$332,900 compared to sales in November 2009 of \$342,195. On an annual basis the Bond is \$66,225 behind the same time in 2009. I am aware that sales were down in December by approximately \$30,000 from 2009, but that will be reflected when the Indicators for December are available. I would like to express my thanks once again to the drinkers who are obviously doing their bit. In summary the outcome for November was a slightly larger loss than we anticipated with revenue and expenditure continuing to be affected by the state of the economy and the lack of visitors. I hope that we will have both December and January Indicators in time for the next Sitting. Thank you Madam Speaker.

MR ANDERSON Thank you Madam Speaker. For a change, something pleasant, Madam Speaker I table the instrument of appointment of Magistrate and Chief Magistrate of the Court of Petty Sessions of Norfolk Island. Madam Speaker I wish to briefly comment on the appointment of the new Chief Magistrate, the departure of the Acting Chief Magistrate and after a long period of not being able to do so, the retirement of the previous Chief Magistrate. The Federal Minister for Regional Australia, Regional Development and Local Government Minister Simon Crean on the 13<sup>th</sup> of January 2011 has signed the instrument formally appointing Federal Magistrate Warren Donald to be the Magistrate of the Court of Petty Sessions of Norfolk Island and also the next Chief Magistrate of the Court of Petty Sessions of Norfolk Island. The appointment continues until the day before Mr Donald's 70<sup>th</sup> birthday. Federal Magistrate Donald is a senior Magistrate of the Federal Magistrates Court based at Parramatta in Sydney. He will continue to perform that role concurrently with his duties as Chief Magistrate of Norfolk Island and President of the Administrative Review Tribunal. I welcome Chief Magistrate Donald to his new appointment and look forward to working with him. I am sure with his experience from the Federal Magistracy in the ACT and the Northern Territory Chief Magistrate Donald will have many constructive suggestions for

improvement of the administration of justice in Norfolk Island in the future. Madam Speaker I spoke last night with the Acting Chief Magistrate, I would like to take this opportunity to formally thank the Acting Chief Magistrate Peter Dingwall of the ACT Magistrates Court whose term of 12 months expired yesterday. I would like to thank him for his service to Norfolk Island, not only as the Acting Chief Magistrate for those twelve months but also for his prior services as a Magistrate. Peter Dingwall was previously put as a Magistrate and has visited the Island in that capacity, he generously stepped in to act as in Chief Magistrate position when the previous very long standing Chief Magistrate Ron Cahill resigned from the ACT Magistrates Bench due to ill health on the 17<sup>th</sup> of November 2009. The Acting Chief Magistrate only had time to make one weeklong visit during his term as Chief Magistrate but I know he dedicated a lot of his time in preparing for that visit to ensure he was fully across the issues, local and legal, that related to the cases that he subsequently heard. Turning now to the former Chief Magistrate, there has been no opportunity until now to acknowledge the enormous contribution and extensive service given to Norfolk Island by the former Chief Magistrate Ron Cahill. The Norfolk Island Government requested prior to Ron Cahill's resignation that he be appointed for another five years from 1 January 2010, the Commonwealth declined this request, I attempted to have that decision reconsidered by the Commonwealth, but the Commonwealth again declined and in the interim appointed Peter Dingwall to the Acting position and under the circumstances we were very grateful for Mr Dingwall being prepared to step in. Because we went straight to an Acting Chief Magistrate and not an immediate permanent appointment the opportunity to comment on the cessation of Chief Magistrate Cahill's long and appreciated service has not occurred until now. Ron Cahill first came to Norfolk Island in 1972 as a prosecutor. He was appointed a Magistrate in the ACT and subsequently appointed a Magistrate here on the 27<sup>th</sup> of April 1981. Ron was subsequently appointed to the position of Chief Magistrate in the ACT on the 15<sup>th</sup> of July 1985 and was appointed here as our Chief Magistrate the same day. This appointment also included the role of President of the Administrative Review Tribunal and he accepted a separate appointment as the Coroner of Norfolk Island. He continued in those roles for 24 years after a total of 37 years coming to the Island. Ron has generously offered to continue assisting Norfolk Island by utilising his extensive knowledge of the Island and our laws; I am currently exploring ways to take advantage of that offer. So in closing, I repeat my thanks to Acting Chief Magistrate Dingwall and I repeat my welcome to the new Chief Magistrate. On behalf of the Norfolk Island Government and the Community I hope Warren Donald enjoys his new roles and I look forward to meeting with him on the occasion of his swearing in on his first visit to the Island. Thank you.

**SPEAKER** Further papers for presentation this morning Honourable Members? That concludes papers for presentation this morning Honourable Members we move now to Statements of an Official Nature.

## **STATEMENTS**

Are there any Statements to be made this morning of an official nature? Minister Sheridan.

**MR SHERIDAN** Thank you Madam Speaker, firstly I would like to make a statement on the Emergency Services. As I said Madam Speaker I would like to make a brief statement on the activities of the Emergency Services in Norfolk Island over the past few days. On Thursday of last week, the Emergency Services on Norfolk Island became aware of a tropical cyclone named Vania, a category two, which was formed to the north east of Noumea and if the predicted track of this cyclone was correct, Norfolk Island was assessed as being in its path. The Emergency Management committee established under the Norfolk Island Disaster and Emergency Management Act 2001 gathered together in the Emergency Control Centre to assess the likely impact of this cyclone and action as laid down under the Disaster and Emergency Management Plan. This Committee consisting of the Controller, Milton Bradley, the

Deputy Controller, Gary Robertson, the Chairperson, Adon Butterfield together with the OIC Norfolk Island Police and the Chief Fire Control Officer, together with personnel from the Administrators Office and the Norfolk Island Government met on a continuing basis until Tuesday morning. As the community would be aware, Tropical Cyclone Vania progressed on its southward journey but thankfully the warmer waters eased the conditions to a low depression system which passed close to Norfolk Island on the night of Saturday the 15th. The winds experienced that night resulted in a few trees being fallen, electricity outages, telecommunications problems and minor other damage. During this period of cyclone watch, another tropical cyclone formed over the Coral Sea and commenced on a South Easterly course directly for Norfolk Island. The severity of this Tropical Cycle, cyclone Zelia was deemed a category three and was moving at a quick pace and it was determined that if the course and speed was consistent then it would impact on Norfolk Island over the evening of Monday 17th of January. The models determined that it would still be a category 2/3 when arriving at Norfolk Island and wind speeds of up to 85 knots were to be expected, if not greater. Winds of this speed would have caused considerable damage to infrastructure on the Island. The Emergency Management Committee met over the weekend to keep abreast of the situation and especially on the Monday where the Committee met at 10:30am, 2:30pm and again at 6:30pm. After the 2.30 meeting the ECC was put on a continuous manning level and all Functional Coordinators were made fully aware of the situation. These Functional Coordinators form an important part of the response team in that they specialize in services such as; Agriculture and Health, Communications, Fire, Community Health, Media, Police, Supply, Transport, Engineering, Airport, Catering, etc. The Island Community was kept informed by the Radio Station through their regular updates, as well as updates from the OIC Police, Chief Fire Control Officer, the Chief Minister plus myself and I must thank George and his team for their efforts. At the 6:30pm meeting the Committee were advised that the TC had altered course slightly to the east and the possibility of reduced winds were a possibility. The emergency services were kept on alert to a possible turn back towards Norfolk Island, but as the Community is now aware this did not eventuate as the Tropical Cycle passed close to the North West of the Island resulting in high winds but thankfully very little damage. Madam Speaker I have received a letter from the Chair of the Emergency Management Norfolk Island, Adon Butterfield, and in part I would just like to read, EMNI have now commenced a comprehensive review of all aspects of our planning and preparedness including our Government's arrangements as well as other operational and tactical including, but don't limited to liaison, communications, logistics, media engagement, roles and responsibilities and our general operational response capabilities and capacity. This review will be conducted by the EMNI executive members with assistance and support as required. I look forward to providing you with this draft report of this review in the next fortnight. So it is just with those few words Madam Speaker that I would like to take this opportunity to thank the EEC members who stuck with this situation for six days, showing a very professional approach to the task. I would also like to thank Norfolk Island's specialised services, the Police, the Fire Control Officer and all Functional Coordinators for their commitment, professionalism and the way that they went about this very important task of protecting this Community.

MR SHERIDAN

I would just like to make a statement on the BVDV program that is currently nearing completion. Madam Speaker, back in July 2010, I approved a program to completely eradicate Bovine Viral Diarrhoea Virus (BVDV) from the herds on Norfolk Island. This is the herds of cattle. Actions taken at that time to fully inform the cattle herd owners on Norfolk, included; a public meeting to inform cattle owners of the Government's BVDV eradication program, issuing press releases regarding the BVDV eradication program, flying Doctor Enoch Bergman to Norfolk Island in time for a second meeting with cattle owners and to assist with the first testing and vaccinations, testing all cattle on Norfolk Island for BVDV and vaccinating all female cattle three months or older against BVDV, continued monitoring of cattle and new born calves to ensure success of the eradication program, and Madam Speaker cattle owners were to be responsible for paying \$20 per head of cattle towards the program, with the

Administration meeting all costs over and above this figure. This was outlined in a letter sent to all cattle owners on the 27<sup>th</sup> July 2010. Madam speaker, to date 1400 cattle have been tested and vaccinated, with all calves born during the nine month period following the testing and vaccination of their mothers still need to be tested. The program is expected to be fully completed by July 2011. As at 15<sup>th</sup> October, a total of 1277 results were known, all negative except for one result which revealed a weak positive. This cow was isolated, tested again and the subsequent result proved to be negative. If positive calves are found, the calf would need to be quarantined, tested and monitored. Madam Speaker, I have been asked as to why no positive results have been found. The history to this is that in April 2009 during the routine muster, Doctor Candice Snell undertook an Island wide random sampling of cattle to determine the extent of BVDV. This included both private and public herds. 54 blood samples were collected and results indicated that approximately 72% of the cattle tested were BVDV anti-body positive, indicating that these cattle had been infected with BVDV at some point during their lives, and therefore the virus was widespread. The 2009 anti-body tests gave a strong indication that there were cattle on Norfolk Island that would test positive to being infected with BVDV. This is because in this testing a number of cattle that were only 12 months old were tested and found positive for BVDV anti-bodies, indicating that they had to have been infected within the previous eight to nine months. Therefore, the maximum time ago there were persistently infected calves on Norfolk Island before the muster for BVDV eradication in late 2010 is 29 months. The only obvious explanation as to why no cattle tested positive to being infected with BVDV in late 2010 is that the persistently infected cattle had recently died or been culled, before the virus had a chance to spread to other cattle. Cattle owners had been made aware of the disease almost 12 months before testing took place and were much more aware of the type of animals to look for and cull. There was no way of confirming this without testing all cattle on Norfolk Island. The testing undertaken by Doctor Bergman identifies both types of BVDV strain, which covers all bases. Madam speaker I have also been asked why is it necessary to test newborn calves since no virus has been found in the mothers. Although we have found that all adult cattle on Norfolk Island are not currently infected with BVDV, it is possible that a cow that has previously been infected and has built up anti-bodies against the virus, has passed the virus onto an embryo and that embryo becomes persistently infected. It is also possible that, although the cow has now been vaccinated, the vaccine has not been passed onto the embryo. Therefore, there is still a risk that calves born up to nine months after their mothers were tested and vaccinated will be persistently infected with BVDV, and will spread the virus to other unvaccinated calves. Unchecked, the virus could spread again. It is vitally important, therefore, to test every calf born within nine months of the initial testing and vaccination of the adult herds. Once the final tests of remaining calves is done, and assuming there are no BVDV positive tests in these last tests, Norfolk Island cattle owners can be certain that the Island is BVDV free. This will be a significant achievement, as BVDV continues to infect around 90% of herds in Australia. BVDV has been found to result in production losses of between 25 to 50% of recently infected herds. With Norfolk Island becoming BVDV free, there should be a corresponding gain in productivity to the Norfolk Island herds. Madam Speaker there is ample information available online on the impacts of BVDV, at [www.bvdaustralia.com.au](http://www.bvdaustralia.com.au). Madam Speaker, just a brief mention on the costs, Madam Speaker I agree that the costs imposed may seem difficult for some cattle owners. Cattle owners have been billed \$20 per head of cattle, and the Administration is meeting costs beyond the income received from these bills. In reality, the Administration met the costs up front before the bills were sent out, and costs are being recovered. And Madam Speaker just to give you an indication of the breakdown of income and expenditure so far on this program, to date we have sent out, or billed, totalling \$28,000 so that can be deemed to be income, and this is slightly under what was forecast, but the total costs or expenditure for this program to date has been \$41,550, with the Administration picking up something like \$13,550 of these costs to date. Thank you Madam Speaker.

SPEAKER Further statements of an official nature Honourable Members? No further statements, there are no messages from the Office of the Administrator, moving now to reports from Standing Committees and I look to Mr King.

## REPORTS FROM STANDING COMMITTEES

MR KING Thank you Madam Speaker. I present the report of the Impact of Bills Committee on the Employment (Amendment) Bill 2010 and move that the report be printed and made an Order of the Day for a subsequent day of Sitting.

SPEAKER It is so noted, the question before us is that motion be agreed too.

MR KING Thank you Madam Speaker. Madam Speaker I wouldn't exactly call this report a labour of love, it has been a somewhat frustrating exercise undertaken by a Committee of three, myself, Mr Snell and Mrs Ward over a rather prolonged period of six months. I don't know how that compares with other jurisdictions but it was always the intention that we do a good job and a comprehensive job. And despite the fact that it was only a Bill of two or three pages in length, it looked to be a fairly simple task, it did not prove to be the case, we were frustrated to a great depth in the initial stages of finding our way, in becoming aware that there were not a set of guidelines to follow in the conduct of these Committees, guidelines in relation to how we as a Committee may conduct ourselves, what we might reasonably respect from witnesses and how witnesses ought to conduct themselves. We were frustrated at many turns by the lack of facilities and resources, and I say those words, as there are gaps there Madam Speaker if we are to conduct ourselves in a proper manner as Parliament, Committees of the Parliament form a major part of the Parliament and therefore must be properly resourced. So I have made some comments in relation to that and a memo in budget just a little while back, so I don't put those forward as excuses, I know there have been some whispered protests that may have been an attempt on the Committees part, or perhaps on my part to can the Bill or bury the Bill or for some strange odd reason to bring it forward only when it suited me. That certainly is not the case Madam Speaker and I do have some pleasure in bringing the task to conclusion believe you me. I don't intend to debate at any great length today, I will say that this is the first that the Members of the House have seen the report, it is now in the hands of the House, it is available certainly, quickly as an electronic copy, personally it is not in my hands, but I am not in favour in cutting down tree after tree after tree to provide copies of reports and documents that people may not even read. But certainly electronic copies are available immediately and if Member's like to see Madam Clerk a print copy will be available. Madam Speaker the report is comprehensive it contains, somewhat scarily, I would think, perhaps to the Minister some 20 odd recommendations. It adopted the approach that it was necessary for us not to stick precisely to the area of Workers Compensation but to wander into the adjoining areas of Work Safety Measures and appeal mechanisms, we could not properly do our job in examining this Bill if we didn't examine the environment, the statutory or legislative environment in which it operates. We were mindful of the Ministers caution to stay away from other areas of the Employment Act Part One and Part Two, but by necessity we wandered into Parts Three, Four and Five, which deal with Workers Compensation, Safe Working Practices and the Review Mechanisms. The major finding of the Committee was that the Bill can not and should not proceed in its current form, that it was not likely that the Government's objectives would be achieved if the Bill were to proceed in its current form. It made the recommendations in three lumps, or three tranches as it were. The first group of recommendations are recommendations by the Committee felt to be necessary if the Government's objectives were to be achieved and they number five, to achieve the Governments stated objectives we made five recommendations. Principle among which was the addition to our own legislation of a refined or modern definition of disease to accompany the modern definition of injury that

was proposed in the Bill. We concluded that one could not go without the other and that is consistent with not only what happens in the model legislation which was followed but it is also consistent with the recommendation that was made in the Ministerial but not followed up entirely in terms of that recommendation contained in that Ministerial. So that's the major area. The following, the second clutch of recommendations suggested by the Committee are made in an effort to, what we think would be, to enhance the operation of the Administration of Parts Three, Four and Five, we necessarily, not necessarily, but we felt compelled to bring forward to the Minister or the Government's attention some drafting errors, not only as were contained in the Bill but drafting errors contained in the existing legislation that we came across in the course of our deliberations. It would not have been appropriate for us to ignore those drafting errors. The Committee made a significant finding in relation to the operation of Part Four, Safe Working Practices. Part Four of the Employment Act itself and found, made a finding that that part was not being administered in accordance with the provisions of the law. That is a fairly significant finding to reach, it was not felt by the Committee that we should be making extensive recommendations on how to implement OHS measures but we did make a statement that the Government ought to consider making a declaration into, in respect to, proper administration of the existing parts of the law. And finally Madam Speaker we made a recommendation that the Government consider a somewhat perverse, possibly perverse consequence of the Bill as it stands now in that there is a possibility that Employers or Self-Employed Persons can themselves claim compensation for psychological injury caused by something they did or said themselves and the Government might need to consider its policy position in relation to that. With those few words Madam Speaker I leave the report in the hands of the House and at an appropriate time, unless my fellow Committee Members wish to contribute to the debate I will move that it be adjourned.

**MRS WARD** Thank you Madam Speaker I will reserve lengthy comment until after resumption of the debate, until after other Members and the Government have had time to read the report. The aim of the Committee was always to be proactive, we were always aiming to improve the way we do things and the Committee has simply highlighted perceived inadequacies and errors, errors that were pointed out by the Service itself. We all understand that the Government can simply ignore the report, I hope this is not the case, because to do so would have wasted the use of precious resources and wasted the gathering of knowledge and experience from the Committee Members, the Service and the wider Community. All of whom participated in this valuable exercise and while I didn't find the process pleasurable, it was a pleasure to work with my fellow colleagues, Mr King who chaired the Committee and Mr Lisle Snell, thank you Madam Speaker.

**MR SNELL** Thank you Madam Speaker, I would just like to reiterate the words spoken by Mrs Ward, it certainly was a difficult task, it will cause headaches, even in the future, deciphering and interpretation of the Act as we all know. But I also want to make special mention of the very sterling assistance that we had from Yvon Adams as Secretary to the Committee and I thank personally those who took the time and effort to appear before the Committee to give their contribution in this very onerous task that was performed so very well by Mr King and Mrs Ward. Thank you very much.

**MR SHERIDAN** Thank you Madam Speaker, I would just like to thank the Committee for seeing this process through, it has been a long time coming, I think I tabled that initial Bill in June/July of last year, and some six months down the track we have finally got a report that we can assess and take onboard the recommendation from the Committee. I would just like to acknowledge Mr King's comments with regard to the lack of resources that we do find ourselves with down here and hopefully these resources can be, well the remedy to the lack of resources can be found over a course of time, I don't think it is a quick answer, everything is limited to funds of course and at this point in time we struggling in that specific area, but of course

if we are to enable our Committee to fully operate and in a timely manner, yes they have to be fully provided for. Yes, there has been some frustrations over the past six months with regards to the delay in getting the final report because it impacted on our Employment Amendments that we are trying to see through. I understand that there will have to be some amendments to the Bill Madam Speaker and I will bring these to the House at the meeting next time we meet and I look forward to reading the report, thank you.

SPEAKER Further debate Honourable Members on the question that the motion be agreed too. No further debate, I look to Mr King.

MR KING I move adjournment of the debate Madam Speaker.

SPEAKER The question before us is that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of Sitting?

QUESTION PUT  
AGREED

SPEAKER I believe the Aye's have it, debate is so adjourned.

### SUSPENSION OF SITTING

Honourable Members I am mindful of the time, we have now completed the preliminary part of today's program and before us we have the substantive matters on the Notice Paper to deal with. Would you like to break for lunch and resume at 2pm?

MR SHERIDAN Is that today or tomorrow Madam Speaker?

SPEAKER This afternoon at 2pm, unless I have instruction otherwise? Honourable Members the House stands suspended until 2pm this afternoon.

### RESUMPTION OF SITTING

SPEAKER We resume with the substantive matters on the paper

### PLANNING ACT 2002 – VARIATION TO OUTDOOR SPORT AND RECREATION FACILITIES

MR SHERIDAN Thank you Madam Speaker, I move that in accordance with subsection 12(4) of the *Planning Act 2002*, this House resolve that the draft plan laid before this House being a proposed amendment of the map legend for Notation No. 4, from "Public building & Park" to "Public building, Park & Outdoor Sport & Recreation Facilities", as shown on the Zoning Map which forms part of the Norfolk Island Plan (as amended), be approved; and that for the purposes of subsection 13(1) of the *Planning Act 2002* that the date of commencement of the approved plan be 28 January 2011

SPEAKER Thank you Minister Sheridan. The question before the House is that the motion be agreed. Minister Sheridan

MR SHERIDAN Thank you Madam Speaker as part of the motion I am required under the Planning Act to table the report on the public consultation and also the zoning map with the amendment as I've indicated and I so table those. This

motion relates to an application to vary the Norfolk Island Plan prepared in accordance with section 9 of the Planning Act 2002. The application proposes to amend the zoning map which forms part of the Norfolk Island Plan by changing the map notations for that area zones, especially east, comprising the Bicentennial complex and Rawson Hall for a public building and park to public building, park and outdoor sport and recreational facilities. A variation to the plan is required for this development because outdoor sport and recreational facilities are currently prohibited in this special use zoned area. This application to amend the Norfolk Island Plan was initiated by Shane O'Hara on behalf of the Norfolk Island Junior Rugby League. This organisation wishes to install six poles with lights around the perimeter of Rawson Oval to enable evening training and games. I agreed to prepare a draft plan which is before the House at this time in accordance with clause nine of the Planning Act 2002. A Development Application for the installation was submitted concurrently and accepted for assessment. The application to vary the plan and the Development Application was published in the Norfolk Island Government Gazette on the 19<sup>th</sup> November 2010 and made available for public inspection between the 19<sup>th</sup> November and the 17<sup>th</sup> December 2010. A notice regarding the development application was erected at the site shortly after gazettal. Letters were also sent to all adjacent landowners as part of the public consultation. No submissions were received from the public in relation to these applications, and therefore no issues were raised. The Planning Officer prepared an assessment report on the proposal and recommended that the applications be approved. The Planning and Environment Board considered the assessment on the 23<sup>rd</sup> December 2010 and recommended the application be approved. The use of the zoning map as currently stands, ie public building and park in my view was an unintentional error at the time of commencement of the Norfolk Island Plan in that this area was already in use by numerous outdoor sports organisation and to prohibit outdoor activity just does not make sense currently organisations such as the Norfolk Island A & H Society, the Norfolk Island Junior Rugby League, Netball, Soccer, the Youth centre, Skate Boarders, Horse Riders, athletics, etc utilise this area and still would be able to under existing usage provisions. But if no change to the Norfolk Island Plan is made then no enhancements of facilities could be made as these are not pre existing. We must encourage our community to utilise our outdoor areas for recreation as this will reflect in the health of a community as a whole. With these few words Madam Speaker I encourage my colleagues to support this change and therefore enable the community and sporting organisations to fully enjoy the facilities as provided to their fullest. Thank you Madam Speaker

**MRS WARD** Thank you Madam Speaker I have no hesitation in supporting Minister Sheridan's motion and this question has obviously gone through the planning process and as Minister Sheridan said, it's almost a months time where the community could have made comment on the application and it's been through the process of the Board and recommended approval by the Planning Board. It's also interesting to note that special use is identified within the zoning map so that's because the outdoor recreation facility applies to 4. on the zoning map, that's just to do with the Bicentennial and Rawson Hall area. It doesn't assume that, that crosses every portion or group of portions within the special use zone, of the map

**MR KING** If I could just ask a question, it's not a matter of my wanting to make lengthy debate, but it accords with the law, the process of the law has been followed, did the Minister mention in his debate that it had the support of the Service

**MR SHERIDAN** Thank you Madam Speaker and thank you Mr King, yes it has the support of the service through the Planning Officer. The Planning Officer has recommended that it be approved

**SPEAKER** Thank you. Is there further debate. There being no further debate I put the question

QUESTION PUT  
AGREED

Thank you. That motion is agreed to

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

MR ANDERSON Thank you Madam Speaker I move that under subsection 2B(4) of the Customs Act 1913, this House recommends to the Administrator that the goods specified in the first column of the Schedule imported by the person specified opposite, and on the conditions mentioned, in the second column of the Schedule be exempted from duty . The goods constitute Christmas Cakes and the amount of duty applicable \$246.09 and the importer was the Lions Club of Norfolk Island and the conditions imposed are nil. I have very little to say on this. It's the annual Christmas cake run operated by the Lions club. They import Christmas cakes. They sell some and they give some away. This duty relates to those that they give away. That's all thank you Madam Speaker

SPEAKER Thank you Minister. Is there further debate Honourable Members. There being no further debate I put the question

QUESTION PUT  
AGREED

Thank you. That motion is so agreed

**GOVERNMENT POLICY IN RESPECT OF PRIVATE SECTOR COMMERCIAL ACTIVITIES**

MR KING Thank you Madam Speaker I move that this House instructs the relevant Minister to return to the House by the March 2011 sitting following consultation with relevant industry groups, with a detailed written report on the desirability or otherwise of maintaining government policy which allows intrusion by government-owned business on private sector commercial activities. Madam Speaker this will inevitably be viewed in the normal manner, with suspicion which is cast upon my endeavours in the House but I can assure the House that it's not an attempt on my part to force my views in relation to this matter. I have from time to time expressed views that the Administration or the Government ought not intrude on commercial activities, where of course there is investment by local individuals or organisations. I am aware that the Government participates in commercial activities to provide essential services, and I don't have a great difficulty with that. I am aware that the Government will engage in some commercial activities where there is no planned investment by the private commercial sector. Nevertheless, from time to time, this issue does emerge. It emerged in the form of a letter from a local business man Mr David sanders, in recent times. A very articulate letter which put his case very, very clearly. I support in essence what he has said. I would not want however, that any enquiry in relation to this matter be directed solely at the operations of the Post Office but in respect of other areas of commercial activity undertaken by the Administration. It is high time that the Government had a relatively close look at this matter. So it is in deference not only to my own views in relation to it, which are not fixed and are open to persuasion, but in deference also to Mr Sanders, and his letter, it could be of course that an enquiry be undertaken by a Select committee. I don't think any of us would want that to happen although I think that probably in another time and another place and better resources, that would be the way to go but I rather would look at a more simplified approach to the issue which perhaps can be handled by the Minister. It may even be able to be dovetailed with the enquiry undertaken on the part of the Funding Agreement with the Commonwealth referred to in questions this morning. I'm not quite clear in my mind what it means when it says that there's going to be a report enquiring into the options for reforming existing business

models for delivery of services on the island. Maybe an examination of that nature would encompass something like this but there may be some dovetailing, or there may be some means of saving undue expense in relation to this matter, so I repeat that this is not about forcing my own views in relation to the matter. It's about taking a responsible look at it and having a look at the extent to which we would allow Government, the Administration to intrude upon purely commercial activity. Thank you

**MR SNELL** Thank you Madam Speaker I sympathise with the efforts of Mr Sanders and what he has portrayed in his letter and I agree with Mr King that there should be an investigation into areas where there has been conflict of interest regarding Government and private organisations on the island who are at this particular time struggling. Sure the Government is struggling as well also but it is a matter that has to be raised. I support the motion

**MRS GRIFFITHS** Thank you Madam Speaker I too support the motion and I just refer to my campaign platform in march prior to the letter from Mr Sanders which I ultimately support as well. Norfolk has developed a system over time where many services and businesses are Government owned. This is typical of many pacific islands the system of state ownership has been based on the surmise that without Government intervention such services would not exist. We now know that this is not true. At the same time, while many serving Government's have indicated that the private sector is the engine of economic growth they haven't pursued this position with any vigour. To make things worse, respective Government's have supported public sector activity that actively discourages private sector enterprises. Certainly with the high cost of doing business on small islands the private sector can't afford obstructions, cumbersome costs or too many regulations. Here on Norfolk the private sector is certainly struggling. The Government has crowded out the private sector by being directly involved in commercial activities. It's imposed ad hoc regulations and granted few and inconsistent concessions making it even more difficult to do business. Over the years many people have had good commercial ideas but overbearing Government attitudes and cumbersome bureaucracy have seen many of these innovations fail to even start and while it is rarely said openly, some hesitation comes from the fact that many entrepreneurs come from outside the island and there is little support to create an environment in which these ventures can prosper. Such attitudes constrain the growth of existing or new ventures and consequently hinder economic development and the creation of new employment opportunities. Our current business oriented Government has exacerbated our slow pace of economic growth and led to our economic decline. The implementation arm of the Government, the Administration is too stretched to adequately manage its expanding responsibilities and workloads. It's been drawn into a range of services and work areas that should not be part of its core business, which should be policy advise, policy implementation and planning. So the answer to my mind is with the private sector being the driver of economic growth it needs a competent Government and not an overbearing one GBE's must be allowed to work better for the community. Some must become and others must be managed by the private sector. Given the savings and expenditure companies can be granted consistent and improved subsidies to run services where revenues do not cover expenditure and naturally any subsidies are carefully targeted and transparently managed. Given a competitive environment the immediate outcome would be efficiency gains. If we took this approach Madam Speaker the Government priorities would be addressing the infrastructure deficit, investing in human capacity, involvement in business promotion and facilitation and promoting entrepreneurship. Thank you Madam Speaker

**MRS WARD** Thank you Madam Speaker I would agree that perhaps the enquiry into the motion if it's successful today could slot into the options for reforming existing business models for delivery of services on the island. I have to ask the question, I'm not sure who's going to answer it, to do with Mr King's words, "maintaining Government policy" and I'm wondering whether it has fluid intent rather than existing policy borne from a desperation for a return of profit from areas like the

Post Office. I don't know whether that hasn't varied Minister to Minister or Government to Government so perhaps somebody could clarify that for me. Other than that I am prepared to support the motion today thank you

MR NOBBS

Thank you Madam Speaker I intend to support the motion. In the lead up through budget we certainly, or I certainly queried some of the policies and the availability of those policies for some of the selling of items in the various areas, including the Post Office, on the one hand it is something that we obviously need to be cognizant of the impact on the private sector. On the other hand we also want to congratulate them for being industrious in their areas, so it's something that we need to view in that light. It's worth acknowledging that with regard to the Post Office in particular my understanding is that they have gone out to other areas which would supply some of the products that they hold to propose very, very discounted rates for those areas, to better supply them through the Post Office's ability to get reduced transportation costs and event the buying power through the Australia Post. I must admit that I'm a little bit confused though in that it instructs the relevant Minister but if we look at it as a Public Service matter it's with the Chief Minister, if we look at it within relevant portfolios, GBE's with private sector cross over it comes into the Minister for Finance and perhaps some of my areas and perhaps some of the other Minister's areas, or if it's just specifically about industry it falls into my portfolio responsibility. Now I'm not necessarily causing any issue with that other than to say that we need to probably clarify exactly where this is going to locate itself

MR SHERIDAN

Thank you Madam Speaker I don't have any great concern with regards to how the, or the intent of the motion, I just ask that consideration be given to the March Sitting, because at this point in time we don't know when the March Sitting will be, whether or not there will be one in March, but that is neither here nor there. But Madam Speaker I see this has a precursor to a whole range of activities you might say that will encompass, be encompassed around this same area, if we are talking about Government owned enterprises competing against the local community businesses, I think we have to put it more in a context where we should have to look at all Government run businesses, and which is probably our obligations under the financial agreement, we have to determine which businesses the Government will still operate, which businesses we would like operated by the Private Sector and which businesses will compete against each other, Private Sector and the Government business, because it is just not a one way street, there are some areas there in the Government that really should be maintained by the Government for essential services etc, but it brings me back to the last Assembly when we tried to privatise the Liquor Bond, there was a who and cry about that. Is it an essential service? I don't believe it is, I believe it still should be run by the Private Sector, how it comes about I don't know. There was a huge who and a cry about the Government giving up that operation. There's also the ongoing discussions about Telecommunications, now is that a business that should be restricted as essential service to the Government or should it be expanded, a question maybe that we are going to debate later on and a question for a later day whether or not there should be one operator, two operators, etc. So it is just not a little closed focus study on the competition between a couple of Government run businesses and privately owned, such as been identified say the Post Office, you could say the Works Depot Store, they bring in their own stuff, they do I believe, I don't know what the ability is to get Stores items through there into the public arena. There is also the ability for maybe mobile phone operators, in most jurisdictions, mobile phone operators, that is where your competition is, the competition is for mobile services, not necessarily landline. It opens up a whole myriad of areas that really need to be discussed. So I see this as just a precursor and I wouldn't really like to see it limited to, in the intrusion of the Government owned businesses on Private Sector. I would like to see that turned around as well. The intrusion of Private Sector onto what would be deemed essential services by the Government. It is a thin wedge I believe Madam Speaker of the argument that we really need to go as to what services should the Government be running, should we be operating all these services like the Liquor Bond,

like the Airline, you know if a private consortium wants to take that off our hands, I believe the Government would really seriously look at it. Sometimes the Government gets into these positions through necessity. But I will support this Madam Speaker as it is now, but I would like to see it be expanded to encompass a broader picture than just intrusion on Government owned businesses on Private Sector commercial businesses.

MR ANDERSON Thank you Madam Speaker, I think I'm training the Minister for Community Services too well, he has just said everything I was about to say! I have always supported the Private Sector, that is where I came from when I was part of the Private Sector. I made representations to the Government of the day on precisely this. My concern is and not wishing to repeat too much of what Minister Sheridan just said, that very clearly to me says that we are going to enquire into Telecoms intrusion into NIDS business, the Trading Post and other businesses intrusion in the Post Office or by the Post Office. Electricity if we want to start extending it, maybe it should be in Private Sector and is that what this is intending? It seems to me as thought without deliberately, I'm assuming on Mr King's part, opening up a can of worms that will lead to a very broad enquiry into just about anything that the Government can do and does now do and I think as Mr Sheridan said, needs to be limited. That's my only concern. I support the thrust of the enquiry, I just have concern with the broadness, or the lack of specificity of the intention, of the motion. Thank you.

MR KING My final contribution Madam Speaker, I think a lot of the matters and issues that have come up in debate now have quite necessarily come up during the course of the examination or the enquiry, I hadn't really intended that debate go that wide, probably the only valid comment, or significant comment I can make on what has been contributed by other Member's and a possible explanation to what I meant by maintaining Government policy. Government policy emerges often not in written form, I've mentioned this before, not necessarily in written form, but by practice over the years and clearly the policy in relation to Government participating in commercial sector activities is to make a dollar. Just as it is for other investors in commercial activities, if that is the policy which drives their involvement in commercial sector activities I say they are not making a terribly good fist of it, but those sort of things should come out as a result of the enquiry. If it broadens to become an element, maybe we should come back to the House and conduct the enquiry in a proper manner as a result of a Select Committee, I would have no difficulty in that, I am merely am trying to save money that we haven't got. Thank you.

MR NOBBS Thank you Madam Speaker. I still have an issue that I need to raise in closing. Because whoever the relevant Minister, if it for example, is to come to my area, then the March time frame has to be shifted. I have an enormous amount on my plate at the moment and to do this justice it will require a great deal of study.

MR KING I am mute Madam Speaker, we can change the motion to read that the Government, instructs the Government to return to the House. If it is necessary to add some specificity for Mr Nobbs' sake, but I would have thought that the motion was self serving and the Government can work out who the relevant Minister or Ministers are, but an amendment is necessary than I will make an amendment.

SPEAKER I look to you Mr King to move an amendment for further debate Honourable Members.

MR NOBBS Thank you Madam Speaker, I'm not trying to make a big issue of this, I just think we need to clarify it so that there is an assignment process of how it is going to move forward.

MR KING Madam Speaker I move that the words "the relevant Minister" be deleted and the words "the Government" be inserted.

SPEAKER Honourable Members I put the question that the amendment be agreed to. Which is to take the words in the first line, relevant Minister and replace it with the word Government.

MR BUFFETT No, I am happy if we want to vote on that. I'm going to have another amendment after the proposed one.

SPEAKER There is no further debate, I am going to put the question that Mr King's amendment be agreed too, that is, that the words relevant Minister and replace it with the word Government.

QUESTION PUT  
AGREED

SPEAKER That motion is so amended. I now look to the Chief Minister for a further amendment with leave from the Chair.

MR BUFFETT Madam Speaker I have two amendments. First of all I don't have any difficulty with the thrust of this motion. I think that there is probably some lack of real specificity. But I accept what has been said, one could work through the issues and indeed there is a need to combine it with something else or indeed come back to the House at some stage, that can be done. I don't think we should necessarily be bogged down by that at this moment. I have one very minor suggested amendment. I would respectfully say that the word instruct be replaced with requests, but the other relates to the time. Like it or no, we have a whole host of reports that is on our plate at this moment, this is speaking frankly and if in fact you need it within March, I'm not too sure that is going to be a realistic ask. If you want to ask something unrealistic, by all means, go ahead and do so. But understand that is what it is. I would prefer that you add a month or so to that, and I'm happy to make a suggestion about that, I would suggest May, but if that is outside your wants, I will understand that.

MR KING I am a reasonable person, Madam Speaker. A very reasonable person.

MR BUFFETT Madam Speaker I move that the word "instructs" be deleted and the word "requests" be inserted, and the words "March 2011 Sitting" be deleted and the words "May 2011 Sitting" be inserted.

SPEAKER Honourable Members, the motion in its newly amended form, if the Chief Minister's amendments are agreed will read. That this House requests Government to return to the House by the May 2011 Sitting following consultation with relevant industry groups with a detailed written report on the desirability or otherwise of maintaining Government policy which allows intrusion by Government owned business on private sector commercial activities. If there is no further debate Honourable Members I will put the Chief Minister's amendments, and they are to remove the word "instructs" and replace it with "requests", remove the word March and replace it with May.

QUESTION PUT  
AGREED

SPEAKER The Aye's have it. The question before the House that the motion as now amended be agreed too and that motion is as I just read it to you in its entirety, is there any debate?

MRS WARD Thank you Madam Speaker, I just would like to pick up on one point, it was Mr Sheridan's and it was about the question of privatisation

and I will make it brief, he mentioned the Bond Store being sold and in fact it was to do with the retail outlets but let's say for arguments sake the question was raised was about privatisation. My point is, in my opinion the community was not well informed and the Minister of the time himself admits that he didn't inform the Community well of the question to do with privatisation or extension of retail outlets to do with the Bond Store. The question then, in my opinion was a desperate attempt at a cash grab and we are in exactly the same place today. Except that we are not moving to sell off public assets willy nilly here we have taken a far more, far sighted approach and have entered into an arrangement with the Commonwealth Government to try and secure a long term future iChief Minister has asked for is options for reforming existing business models for delivery of services on the Island. So those things will be addressed whether people like it or not. But I think it's not that people don't like it particularly I think that people are ready for the question and that the Community can be assured that this time there will be robust debate in the House on the reports and therefore the Community can have its debate as well. The Community views will be sought after it is made fully aware of ramifications and benefits of both sides of the argument and if there is to be any transition, it will be a planned transition. I believe that the overwhelming result of the March referendum was a response to the cash grab, not the question of public ownership, I could be wrong, but I am very interested to have this Government and the Service follow the question through and it appears, as I've said, one of those reports that the Chief Minister has commissioned will do exactly that. Thank you Madam Speaker.

MR SHERIDAN Thank you Madam Speaker. Mrs Ward raised an interesting point in her last contribution and that is with regards to the assets that the Government does own, it came up in context with the Liquor Bond I believe. And in this instance the Liquor Bond is a profitable enterprise and that is why the Community kicked up because they could see that those monies then disappearing into private hands and they saw it to have a better need for it going into the Community, as a way of taxation for a want of better word. But it really raises a question in regard to Government owned businesses or the enterprises, whichever way you want to look at them and our financial position that we find ourselves in, that these businesses that really aren't covering costs, then we will really have to look at whether we increase charges or whether we do try and get rid of them, capitalise on them, so that we reduce our liability and let the private enterprise take charge of some of these businesses, it might be a question for another day but it is all in the same context, it is really about whether we compete against the private sector, what do we compete in, what do they compete against us in, what do we provide etc. Really should we be providing as many services as we do, should we let the private sector run many of these businesses so that we reduce our liabilities and then concentrate on the totally essential facilities that are required by the Government to run on an Island such as Norfolk Island.

MR SNELL Thank you Madam Speaker. Madam Speaker it is interesting, when you, just briefly, listening to the discussions here this afternoon on how many different areas that the Government has an interest in that could be bundled into this motion, when we look at the Government through to some of its GBE's and so on runs a restaurant, they run tours, the Post Office and in little bit more in the Telecom, hire of the equipment from the Works Depot, there is policy already on that of course, the Forestry providing poles and posts, so this could have a wide ranging affect on Government Enterprise, but I think it is well worth a report. I certainly support the motion.

SPEAKER Further debate Honourable Members? I think we have exhausted debate, I put the question, that the motion as amended be agreed too.

QUESTION PUT  
AGREED

SPEAKER  
you.

The Aye's have it, the motion is so agreed, thank

### **SOCIAL SERVICES ACT 1980 - LUMP SUM PAYMENTS**

This motion stands in the name of Mr King. Mr King.

MR KING

Madam Speaker I move that for the purposes of considering applications for a benefit under the Social Services Act 1980 or for entitlements available under published Social Security measures; or for the purposes of reviewing those benefits or entitlements, the treatment under any income test of any lump sum amount received will depend on the nature of that lump sum. Generally the amount is to be treated consistent with, and where applicable with, the policy guidelines published by the Australian Government Organisation Centrelink. Madam Speaker I honoured MLA's with my presence in the past week or so and endeavoured to explain my reasons behind my motion. At the risk of being boring and repetitive or not being boring and repetitive, I will try and avoid repeating in detail my presentation then. Suffice to say that this is an area where I have expressed some concern over some time, not months, but years. I am well aware that the nature of the policy during the early years, in fact the majority of the years that the Social Services Act 1980 has been in place, and that policy was that the lump sum payments be only regarded as income if they had some regularity or if they were periodic in nature and that is consistent with the definition of income included in Section 3 of the Social Service Act. Madam Speaker for many, many years and I would venture to say in somewhere in the order of 20 plus years, that Section of the Act has been administered in a fashion where people who received one off lump sum payments that which were not to recur, that came from the sale of an asset, where a gift or an allowance which was not periodical, repeating, or recurrent in nature, they were not treated as income. Over the past several years, and it has been difficult for me to actually pinpoint the time in which the policy changed, and changed it has. And it has resulted Madam Speaker in all lump sum payments, whether they are recurrent, whether they are periodical or not, whether they are gifts, whether they are sale proceeds from an asset or whether they are proceeds of a deceased estate, it has resulted in an element of unfairness, inconsistency, unhappiness and in some cases out and out misery. I will not sit here and define or attempt to describe a number of the situations or consequences of what has happened in the application of whatever the new policy is in relation to lump sum payments, that information was contained in some part of the paper which I presented to the MLA's meeting. Member's are in possession of that. I'm not sure that anyone doubts that the incidents that I have quoted in that paper are incorrect in anyway shape or form, the evidence is far too weighty, people have been forced unnecessarily back into the workforce because of the application of a policy which came from somewhere at sometime unknown to me. Madam Speaker I am well aware that the Minister has been attempting to develop a policy in relation to this matter and in fact has circulated a paper. I said to the Minister, and I hope he understands my situation in relation to this, that I was quite happy to defer to him, if he was to bring a policy paper forward in relation to this. I have looked at the draft paper, which I understand is still with the Legal Services Unit, and I have to say that I am generally happy that that is moving in the right direction. What I am not confident about, and I expressed this lack of confidence to the Minister, I am not happy that an outcome can occur in a reasonable time, so I put my motion on the Notice Paper. Having said that, I will defer to the Minister, I understand again, indifference to yourself Madam Speaker, approached me before the meeting commenced, there is work being done on that, I am quite happy not to push for my motion to be completed today. And further to that Madam Speaker, I will defer to a policy that maybe brought forward by the Minister and remove mine from the Notice Paper if I feel that is a suitable way forward, if not I will see my motion through to the end. Do a die effort and then we will move on to consider what the Minister has done. I don't think I can be any fairer than that. Mr Sheridan as a responsible Minister

may take it as a personal affront to him, he has been subjected to a lot of questions from me and others in relation to this matter, I hope that he understands my anxiety in having a long standing difficulty rectified. Thank you, that is all I have to say this afternoon, if I feel from the table if they are happy with my adjournment of this, I will do so at an appropriate time.

MR SHERIDAN

Thank you Madam Speaker and thank you Mr King for putting the motion on the table and pushing the issue on this lump sums you might say over the past six months or so. As Mr King has alluded to, I have presented a draft and it is only a draft policy on how lump sums would be treated. I must say that it did go to Legal only yesterday and I have received a response. I just viewed it on the email ten minutes prior to my coming up here and I have not fully read it, so I can't really make any part of that advise into my contribution here today, but what I could glean from it is that the recommendation was that I re draft it in the way that it was and I will certainly take that on board because it was pointed out that there was certainly some difficulty in how we expressed a couple of the terms and in regards to the treatment of lump sums because a lump sum under the act is not clearly defined, and we're talking about special benefits here. The ability to assess income, and I just forget the words, id didn't bring the Act with me, it's up to the Minister he has the benefit, or it's at his discretion to adjudicate whether or not some sums will be deemed to be income and some sums won't be income so that's where my discretion comes in under the special benefits only. Not under all the other benefits, only under the special benefit I have the ability to decide, and this is where Mr King is quite correct, if you have a lottery win, I would maybe decide that maybe that would not be deemed to be income or things like that, but just in talking to Mr King's motion here, where he talks about the Australian Government organisation Centrelink, I would be very loath to treat everything in accord with Centrelink's fact sheets because if you read the fact sheet on the lump sums, it refers to deeming, so then you have to go to the deeming fact sheet, and you go to the deeming fact sheet and it alludes to assets, so then you go to the assets fact sheet and it alludes to something else, and it's a very confusing and very in depth formula that they have. One fact sheet will lead you to another fact sheet and just in the deeming part of it, if lump sums are to be deemed they are deemed from the day that they are recognised from and the rates are 3% up to 4.5%. Some lump sums are excluded, some are not so it is a very confusing area. It is not a simple area to look into. Mr King alluded to it being only a simple thing to put a policy on the table and move with it in a matter of weeks. Unfortunately it's not that easy because it has ramifications all through the Social Services Act on how we do these things, and this is just what I'm trying to work my way through and you might say I'm still learning how these things are drafted and how they interact with other parts of the legislation etc so I would be very loath to try and make the policy that we're introducing consistent. We can piggy back on them and that's what I intended to do, try and piggy back on them to a degree but I wouldn't want to take their policy guidelines as published, verbatim because that would mean changes to the act and we know what happened last time we had a social Service amendment in I think March 2010 with regard to the social Services Act, we passed a Bill which amongst other things raised the age for women to 65 over a period of years, reduced the eligibility time frame for a pension to five years from ten amongst other things. This Bill is still before the Commonwealth. It still has not been assented to. I've requested an update as to where it is but the point I'm trying to make is that it's now ten months down the track and we still haven't had movement on the social services amendment that we requested back in March of last year so if I was to go full steam ahead and look at the lump sum policy as they do in Australia it would mean introducing legislation in this house for deeming, asset testing, the whole works, because one compounds the other and then it may be a great can of worms that we do open so as to the motion is worded at this point in time, I wouldn't support that. I'm quite happy in my work that I'm doing at this point in time to work out a fair thing for Norfolk Islanders, our community, that when they do come into the hands of a lump sum through a lotto win or through a one off gift, or through inheritance, I will be quite willing to look at a portion of it or all of it being exempt. It would certainly depend on the size of it. I don't think there's anybody in this community

who would think that if somebody won lotto for a couple of million dollars that they should think that, that should be exempt and they still get their benefit. I don't think that's really a fair way to go but if we can put limitations on it so that a certain portion of it is exempt and it won't effect the pension or their benefit for the next twelve months, or at the review period, yes I'm quite open to that, and that's what I'm working on. I'm trying to find a balance that will suit the whole community and not just a few in the community so just in those few words there, I couldn't support it how it stands at this point in time. Mr King may want to leave it on the table or he may want to amend it at a later time, that's up to Mr King, and I would just be interested to listen to comments from the other Members of the House. Thank you

**MRS WARD** Thank you Madam Speaker I certainly support Mr King's move to adjourn the motion. He has quite rightly stated that this matter is in the hands of the Minister for Social Services. I'll remind Members that myself and Mr Snell are on the Social Services Committee and are involved in the review of both the lump sum payment and the special benefit payment so that gives Mr King a clear indication of where I stand on that one. If he was to forge ahead with the motion I could certainly only support the motion up until the word lump sum. I totally agree with Minister Sheridan that I could not support generally the amount is treated consistent with the policy and guidelines of Centrelink because our situation and our system just does not directly relate to the same mechanisms as a big system as Centrelink does. So yes, this question is currently under review by the Minister and I'll leave it at that thank you

**MR SNELL** Thank you Madam Speaker, as Mrs Ward quite rightly points out and the Minister quite rightly pointed out that this is a difficult situation. It is a decision that the Social Services Board has considered on a number of occasions. It has caused us a lot of grief in the area. It's difficult to get any type of viewpoint from those that could or have been effected, principally because of the confidentiality of certain areas. It's one that I agree with the Minister here that there are so many ongoing issues that area associated with this that perhaps we should adjourn or if Mr King is prepared to adjourn the debate of this to allow further comment. Thank you

**MR NOBBS** Thank you Madam Speaker Minister Sheridan raised the key issues and that is the structure and framework to support management of lump sum payments. Even he differentiation and the tolerance between what is a recurring or periodic payment. I'm well aware of the work that Minister Sheridan is doing on this particular policy review and I think really we're all aware of some of the issues that have been caused in the past by some of the people who have perhaps been disadvantaged, who have been given some money to assist them and it's something that has then come off their pension. I would only support adjourning this motion and leaving the Minister to work through the Public Service and through his Board to sort this out at this point in time, I think it is in hand

**MR KING** Thank you Madam Speaker I can see that there is a general feel among Members to adjourn it and I am happy to do that, but could I suggest to the Minister that in his examination between now and hopefully the time his policy comes forward at perhaps the next meeting, that he understand a number of things. Certainly it's a can of worms. But I say to you that it's been a can of worms for thirty years. And it has been administered fairly for the bulk of those years. Under a structure and a framework which exists now. It is not for the lack of a structure and a framework that things have developed as they have. It has developed as it has because of a mind set somewhere, sometime, in the Administration of this Act which changed the way that lump sums had been considered, so I say to you that the framework and the structure has existed for thirty two years to support treatment of lump sums in accordance with the fashion that I have proposed in this motion. I say that yes it's a can of worms but it's no greater a can of worms now then it was thirty years ago or during the following twenty five years when it was administered fairly and consistently. Of course it's difficult. It is a difficult thing. But how difficult is it to have as the uppermost

consideration in your mind the treatment of a fair fashion. That's the thing to be kept in mind. The political will to act fair. That's all that's needed to bring this thing to fruition. I'm happy to adjourn when necessary

SPEAKER Minister Sheridan would like to adjourn before you move the adjournment Mr King

MR SHERIDAN Thank you Madam Speaker and just in reply to Mr King there, I take on board what he says and I'm sure, or I hope that I'm not considered to act unfairly in certain situations. I try to be fair across the board. I try and look at all applications for benefits in accordance with the act and the advise that I get and I do not differentiate between any application. I treat them all the same so just in saying that, I do treat them all the same. Whether or not the Act has been in regard to lump sum, been treated differently over the last year, I don't know, I'm unaware of that, but reading the ability to treat monies outside the definition of income is solely up to the Minister responsible so in saying that, there must have been Ministerial views throughout the change in Government which would have changed those views. The Authorized Officers don't have that ability. They are bound by what the Act says as to what they can or cannot do. The only ability under the act for discretionary view on income is given to the Minister and I will say to Mr King that I will bring this to a head as quickly as possible. I did indicate late last year that I would have it in place by the review period of July this year. Mr King asked me if I could bring it forward because there is a facility under the Act that if somebody comes into a lump sum or comes into money they are supposed to inform the Social Services Officer. That is quite correct but very rarely do their benefits get effected at that point in time. It is usually done at the review period which is in July so in saying that, I'm just trying to give Mr King the timeframe that this policy would be virtually implemented and would be in the July review but I would get this policy up and cleared as quickly as possible

SPEAKER Any further debate from Members before I turn to Mr King for a motion to adjourn? Mr King

MR KING I move that the debate on the motion be adjourned and made an Order of the Day for the next day of sitting

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

QUESTION PUT  
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

That concludes Notices on our program today and we now move to Orders of the Day

**TOURIST ACCOMMODATION ACT 1984 – TRANSFER OF REGISTRATION LICENCE OF ONE UNIT FROM “CASTAWAY HOTEL AND APARTMENTS” TO “AHSTYK”**

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

MR NOBBS Thank you Madam Speaker I will only go through the overall run down once because I know that it can get tedious for us all around the table as well as those listening but just to give the complete outline of how this process works. I moved that for the purposes of section 15A of the *Tourist Accommodation Act 1984* this House resolves that the registration of one tourist accommodation unit from the tourist accommodation house known as “Castaway Hotel and Apartments” may be transferred from the place

described in its current instrument of registration to portion Lot 21k Selwyn Pine Road, known as "Ahstyk", subject to compliance with the following conditions:

1. Application for registration of a tourist accommodation house must be made in accordance with all applicable statutory requirements after the executive member's approval of the transfer under section 15A(2) in accordance with this resolution.
2. The premises to which registration is transferred must first —
  - a comply with statutory requirements for the ownership and operation of tourist accommodation;
  - b comply with statutory planning and building requirements for the siting and construction of tourist accommodation;
  - c be equivalent to a minimum 3 ½ Star standard under applicable Norfolk Island tourist accommodation grading standards; and
  - d any relevant planning approval must be obtained within 12 months of the transfer approval

Madam Speaker in the lead up to the sitting I enabled a number of discussions on this and additionally the presence of the Tourist Accommodation Officer to provide any answers should anyone have queries with regard to this transfer. We have two on the books for today, they are both fairly straight forward and as he quite clearly states, there are still planning requirements to be satisfied within terms of zoning, they both appear to not have any great challenges in front of them there however, that is to be progressed by the owners once they take possession of the licence. Thank you Madam Speaker

SPEAKER Thank you Minister Nobbs. Further debate Honourable Members. The question is that the motion be agreed to and I put that question

QUESTION PUT  
AGREED

Thank you. That motion is agreed to

**TOURIST ACCOMMODATION ACT 1984 – TRANSFER OF REGISTRATION LICENCE OF ONE UNIT FROM "CASTAWAY HOTEL AND APARTMENTS" TO "ROCKY POINT LODGE"**

SPEAKER Honourable Members we resume debate on the question that the motion be agreed to and I turn to Mr Nobbs who has the right to resume

MR NOBBS Thank you Madam Speaker, I said originally that I won't go through all the requirements and the documentation that I just read through before. I will highlight this, though, in many of these cases I've been to the property as well as the Tourist Accommodation Officer to visit the potential new licences and it is quite a positive sign that I'm seeing in terms of investment in boutique and family accommodation properties. Members may recall a property that was a transfer licence that went by the name of the White House that we discussed in this parliament some time ago. I went to an inspection of that property just before the tourists booked into it just about a week ago, and the investment and the amount of attention to detail to satisfy this boutique market is an absolutely, it deserves compliment for those who are investing in this area of the industry and it obviously is working in the ability for those with larger numbers of units that they would like to reduce to make more manageable numbers, it's obviously working in that context as well, thank you

SPEAKER Thank you Minister Nobbs. Further debate Honourable Members on the question is that the motion be agreed to and Honourable Members I put that question

QUESTION PUT

AGREED

Thank you. That motion is agreed to

## **DEREGULATION OF TELECOMMUNICATIONS**

Resumption of debate stands in the name of Mrs Ward and we resume on the question that the motion be agreed to

MRS WARD

Thank you Madam Speaker. We are continuing to debate the question of whether or not the Government should be supported in adopting a policy to refuse further deregulation of Telecom's copper network. Mr. King's motion states "that in the wider and best interests of the community this House rejects the recent Government decision to maintain monopolistic control of Norfolk Island's telecommunications... and substitutes instead a decision to deregulate telecommunications to the extent necessary to allow private competitive use on reasonable terms of the Norfolk Island copper network infrastructure". The main concern here is how the local business NIDS will be affected by the policy. That is a matter of public debate, and so it should be, and so I thank Mr. King for the opportunity to fully debate this issue in the House. All back benchers have been provided with a copy of the Independent Consultants Report, the Report that Minister Nobbs tabled earlier in the sitting. Members of the back bench have asked for the CEO's comments on the report and/or the Telecom manager's assessment of the report, and we've also heard this morning that, that information, from the service is confidential. It would appear that full disclosure of documentation to support government decision is not available to all Members of the Assembly. Therefore it is impossible for me to see our own advisors reaction to this report. Mr. King's motion states that the government has made a decision to maintain monopolistic control of telecommunications. This is not entirely accurate; the policy maintains control over the Telecom network, but not telecommunications in general. The second part of the motion seeks to allow private competitive use on reasonable terms of Telecom copper network. What the motion calls for - already exists. That is, the ability for a private operator to lease copper network infrastructure. Late last year, a working group was formed to assist in reaching a pricing schedule to allow NIDS to lease lines of the copper network in order to run their ADSL2 service. The group determined that the scope was beyond their capacity and they developed and recommended the Terms of Reference to be used by a body or person with relevant qualifications. Prior to that, neither the Telecom Manager nor Minister Nobbs were able to develop a pricing structure. It is not clear why the Manager was unable to provide this advice. The working group, clearly referred to a "pricing schedule" being needed yet the report that we see today from the consultants is headed 'Review of Telecommunications Competition'. What that has to do with a pricing requirement and setting quality standards, I have no idea. I don't have a problem understanding the technological side of this issue, I don't have a problem with the legislation. What I find difficult to follow is the variation in policy direction over the years and the line of reasoning that is followed. It must be disappointing for Minister Nobbs to have stood as the previous Chief Minister and announced to anyone who would listen around the Pacific that Norfolk Island was going to join the world of telecommunications; that Norfolk Island was in fact 'world class' and that people would soon be able to enter Norfolk and do business. Now he and this government is sending a message to the world and the community that says, - I have changed my mind - I have now been advised that competition in this small place doesn't make economic sense. Surely the Minister understood that side of the argument before he and the Telecom manager travelled the Pacific on a publicly funded overseas trip presenting power-point demonstrations selling their dreams to potential resellers of communications. It is worth noting that in 2004 the Government of the day tried to force NIDS to use Government leased infrastructure. They lost that battle in the Supreme Court but now, perhaps because of that the government is saying - we will set a policy that does not allow NIDS to utilize latest Telecom infrastructure. NIDS has paid for and used publically owned telephone phone lines since the inception of the internet to

Norfolk Island. The community should perhaps be reminded again that it was Rob Ryan, the then proprietor of NIDS who brought the internet to Norfolk Island 15 years ago. I am in no way surprised by the decision of the government not to further deregulate. I realise, like others in the community, that we have developed over the years, and many still hold, a self limiting philosophy. But the question is, whether or not the Government decision has been made in the Community's best interest? In the short term, probably yes, but in the long term. I am not so sure. The policy effectively closes the door to any new investors wishing to use the network, even if they pay for that use. Again, we see self limiting action by government. So much for the previous government's commitment to deregulation, competition and providing equal opportunity in the market place. That has disappeared. I will say a few words on the report itself. I asked a question in the House in December, "Does the report assume that Telecom is the only service provider". The authors appear to chop and change over this question. First they appear to believe that Telecom is the sole telecommunications provider on the island and then later they refer to a New Player. A new player? Surely they are not referring to NIDS as a new player. There is reference in the report to the standard of equipment used by NIDS. It is suggested that NIDS infrastructure is inferior and that its activities are a potential breach of the law. To me, this is real bully boy language and it is offensive. I can imagine how the owners of NIDS and their staff feel. The reality, according to NIDS, is that they are using the same quality link to their satellite as Telecom is using to theirs, that is, the New Zealand telecom satellite. If the government is going to continue to attempt to sully the name of the NIDS proprietors, if NIDS is in fact breaking the law, then do something about it. But I doubt that, that will happen as we know what happened the last time the Administration challenged NIDS in court. It lost. And I hope we do not see a repeat of valuable resources being wasted on fighting our own. I have to ask the question; If the authors of the \$27,000 report asked to address 'review of telecommunications competition' failed to make their own independent inquiries about what facilities the present competitor utilised, then of what value are the arguments presented in the report? My other big question was "did the report recommend competition or not?" Typically, the authors covered both scenarios for and against, and then it was left to the government to decide which way to jump. The report makes strong recommendation against competition mainly due to the size of the market. To me it is a shame is that the Minister has not achieved what he set out to do; that is, to determine a pricing structure for the utilisation of Telecom's infrastructure. A price that would have allowed NIDS to carrying on using copper technology to deliver faster broadband internet to the residents and businesses on island. In real estate terms, what we really needed was a genuine buyer and a motivated seller, but therein lies the problem, the seller is not motivated. Someone has to prove that there are dollars in this exercise and I know that NIDS have willingly provided financial indicators but this is obviously not attractive enough because the Minister and the government remain paralysed by the fear of the loss of revenue. A Member of the community asked a fair question recently, how much is the government afraid of losing? Budgeting for enabling legislation and upgrades is, as I argued last month, an area to address with the Commonwealth. Let us suppose for a moment that this motion fails to gain support today, then it will then be left to the Telecom staff and management to convince the public that Telecom is able to provide best service and value for money. It is, at the same time, unrealistic for the community to expect Telecom will be financially able to capitalise on new technology. I have a great responsibility to my community and to support this motion would not be in the best interests of NIDS and today, they are my primary concern. The young men who are NIDS have shown great resilience, patience and humility in dealing with an extremely frustrating situation. Others would have simply walked away, but Norfolk and this business is their lives, it is the life of their employees and their young families. NIDS has invested, as other private business operators do, in Norfolk's future, in their own future but this motion will not secure that investment. What is frustrating is that all this is still going on when all that is required is a pricing structure that will allow NIDS to continue, to continue, using copper wire technology to deliver faster broadband internet services. Using the same Telecom service that they have used for years. More importantly, it would be brutal to deliberately leave the current embargo in place for a day longer, knowing that it will strangle NIDS

and that they would be forced to let go of their dream, that is, to provide residents with high speed broadband internet via their own satellite utilizing the same infrastructure they always have done, at a fair price. In summing up Madame Speaker, I wish the proprietors of NIDS well in expanding their business into new areas whether in the field of telecommunications or elsewhere and hope, as they do, that they can keep themselves and their loyal employees employed. If this policy stands, NIDS may continue to operate but not on the Telecom copper network. It may become limited in its ability to provide healthy competition to residents and I remind the community that they can thank competition for the more reasonable phone charges we currently enjoy. I will continue to lobby the government to review its attitude towards commercial arrangements across the board. If we continue to send a message to outside players that we are a closed shop and if we continue to follow legal advice and attitudes that are ten years behind the times then we are not looking after the best interests of residents today or the next generation. I can support the Government's policy decision understanding as I do, our current financial predicament but I can not support is an attitude that continues to support coercive monopoly. It is short sighted and it is not working. My difficulties are these: one, the motion is not entirely relevant to the exclusive NIDS question and two, just because I believe in healthy competition does not mean I am blind to the reality that in some instances it is not in the best interests of the community. I have always stated that in some areas competition works and in others it will simply not be viable due to the small marketplace. What NIDS needs however, is a commercial fee that would be placed into a commercial agreement. Any private operator would need a contract spelling out a fee with terms for use of facilities. Simple. All it takes is a forward thinking Minister. But it would appear that we have a Minister who is openly more concerned about short term losses and the negative impacts of competition than long term vision. I will reserve my decision on the motion until I have heard other Members debate the motion including, I trust, every Minister. I am interested to hear their individual views but my inclination is to abstain. Thank you Madam Speaker

MR NOBBS Thank you Madam Speaker the debate on deregulation of Government monopolies is not new by any stretch of our imaginations. Many people have a belief that a by product of modernisation and evolution of Government and industry is the introduction of competition. Generally there is a belief that competition will reduce prices to the consumer and improve service delivery. Then there are the motive arguments that we should give this operator or that operator a go. We hear the debate that deregulation of telecommunications on Norfolk Island, a subject that has not only had profile on Norfolk Island but has also stirred interested parties from outside of Norfolk Island to make contact regarding access to Telecommunications infrastructure on this island. There are a wide range of views from professionals in the fields of Telecommunications, economics, Telco strategic planning and various other communications bodies. Almost all agree that within an economy of suitable scale the outcomes of competition can be positive. Norfolk Island's economy however, falls into the category often described as a micro island economy. Professional advice reveals that the introduction of telecommunications competition within our scale of economy will produce a negative result for the community. Interestingly there are no examples of a country or economy of similar size with Telecommunications competition in operation today. At the commencement of my task to evaluate deregulation of telecommunications on our island, I was quite clear in stating that if a suitable pricing structure was in place to sustain the cost of infrastructure then I was not opposed to the introduction of a fee structure and access arrangements for private access to the copper network. In discussion with Cabinet I proposed a number of options to establish a pricing structure. For example I prepared terms of reference for a working group consisting of Members of the Public Service and members of the community to calculate pricing and to evaluate deregulation. I tabled in this House their response to this task and their recommendations to seek appropriate technical expertise and experience for this task. I approached the executive level of the Public Service for advice and then commenced an engagement of the consultants that gave us the report that is before the Members of this House today. I previously outlined the individual consultant expertise, however, I'll

reiterate that both consultants have substantial experience in telecommunications, economic analysis, retail and wholesale competitive strategy, regulatory framework, these consultants provide advise to ACMA, the Australian Telecommunications regulator, as well as holding positions such as the Associate Commissioner (Non Resident) to the Independent Consumer and Competition Commissioner of Papua New Guinea, and as I stated earlier, the appointments to ICCC are carried out by the Governor General of Australia. These are recognised professionals in this field. Madam Speaker to cut to the chase, upon receiving the Consultants Report it was evident that this was not just a case of develop a pricing structure, enable competition and everything would work well. Quite the opposite. Returns for the community would reduce and overall pricing to the community would increase to ensure no anti competitive pricing arrangement. An evaluation of existing free or subsidised Telecom services would be required to ensure no unfair advantage was in place. Reduction or potential reduction in quality of services and fairly obvious cherry picking of internet and VOIP services that would move Norfolk Island's communications satellite away from and this is in quotes "minimum efficient scale" incurring higher costs for the bulk of the community who require higher quality, secure and reliable service. The per unit cost would also rise with a reduction in international traffic carrier. I highlight these areas as real outcomes as raised by professionals and supported by a commonsense analysis of our own scale of economy and community expectations. There are many studies available in print and on the internet that agree with these findings and a new study within the deregulation within the macro economy of Cyprus raises the same scenarios and they have a population of over 700,000. Add to this the cost to be incurred in re writing our legislation to protect the consumer and the operators and implementing a body to appropriately oversee the operations of Telecommunications on the island, and you will quite clearly understand the Government's decision to not enable competition within the Telecom network. There is no overall benefit to the broader community. In fact the broader community would be subsidising the private operator and be burdened with the additional cost to enable a deregulated environment. It is worth pointing out that we're talking about new business opportunities for NIDS. We're not talking about putting them out of business as a computer or an on seller outside of the Telecom network. Our job is to analytically examine policy and options for the greater good and the broader community of Norfolk Island as illustrated in the consultants report and as mentioned in various other publicly available studies, Telecommunications deregulation will not produce a positive result within our scale of economy. The consumer will pay more with less available for infrastructure and future technology investment. I'll quote from a paragraph from the consultant's report within the recommendations to the Administration. The introduction of competition to the areas of service provision international calls or mobile calls would have a negative impact to the people of Norfolk Island both in terms of revenue available to the Administration (a dividend or notional tax stream) and the long term reduction in service offering and quality. Not just in the Telecommunications space but also in other services funded from the dividend stream of Norfolk Telecom. Madam Speaker we need to analyse the data and utilise recognised expertise in reaching decisions of this nature. The Government has been advised by professionals in the field of Telecommunications economics and industry to not deregulate Telecommunications. The advise also clearly indicates that under the current Government delivery of Telco services we are providing competitive pricing in line with and in many cases better than other jurisdictions. Our technology and technical support is also extremely well rated in the comparisons within this report. The Government's decision to not deregulate Telecommunications at this point is the right decision.

MR KING

Thank you Madam Speaker, compared with Mrs Ward's well balanced and reasoned articulate presentation, Mr Nobbs contribution to the debate thus far can be regarded as nothing more than a lame explanation for his very poor conduct in this particular matter. It is new to the current political climate to be disc using a monopolistic Telecommunications practice. That is new to the current political climate. It emerged only in Cabinet. It has not been put on the table or discussed with any other Members. It is a slap in the face and a further expression of contempt for the

House that we have not been given an opportunity, and it is wrong for the Minister to say that it is an issue which has been debated over a long period of time. That is so far wrong you couldn't get it any more wrong

MR NOBBS Point of Order Madam Speaker

SPEAKER Your point of order

MR NOBBS There have been a number of forums that we have certainly debated that as Members. The fact that Mr King doesn't attend MLA meetings to be part of those debates is his choice

MR KING What's his point of order Madam Speaker or is it merely an interjection

SPEAKER I think the point being made by Mr King, is in the House

MR KING Are we debating this or is there a point of order

SPEAKER No. No. What I'm saying is, there is no point of order

MR KING Madam Speaker apart from the Government telling me that they are not prepared to release the information advise on which they made their decision, except for some irrelevant \$27,000 report on an entirely separate issue, there hasn't been a squeak from the Government. One would have to say that the Government appeared very serious about the Government solidarity business, the all for one and one for all, the four Musketeers, let's just hold our ground. Tell em nothing. Weather the storm and hopefully they'll go away. Well Madam Speaker we're nearing the end of the storm because I have to say that I'm almost out of puff. I se orlmus dun. I am perhaps inclined to just let the matter move out now. To move out of the political arena and move into the judicial arena where I'm sure it will get a fuller and fairer examination but before I surrender, before it moves off in that direction which it inevitably will, let me make some parting words. I had endeavoured to get Madam Speaker's attention earlier in Mrs Ward's contribution for the purposes of following her in the debate so that I was going to ask Mr Nobbs that he spare us any more discourse in relation to this matter because Mr Nobbs speaks with forked tongue

MR BUFFETT Madam Speaker point of order. Forked tongue is not appropriate

MR SHERIDAN Madam Speaker can I have a Point of Order here

SPEAKER Certainly. Mr Sheridan

MR SHERIDAN Madam Speaker this is a matter for you to adjudicate on. I believe Mr King hasn't declared his personal business or his vested interest in this matter and in that, he's on a waiting list to be connected via Telecom to NIDs for his TAB operation. Now it's totally inappropriate Madam Speaker for Mr King to use his position on this Government to attempt to enhance his business interest, so I would like you to review the motion that Mr King has in the light of whether or not he should proceed and whether or not Mr King should be heard any further

SPEAKER I don't have that power to review the motion because that motion is a matter that is held by the House. What the House has is the ability to move that the motion be withdrawn from the Notice Paper. It lies with the House not me

MR SHERIDAN I also move Madam Speaker that Mr King be no longer heard. I think we have that provision under Standing Orders, in light of what obviously is his interest in this matter

SPEAKER Let me make it quite clear, there are two options open. This matter is in the possession of the House. Not Mr King. It is in the possession of the House and the House has the authority to move right now that the motion be withdrawn from the Notice Paper and I can put it to the vote. That is option number one. Option Number two is if you are so moving that Mr King be no longer heard..

MR SHERIDAN I so move

SPEAKER That is a motion that I must put forthwith under Standing Order. I'm sorry Mr King. It is a motion that I must put forthwith

MR KING There is no opportunity to debate this

SPEAKER No. I'm sorry that is one of the questions. Unless I presume that the rights of the minority are being denied

MR KING Section 74 Madam Speaker of which you are amply aware I'm positive. I remind the House Madam Speaker that I am a member of a minority group, being the only Member of a registered political party, the Australian Labour Party and its ruling would be an infringement of my rights as a minority

SPEAKER I have had drawn to my attention in moving this motion, Standing Order 74, a motion may be made that a Member who is speaking, except a member giving notice of motion, that, that member under the Standing Order be not further heard and unless it shall appear to the Chair that such motion is an infringement of the rights of the member, such question shall be put forthwith and decided without amendment or debate. It lies as a decision of the House in my putting that motion as to how you vote as to whether that is in fact how you are feeling. I'm going to put the question

MR KING Madam Speaker I'm sorry may I raise a point of order. Madam Speaker there is a discretion contained within that Standing Order unless you determine that it is an infringement of the rights of the minority. Have you made that determination

SPEAKER I have made that determination by saying that the question will now be put

MR KING that I am not a member of a minority

SPEAKER Oh no no no. That's in respect of debating. It's not in respect of whether or not at this moment in time you are a minority in your view. I'm going to put that question. It lies with the House now as to how you vote as to whether or not the member continues to be heard. I put the question

#### QUESTION PUT

I would ask the Clerk to call the House

MS ADAMS	NO
MR SNELL	AYE
MR SHERIDAN	AYE
MRS GRIFFITHS	NO

MR BUFFETT	NO
MR NOBBS	AYE
MRS WARD	NO
MR KING	NO
MR ANDERSON	AYE

SPEAKER The result of voting Honourable Members, the Ayes four, the noes five. That motion is defeated

The Member can be heard by the will of the House. You now have before you the opportunity and I'll say it again, to ask that the motion be withdrawn from the Notice Paper. I will leave that with the House

MR BUFFETT Madam Speaker I voted no for that motion and I voted no for this purpose. If in fact somebody is...

MR KING Madam Speaker I have the floor in relation to this matter

SPEAKER That is correct. Mr King. Please bear in mind what I have said to you. That you have the ability to withdraw the motion

MR NOBBS Point of Order Madam Speaker

SPEAKER Yes

MR NOBBS There was an imputation in what Mr King said in his last spout of whatever which was an imputation of character so I raise that as a real point of order

SPEAKER I have to say that I am very sorry, as I said at the very beginning, the Clerk spoke to me at the moment that Mr King spoke. Could you repeat please and I will then rule on the point of order

MR KING You would have to refer me to the words that he finds offensive Madam Speaker

SPEAKER Was it a reflection on yourself

MR NOBBS It was indeed Madam Speaker, it was basically...

SPEAKER The policy is this Minister, it is not for the Chair to look behind. If you feel that you are offended Standing Orders supports you in your belief. It is not for the Speaker to look behind whether or not you personally believe you have been offended. I support the point of order Mr King. I ask you to withdraw the words which were offensive

MR KING I need to be pointed to the words Mr Nobbs finds offensive

MR BUFFETT They were indeed offensive words Madam Speaker...

MR NOBBS Forked tongue

SPEAKER Forked tongue, thank you

MR KING Yes, I see

- SPEAKER I ask Mr King that you withdraw those words
- MR KING I certainly do
- SPEAKER Proceed please Honourable Members
- MR KING Can I say Madam speaker that I believe that Minister Nobbs blurs the distinction between truth and fiction
- MR NOBBS Point of Order Madam Speaker
- SPEAKER We will have some respect in this House please Mr King. We will not be using words that reflect on a Member otherwise you will leave me no choice but to name you. Let us move on with respectful debate
- MR KING Well Madam Speaker then I'm probably not going to get away with saying that anyone who listens to what he says probably spends their days reading fairy tales and watching Mary Poppins on a loop. In fact Madam Speaker they're probably members of the Flat Earth Society and thought that Albert Einstein failed at maths. But...
- SPEAKER Mr King you have..... to make in debate please
- MR KING Madam Speaker
- SPEAKER That is my last warning
- MR KING What I would really like to do, like Mrs Ward, is to hear from his colleagues. I want to see and I want to hear Cabinet solidarity in action. Norfolk's new paradigm, thank you Bob Catter, collective responsibility. One in all in. Let's hear from them Madam Speaker. Not in any particular order although it's probably right that Mr Buffett, the Chief Minister, being a person responsible for it seems collegiate thought should lead the debate. Let's hear from him Madam Speaker using the all the wisdom and experience that he's mustered over some forty odd years in public life, let's hear whether those forty years have fitted him to deal with his collective responsibility
- MR SNELL What are we talking about? The Chief Minister? Surely we're talking about telecommunications. Can he get on with his argument on telecommunications
- MR KING Is that a point of order? Is a point of order called?
- SPEAKER Direct me to the point of order
- MR KING ...is there a point of order called on or what?
- SPEAKER Mr King. I'll give one more warning
- MR KING Well it's interjection, that's my point of order
- SPEAKER I'll give one more warning. Mr Snell wants a point of order of relevance. Keep the debate relevance please. No more personal reflections on members in this Chamber
- MR KING Considerable effort to shut me up Madam Speaker but I accept the challenge. Madam Speaker I ask whether Mr Buffett has acquired in his

forty odd years in public life, sufficient wherewithal to stand next to an issue which has been handled poorly, disrespectfully and in a closed fashion and in fact in a say one thing do another approach to the community. A slap I say Madam Speaker, a slap in the face to those who over the years, he has invited, perhaps begged and pleaded to invest in the community. Is there embarrassment on the Chief Minister's part that private enterprise has had the carpet pulled out from beneath them as Mrs Ward has alluded to. How does the Chief Minister reconcile and justify in his mind that this issue has never, I repeat Madam Speaker, it has never had over the past fifteen months or so, anything at all to do with deregulation or maintaining a Government telecommunications monopoly. Is he blind to that fact? Let me hear that. Does he understand from an investors perspective what it means or what it should mean to hear the Government say that its policy is to provide a level playing field quote, or I quote again "allow competition in the communications area". Madam Speaker that is saying to the potential investors in the island, this is the environment in which we invite you to invest. A level playing field and to allow you to compete in the communications area. They said it. Not me. Can the Chief Minister understand and accept that the reams and reams of emails and written advises and words in this House that attributed the delay in lifting an embargo on new circuits solely to an exercise in developing suitable fees and charges. I would like to hear from him just when it was, although we have now been some indication by Minister Nobbs when the debate swung away from the issues that have dominated the debate over the past twelve months towards the conduct of a secret debate behind closed doors on the wider and irrelevant issue of telecommunications competition on Norfolk Island and adopting a position without a word of discussion in this House. Contempt for the parliament. Let me hear how the Chief Minister's long representative years have fitted him to deal with a new collective responsibilities paradigm where he has abandoned a thirty two year old cornerstone of the consensus Government that he and you Madam Speaker have strived to preserve. That is, the right of any Government Member to oppose the position of another. Alas they have dumped your consensus Government. I want to hear Mr Buffett re gather some self respect and exercise his own superior and more intelligent mind in an independent manner

MR NOBBS

Point of Order. Interjection Madam Speaker

SPEAKER  
offensive

Mr King you are beginning to move back into being

MR KING  
relevant point of order

Well I'm having people yell at me. Is that not a

SPEAKER  
saying

You are moving to being offensive in what you are

MR KING  
Madam Speaker I shall endeavour to avoid that but I fail to see how my referring to the self respect and the superiority of Mr Buffett's mind and intelligence has been a reflection on his character. I want him to display the decency and the respect for the community for which he has been known for four decades. The Chief Minister said on the last occasion that he was interested in having debate. Well let's have it Chief Minister. You made no contribution then. But let's be satisfied now that he understands the issues and implications. I want also to hear from Mr Sheridan. Although he has already stated his position by arrogantly declaring that he will not support the motion regardless of any arguments that might come forward in the debate. Dismissed with disdain. Dismissed with disdain. That's what he did to me and the House with typical hubris he simply dismissed anything that anyone might say about this matter. He said the decision has been made and I don't intend to support the motion. Daas daa. Dumain wathen yorlyi tal. Wi el duu th' thing wi want. Even though hi se kil mii fe taiyed, I remain interested in hearing more about the Minister's thought processes. I'm keen to understand how easy it was for him to abandon his principal's when he moved from the backbench to the front bench. My recollection is of a backbench Member who took

serious exception to being kept in the dark by a Government who demanded that the House be given the opportunity to decide certain matters. How quick we can change. In the 12<sup>th</sup> Assembly this is what Mr Sheridan said when sitting on the backbench and when criticising the way the Government did business then, and I quote “but anything that would have to be progressed you would expect paperwork to follow with regard to issues. But then again the only thing that has been lacking in the last couple of years is the paper trail with regards to decisions that are made down here in particular and information that’s been brought to the table has been very useful and the paperwork ~ here we go ~ and the paperwork has not been forthcoming at all. Sometimes it’s very hard to get stuff in writing to justify decisions that are made” end of quote Mr Sheridan

SPEAKER A lot of licence here. I think I must now invoke relevance

MR KING Is it the level of my voice which is annoying you  
Madam Speaker

SPEAKER It is not annoying me at all

MR KING Is it the use of ...

SPEAKER But you know that the role I have here is to keep order in the House. I’m just bringing to your attention, could we return to the matter before us, which is the motion before the House

MR KING Madam Speaker I’m attempting to point out a number of things. Very important among which is the fact that a decision has been made without any justification provided in terms of documentation. That is an extremely relevant matter to the conduct of this debate and the fact that I’m pointing to a Minister employing double standards is perfectly relevant. I’m pointing historical facts and words that he has used. Now I will attempt to give yourself Madam Speaker and your Chair the utmost respect but I will robustly perform my duty as a backbench debate. I say Madam Speaker how quickly things can change. Now as Minister he’s fallen into the very, very same behaviour of those he used to criticise so loudly. He now supports Mr Nobbs. The nub of it Madam Speaker in his quest to hide material and information on which decisions are made. Talk about double standards. How quickly we abandon our self respect and our principles when the going gets tough and we’re called upon to justify our conduct. There was very little of substance in Mr Sheridan’s contribution to the debate in December. He admitted to not being a technical man. I accept that. Very few of us around this table have a knowledge of the technical area. Certainly I don’t have any knowledge of that technical area. Then he went on to justify the decision that he’s made by saying that he likened the use of copper wire circuitry to the use of the Admin’s power poles to sell privately generated electricity without and I quote “any input to the infrastructure”. Madam Speaker how can you get it more wrong than that! Doesn’t he understand that, that is precisely what the debate has been about. Finding suitable fees and charges to make an input? He went on to join Mr Nobbs and his scaremongering by suggesting that Telecom might likely lose half its business if continued access was allowed. Madam Speaker that is absolute rubbish and that has not been borne out with any facts or presentations in any way, shape or form. Nor might I suggest have any other outlandish suggestions made by Mr Nobbs, like for example and I quote “continued access would mean new charges in community services and pension ~ pensions! ~ would have to be reviewed. That’s an old trick. That’s one that politicians pull out every budget time. Now that’s just to scare the pensioners!

MR NOBBS Point of Order Madam Speaker. Not only taken out of context but incorrect. It was to do with benefits that were associated with pensions that were provided by Telecom. If Mr King could perhaps keep some form of accuracy and work on analytical rather than emotional

- SPEAKER I just turn again to relevance
- MR KING I'm sorry Madam Speaker could I hear your ruling in relation to that
- SPEAKER Just relevance. I have agreed on this matter of relevance
- MR KING I'm sorry but Minister Nobbs did not call a point of order on relevance point of order on relevance Madam Speaker
- SPEAKER What he did was he pointed to divergence on debate to an area that was incorrect
- MR KING I see. Okay Madam Speaker. Thank you very much. Those outlandish suggestions were thrown down as a challenge in December has been unsupportable and the Government was called upon to demonstrate the basis for these ridiculous claims. I'm betting that neither Mr Sheridan nor any Minister for that matter rose to any of those challenges that were laid before them. Being a better man I would bet the proverbial pound to the peanut that none of them have even thought about challenging Mr Nobbs because they know that his claims are unsupportable. Let's look at a couple of the other challenges which were thrown down.
- MR NOBBS Point of Order Madam Speaker. There is a statement there that my claims were unsupportable. The claims that I am putting forward, the decision that has been made has been on the basis of professional advise in these arenas. It's not been made on an amateur assumption or ..
- SPEAKER Mr Nobbs this really is not a point of order. You will have the opportunity to return into the debate at the conclusion of Mr King. There is no point of order. Mr King
- MR KING Madam Speaker what about the embargo issue. Well, well, what about the embargo issue. Wael wi se sik en taiyed a hiiren baut daa blasted embaago and today we find, heavens above, he cannot and will not table the legal advise which gave him some authority to impose the embargo. Well bloody hell!
- MR BUFFETT Point of Order Madam Speaker, I'm not too sure that the Members have to suffer those sorts of words in the Legislative Assembly, whether they're from Mr King or not
- SPEAKER Point of Order upheld. Please withdraw those words Mr King in respect of this House
- MR KING I will substitute them Madam Speaker with Blimey Charlie.
- SPEAKER That is acceptable
- MR KING Cor Blimey Charlie! Did Mr Sheridan take on board the argument that the copper wire was still being leased out for a considered price by private enterprise. Even recent commercial connections. Did Mr Sheridan rise to my challenge to produce any evidence of a Government statement or document that gave any indication at all that the Government was looking at anything other than pricing and supporting legislation. Of course not. He either couldn't have cared less or he and his colleagues all knew that there was no evidence to be found. Mr Sheridan's modus operandi as a Minister is to protect and preserve the status quo. I suspect that, that is his

naval training. Don't rock the boat. Well let me be quick to say that I'm not taking anything away from Mr Sheridan's long naval career or his achievements and there's a lot of circumstances where it's quite an admirable position to take, not to rock the boat, but it is not an attitude that befits an executive member of this House. A Minister of Government who must exercise his own mind and justify his position. A Minister who must compile the orders and exercise his own initiative rather than someone who just carries out the commands of others and if it goes down, not knowing what he's trying to protect

SPEAKER Mr King the motion before the House is no longer really what's on the table. You are now starting to discuss Members personalities etc

MRS WARD Madam Speaker I understand Mr King is trying to elicit comment from the Minister's and yet he's attacking their whatever. How does he know they are not ready to make comment

SPEAKER Mrs Ward I take it that you are raising a point of order and there is no point of order. When Mr King has concluded I will offer everybody here the debate

MR BUFFETT I endeavour to make a Point of Order Madam Speaker. It's now the matter of relevance

SPEAKER Absolutely and I uphold that point of order

MR BUFFETT The matter that is before us is about Telecommunications. We have been subjected to a tirade about individuals, their performances or otherwise. I'm quite happy to listen to that in the first instance when it was about me. I might have had a couple of interjections about that, but I'm happy about that, but I can now see quite clearly that Mr King wants to do the rounds and in fact if that's all he's about in terms of wanting to denigrate those who have executive responsibilities in the Norfolk Island Government then I do raise the matter of relevance. If he wishes to enter the debate let him stick to the matter of Telecommunications. I'll be happy to hear the views that he might have. Whether he wants to dictate to us who will speak, when they will speak, that is a matter for individual Members of this House. I ask that maybe you consider the matter of relevance Madam Speaker

SPEAKER Thank you Chief Minister that is exactly the point that I was making at that time so I support your point of order. Mr King I ask you to return to the motion as we are perhaps fast approaching the time when the question needs to be put

MR KING Is there a time limit on my presentation Madam Speaker

SPEAKER No

MR KING Are you indicating I'm to be cut short Madam Speaker

SPEAKER I have not said that Mr King

MR KING As I've not yet finished with Mr Anderson. I've not commenced yet

MR ANDERSON I'm looking forward to it Madam Speaker



of the House before was whether Mr King had an interest. That was the subject of that point of order

MR KING We're all over the place, we are all over the place

MR BUFFETT Yes indeed, and in a sense you have led it and if you want to lead it in that context, being all over the place then you need to suffer these sorts of consequences

SPEAKER Mr King please address the chair

MR KING Mr Buffett was addressing me rather than the chair  
Madam Speaker

SPEAKER Chief Minister have you concluded

MR BUFFETT I think you have probably heard what I need to say at this moment Madam Speaker thank you for that. The matter of relevance

MR KING No he was talking about my

SPEAKER Mr King I'm going to ask you

MR BUFFETT Yes relevance

MR KING Well one thing or the other

SPEAKER Mr King I'm going to ask you just one more time

MR BUFFETT Yes, the matter of relevance

SPEAKER Mr King I'm going to ask you just one more time

MR KING Well as long as the same rule applies to others  
Madam Speaker

SPEAKER Yes, I quite hear you. Could you move back to the substance of this motion

MR KING I thought it was...

SPEAKER No longer talking about Members in the House or what...

MR KING No longer talking about what they are trained to do

SPEAKER They will answer you in debate when they are given the opportunity to debate. At the moment you have the floor. You have been requested on the matter of relevance to be relevant

MR KING Well thank you Madam Speaker. I would expect that Mr Anderson, being the professionally trained, disciplined, naturally curious person that he is, and of course, holding the high office of Finance Minister, would have followed up on some of the assertions I made about the claim about the financial standing and the lucrative nature of Telecom's trading position. I heard what Mr Nobbs said today in response to questions and I think I may have even said on a previous occasion that if he proves correct that Telecom in 09/10 returned a profit after depreciation of \$230,000 that I would fall at his feet. I'll do that. Only momentarily and I'll rise again and continue my

tirade, aah discussion, in respect of that Madam Speaker because I will say that I find it very difficult if the accounts, the financial accounts are compiled in the same manner as they were on the last occasion and given the financial circumstances and continuing economic decline that the trading position of Telecom has improved by \$600,000 odd dollars from a loss of \$400,000 to a profit of \$230,000. I am curious to find out whether that is the case. I would have thought that Mr Anderson would have pursued that line of thought. I would have thought that he would follow up on those challenges that I laid down, that it would become very apparent to him very quickly that the decisions made by Mr Nobbs during his time as Chief Minister of the previous Government, decisions made under that Government which resulted in directly, directly, a direct loss of some \$2m in cash in bottom line, in the period going into the GFC. I've no doubt that he pursued those things and uncovered those facts Madam Speaker. That's typical of the kinds of decisions which emerged during that particular time. \$2m impact. Daas plenty money in auwas context. Mr Anderson has been part of the Cabinet decision to deny access to the documentation. Mr Nobbs regularly takes refuge Madam Speaker behind a claim of privilege or some other excuse to avoid tabling supporting documentation. I've sought some clarification from the Chief Minister as to what guidelines are to be employed or what exists in relation to tabling of documents so that backbenchers can get a greater understanding of what might possibly be available to them or whether they should just shut the hell up and say nothing. Mr Nobbs wrote a memo to all Members on the 7<sup>th</sup> January, dealing with this matter. He cleverly avoided mentioning certain other documentation which had been requested. Very, very cleverly avoided that. The bottom line was in any event, that whatever documentation had been requested, the Government clearly had no intention of releasing anything which might not support their decision. Alternatively you could conclude that assessments, valuations and briefings which you said formed part of the decision, simply do not exist. I favour a mixture of both Madam Speaker. It would seem then with Mr Anderson's blessing that the Government will take whatever decision it wants behind closed doors, that it will take into account anything it wants, relevant or not. That it will offer any explanation it wants without having to be accountable, that it will only release information selectively, presumably only if it supports their decision. Essentially Madam Speaker the Government will kinda, do d' thing wunt, within impunity. A sad day for transparency and accountability which you all trumpet about incessantly, particularly Mr Nobbs. Madam Speaker the only thing of any substance which has been offered to the House is the \$27,000 worth of wonderfully sycophantic report entitled "The Review of Telecommunications Competition" released by Mr Nobbs today after much anguish. I appreciate his reluctance to release the report because it is essentially, to use the colloquial, a piece of crap

SPEAKER

Further debate Honourable Members

MR KING I'm not completed Madam Speaker. If I may. For that reason I am loath to even discuss the \$27,000 report from the sycophants. Principally because as I have said it emerged from left field. What was an exercise as Mrs Ward has pointed out, to determine pricing for copper wire access, which commenced with the examination by the Working Group who passed the buck, morphed into a Review of Telecommunications Competition. Nothing, nothing to do with the issues which were on foot. Nevertheless I am keen to briefly justify my classification of the report as a piece of crap. The report is founded in basic error. It's value is undermined quite dramatically by some very basic erroneous assumptions, some of which have been referred to by Mrs Ward. How can the consultants get it so wrong as to assume without even consulting with the relevant people that the NIDS organisation's offering inferior service that Mrs Ward referred to. They said in that report that NIDS is offering an inferior service because they utilise a substandard satellite connection. I think Mrs Ward may have referred to the fact of them using the same satellite. I'm not quite sure that that's the case but what is clearly the case and quite contrary to the blatant untruth in the report is that the NIDS organisation uses the same type of seabank satellite link that Telecom uses. It doesn't use an inferior satellite service at all. The

report also states quite emphatically that private enterprise, meaning NIDS, is not offering any service that cannot be provided by Telecom. I suppose to some extent high speed internet can be provided by Telecom. That's true. But it is also true Madam Speaker that they are not providing it. They are not now providing it. It does not offer ADSL 2+ PDSL so that business cannot get the higher speeds as provided by NIDS and it may be an appropriate time here to talk about my own situation. Madam Speaker Members may recall on the last occasion that I spoke to my conflict, apparent, perhaps possibly, perceived conflict of interest in this matter. I said that I was an operator in an industry which relied heavily upon telecommunications and upload, download speeds through the internet. I said that. I think a number of them may have been asleep at that time because I had probably been going on for quite some time and I'm sure they were yawning and what not, but I did spoke to that and I also said at that time that like many others in the community, yes indeed, I would benefit from higher upload download speeds. Of course I would. I've said that from time to time. Yes I've made an application for it. Yes I have done that. But so have many others. So have many others. You know what's really strange Madam Speaker is that my business is among the very, very few businesses on the island who benefit and use the internet 100% for their business. Mine is the business which pays a very, very high level of taxes, to this Administration over many, many years. On not one occasion did anyone come to talk to me about my requirement for high speed upload or download. Not once. Not the Minister here, not Mr Sheridan, you've got plenty opportunity...

MR NOBBS Point of Order Madam Speaker I would have to query relevance on that, particularly as I am aware that there was an offer on the table in writing to discuss that from Telecom management

SPEAKER I understood that Mr King was talking about vested interest. He was referring to his vested interest to make sure that, that was clear on the table

MR BUFFETT Madam Speaker I understood that Mr King was saying that he hadn't been given an opportunity to be consulted

MR NOBBS Correct

MR BUFFETT ...and the Minister is now just saying that somebody had written to him in an endeavour to consult

MR KING Well he can say that in his contribution Madam Speaker

MR BUFFETT But the point now is Mr King misleading the House

MR KING What? Misleading the House

MR BUFFETT Yes

MR KING You reckon

MR BUFFETT I'm asking you

SPEAKER I uphold...

MR KING Well if you all

SPEAKER Mr King. Mr King

MR KING He's just interjecting

SPEAKER Mr King resume your seat please. I uphold your point of order. Mr King continue

MR KING Madam Speaker I was attempting to explain my position. Mr Nobbs was quite right. There was a, orl might have been an email, or certainly a telephone call. At the time, at the time, that I applied for a connection through the NIDS ADSL 2+ system. I'm talking about the time leading up to that. That was only, I guess, a couple of months ago. This thing has been on foot for over fifteen months. During that period, not one word, not one approach was made to me as a primary user and as a significant tax payer arising from the use of the internet. Not once. That is my point. Madam Speaker I musa deya. The report suggests Madam Speaker that Telecom's private competitors are acting illegally and of course as Mrs Ward points out that of course is quite offensive to the NIDS organisation and it begs the question, if they had been acting illegally why hasn't the Government or the Administration prosecuted. The answer is simple. Because they would not be on solid or steady ground. Dem use a talk baut et in daa report. They tolerate it. And then use it when you want as an excuse to justify your decisions. Madam Speaker at the nub of this lies the right of the House and the community to make valid judgments on Government policy. Both the House and the community have been denied from doing so in this matter and that completes my presentation Madam Speaker

MR NOBBS Thank you Madam Speaker what we're here fro is to make an analytical analysis of the greater good, the best outcomes for the community. Out of what is time that I will never get back again, what has just passed, I've heard nothing that analytically evaluates a different outcome. If the Government had made a decision to enable deregulation in exactly the same way that we have put an experts report on the table to evaluate that we would be justifying that decision and assuring this community that, that decision is based on the best possible outcome for them. We've relied on expertise, we've relied on a number of other areas of input. I mentioned earlier an EU study that was carried out and was publicly available. This is not the only area that has viewed this type of deregulation in this particular industry. It comes down to an evaluation of the best operating principles moving forward. It doesn't come down to calling a Minister a whatever, or accusing anyone. It comes down to the basic parameters of how we work as a Government

MR BUFFETT Madam Speaker I just want to spend a moment or so. Madam Speaker may I offer you assurance not to the length that we've experience so far in this debate and I would want to keep my comments relevant

MR KING and I would say without interjection Madam Speaker

MR BUFFETT Because we have listened to people wanting to tackle the Cabinet process, we've talked about the critical performance factors, and I would really want to talk about major factors about Telecommunications. Can I start here. Under the Telecommunications Act that we have here in Norfolk Island, the Telecommunications system and the Telecommunications services are really reserved for Telecom, the Government instrumentality and the Telecom instrumentality provides fees and charges to both maintain the arrangement that it provides and to provide for future upgrades and maintenance of its infrastructure and if all is well to provide some profit for the benefit of the Norfolk Island community. If we are to migrate from that process, in other words from a sole Telecommunications provider to a more deregulation arena, I know words have been said that maybe those words of deregulation might be more recent words, whether or no they have been used as words in the past or in the present, really, what we are talking about is if we move away from that provided under the Telecommunications Act you are talking about a more deregulation arena then we have experienced to date and if we are to do that, it is a significant step for a whole host

of reasons and it has its complexities, notwithstanding that there have been many who would want to say that it is a simple process. Let me give you just three components of the complexity. If in fact we are to move from that environment that I've explained it would require legislative adjustment. It would also probably also probably require some re pricing structure. at present with the totality owned and operated by Telecommunications there is some element of cross subsidisation and if in fact you are to have others enter the lists, you may well have to re price to ensure that each is individually priced, not just ad hoc subsidisation in some areas. And if you moved away from that arena you would have to provide some element of a regulatory regime and this is how it's been experienced in other places when they have done that. If you do that, there are two factors. One there is an accompany cost to those three components. There is a time frame also. If we moved to a deregulated situation it's inevitable that the revenue presently received by Telecom would reduce, therefore the public purse would have a reduction in the income derived from that purpose. Some people may have a rationale as to that, okay, I'm not trying to argue that at this moment, except the fact is that it will suffer a revenue decline. If in fact it is to be deregulated we have concentrated the debate where it has been relevant Madam Speaker. We have concentrated the debate upon one other particular Norfolk Island provider. If in fact you go to a deregulated situation you need to see that it may be much wider than that, it's not just a matter of providing for those people who may be established in what they are doing at this moment and one needs to ask how beneficial would that be to this place. It may be external people who enter the lists where those that we've been talking about at present are internal to the island, so they are factors to take into account. There will be that wider competition. Mr Nobbs has indicated that in a good many of the environments, places, arenas, where deregulation has taken place they have been larger places, Australia for example, one of the closest, and that does bring the element of competition which has improved customer service, reduced costs and a range of associated factors. However, it has been equally pointed out that if you are talking about smaller places, that, that doesn't always follow in smaller places and there have been studies that are available to be able to demonstrate that. There have been some island places subject of studies, but there have been some European studies as well. A number of these studies I understand are on the internet, and it does show that in small jurisdictions it may not be, that one can profitably divide the cake so that there can be a host of players and still provide the infrastructure and the arrangements that are necessary in that set of circumstances. They are some examples of the range of difficulties that once needs to face in the assessment of how this needs to run so you will see that if there was an arrangement to deregulate the range of things that I have exemplified, there may be more but exemplified, would need to be undertaken, and there is a cost factor associated with that in terms of doing the things, and there is a loss of revenue process to the Norfolk Island public purse. And so we need to ask ourselves whether we want to undertake that, particularly in this environment. The Norfolk Island Government's assessment, especially at this time, is that it is not able to fund at the very beginning a deregulated arrangement. It will cost and we don't have the money. Now that is a very powerful argument notwithstanding that you may have views about you like or don't like deregulation. We need to live in the times that we are in. You can't escape from that at this moment. And that's a very powerful factor. It may well be that in another environment deregulation may be viewed differently but may I remind you that the studies that we have had access to, show that in small environments such as ours, it is not profitable to divide the cake. Now some of these factors have been brought to us in the reports that have been tabled. Others have been available to us from more independent enquiry. From my perspective I'm endeavouring to put those sort of factors on the table so that the community and Mr King if he chooses to listen, he doesn't appear to be in the House at this moment, others offered him the courtesy of listening, notwithstanding that it might have been difficult to do so, but when somebody else's turn is to address the House there seems to be a marked absence. I'm not able to explain that. But what I am endeavouring to explain is the very basic processes that a responsible Government needs to go through in assessing the factors that are in front of us. Exemplified in this case by Telecommunications. The Minister appropriately has

circulated a report. Some people have a view about that report. To most reports people will have a view about. You're entitled to have one about this. But that's the report from reputable people that has been available to us in the process. Unlike others, I don't think I have to go on about this Madam Speaker. I think setting out those will assist people to understand that there has been a responsible process that the Government has been following in assessing this quite difficult set of circumstances, and it has delivered its decision and announced it.

MRS GRIFFITHS Thank you Madam Speaker I move that the question be put

SPEAKER The motion is that the question be put. I'm not putting the question. I'm putting that the question be put

QUESTION PUT  
AGREED

I heard one aye, I heard no noes

MR SHERIDAN Then the ayes must have it then

SPEAKER Thank you Mr Sheridan, I believe the ayes have it. The question now is that the motion before us be agreed to

QUESTION PUT

MR SNELL Thank you Madam Speaker could you please repeat the motion

SPEAKER You would like me to read the motion. No problem. The motion before us, on which you are now voting, is that in the wider and best interests of the community this House rejects the recent government decision to maintain monopolistic control of Norfolk Island's telecommunications and substitutes instead a decision to deregulate telecommunications to the extent necessary to allow private competitive use on reasonable terms of the Norfolk Island copper network infrastructure

QUESTION PUT

I would ask the Clerk to call the House

MS ADAMS	ABSTAIN
MR SNELL	NO
MR SHERIDAN	NO
MRS GRIFFITHS	AYE
MR BUFFETT	NO
MR NOBBS	NO
MRS WARD	ABSTAIN
MR KING	AYE
MR ANDERSON	NO

SPEAKER The result of voting is the Ayes two, the noes five and there are two abstentions. The motion is defeated

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

We are resuming on the question that the Bill be agreed to in principle and Chief Minister you have the call to resume



earlier in Mrs Ward's name. I asked her forbearance if I might have carriage of this matter and I thank her for allowing her to do so. That allows me to put it in the context of really a request from the Government that the House consider the dates and the six weekly cycle for a period of time. I'm not really wanting to extend this particular debate but more particularly I am seeking that every time we come to the end of each sitting that we don't have a half hour debate every time which we have rather been inclined to do on some earlier occasions, but we try and give certainty about a cycle, notwithstanding that we mightn't all agree totally on it but a cycle so that we can foreshadow our business and be about it. My Ministers do have a need to address and particularly in these times that we face, a range of factors. Officers of the Public Service have a significant number of tasks at a senior level and they have identified to me that a six week cycle would assist them to order their workload and I see this need and I bring this motion in that context and hopefully Members will give opportunity for that to happen. Having said that I would like to also say that I'm happy to discuss with my Ministerial colleagues, that prospectively half way through this six weekly cycle, that we might schedule a radio information session or the like, fielding two or more Ministers, depending upon the subject matters of the day as they arise, which might make an intermediary community contact arrangements

MR KING and maybe the leader of the opposition could come along

MR BUFFETT Well if today is to be an example of that participation I can't say that I would be overly enthusiastic about that, but nevertheless, I don't want to be put off my stride in terms of a genuine matter that I have before the House at this moment, and so it's in that context that I make this proposal for our next sitting day

MRS GRIFFITHS Thank you Madam Speaker i have indicated and i don't want to make a half hour discussion at the end of every meeting but I've indicated that i will never support a six week rotation. This is the only body, I don't feel that going and sitting on the radio and talking fulfills the community obligations of hearing what they need to know from us and the motions that we put in the House and I begin to wonder whether the six week is not because there is more active backbench or non executives and that we're asking more questions and there are motions on the table. I don't accept the fact that there's too much work. If we had a four week period what we'd be able to see would be a moving agenda and maybe things, you would actually have eight weeks to conduct a series of work and every four weeks we could introduce something new. I will never accept six weeks

MR KING Madam Speaker I don't want to cause this debate to be prolonged either but I feel that I've been betrayed a little. I was cajoled yesterday by Mr Anderson. I discussed it with the Chief Minister this morning. I gave an indication that if I could be confident that the Government was going to produce more, achieve more outcomes, bring more matters to the House then I would support it. I never, ever, indicated that I would support a six week rotation and I refuse to as well so if you've got the numbers just put the motion. I'm not going to vote for it. I would have voted for six weeks on this occasion just to see if the Government could produce more outcomes. They didn't on the last occasion so I doubt very much but it remains to be seen I guess

MR SNELL Thank you Madam Speaker, there is a reason obviously that we need to shift to a six week. It's been explained to us particularly by Minister Anderson on numerous occasions for the support facilities they need, the extensive questions on notice that's being prepared, they need to get answers for those, there is an additional workload. I consider and I trust what the Chief Minister's spoken to us about this afternoon and his support for this and the necessity to get this job done and if it needs the six weeks, and he's said it's only for a limited time, probably for a trial period, and I support the extension to six weeks

SPEAKER The question before us is, and I don't have it in front of me, so I'm having to take it off the top of my head, that this House at its rising adjourn until Wednesday the 2<sup>nd</sup> March 2011 at 10 o'clock and thereafter at six weekly intervals. That is correct Chief Minister. Yes

MR SNELL Thank you Madam Speaker I did hear rumblings from across the room that there may not have been a trial period

MR BUFFETT Madam Speaker I did say that when I addressed this matter. I'm very happy, I'm not trying to say that this needs to go on forever, but I am asking Members for a six week cycle for a period of time

MR SHERIDAN Thank you Madam Speaker I was just going to say that the House always have the ability to sit earlier if need be

MRS GRIFFITHS Thank you Madam Speaker, I would be willing to sit earlier if need be, if the Minister's are not too busy but four weeks, I understood we did a trial period at the beginning of December and we tried six weeks and then we were led to believe that there was going to be with the New Year, an introduction back into the normal cycle, the traditional cycle of four weeks so I would like to move and amendment to the motion

SPEAKER You have my leave

MRS GRIFFITHS Thank you Madam Speaker, I move that this House at its rising adjourn until Wednesday 16th February at 10 am

SPEAKER So the amendment is that all words after that, be deleted and these words be inserted

MRS GRIFFITHS Thank you Madam Speaker I'm happy to delete the rest because I don't think we need to spell out and thereafter at six weekly intervals. It's also to remember that we can meet at other times. Given the importance of what's happening with the Commonwealth in the next few months, it's important that we meet sooner. I don't find the processes to be..

SPEAKER I just need to have the words correct and I believe it is that all words after that be deleted, and in its place put this House at its rising adjourn until Wednesday 16th February 2011 at 10 am. Is that correct. Debate Honourable Members on the amendment. There being no debate on the amendment I put the question that the amendment proposed by Mrs Griffiths be agreed to

#### QUESTION PUT

Madam Clerk would you please call the House

MS ADAMS	ABSTAIN
MR SNELL	NO
MR SHERIDAN	NO
MRS GRIFFITHS	AYE
MR BUFFETT	NO
MR NOBBS	NO
MRS WARD	NO
MR KING	AYE
MR ANDERSON	NO

SPEAKER The result of voting Honourable Members, the Ayes two, the noes six, with one abstention, therefore the amendment is lost.

The motion before the House is this House at its rising adjourn until Wednesday the 2<sup>nd</sup> March 2011 at 10 o'clock and thereafter at six weekly intervals. I hope I have that correct

MRS GRIFFITHS Thank you Madam Speaker I would therefore seek to move to amend the motion that this House at its rising adjourn until Wednesday 2<sup>nd</sup> March 2011 at 10 am and delete and thereafter at six weekly intervals

SPEAKER We have another amendment with my leave, and that is that all words after that be deleted and the following inserted, this House at its rising adjourn until Wednesday 2<sup>nd</sup> March 2011 at 10 am. That is the amendment before the House

MR BUFFETT Madam Speaker let me just explain why that phrase is there. One of the debates that I'm endeavouring to identify at this time, is that we have some reasonable certainty for a reasonable period of time. That's why I was endeavouring to put the cyclic pattern there. The House is at liberty every time to set what it so determines and that can't be taken away and I'm not endeavouring to do that, but I am trying to signal some reasonable path forward. That's one of the important things in terms of how people construct their work patterns. I draw that to your attention.

SPEAKER The amendment before the House at this time is that all words after that be deleted and the following inserted, this House at its rising adjourn until Wednesday 2<sup>nd</sup> March 2011 at 10 am. Is there any debate on that amendment. I put the question that Mrs Griffiths amendment be agreed to

#### QUESTION PUT

Would the Clerk call the House

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

SPEAKER The result of voting Honourable Members, the Ayes three, the noes six, therefore the amendment is defeated

We now return to the original motion which is, that this House at its rising adjourn until Wednesday the 2<sup>nd</sup> March 2011 at 10 o'clock and thereafter at six weekly intervals. Is there any debate on the motion

#### QUESTION PUT

Would the Clerk call the House

MS ADAMS	ABSTAIN
MR SNELL	AYE
MR SHERIDAN	AYE
MRS GRIFFITHS	NO
MR BUFFETT	AYE

