



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
13TH NILA HANSARD – 6 APRIL 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

CONDOLENCES

MR SNELL Thank you Madam Speaker. It is with regret that this House records the passing of Kathleen Marion Lecren, May Quintal and Brian Douglas Everett.

Kathleen Marion Lecren, known to all as 'Kathy', was born on the 6th June 1943 in Hamilton, New Zealand to Don and Miro Wilkie. Kathleen lived all her early life in Whangaehu. Her schooling commenced at Whangaehu Primary School then on to Wanganui Girls College where she achieved Form Captain, House Captain and Head Prefect. Kathleen was a beautiful pianist, singer and trumpet player. She had a keen involvement in marching which no doubt contributed to her carriage and deportment, and upon her arrival here on Norfolk Kathy taught marching for a while. If it can be said that everyone has a calling, Kathy's was people. On leaving school Kathy went to Palmerston North Hospital to train as a nurse, and although that nursing career was interrupted she never wandered far from caring for the physical and spiritual health of others. Kathy first came to Norfolk Island with Molly Francis, sister of Ngaire and Russell, who was also at Palmerston North training to be a nurse. Stationed nearby, looking after New Zealand's defence was a dapper young Norfolk Islander by the name of Norman "Goof" LeCren, who interrupted Kathy's nursing career when he whisked her to this island where she began a 47 year love affair with Norfolk and its people. Kathy was into everything. She nursed at the Norfolk Island Hospital, drove buses with Ian and Joan Kenny, organised and sang at cabarets, acted in plays, joined service clubs, was a founding member of the Norfolk Island Wives and Mothers Club, now Banyan Park Playcentre. She was on the founding committee for the Country Music Festival, sat on the Museum Board, set up and ran Seaworld Restaurant with Goof, Ian and Prim McCowan and Fred Royal and for more than 21 years was the Broadcasting Officer at Radio VL2NI, developing a sense of what it was to be a Norfolk Islander and delighting listeners with her warm and easy style. In 1993, seeking a new challenge Kathy went to New Zealand to do an 18 month massage course, working with some of New Zealand's best and also learning the healing art of Reiki, at which she later became a master. Kathy always provided a haven for those seeking relaxation, comfort, healing or just a friendly face. Never stinting on passing on her knowledge to others or sharing a cuppa and a chat. Despite her many involvements, her primary focus was her family; whom she helped and encouraged in all their endeavours. In the end perhaps her finest achievement is the creation of a strong and loving family - daughters Michele (Shelly), Kaye, Cheryl

(Sarlū), son Jonassen, their partners and children and her ex-husband Goof, is still a good friend. She was the best sister to John and Marley; grandmother of Sam, Cody, Timika, Declan and Kiaan, a wonderful Aunt to all her nieces and nephews here and in New Zealand. Kathy was also “Mum and Aunty” to many others here on Norfolk. All will remember how she nursed and cared for her brother-in-law Stegs. She will be remembered for her beautiful cooking. Her great skill at feeding an army of family and friends at the drop of a hat. Kathy had learnt what it was to be a Norfolk Islander from her mother-in-law Dodo, who in turn instilled all the great values and traditions in her family. Kath was very proud of her Maori ancestry. She was an integral part of the Norfolk Island community. There were very few lives untouched by her generosity of spirit. She was not just a healer, but an energy worker of the highest level. With her smile and cheerful demeanour, she always lit up any room that she walked into. Her kindness and compassion affected all of those who were lucky enough to know her, whether here on Norfolk or overseas. Many looked up to Kathy and many more tried to emulate her. She was a lady in the true sense of the word; respected and honoured by our community and in turn she gave respect and honour to everyone she came in contact with. She served this community, its people and especially its women, being a walking example of how to live a full and empowered life. This community will miss her; will remember her; will honour her. This House extends its sincere sympathy to Kath’s family and many friends. May she rest in peace.

May Quintal was born May Adams on the 5th March 1919 and was the last of her immediate family. She had celebrated her 92nd birthday just over two weeks before and was thrilled to have so many of her family with her. She was even more excited that Dennis Marsh was there singing her favourite songs to her. She remembered all the words and sang and clapped along with him. May is remembered as a mother, grandmother, great grandmother, great great grandmother, mother-in-law, aunty, great aunty and old friend. She had seven children, Ricky, Shorty, Clare, Ruth and Larry who live on Norfolk; Robbie-Ann who lives in Queensland and Rodney who passed away as a baby. She had 12 grandchildren, 26 great grandchildren and 2 great great grandchildren. May spent a number of years living in Sydney and once the children were grown and had gone their own way she worked tirelessly for the Limbless Association of NSW and travelled extensively throughout country New South Wales raising much needed funds for them. She often talked about those times and had fond memories of the many people she met and the places she visited, especially Broken Hill. May returned to Norfolk over 25 years ago. At first she stayed at Cascade and then moved into her flat where she entertained visitors of all ages and origins. One of her most treasured memories was drinking copious amounts of tea with Kik-Kik and sharing a bite to eat; some good conversation and friendly gossip. She stayed in her flat until illness necessitated her move to the hospital where she lived out her days. She still received visitors and there was always one family member to take her to Latitude 29 for morning tea where she would catch up with friends and acquaintances. As she got more frail her trips were limited to tiki touring around Norfolk checking out any changes that were happening and stopping some place for lunch and a cup of tea or soft drink. Egg sandwiches were her favourite but she also enjoyed cakes, muffins and slices. May had a special relationship with Clare and with Barb, who although a daughter in law, was more like a daughter. To May’s many family members, to her friends here and offshore, this House extends its sincere sympathy. May she rest in peace.

Brian Douglas Everett came to Norfolk Island in 1971 and worked as a mechanic for Phil Page, then Borry and Joy Evans and finally for the late Bill Sanders. He met his wife Lyn when she came here to work at the South Pacific Hotel and they were married at St Barnabas Chapel before returning to New Zealand where he started his

own mechanic business. This grew into a very successful venture. Brian and Lyn had two children, Susan and Blair and Brian became a grandfather three months ago when Susan gave birth to her son Liam Douglas. Brian passed away peacefully in Auckland on 22 March after a long and debilitating illness. To his sister Rosalie and John Quintal, to their family, the friends he made during his years on Norfolk and particularly to Paul Powers who remained a true friend, this House extends its sincere sympathy. May he rest in peace.

SPEAKER Thank you Honourable Members. We move now to Petitions are there any Petitions. Notices are there any Notices to be given today. There being no Notices we move Questions Without Notice.

QUESTIONS WITHOUT NOTICE.

MRS GRIFFITHS Thank you Madam Speaker my first question is for the Chief Minister in relation to the explosions at Anson Bay. Chief Minister when the decision for the disposal site was made what consultation was made as to the environmental impact on the chosen site, what alternate sites were considered as options and why was the current site chosen when it was occupied by juvenile wedgetail Shearwaters resulting in birds being killed.

CHIEF MINISTER Madam Speaker there is a Question On Notice which I have I think in part some answers to that. I'll respond to those when we maybe come to it, but I think at this stage I could say this. That in terms of the detonation of the explosives there was a consultative process with a number of authorities on the island including the National Parks people who do have expertise in the area which has just been mentioned of birds for example. There were inspections of the cliff site and the nesting sites prior to that and there were obviously line inspections during the process and after the process at its conclusion. In the initial stages when there were inspections I think there were some dead birds found before. The Police advised me that on their line inspections and subsequent there appeared no to be any dead birds. Now there has been a mention in the question of dead birds, I'd be pleased to have that detail if in fact that is so that some further examination can be made but the reports to me at this time is that there were not fatalities in that context. It has also been explained to me, and I explained to Members of the House Madam Speaker that the birds at this stage of the year are adult birds or fledglings, that doesn't necessarily mean chicks or there may have been some percentage of that I'm not an expert in that area but in the main they were adult birds and fledglings which gave an indication that most of the birds during the time of the blasting may well have not been in the vicinity. That might be some usefulness in terms of the response, if there are other queries I'll endeavour to respond to them.

MRS GRIFFITHS Well I did ask about alternative sites being considered.

CHIEF MINISTER Thank you Madam Speaker. There hasn't been a report to me about alternate sites mentioned but no doubt there was an assessment of that because there are a number of authorities that were involved in the consultation process, I mentioned the National Park people but also the Fire Service. Just as a further matter of interest the Volunteer Rescue Squad have indicated that they will undertake a survey of the cliff post that event. They are a rescue organisation but they are also a voluntary organisation so that has not been able to be done at this time. It may produce some further evidence of the nature that may be of interest to Mrs Griffiths in this context.

MRS WARD Thank you Madam Speaker. My question is to Minister Sheridan. What assurances can the Minister give the community that the island sewerage system integrity is regularly monitored and maintained and describe what action has been taken to determine water quality island wide.

MR SHERIDAN Thank you Madam Speaker and thank you Mrs Ward for the question. In the main there Madam Speaker the Officer concerned in regard to that area has been on leave for the last couple of weeks and I have been given heads up on this question and to full answer the question I would like to take it On Notice so that I can get the facts as they relate to now not in the past Madam Speaker. So if I could take that On Notice then I'll respond to that at the next meeting.

MR KING Thank you Madam Speaker. A question for Minister Nobbs if I may. During the last half of 2010 when the Minister announced imminent increases in the size of the Norfolk Island Telecommunications band width nominating a doubling of the band width by the end of October last can the Minister advise whether this in fact has occurred.

MR NOBBS Thank you Madam Speaker. This has not occurred at this point in time.

MR KING Thank you Madam Speaker. Supplementary please. Can the Minister explain why this has not occurred and why was his announcement so bold at the time.

MR NOBBS Thank you Madam Speaker and thank you Mr King for the question. The reason for not continuing through with the doubling of band width is with the ongoing negotiation and work for sorting out the outstanding debt with Telecom New Zealand International so there will be no increases in services that we envisage or will be working towards at the moment until we have sorted out that debt.

MR KING Thank you Madam Speaker. Another Supplementary if I may. Is the Minister therefore indicating that at the time that that bold announcement was made that we in fact owed the money that we still currently owe to New Zealand Telecom.

MR NOBBS Thank you Madam Speaker. In as far as I'm able to answer that there is a Telecom debt that goes back some time and so I would imagine that it have featured at that point.

MR SNELL Thank you Madam Speaker. I direct a question to the Minister responsible for the Airport Fire Emergency Service. Can the Minister please explain the rationale for the change in aircraft emergency fire services attendance at the Norfolk Island Airport.

MR NOBBS Thank you Madam Speaker. The key reason was to reduce costs in operational costing for the Aviation Fire Fighting Service whilst at the same time providing the best option possible for support for aircraft and safety.

MR SNELL Thank you Madam Speaker. Supplementary if I may. As the Minister would be well aware there is no voluntary fire service

association here on the island and hasn't been for many years but has the Minister himself personally consulted Members and in particular the Officer in charge to gauge and determine for himself the possible ramifications of such change which has been instigated since the 1st of April.

MR NOBBS Thank you Madam Speaker I would have to say that I've met many times with the Officers with regard to Aviation Fire Fighting. My understanding as at Cabinet meeting recently over the last week was that a mutually agreeable roster had eventuated for the Aviation Fire Fighting Service that satisfied the schedule and as I say provided the optimum safety provisions that were able.

MR SNELL Thank you Madam Speaker. Further Supplementary if I could. The Minister would be well aware that no international flights can attend Norfolk Island, can land on Norfolk Island without the presence of trained and authorised officers in particular the Officer in charge of the Fire Service. Minister you would be well aware that at present the roster system, there is no Aerodrome Fire Service coverage for aircraft arriving after a certain time which affects flights arriving here on a Saturday and Sunday night. Has the Minister taken into consideration the ramifications of this particular problem or what could arise from this.

MR NOBBS Thank you Madam Speaker. That certainly has been a consideration given by the Service and myself in the discussions to reach as I say the optimum safety provisioning for the Aviation Fire Fighting. There is an option with regard to for example Our Airlines operation which are the evening operations that are particularly being questioned by Mr Snell at the moment and although they certainly appreciate the provision of those services they did not see them as absolutely essential.

Mrs Griffiths Thank you Madam Speaker. My question is to Minister Nobbs with responsibility for Gaming. Can the Minister update this House on his progress with Gaming and the Gaming prospectus in particular and can you advise us a forward revenue projections for the 2011/2012 year.

MR NOBBS Thank you Madam Speaker. With regard to the Prospectus and the website, as far as I'm aware the Gaming Authority is finalising both those areas at the moment. There have been some adjustments I think to the original Prospectus which they presented to Members some time ago and as they move forward they wanted to ensure that the Prospectus linked with online or webpage profile. With regard to upcoming revenues from Gaming I'll have to review and take that On Notice and see what the projections are for the 2011/12 budget.

MR KING Could I ask a Supplementary to that. Can the Minister advise whether there is a targeted publishing date for the website.

MR NOBBS Thank you Madam Speaker. It was to have been approximately 2 months ago from what I recall, however as I say the Gaming Authority has wanted to have further input into the information that has reflected between the Prospectus and the website.

MR KING Further Supplementary. Could the Minister advise what the cost of the website development is and what professional firm is undertaking that work.

MR NOBBS Thank you Madam Speaker and thank you Mr King for that question I'll take that On Notice and provide that information.

MRS WARD Madam Speaker my question is to the Chief Minister and I note that Mr Snell has a Question On Notice 149 and he refers to the Air Service Consultant Report, however my question is will the Chief Minister today be able to Table the Independent Deloit Report and if not does the Deloit Report support or not support the Norfolk Island Governments request for further financial support from the Commonwealth.

MR BUFFETT Madam Speaker thank you for the question. There are 2 Reports that relate to the Airline situation. One of some time ago in which the Commonwealth Government commissioned a Consultant to undertake an examination of the Airline situation. That Report has not been delivered at this moment. There has been a draft Report and the Commonwealth Government has indicated that when the finalised Report is lodged with them that they would readily respond to requests for it to be released but we have not reached that stage yet, not we but they have not reached that stage yet. So that's where that particular one sits. The second Report which is the Deloits Report, the Air operation is a component of that Report. Members will recall that we had made a supplementary bid to the Commonwealth for \$3.2m to take us through to the end of this financial year. Part of the response to that by Minister Crean was to say that he wished to commission Deloits to undertake an examination of our financial situation including the airline situation. So you see that is almost in 2 parts. That Report has not yet been delivered either although indicators to us that it is imminent and when I say imminent I really mean an understanding that's almost any day now. We're assuming also that when that Report is delivered to the Commonwealth that we will see it and until that stage is reached I'm not able to respond to the latter part of your question which is does the report support this that or the other, because I haven't see it to know that. That's about it Madam Speaker.

MR KING Madam Speaker if I can return to satellite band widths just for a moment and ask the Minister whether he can give some explanation for the apparent and somewhat regular fluctuation in island internet speed in recent times and what assurances he can give that internet speeds and satellite band width can be regularised and maintained, and whether of course these fluctuations or degrading of the telecommunications is attributable to the declining commercial relationship between Norfolk Island and New Zealand Telecom.

MR NOBBS Thank you Madam Speaker. There is no decline in the commercial arrangement. As I said earlier we are obviously working in all avenues to service that debt and it also features in our intergovernmental discussions. With regard to the reductions or fluctuations in band width you will perhaps be aware that throughout the Pacific, particularly in the TNZI coverage area there had been a number of other locations equally impacted on by band width issues for the internet.

MR KING Sorry I have a brief Supplementary. Is the Minister saying that none of these difficulties can be sheeted home to any technical faults or problems in Norfolk Island.

MR NOBBS Thank you Madam Speaker as far as I'm aware no there are no technical issues to cause those fluctuations.

MRS GRIFFITHS Thank you Madam Speaker. Minister Nobbs given that a years has now passed since you advised the House of your adventure into renewable energy and innovative electricity generation can you advise why the installation implementation and benefits for Norfolk Island which you announced as imminent 11 months ago have not materialised.

MR NOBBS Thank you Madam Speaker. Thank you for the question Mrs Griffiths. It's quite opportune at the moment because I was in a teleconference yesterday with the designers and operators of the Demtek Technology specifically querying along the similar line, that the time frames that had initially been set have not been met by installation of the equipment and they rightly pointed out that they had kept us informed of these things and I have kept this House informed as well that there have been some minor modifications to componentary within the renewable energy generation system. The anticipate that they will finalise the testing of the new componentary by the end of May and from my recollection of the telephone conference they would foresee the installation as September this year which is significantly delayed on what I had hoped.

MRS WARD Thank you Madam Speaker. My question is for Minister Nobbs. At the last Sitting of the House the Minister outlined the drastic decline in budgeted airline revenue. Has the airline Board directed the CEO of the airline to drastically reduce budgeted expenditure to cover the losses and if the Board is not of the belief of cutting expenditure is the answer what do they see as a solution to arresting the downward spiral.

MR NOBBS Thank you Madam Speaker. The Board certainly does look at the expenditure as well as the sales figures as well as the forward load factors. You may well recall at the last Sitting Madam Speaker I put forward some information with regard to the airline with regard to the deficit amount versus expenditure which had been reduced as opposed to reduced sales of seat numbers. So certainly there has been some reduction in expenditure at this point in time. However we certainly will evaluate it on an ongoing basis.

MRS WARD Thank you Madam Speaker. A supplementary if I may. Will the Minister concede that a reduction in the average fare in an effort to stimulate travel to Norfolk Island is not working.

MR NOBBS Thank you Madam Speaker. In answering that I would have to say that the fare structure that we have at the moment was arrived at through a number of evaluations of fare scenarios. In just the same way as the Consultants Report that the Chief Minister referred to earlier evaluates those scenarios. Mrs Ward is quite right that it does appear that the pricing of our travel to Norfolk Island isn't the key issue that is affecting reduced tourism numbers to the island and that was in many ways portrayed by the outcomes of the Cudo enterprise. For example although Cudo enterprise has returned us some travellers which is a positive.

MRS GRIFFITHS Thank you Madam Speaker. My question is to the Chief Minister. In response to questions on your Tourist Ministers performance you stated that Minister Nobbs had erected a 12 month profiling building program in New Zealand. Can you or perhaps the Tourism Minister outline exactly what this program is.

CHIEF MINISTER Madam Speaker I'm happy for the Tourism Minister to give detail of that. I was trying to give headway when that question was

asked and I evaluated a number of areas and included that one. I'm very happy for the appropriate Minister to elaborate the detail for that.

MR NOBBS Thank you Madam Speaker. Thank you Mrs Griffiths for the question. The 12 month program although I don't have the full detail in front of me at the moment involved a regular display of Norfolk Island print media, that print media not being merely newspaper but also your coffee table magazine type layouts as well as billboards, regular profile on radio stations nationally in New Zealand and a number of other elements that perhaps I need to refer to to provide the detail on.

MR KING Thank you Madam Speaker. Perhaps a question for the Chief Minister. In light of the unreasonably long period involved in the preparation of the 9/10 financial statements can the Minister inform the House whether any advice has been forthcoming for discussion taken place on the practical suitability with the new accounting system and whether the new system has contributed to the delay in finalising and tabling the accounts.

CHIEF MINISTER Madam Speaker there have been changes and there have been some inordinate lengthy times in the processes. Whether it all attributed in the context that you make mention Mr King I wouldn't want to necessarily state that. I've got to say that there are some complexities however in that. You will know that we are having difficulties financially and that has needed to be expressed in the accounts. There are words that have been worked upon so that that can be promptly expressed and that both statements from the Auditors and from the Government in terms of the delivery of those accounts and I spoke very briefly this morning with the CEO about ensuring that those will be delivered and they are about to be so.

MR KING Supplementary thank you just in the nature of clarification I guess Madam Speaker. Is the Chief Minister saying that the Audit report that accompanies the accounts is still being worked on. I take it from the answer the accounts are not going to be tabled today.

CHIEF MINISTER No they are not going to be tabled today

MR KING and therefore that there is a prospect of them being tabled in May which is some 10 or 11 months after their closing date which is absolutely extraordinary.

CHIEF MINISTER It is a difficulty and I acknowledge that.

MR KING So the Audit Report is still being worked on and..

CHIEF MINISTER No I wouldn't want to say that the Auditors Report is still being worked upon but as a result of their deliberations the documentation to give the final sign off is that which is being worked upon. So it's the signoff of the accounts.

MRS WARD Thank you Madam Speaker. My question is to the Chief Minister. Chief Minister in relation to an Ombudsman Privacy and Freedom of information Provisions within the Territories Law Reform Act Federal Minister the Honourable Minister Simon Crean assured Federal Parliament that the Commonwealth would provide facilities to aid the implementation of these Reforms

into Norfolk Island. How will both Governments ensure their responsibilities are maintained and upheld in this area.

CHIEF MINISTER Madam Speaker thank you for that question. These are a range of issues that were covered in the Territories Law Reform Act as has been rightly pointed out. Some of them are technically operative however there are not the resources at this time nor is there a fullness of knowledge about the operation of all of these pieces of legislation in Norfolk Island. The Norfolk Island Government through its instrumentalities have requested a number of things of the Commonwealth which they had earlier indicated would be provided on the introduction of these items. First of all a thorough briefing to both the community here or to the Government and so it can brief its own community but also to the instrumentalities that need to respond when requests are made whether it be in an Ombudsman sense freedom of information sense or the like. That has not been delivered at this time and it is part of the difficulty that we face. We have indicated to the Commonwealth that we support these measures, they are part of the transparency and the accountability arrangements to which Norfolk Island subscribes, but it has been clear also that there are resource and financial implications and that's difficult for us to meet at this moment. That's understood by the Commonwealth and that is why they undertook to assist in that process. However it must be said that that has not been delivered at this moment. Having said that however I could mention to you that towards the end of this week I think it's from the 10th to the 14th or thereabouts we will have Senior Officers of the Department visit us and there is indication that they will be able to give us some response as to how those measures might be met. So there is progress but obviously it is slow and I'm not trying to make excuses but I am trying to explain what it is.

MR KING I think in the nature of a Supplementary Madam Speaker. Chief Minister I guess under the amalgamated accounting system that we now have and given that funds in our Revenue Fund are either exhausted or very hugely depleted that Government Businesses like Telecom, Electricity, Lighterage, Norfolk Energy, Postal Services etc essentially have no working capital and that the daily requirements are being met by the payment of current debtors.

CHIEF MINISTER Madam Speaker, Mr King will readily recognise that within recent times, that is the last 12 months there has been a change from separate accounting for the Government Business Enterprises into the one Revenue Fund and all of those are now in one package and therefore the resources for those matters that you have mentioned are now in the one package. So there isn't necessarily an outside the Revenue Fund capacity to do certain financial things. So in a sense your right, all of the income that relates to those go into the one pocket and is being utilised for a survival process at this moment.

MR KING Chief Minister isn't that a serious flaw in the nature of the way we bring these things to account if we are called upon or would call upon Senior Public Servants to manage Government Businesses in a commercial manner that they can't even identify the quantity of their working capital.

CHIEF MINISTER I think a number of things need to be explained. Firstly that when this measure was taken it was debated and taken for good reason. I'm not too sure that that's up for debate, but when it happened the context of being able to manage their particular enterprise was also discussed and it was clear that there was still a responsibility upon part of Managers to manage their particular areas. That would in normal circumstances mean that they would have a budget to

tackle those areas that you have mentioned. But given the difficult financial times that we face then that is seriously curtailed. There can be no other explanation for that. It's the difficulty that we face. Could I just make this further comment. If in fact there were funds that were accumulating in one or other of these enterprises one would seriously ask then in lieu of going to the Commonwealth which we have done, why are not we accessing our own accumulated funds notwithstanding that they have been accumulated for another purpose but why are we not accessing those accumulated funds. I'm really saying there are no accumulated funds in that context.

MR KING Well I take it then that you don't share with me a concern that there is a possible flaw in the accounting system that you cannot identify from one day to another or one period to another the amount of working capital held. That's the point that I am making.

CHIEF MINISTER Yes I understand the point that Mr King is saying. I am endeavouring to say that our overall financial situation dictated that and whether we would like to do it or not like to do it we are not able to do it and that's the fact of the matter at this moment.

MRS WARD Thank you Madam Speaker. My question is to Minister Nobbs. Will the Minister describe the difference between a Retail Strategy Working Group and the Government Tourist Bureau accreditation process and how both systems are to be implemented.

MR NOBBS Thank you Madam Speaker. The Retail Strategy Working Group is a group that I'm not particularly familiar with. The accreditation process is moving along the lines of providing opportunities in much the same way as Tourism Australia is to provide a recognised accreditation process that helps the consumer understand the level of satisfaction that they will get out of that particular area and provide some consistency in the marketplace.

MR SNELL Madam Speaker I direct a question to the Minister for Tourism. Minister there have been some talk in recent months of proposed Chinese visitation to Norfolk Island. Is the Minister at this time prepared to give a report on progress or otherwise of Chinese visitation or are you intending to make a comment later on in the meeting.

CHIEF MINISTER Madam Speaker yes the Government is examining the encouragement of visitors from China. China is in the forefront of visitor entry into Australia and obviously given our situation Norfolk Island sees this as an opportunity to share in that market. I think I'd like to give some background to that so that Mr Snell might see why that is in examination. At present this financial year given our financial difficulties we have sought from the Commonwealth Government some \$3.9m, that has been approved. We have made a supplementary bid for \$3.2m, we've not yet received a formal answer in respect of that. Obviously we have endeavoured to put together a interim budget at this time for the year 2011/2012 and we are talking with the Commonwealth about a similar figure maybe, a similar figure, that's a projection at this moment for the next financial year. So you'll see the difficulty of our financial situation. We've had a significant drop in numbers, visitor numbers that is situation. One of the difficulties in our marketing arrangements has been most recently illustrated by the Cudo example. Mr Nobbs as Minister for the Tourism area made brief mention of that when he responded to another question. In the Cudo situation the airline offered fares at a significantly reduced amount. People in the accommodation area offered accommodation to accompany those fares at a significantly reduced amount and whilst anecdotally the

indicators in terms of take up for such Cudo offerings and activities may well have been 1,000 plus. The actual take up as I understand it has not been up to the 300 mark. So you can see how depressed and difficult the market remains. That really means that up town there are businesses without a single customer day after day coming in their doors. Many accommodation houses are empty, employees in some instances are without work and many of them on reduced hours situations. There are regrettably residents who are unable to adequately put food on the table in this community at this moment. This is dire and this situation is brought about by the dramatic drop in the importation of money into the Norfolk Island community, and we all know the principle industry money is brought in by the visitor industry and circulates. Eventually of course after it circulates a number of times it probably goes offshore again when we buy things offshore, then that is replenished with further people coming in. But when that cycle is disrupted in other words when the number of visitors diminish, which is what is happened to us that flow of money dries up and that's what happened here on Norfolk Island, what's happened today. So what are the options ahead given for us in that context. Some of course hope that all will come good and it will be exactly as before, well that's not quite the reality of the situation. Lifestyles are changing it inevitably does and wants and needs adjust. But even if it all does return as before there is no sign of it coming yet given the examples that we have experienced and what I've just said. So can we survive until that return. We of course do have a long term sustainability plan and that's the road map but that too needs a number of changes to survive, but of course in terms of the road map a lot of that is a long way off so what about today, what about those businesses that I've just referred to, those employees that I've just referred to, those residents that I've just referred to. Well the Government obviously to do its part has had to search for new opportunities and it comes to the question that might be a long introduction but it really comes to the fact that Chinese visitors, the largest inflow of visitors into the Australian scene at this time is such an opportunity. It is the fastest growing as we understand it in the Australian scene and is showing some measure in the Pacific scene as well. Mrs Griffiths kindly gave me a couple of print outs some commentary about Chinese visitations in the Pacific arena and I've found those helpful. In this context it may require a different outlook or attitude, maybe a different presentation of products. There may well be language differences to be overcome and some other challenges but it has the opportunity to bring visitors, that is import dollars, so businesses may have customers, accommodation do have guests, work is generated, the imported dollar circulates. Importantly all of that comes to pass, the airline ceases to lose money which is millions of dollars each year. This isn't saying a conversion to a Chinese visitor population only though, this is to endeavour to broaden the base in attracting visitors. This market is new to Norfolk Island but we are up to a challenge for a new market. Our estimates are that it may generate some flow of visitors within say a month or so. I mention to you that the road map talks about longer term measures or sustainability and we do need to turn our mind about how we can generate more immediate impetus and funds and this is an opportunity that we should not miss and we should not cease to explore. So that may be a long answer to Mr Snell's question Madam Speaker but I've endeavoured to give it context in responding to it and I thank him for his question.

MR KING Madam Speaker could I seek whatever leave is necessary to move that the House take note of the Chief Ministers answer.

MADAM SPEAKER Is leave granted Honourable Members for that to happen at this time? Thank you. Leave is granted Mr King

MR KING Thank you Madam Speaker but if you consider it more appropriate that I move that Motion at the end of Questions I will accept that.

MADAM SPEAKER Now would be the appropriate time but you may like to consider moving the debate to be adjourned to a later time to allow Questions to continue and not

MR KING Well I would so move Madam Speaker that debate be adjourned

MADAM SPEAKER I put that question Honourable Members

QUESTION OUT
QUESTION AGREED

MRS WARD Thank you Madam Speaker my question is to Minister Nobbs. Minister Nobbs has been directed at an MLA's meeting to undertake researching the airlines ability to publish estimates of upcoming visitor numbers into Norfolk Island. What action has the Minister taken to have these figures provided to the community and what form will they take.

MR NOBBS Thank you Mrs Ward for the question. I certainly have had the discussion with the CEO for Norfolk Air to provide a percentage seat load factor on a forecast type basis. At this point it probably only becomes a rational process to provide a 2 month advance as the booking profile is changing quite markedly through the single month in particular a 2 month period.

MRS WARD May I have a Supplementary Madam Speaker. When might the community expect that those projections be put into some format that is readily accessible.

MR NOBBS Thank you Madam Speaker. I would think probably the best way to carry this forward would perhaps be a fortnightly update in the local paper, that was the discussion I was having at the current time.

MRS WARD And the starting date would be...?

MR NOBBS I would like to say that we'll be working towards that for this weeks newspaper thanks Madam Speaker.

MR KING Thank you Madam Speaker. Could the Tourism Minister advise just what obstacles there are to determining the structure for the fees that crew ship operators should pay to the island when they are visiting and why he's been unable to achieve an outcome for what seems to be a reasonably simple task.

MR NOBBS Thank you Madam Speaker. I presented at an earlier sitting the full range of cost recovery charges that are put to the cruise ship operators. So I fail to see where Mr King's question is aimed at specifically in that regard.

MR KING Supplementary. The Minister knows full well that I'm talking about port fees and charges as differentiated from cost recovery charges.

MR NOBBS Thank you Madam Speaker. Thank you for the clarification. That is currently being worked on through the Service and through

has also been worked out with regard to that and I presented that information at the last Sitting.

MR KING Can I ask whether there has been any actual outcomes or any visible outcomes in relation to that policy.

MR NOBBS Thank you Madam Speaker. It's impossible for me to give you a positive outcome from it until we have a ship that is unable to land but offers these as packages to those people who would have liked to have

MR KING So it hasn't been offered to those who have previously been unable to disembark just the one that might be unable to disembark in the future if they come at all.

MRS WARD Thank you Madam Speaker. My question is to Minister Nobbs. What facts led to the copper access embargo being laid against the Norfolk Island Data Service business. I'm not asking for a legal opinion, I'm asking for the facts that led to the legal opinion being formed or are there simply no facts and that the Ministers advice was based purely on an interpretation of law. I'm happy to put that question On Notice and ask for the facts to be tabled Madam Speaker.

MADAM SPEAKER Mr Nobbs do you wish to comment at this point.

MR NOBBS Thank you Madam Speaker. Yes that might be the best thanks.

MR KING Thank you Madam Speaker. A question for Minister Nobbs. Can the Minister give an iron clad guarantee that the Norfolk Island Government Tourist Bureau has not once again over committed itself once again financially.

MR NOBBS Thank you Madam Speaker. Up until the last few weeks when I had spoken with the GM for Tourism the budget that was appropriated to support eh Bureau is operating, the expenditure of that is operating in line with the appropriation and I should point out that this is perhaps one of the first times in a long time that that has happened so full credit where that is due.

MR KING Thank you Madam Speaker I have a supplementary. In the interest of clarity Madam Speaker is the Minister giving me an iron clad guarantee that the financial statements for the 30th June 2011 for the Norfolk Island Government Tourist Bureau will reflect a level of creditors that is matched by or exceeded by the amount of cash held in the bank.

MR NOBBS Thank you Madam Speaker . I actually will temper the answer to that given that what we are obviously mindful of is opportunities to encourage visitation to Norfolk Island. If the Bureau through the Board and the GM were to propose to myself and the Government a significant initiative that will produce positive outcomes for the private sector through expanding the tourism numbers then certainly we would consider that and that may impact on that budgetary figure.

MR KING Well a obvious supplementary Madam Speaker is the Minister saying that he is prepared to commit monies that have not been appropriated.

MR NOBBS Thank you Madam Speaker. What I am saying is that in our current situation we are all assessing options that are available to us in the better interest of Norfolk. However that would not be the case of committing money that was not appropriated..

MRS WARD Thank you Madam Speaker. Perhaps I should move that an additional 15 minutes be put onto Questions Without Notice.

MADAM SPEAKER We have about 8 minutes to go you could wait until expiry.

MRS WARD Thank you Madam Speaker. Minister Nobbs. The Minister personally carries out a squaring off of the visitor numbers between the Immigration Department and the Tourist Bureau. Does the Minister question the ability of the staff to carry out this role or is there a legal requirement for the Minister to micro manage in this way.

MR NOBBS Thank you Madam Speaker. I certainly didn't set up this process of the requirements for reconciliation at a ministerial level of the immigration statistics versus the visitor passenger numbers as supplied by the NIGTB. However as it currently stands the passenger statistics sent to me from the Tourist Bureau and then generally within a number of days I will receive the immigration statistics that I will then cross reference against the passenger statistics. I imagine that this process has come about to ensure that the buck stops with the Minister in terms of giving these numbers out and referring to those numbers or making budgetary decisions or other important decisions on the basis of those numbers.

MRS WARD Thank you Madam Speaker. Would the Minister answer the question, does he not trust the ability of his staff or is there a legal requirement for the Minister to carry out this squaring off of the figures.

MR NOBBS Thank you Madam Speaker. I'll take that On Notice on the basis that its reconciliation of figures rather than squaring off.

MRS WARD They were the Ministers words at the last Sitting of the House – squaring off thank you Madam Speaker.

MADAM SPEAKER I take it that that question is On Notice.

MR KING Thank you Madam Speaker. I have a supplementary to that Madam Speaker. Minister if it is the case that this system was not of your creation but you nevertheless continue to embrace it why would you do so at the risk of being called the Chief Clerk instead of the Minister. Surely to heaven you don't have to undertake these simple administrative tasks in an effort to present what is a mathematical fact number to the House – for Heavens sake. Do you have the March figures for example?

MR NOBBS Thank you Madam Speaker. The question of whether I would like be on the Chief Clerk is the one that I will commence with. The process of reconciling these numbers as I said is, predates my becoming the Tourism Minister, however I have had experience in my time as Tourism Minister where those figures have not been reconciled and I have provided the data that has been given to me through the Radio Station later to be found that that data was not reconciled and so the data that I had given to the community was not the data that I

MR SHERIDAN Thank you Madam Speaker. Yes I understand the Executive responsibility and the authority that I do have but when you have a Consultant offshore it's a bit hard to crack the whip and make them do what you wish by a certain time frame. I had a time frame for this Report to me by I think it was September last year and unfortunately unless I do it myself I can't see me hastening it any further than I am now.

MADAM SPEAKER Thank you time for Questions Without Notice has expired.

MRS WARD Thank you Madam Speaker. I move that Question time be extended by 30 minutes.

MADAM SPEAKER 30 minutes Honourable Members is the time for Questions Without Notice.

CHIEF MINISTER I have some words to say about that Madam Speaker. I have no difficulty in there being an extension from time to time in terms of Questions Without Notice. I think we need to take into account whether this is going to be a gathering just for Questions Without Notice and Questions On Notice. We have been going for an hour now in respect of this matter and I don't have any difficulty if we want to go on a bit longer today but we seem to be doing it regularly every Sitting that is to be the case. I think we need to take a decision as to whether we want to extend the Question time on a full time basis or just an adhoc basis that we're doing now and what percentage of time really do we want to allocate to this particular purpose within our Sitting. It's an essential part of the process but I think we need to keep it in perspective as well, but in addition to that we of course have something like 20 odd Questions On Notice so that's going to take another hour. Now they are important too, I'm just trying to give perspective to the matter and ask Members if they will just take that into account or whether they want to just have a fest as we're doing now about sitting around this table and responding to questions. There are other serious matters as well and I'm seeking some perspective in the matter.

MADAM SPEAKER Thank you Chief Minister. You understand the position I am in at this time. I have accepted the question. The time for Questions Without Notice be extended by 30 minutes and at a point in time I will put that question unless it is withdrawn. I'm now opening this to debate.

MR KING Thank you Madam Speaker. I don't know what I am in relation to what Mr Buffett just said. I'm quite surprised, I'm not quite sure whether his contribution was directed at an effort to encourage people to vote against this Motion to extend or simply an expression of principle as how he regards our backbench occupation of the House as time. As he quite rightly points out it is an important if not integral part of the proceedings of this House as I'm sure everyone understands and it ought to be allocated as much time as possible can. He alluded to Questions On Notice taking up a considerable amount of time, perspectively as well and that is a fact. There is also an opportunity to address that in relation to Standing Orders regarding the nature in which answers are supplied and that of course happens differently elsewhere and doesn't occupy the time of the House. So there is a time and a place perhaps through Standing Orders to address these things and as for Questions Without Notice and the prospective extension of time on every occasion we sit well I think given the activity level of the backbench that can be fully expected on every occasion.

MRS WARD Thank you Madam Speaker. Just briefly I am also surprised by the Chief Ministers comments. I would have thought in the best interests of open and transparent Government that it was very much about this backbench holding this Government accountable and many of my questions as a representative of this community are based to me and I channel those through to the Government in representation of them. Now that meetings have gone back to four week rotational basis we may not see the need to extend every time but the request stands and I move that it be extended today Madam Speaker.

MADAM SPEAKER I have that Motion before the House already Mrs Ward. Further debate.

CHIEF MINISTER I have no wish to oppose the Motion Madam Speaker just to give clarity to that but I wanted to give perspective to what is proposed.

MADAM SPEAKER Some historical data without entering into debate may be of interest. We started out this House with 30 minutes. Some years ago it was extended to 60 by changing Standing Orders and as the Chief Minister has said and Mr King has repeated that opportunity is there for a Motion at any time to be brought to the House to extend Question time.

MR KING But I also add Madam Speaker that the rate of questioning is directly proportional to the performance levels of the Government

MADAM SPEAKER We won't have any imputations thank you Mr King

MR SHERIDAN Thank you Madam Speaker could I just say a few words. Is this time that we're taking taken off the 30 minutes.

MADAM SPEAKER That's an interesting question thank you Minister for Community Services. I'll put that question Honourable Members that time for Questions Without Notice be extended by 30 minutes

QUESTION PUT
QUESTION AGREED

MRS WARD Thank you Madam Speaker. My question is to Minister Nobbs. Will the Minister table the Worley Parsons Harbour Report today and if not will the Report be provided to the Firm which will ultimately develop a business case for the harbour as described in the roadmap.

MR NOBBS Thank you Madam Speaker. As I've pointed out a number of times with the request for this Worley Parsons Harbour Report it's currently not in my hands, it's a negotiation process that is going on with the CEO of the Public Service and Worley Parsons Harbour Report. Once I have that Report I will have no issue in placing it on the table.

MR KING Whilst we're talking about the maritime situation Madam Speaker can the relevant Minister I think Mr Nobbs advise if the plan dredging of Kingston Pier and I have absolutely no idea about this, I've lost track of it, advise if the planned dredging of Kingston Pier remains on foot or that it has been abandoned perhaps in favour of commonsense.

MR NOBBS Perhaps I can give an aspect of the response and Minister Sheridan can certainly provide response with regard to the IS and EEPC Act. However I just will say this that the dredging was a standard maintenance procedure for the Kingston Pier and that it's there not specifically at this time just to sort out cruise ship tender operations but it's also to enable safer transportation of our own lighterage equipment and the charter boat operators and the private boat operators.

MR KING I have a question for the Minister for Community Services Madam Speaker.

MADAM SPEAKER Do you want to wait for his return.

MR KING Oh he's not here, he's left the room during Question time. Most unusual.

MR KING Thank you Madam Speaker. Minister Sheridan could you perhaps explain the progress with your planned Roads Program for 10/11 and whether the major project anticipated in Hibiscus Drive has been mapped out, planned, commenced, completed or what the situation is with it and explain why unplanned projects like Little Green Lane have proceeded and been completed.

MR SHERIDAN Thank you Madam Speaker and thank you Mr King for the question. No the Roads programme for the 10/11 year was programmed to undertake a restructure of Hibiscus Drive and the planning was going along very well there, the culverts had been obtained, we had culverts in place, we had metal in place, we had some tar in place and then of course our financial situation came upon us and all works you might say was put on hold. There were still some items that needed procuring etc. So the Works programme you might say was put on hold until our financial situation got back together you might say and now the Roads gang you might say, the Roads crew are now doing smaller jobs with the time that they have on their hands and the limited amount of resources that they do have in stock. So that's the only reason why Hibiscus Drive has not been completed this financial year is really due to our financial situation.

MR KING Thank you Madam Speaker a supplementary. I'm just wondering whether the Minister has made any public announcement of that fact or whether he felt the community wasn't interested,

MR SHERIDAN Thank you Madam Speaker No I hadn't made a public statement about this at this time but I can certainly undertake to do that. I can put out a Press Release in the paper this weekend advising what Works have been taken off the Agenda for this financial year.

MR SNELL Thank you a supplementary Madam Speaker. Minister in relation to that question we note that there has been some works done on Old Red Road I believe under a Grant from the Federal Government but it is my understanding that the work and labour for this work has been conducted by outside contractors rather than through the Administration Works Team. Can you give any advice on that at all.

MR SHERIDAN Thank you Madam Speaker. It's not really my area Mr Snell it's in the Electricity Undertaking. As far as I know the Electricity are doing a job down the old Red Road they are laying some underground cable there and replacing some telegraph poles which has been funded by the \$3.92m

Emergency and Relief by the Commonwealth and as to the outsourcing of the employees, I believe that they required extra personnel as well as the Electricity personnel to undertake this job and they advertised for part time labour and I think they had 4 or 5 responses and they are utilising that labour as needed on a as required basis.

MRS WARD Thank you Madam Speaker. My question is in the same vein under maintenance. At the beginning of this year \$5,000 was allocated to the maintenance of bridges on the island. My question is was that funding also pulled from the budget along with the camera to check the quality of the sewerage pipes.

MR SHERIDAN Thank you Madam Speaker. I would imagine if that \$5,000 hadn't been utilised at the half way budget review then it would have gone but I would have to check the budget to see whether or not it's still there, but I would imagine that it has disappeared.

MR KING Thank you Madam Speaker. A question for the Minister for Telecommunications. Can the Minister explain the degraded telephone service experience by users in periods of heavy rain and what can or will be done to correct the deterioration in the service.

MR NOBBS Thank you Madam Speaker. From time to time my understanding is that the particularly in heavy rain the underground pits that are part of the telecommunications reticulations system do fill up with water, although they have waterproof encapsulated connection containers within them, those containers do sometimes also take in some water and that creates a connectivity between the circuit that can effect the line. Telecom normally properly gets onto these areas, particularly if there has been a known issue of this type of water increase and it's a fairly standard connection in line with standards for telecommunications connection in Australia and Norfolk.

MR KING Thank you Madam Speaker. I'm sorry just a supplementary. I didn't quite understand that, is the Minister saying that these problems have been identified, acknowledged and plans put in place to rectify it,

MR NOBBS Thank you Madam Speaker. Exactly as I said earlier there are some pits that do collect water if there is excessive downpour as we've had some weeks ago where I think it was 7 inches over a number of days. There is I suppose a rectification programme of that in that Telecom identifies those pits wherever possible and gets out there and fixes them in terms ensuring that the connections are dried and serviceable.

MADAM SPEAKER Time for Questions Without Notice has expired. I beg your pardon me having no indication of further Questions Without Notice but I will bring to your attention now we have on adjournment the Motion to take note that the Chief Ministers answer to the question from Mr Snell in relation to Chinese visitors. Is this an appropriate time, I said I'd do this in consultation with you. Is this an appropriate time for this to happen.

MR KING Is questions are finished Madam Speaker

MADAM SPEAKER I asked if there were any further Questions on Notice

MR KING Well I raised my hand

MADAM SPEAKER You were talking at the time to Mr Nobbs sorry I did not see your hand. In that case Honourable Members we continue to be at Questions Without Notice.

MR KING Thank you Madam Speaker. Just on Telecommunications. Can the Minister detail any plans for upgrading the mobile telephone service for those subscribers in areas of poor reception so that they might experience a more robust service and perhaps avoid the extra costs associated with reconnection every time they drop out. Is that in the Telecoms plans somewhere in the future,

MR NOBBS Thank you Madam Speaker. I'll take that On Notice. I know Telecom does do analysis of the coverage of the mobile network so I'll get some detail.

MR KING Thank you Madam Speaker. Question for the Chief Minister if I may. Can the Chief Minister advise in the light of the internal conflict said to be a reason for the recent resignation of the Finance Minister whether he is persisting with the doctrine of collected responsibility at cabinet level which was announced earlier in the life of this Government.

CHIEF MINISTER Yes Madam Speaker.

MR KING Thank you Madam Speaker. Is the Government planning to legislate for same sex marriage and are such plans driven by a philanthropic or economic objective.

CHIEF MINISTER I'm happy to respond to that. I'm not too sure the connection between the two factors mentioned by Mr King but the answer probably to both is no there is not a contemplation on the part of the Government.

MR KING Thank you Madam Speaker. Could I ask a question to Mr Nobbs. Has Norfolk Air been able to adjust its prices to secure the travel arrangements for the planned Rotary conference or is that off the agenda.

MR NOBBS Thank you Madam Speaker. What was put on offer for the Rotary conference were perhaps 4 options I think. They involved offering a charter cost arrangement given that these flights are coming out of New Zealand to utilise Norfolk Air. They were offered direct access to Our Airline to perhaps seek if there was a better costing arrangement or charter arrangement and cut out the middle man of Norfolk Air. They were also offered from my perspective for me to have discussion through to Air New Zealand Executives to ask them to reassess options for the Rotary conference participants to have a charter provided by Air New Zealand and lastly I had also advised them that subject to finalisation of any discussions with the Commonwealth on air services to Norfolk Island and our ongoing operations if there was any other options that came out of that that I was able to put on the table that I would certainly do that. As we are all aware those Consultant Report and discussions are still ongoing. So does that answer your question Mr King.

MR KING Thank you Madam Speaker. Could I ask a final one of Mr Nobbs, whether he is able to advise and he would probably need to take it On Notice I'd imagine but I'm interested to find out as others may be what quantity of

material is downloaded free of charge on the internet during Telecoms midnight to 5am free download period and how much revenue is foregone by this policy.

MR NOBBS Thank you Madam Speaker. I'll take that On Notice thank you.

MR ANDERSON Given that there is an increased number of backbenchers we obviously need an increased amount of time. Just so Minister Nobbs is not feeling too left out a question for the Minister responsible for the Airline. Back in approximately June 2010 a large amount of money was expended to upgrade the booking system. I believe it was to be delivered by about November 2010. Can the Minister confirm that no bookings are being lost because Qantas does not have access to the full inventory of seats and can the Minister advise when full access for Qantas will finally be available.

MR NOBBS Thank you Madam Speaker. Thank you Mr Anderson for the question. The short answer is Mr Anderson is correct, that booking system which was the TTI booking system was to have been implemented as well as the free sale code share operation with Qantas at the end of November. Through no fault of Norfolk Island by any means that has been forestalled. My most recent understanding is that Qantas have now given a commitment to June for the establishment of the free sale code share and for the GBS system to be operational in that regards. With regard to bookings that may or may not be lost I would probably have to take that On Notice Madam Speaker. I would imagine that where you don't have that free sale code share and interoperability and transparency of seat allocation that there are losses.

MR ANDERSON A question for Minister Nobbs. In respect of the CEO of Norfolk Air, his consultancy contract is nearing expiry I understand. Can you please advise when its due to expire and what action is occurring in respect of its possible renewal.

MR NOBBS Thank you Madam Speaker. I'll take that question On Notice. I have briefed the Norfolk Air Board in general terms on the expiry time frame for the contract. However I'd prefer to have the contract detail on front of me before providing this information in the House.

MADAM SPEAKER Thank you Mr Nobbs that allows us to take consideration of the Standing Order which require that question only contain names if absolutely necessary.

MR KING Thank you Madam Speaker. Could I just ask a supplementary. Could I ask the Chief Minister the same question in relation to the Chief Executive Officer of the Public Service.

CHIEF MINISTER Madam Speaker if I remember the detail correctly there is an October marked in this year under the current contract of arrangement.

MADAM SPEAKER Further Questions Without Notice. Dare I ask. So we are at the point Honourable Members where the House resolved to adjourn to a later time on debate that the House take note of the Chief Ministers answer to the question asked by Mr Snell in respect of Chinese visitors to Norfolk Island. I'm looking to you now, is this when you wish to resume this debate. I said I would consult with you. Could I have an aye

MEMBERS

AYE

SPEAKER

Thank you. Mr King

MR KING Thank you Madam Speaker. I imagine that it was really inevitable that a debate on this issue was to occur today. It just became a matter of at what point it might emerge and I'm thankful that Mr Snell has asked some questions which have enabled the House to take note and offer some further debate in relation to the matter. It's the debate that we have to have openly. I participated yesterday in a brief debate behind closed doors where the proposed the endeavours proposed to be undertaken by the Government in pursuit of the Chinese tourism market or outbound tourism market took place. That debate spoke about a number of confidentiality things and I sincerely hope that I'm not going to breach any of those confidentiality things, it's not me intention to do so but I do acknowledge and I ask Members to acknowledge that there is an email circulated in the community in relation to this matter which clearly, very clearly illustrates the demanding nature of the Chinese businessman. It is not a thing that can be taken on lightly. I fully understand the situation we are in regarding tourism but I also fully understand that desperation breeds bad judgement. The Chief Minister took that personally yesterday and I certainly meant it as no personal attack on himself. We are in a desperate situation but I'm simply not comfortable with giving this the attention as quickly, as hastily as we seem to be doing. We're talking about sending delegations off to China, the words quickly were used yesterday and they will probably be used in this debate. I know we need a quick fix in relation to tourism. I can't sit here and say where that quick fix is going to come from but I can here and say uppermost in my mind is the protection of the identity of Norfolk Island. I'm very mindful without getting into areas of foreign affairs or making disparaging remarks about the Chinese but we have seen in this region a number of areas which have been devoured by Asian interests after they have seen that those areas have become a major attraction for their people. What is proposed in this situation is what is suggested to occur in this situation is that the Chinese market will provide a substantial sum, number of tourists that come to this island. The number 20,000 in a short time has been spoken about. There have been further indications that any number generated by this business group to come to Norfolk Island any amount exceeding 20,000 would attract a fee per head back to them and that in itself suggests a number far greater than 20,000 is likely to occur. That will mean a significant or major portion of our single industry activity is dependent upon the Chinese market, and if that being the case that will result in a stranglehold on our economy, there is no doubt in my mind about that. It's unfortunate we're not in a position where we can take what money we have and spread it. I'm a firm believer in looking at the overseas market and I approached that zealously back in the 90's in an effort to diversify our markets somewhat but it wasn't targeting just one particular country and that's what this is doing and it scares me. I cannot Madam Speaker give any indication of support for this endeavour at this point in time. Our long standing markets have sustained us for a long time – 30 odd years longer far longer than that 30 to 35 years. To what extent would this mean that we would be devoting resources and time and money in promotion and marketing in China at the expense of our traditional markets. I know that people are going to respond now and say that there is no intention to abandon those traditional markets but the reality is that if we have a driving force in China which is providing us with some economic basis of 40, 50, 60% the commercial interest will often prevail and the less productive markets will be abandoned or lost. I'm not suggesting Madam Speaker in any way shape or form that we ought not court the Chinese market but I am suggesting that we court it along with other countries in the overseas market. I am in full support of diversification and targeting markets other than our

regard to Chinese tourism to Norfolk Island. Now I mentioned an earlier delegation that came to Norfolk Island many months ago and the discussions that ensued from there. Obviously we had a recent visitation of another component of that delegation, an expanded component to assess Norfolk for tourism in particular and it was an interesting outcome in that I'd previously been informed that we may not necessarily have some of the qualities and events and casinos to support the interests of some of the Chinese tourists. However I was very pleasantly surprised as they were, the delegation that came over to assess Norfolk Island as a tourist destination that they saw many areas of specific interest to their tourists who they would see coming to Norfolk Island and specifically those areas were the sporting facilities and events on the island, the World Heritage listed area and many of the bush walks and such as the National Parks. At the end of the day what we are going to be assessing is what the potential is for that visitation, how we're going to satisfy that visitation. I mean we've talked many times around this table about the accreditation and the expectation of delivery of experience on the island for our visitors coming from Australia and New Zealand, well there will be a different expectation I would imagine from visitation from international countries. So we will obviously have to be mindful of that and also ensuring that we are able to satisfy language barrier issues and general support for that new tourist if that is the opportunity that we undertake. Thank you.

CHIEF MINISTER I just wanted to identify Madam Speaker I responded to Mr Lisle Snell's question and did it with some reasonable detail. You would no doubt have detected from that that I was to make a statement about this matter, so I just need to give the progression about this matter. Mr Nobbs has just mentioned that we had an earlier visit and just in the last couple of weeks there was an opportunity for me whilst I was in Sydney to have a further meeting with the delegation from China which then part of that delegation came here and that was the context that Mr Nobbs was referring to in terms of the latest visit. So there has been a progression and this was a matter that I raised at the meeting of Members yesterday, so you can see there is a progression in how this I running and there would have been a Statement today. So this is not a matter that has been behind closed doors it has been a matter of gradually building the information and progressively presenting it in appropriate quarters and is with us today. A couple of points have been mentioned about prospective stranglehold within the industry. There seemed no difficulty when we had a predominance within the Australia and New Zealand sphere of visitors here. We can see however that there has been a diminution in that and we have undertaken a number of promotional programmes of very recent times at very competitive prices which have not drawn from those spheres in quantities that will lift the game within the industry and therefore we have had to be more innovative and look wider than that. It would seem, I think we would be exhibiting some considerable lack of initiative if in fact we did not measure that the principle flow of visitors into the Australia, that is one of the closest places to us at this moment comprises Chinese visitors that we do not attempt to gain some share of that market and that's what this exercise is about, we do need people, we do need to import dollars. I've specified that earlier so I'm not necessarily wanting to overly repeat that but it is important for it to be mentioned and this seems an opportunity. Now if there are other opportunities such as Mr King has alluded to I and my colleagues would be equally wanting to ensure that we try and gain some share of that market as well, but I've got to say that until Mr Nobbs has just mentioned some responses from the travel market that the General Manager is presently at there have been little opportunities for those but if they are there we should build upon those exactly as we are endeavouring to build upon the Chinese opportunity as well. I would hope Members would see that there are some prospects in this to endeavour to lift our game. It's not the only proposal that I would want to put on the table if

others were available to us but we should not miss opportunities especially in the market as we endeavour that we are facing at this time. I did take exception to Mr King's comments yesterday about desperation. We are in difficult times but I wouldn't want it to be thought that it is clouding our thinking, it indeed needs to sharpen it so that we are able to evaluate well and want the balance will be for the community in terms of survival. One of the things that was mentioned and raised by the Chinese visitors was whether they would be welcome in this place and whilst I'm very happy to hear whatever views need to be put I would hope that they would be put in a way that I would continue to be able to negotiate that there is still a welcoming arrangement within this community. I would hope that there would be not words uttered that would put my capacity to be able to continue to talk with these people beyond those realms.

MRS GRIFFITHS Thank you Madam Speaker. I applaud the Chief Minister for pursuing new markets in this difficult time and I would encourage the Chief Minister to look at their tourism strategy and the tourism research that has been done. One of the first things that has been done is looking at exactly what we have and knowing what these targets and markets want, do we have what these visitors expect and I know that Andre just said or Minister Nobbs just said about bush walking but that's very anecdotal. I did send the Chief Minister yesterday some information on Chinese visitors and increased numbers in the Pacific and what was very interesting of those 2 articles was prior to Fiji pursuing this market they actually made changes to their immigration regime though I fail to see how we can do that. We can't even change our immigration policy without sending it to the Minister for having him approve that, so I find that very difficult to believe. I also find it very difficult to understand why it's being pursued at the political level. If there had been an agreement by Cabinet that this is something then for goodness sake put it in the hands of the industry, put it in the hands of the people. It's our job as you say Chief Minister to explore other markets but we need to involve our stakeholders, we need to involve our business sector, our accommodation proprietors and it's the role of the Government to set directions and to make informed decision. Just one other thing, within a few years one of the articles actually mentions that Fiji now has it's first wholly Chinese owned hotel, I think that's within 2 years of opening to the Chinese market. Is that what we're after and that's what I mean about making informed decisions, is that where we want to go. Please put this in the hands of industry have them give us all the information we need so can make informed decisions.

MR SNELL Thank you Madame Speaker. Madame Speaker I agree with what Mrs Griffiths has to say there and of course the Chief Minister, I support him in his endeavours to bring this to some finality and some benefits to the community of the island. I think one must take into account the situation here and the recommendations of the roadmap for Norfolk Island and in particular Minister Crean's message to us that we need to help ourselves and this is one area that we are progressing to help ourselves and it's mentioned in the reforms in the roadmap that economic developments through quick action to address barriers to tourism should be looked at and taken account of in reaping situations like this and I think it's one area that the Chief Minister is progressing down and I support his moves at this time.

MRS WARD Thank you Madam Speaker. I think the general consensus that was reached yesterday was that further progress should be made in ascertaining the Chinese as a tourism market. Where the red flag start to come up is when we talk about future investment and that's where due diligence needs to be carried out. I think the Chief Minister is very aware of that that we need to go into this with our eyes wide open and understand that it may not just be about tourism and

once one becomes reliant on a revenue of a suggested 20, 25,000 people it's very hard to pull back away from that. My first question was what can we offer the Chinese because my limited understanding was that they wanted casinos, we don't have a casino. As far as I understand it we don't have a brothel either, I could be wrong but that's something else that they are interested in, but I was assured as Minister Nobbs has just said that they are interested in our sporting facilities, golf course, bushwalking, fishing and that' all fair enough. I think that generally the people I represent would welcome the Chinese just as they would welcome people from the UK or from Italy or the USA as they welcome Australians and New Zealanders, but really it's the next step that's the problem so I don't want to sit here and block an initiative for short term revenue potential, short term revenue I mean it's just in a step by step operation, nothing is concrete. The roadmap is about long term gains and security. So I think it's very difficult for any of us to sit here and as you understand yesterday we didn't sit here and say no fullstop we're going to block it, because we've seen Governments and Members over the years block, I think of the Quarantine Station and whether it was the alpacas or the lamas and I'm sure the Chief Minister and Madam Speaker and those who have sat here Mr Snell and Mr King who have sit here for a lot longer than I can give you a list of instances where Members of an Assembly have said no I don't like the sound of it, I don't have any reasons, it's an emotive response. I will not give an emotive response and that's what we have reached consensus on is to allow the Chief Minister to further progress this initiative. Thank you Madam Speaker.

MR SHERIDAN Thank you Madam Speaker. I won't say too much on this but just I'd just like people to reflect that whilst the Assembly is considering this proposal as somebody pointed out to me yesterday don't be naïve about this, this is the first you know think wedge in the door and all this sort of thing. We certainly are not being naïve about it we will assess things and yes it may very well be that once they start visitations here things may grow from there, but you have to put into context Madam Speaker Chinese visitors to Australia now is one of the largest visiting populations to Australia. In the main they come down in groups so this endeavour through a Chinese company to bring people to Norfolk Island would be a side visit from their visit to Australia, as they have indicated that they would like to visit between 3 and 4 days, short visits. So as part of their visit to Australia they would come maybe to Norfolk Island for 3 or 4 days and then go back to Australia. What this company is trying to do is to enable that to happen because they are not free independent travellers you might say FIT's they come down in groups so if this is for want of a better word a wholesaler they are the people who manage their trips to Australia, they are trying to open up new areas of tourism for their visitors to enjoy, so they have made approach to the Norfolk Island Government, they have come over here, they have liked what they have seen. So all we are trying to do now through this company is to make their visitation accessible and enjoyable. There is nothing stopping Chinese visitors coming to Norfolk Island at this point in time, they can come here if they want to, not a problem but like I say in the main they come from China in groups, so it's the group operators that facilitate their visit and this is what's being attempted to do now. That group operator is trying to facilitate members of their groups to come to Norfolk Island for a short time. Over the years our tourism has been the life blood of Norfolk Island and in the last 5 years it's declined from say 35,000 down to 25, 26,000 you know 33, 35% drop and it's reflected in our financial circumstances, it's reflected in the communities financial position, it's reflected in the Governments ability to carry out day to day tasks. We've tried to increase our visitor numbers from both New Zealand and Australia and we've been unsuccessful in the last 3-5 years. What this does now and I think this Government would be negligent if they didn't follow this through, we have an obligation to the community to look at all proposals and this is all this is a proposal to see how we can get visitation numbers

to the island that enables our community to prosper. Nowt that doesn't mean to say as I think Mr Snell said in one of the islands they've got enacted laws that 51% of the land has to be owned by local populations. I don't think I'd like to see 50% of Norfolk Island being sold off in that context, no way in the world. I'm all for maintaining Norfolk Island how it is. Visitors to Norfolk Island I don't have a problem with. I don't care where they come from long as they come and this all that we are trying to do. There was one other mention of the amount of people that they have indicated that they may be able to bring to Norfolk Island and the number of 20,000 has been suggested and it was said in the short time. I believe that 20,000 visitation numbers was in a 12 month period, so you know if you call 1 year, 12 months a short time well then it is a short time, and of course yes if they do come out here and they enjoy the facilities that we have and I'm talking about our current facilities then yes the numbers may increase, but yes we can't forget our traditional market because as it's been indicated we can't become reliant on one market as we have done over the years, we've relied on the Australian and the New Zealand markets, where has it got us today – bankrupt. So we're looking at areas that can stimulate our economy, make our community prosper but we as a Government have the obligation to ensure that the best interests of the community are preserved and that means preserving Norfolk Island for Norfolk Islanders that will be my main objective in this endeavour but I wouldn't like to stop the efforts of these people that want to come here as groups thrown out the door, I would like to see this Government walk through and weigh it up once we have all our information on hand.

MR SNELL Thank you Madam Speaker. I just wanted to clarify what Minister Sheridan mentioned about 50% of the island being owned by non residents. I didn't mean it in that way at all, it's just that in some areas of the world businesses and land sold to non residents are regulated and the regulations in some parts of the world is that 51% must be owned by people of the island not by non residents and I'm sure regulations of that nature could be introduced into this island. Sure it has some ramifications on other than the visitation that we are talking about here this morning but it's an area that could be introduced to protect the stability and the environment of Norfolk Island as we enjoy it today.

MR ANDERSON Thank you Madam Speaker. Just following on from what Mr Snell said, it is worth noting that in China they have very strict regulations on what can and can't be owned by foreigners so it's not that they expect it. My comments are really that I support the investigation of the opportunity, I think as has been explained quite clearly it needs to be followed through. I endorse the words of Mrs Ward. The visitations are absolutely essential but we must be very very cautious in relation to the investment side of things. I have extensive experience in dealing with Chinese and they invariably come with an alternate agenda and that's what we must be conscious of and the time frame. The suggestion that in Fiji within 2 years they have their own hotel supports that. If this is successful just like the Japanese there is very real potential that the Chinese will wish to take control of their market. Norfolk Island will be the venue but the Chinese will as the Japanese do will wish to run their own race, their own hotel, their own bus, their own staff, their own airline potentially but that's not what we should be concentrating on we must just be aware of it. I think we need the visitor numbers, we need; the support that they may be able to give but we will need to concurrently be considering the ramifications if this is successful. I would emphasise that our expertise here is insufficient and we need to be using somebody outside perhaps the industry, obviously Austrade to be able to assist us and in any dealings with the Chinese you must have your own interpreter that you trust because despite the fact that they may say they don't speak English they usually do and they will talk to one another in Chinese. There's a lot of lessons that I've learnt over a long time in dealing with the Chinese, lovely people. A return

visit is probably necessary given that they have visited us because it's a matter of courtesy. They have gone to the trouble of coming here and they then wish to show you their facilities, they then wish to emphasis the size of their market and the facilities they have in which to bring people here. So yes I thoroughly support it we just need to be cautious and concurrently be concerned about the potential for investment to become their main objective rather than tourism.

MR KING Thank you Madam Speaker. I'll just offer a couple of words I think there has probably been enough said around the table this morning to suggest that there is a need for caution and I hear the Ministers talking in that fashion, suggesting that they will be cautious in their approach to this. I was frightened by the email and I think I may have referred to it earlier that is circulating in the community which portrays the Chinese people as very demanding people. One aspect of that which has not been brought up in discussion around the table this morning is the apparent demand or the preference to have exclusivity arrangements and that would concern me greatly if the Government was prepared to accept that some business in China some business organisation or company in China had the sole and exclusive rights to market Norfolk Island. That would be a dreadful damaging and fraidy situation to place ourselves in and we shouldn't allow that to happen. I can't block this not that I want to block it, my intention is to have some discussion and to repeat my concerns. Those concerns remain and Mr Anderson has expressed them quite eloquently and reflected he's had dealings with the Chinese. I haven't had those dealings except in some gambling establishments around the place but we need as Mrs Griffiths suggested and Mr Anderson may have repeated it that some professional assessment of the social economic and cultural and environmental consequences of this and the consequences which may be attached to forming a reliance on this Chinese market for it to be such a big part of our economy or our tourism base for our economy. I accept that the Government ought not miss any opportunities, I'm not quite sure I accept Mr Buffett's statement that there is no problem with the domination by the Australian market that emerged over a longer period of time and built over a long period of time with involvement of a while host of wholesalers and organisations on the ground and different character type and size. We're talking here about 1 commercial organisation fully commercial in character and that's reflected in that email that's circulating in the community. So there is quite a subtle difference there. I shall let it go at that Madam Speaker thank you very much and I thank the House for the opportunity to discuss it further.

MADAM SPEAKER Honourable Members I think we have concluded debate I put the question that the Motion be agreed to.

QUESTION PUT
QUESTION AGREED

ANSWERS TO QUESTIONS ON NOTICE

SPEAKER We move to Answers to Questions on Notice and the first question stands in Mrs Ward's name, number 123, directed to the Chief Minister. This is a question which is stood over from an earlier Sitting at a time when we had a portfolio for that designation.

MR BUFFETT Madam Speaker thank you. Question On Notice 123 it is a question from Mrs Ward. It reads; in relation to the review of Telecommunications Competition Report tabled in the last Sitting of the House can the Minister confirm that a request for quotation was issued and 3 written quotes were obtained as required under the Administration Policy and Guidelines for the

procurement of goods and services. The cost of \$27,000 was paid from Telecom and Assembly budgets. The response Madam Speaker. Three written quotes were not obtained as it was recommended by the Telecommunications Working Group the responsible Minister that advice would be advantageously sourced from professionals that had detailed knowledge in like communications deregulation. The Minister advised cabinet that he had requested advice from Norfolk Telecom through Norfolk Telecom from the advisor to the Australian Communications and Media Authority and a part time non resident commissioner of the Independent Consumer and Competition and Commission. On the 20th January 2011 the Budget Review Committee authorised a payment of \$27,000 from appropriate votes.

MRS WARD Thank you Mr Deputy Speaker. I have to question whether it's normal practice for this Government to ignore its own procurement of goods and services policy and guideline at the advice of an adhoc working group and will that be common practice into the future.

MR BUFFETT Madam Speaker if I remember the detail correctly it's really the decision of the Tenders Group which is the Ministers and the Government in this particular context to make such a decision wherever a recommendation may come from and it's not unusual that from time to time this sort of action is taken, it depends on the need and this is the need set out here.

MR BUFFETT Once again these 2 questions are flow ons and I'm picking up the carriage of them. Mr King asked this question. Given that his Ministerial colleagues advised the House in September last in relation to the New Zealand Telecom debt that the debt was not fully recognised in an accounting sense because an invoice had not been received, what other significant amounts as yet un-invoiced are not reflected in the Administrations accounting records. Mr Deputy Speaker the amount owing to New Zealand Telecom as at the 30th June 2010 was \$973,766-00. This amount is recognised in the accounts at that date. The amount owing to Telecom New Zealand recognised in the accounts as at the 28th February 2011 is \$1,182,506-00. This is a combination of actual invoices received and estimates for those months for which an invoice has not yet been received and all significant amounts owing to New Zealand Telecom are reflected in the accounts.

MR BUFFETT 131 reads it's a question from Mr King. Having now been provided with a relevant copy of Minister Nobbs' email to the Chamber of Commerce how does the Chief Minister justify his Ministers criticism of the Chambers support of the Territories Law Reform Bill when the Norfolk Island Government had committed in a formal agreement with the Commonwealth to public support of the Bill and its implementation. Mr Deputy Speaker Mr King in his question may see this email as a criticism

MR BUFFETT Mr Deputy Speaker the amount owing to New Zealand Telecom as at the 30th June 2010 was \$973,766. This amount is recognised in the accounts at that date. The amount owing to Telecom New Zealand recognised in the accounts as at the 28th February 2011 is \$1,182,506. This is a combination of actual invoices received and estimates for those months for which invoices have not yet been received and all significant amounts owing to New Zealand Telecom are reflected in the accounts.

MR BUFFETT Mr Deputy Speaker 131 reads, it's a question from Mr King. Having now been provided with a relevant copy of Minister Nobbs' email to the Chamber of Commerce how does the Chief Minister justify his Minister's

criticism of the Chamber's support of the Territories Law Reform Bill when the Norfolk Island Government had committed in a formal agreement with the Commonwealth to public support of the Bill and its implementation? Mr Deputy Speaker Mr King in his question may see this email as a criticism. I don't necessarily see it in that way but I see the Minister in this particular context is really seeking healthy assessment in the business sector and through the Chamber of Commerce and its capacity should the need arise, to make useful comment upon this particular piece of legislation or upon anything that may arise in that context. I don't see that as a criticism, nor going back on our undertaking in respect of that piece of legislation

MR NOBBS Thank you Mr Deputy Speaker, the question reads, does the removal of the SPIN signage at the Telecom office mark the end of any fanciful notion that Norfolk Island was ever able to afford to participate and does it indicate the elimination of any financial commitment entered into by the former government of Mr Nobbs? The answer to that question is that the South Pacific Island Network have indicated that they will not be able to meet that contractual obligations and mutually agreed termination of the contract has been prepared by the Administration's Legal Services Unit for execution by both parties

MR NOBBS Thank you Mr Deputy Speaker, the question reads, can the Minister advise if Norfolk Telecom has sufficient working capital to allow it to maintain pace with changing technology; to acquire new innovative hardware; to provide the necessary expenditure for research and development and expected market place activities and to enable the community access to advanced services? Mr Deputy Speaker the short answer is no. At this point in time our focus is on reducing the TNZI debt

MR BUFFETT Thank you Mr Deputy Speaker, the question from Mr King is can the Chief Minister advise whether he has identified those elements or features of the integration Road Map that are capable of being implemented more quickly in the interest of providing earliest possible economic relief and stimulus? Mr Deputy Speaker I just make this correction. It uses the words integration Road Map. It's not an integration Road Map. It is really a partnership for the development of a sustainable future for Norfolk Island. The Road Map itself is really not an immediate economic relief. We've talked about that earlier today when we've talked about a number of things and the Norfolk Island Government hasn't available money for immediate stimulus packages however, in the immediate tasks set out in the Road Map, it sets into play a number of things that when implemented may have economic pluses for Norfolk Island. In the meantime I just come back to the Chinese debate for the moment, in the meantime there are some initiatives such as Chinese tourism which is being initiated to encourage stimulus in the industry on a more immediate basis and is one of the reasons obviously why it is being mentioned and talked about quite justifiably at some reasonable length earlier on.

MR BUFFETT Thank you Madam Speaker. Question 135 from Mr King, the question from Mr King, is it not a fact that landing charges previously paid by travellers as a provision for Australian government loan repayment and future re-sheeting of the pavement as well as water assurance charges, previously paid by users as a provision towards upgrade and expansion of the scheme, are now paid direct into general revenue and should now be regarded as taxes? To be quite frank Madam Speaker I'm not really seeing great merit in having a long debate in whether you call something a tax or a fee. It is seen as to what it is for, it relates to that purpose, if there is a move I'm quite happy to give the appellation tax to it if that's a way to move forward

MR BUFFETT Madam Speaker 136. the question is this. What is the extent of Norfolk Island's capacity to contribute to the extent reflected in the integration Road Map; what are its limitations and to what extent will progress with implementation of the Road Map be impeded by a lack of capacity? This is really an issue that has been raised with the Commonwealth. Mr King asks this question, and as you will note in the Road Map capacity building for the Public Service is one of the things that is mentioned. Senior Departmental Officers will be on island in the next couple of days. I mention that in response to another question or provided that information earlier on and the matter of capacity to do a number of things have already been raised and is the subject of further conversation with them. There are a number of things here. One is the Road Map itself and providing information, statistics, fact sheets, pros and cons and the like. We are limited in the resources that we are able to put, doing a number of those things, we've identified those to the Commonwealth and we have sought their assistance. They've shown a willingness to do so and allocate some funds to do so. The exact nature of how it will be carried out is what the next conversation is to be about which is in the next couple of days, so yes, it is recognised. There is some offer of assistance to tackle that task

MR BUFFETT Madam Speaker 137 and this is again from Mr King. Can the Chief Minister advise what community services have been identified as being among those most likely to suffer or be curtailed due to the continuing decline in public finances? We all know that the Government has made an initial funding request of \$3.9 received, for the purposes outlined in this question and we've made a subsequent bid similarly framed and that's the Government position really. If I really start to say that we can do with less I'm not really substantiating what I've already said so I just need to ask Members to understand that at this moment

MR BUFFETT Madam Speaker there are two questions that I'm going to bracket together and that is 138 and 140. Two questions and I'll read them. Can the Chief Minister state to the House the statutory authority that supports the maintenance of an on-going master/servant relationship between an employment agent and the holder of a temporary entry permit after the former has placed the latter in an employment position? I'll go on to the next 140. Can the Chief Minister state the statutory authority which provides the expected immigration; industrial relations and social protections to the holder of a temporary entry permit who is forced to maintain other than a normal master/servant relationship? Madam Speaker these two questions in the main seek a legal opinion and I'm not in a position to give that. If you look at Standing Orders 104 5b you will know that the point is covered there, however, I do want to respond to the matter. I'm not trying to duck the issue. The issue appears to be about employment agencies and the operation of the Island's Immigration laws. My enquiries to date Madam Speaker tell me that currently there are no employment agencies operating in the island but there were previously but I understand not at present therefore the issue is somewhat hypothetical, however I do say this, as the Immigration Minister, that I am enquiring whether any temporary entry permits may still be current of an earlier period that may have any of the factors enquired about in this particular question and I've asked for that to be examined and should there be I will make some response in that context. That's covering both of those together

MR SHERIDAN Thank you Madam Speaker, question 139 Mr King reads, Can the Minister state to the House the statutory authority that supports the retention over a prolonged period, of a portion of somebody's wages, by an employment agent that has placed that person in an employment position? Madam Speaker this question revolves around the answer that the Chief Minister has just

given but as far as I am aware there is no Norfolk Island statutory authority that supports the retention of a portion of a person's wage, who has been placed in employment whether it be for a short or long period by an employment agency. And as the Chief Minister has pointed out Madam Speaker from enquiries made there are no employment agents placing employees into employment positions based on Norfolk Island at this time. If there were employment agencies located on Norfolk Island, I would expect that the agreement as to how the employment agency was paid for their services would be a matter for between the client and the provider. There is a unemployment list maintained by CIRCA but CIRCA do not enter into contracts or retain any portion of a person's wage if employment is found for them.

SPEAKER Question No 141, a question from Mrs Ward to the Minister for Tourism, Industry and Development

MR NOBBS Thank you Madam Speaker, the question reads, is it a fact that under the Australian *Civil Aviation Act 1988*, the Norfolk Island route is defined as domestic and therefore Our Airline does not require the Norfolk Island Fire Service? If so, how will this Government justify the continuation of an annual half million dollar operation to satisfy one flight per week from New Zealand? Madam Speaker I sought advice in relation to the *Civil Aviation Act 1988* and provide the following information. The Australian *Civil Aviation Act 1988* does not determine that Norfolk Island is either 'domestic' or 'international'. Norfolk Island has applied to CASA for the 'international' status because of the New Zealand route to and from Norfolk Island. In response to the second part of Mrs Ward's question, I'm not entirely sure where Mrs Ward obtained the half million dollar figure. As late as yesterday afternoon I was advised by the Administration's Finance Manager that the budgeted figure for the Aviation Fire Fighting Service for 2010/2011 financial year was \$216,100. The provision of the Aviation Fire Fighting Service for Air New Zealand flights will continue as Air New Zealand requires that provision if it is to continue to provide regular passenger transport services to Norfolk Island

MR SNELL Thank you Madam Speaker, Minister you would be well aware that Norfolk Island is blessed to have such a dedicated, professional and modern Fire Fighting Service and if there is to be a permanent change to the arrangements at the airport, can the Minister please assure the community that Norfolk Island will still have the benefit of a community fire service

MR NOBBS Thank you Mr Snell, the community fire service is an area that falls under the Minister for the Environment and Social Services, however, I certainly recognise the professionalism that we have available on hand ~ part of your earlier statement. Perhaps Minister Sheridan might provide a statement on the community service

MR SHERIDAN Thank you Madam Speaker, Mr Snell, as far as I'm aware and I would endorse that there would be no downgrading of our local community fire service and that will remain

SPEAKER Mr King had a supplementary question

MR KING Thank you Madam Speaker to Mr Nobbs. Did Mr Nobbs in his response to that question therefore confirm that at the time we spent some \$5m on brand new shiny fire engines and a huge shed to put them in, that we had no statutory requirement to conduct a fully fledged fire service

MR NOBBS Thank you Madam Speaker as I pointed out Air New Zealand is the international aspect so there is a requirement to satisfy that. However there is also a requirement dependent on the operator of what they would expect and accept as appropriate safety measures that you will take with their aircraft with regard to Aviation Fire Fighting Services

MR KING A supplementary question Madam Speaker. Is it a fact Mr Nobbs that at the time your Government spent nearly \$5m on the fire shed and the fire engines that there was only a requirement to meet one aircraft, the New Zealand aircraft, however many times it came per week, not exceeding two

MR NOBBS Thank you Madam Speaker the decision to go with the fire fighting appliance upgrade was certainly at the behest of CASA so it certainly wasn't a decision that was only made at a Government level. At that point in time we had outdated fire fighting equipment at the airport and it had been raised numerous times and in particular at a specific meeting that included the Executive Director of the Public Service

MR KING That adds a new dimension to our financial dilemma Madam Speaker. We blame Civil Aviation Safety Authority

SPEAKER Moving on to Question on Notice No 142, Mrs Ward to ask the Minister for Community Services

MR SHERIDAN Thank you Madam Speaker and Thank you Mrs Ward. The question read, given that the Minister spoke at our last sitting in support of the Road Map, outlining access to better health services and support for vulnerable citizens, and in the knowledge that our current level of service is unsustainable, how does he envisage that reforms will enable and ensure sustainability in the long term? Madam Speaker during the last sitting when I spoke in reference to the Road Map and access to better health services, this was in regard to the inspirational goal as written in the Road Map for Immigration, health, welfare and education where it states that the aspirational goal is "a sustainable population with access to health, social welfare and education services comparable with the broader Australian community". There has always been this discussion about whether or not Norfolk Island has health services that are comparable to an Australian town the size of Norfolk Island's population and remoteness but in particular the in-balance in regard to not having Medicare or access to the PBS scheme as all other Australians do, as well as access to health facilities that are not provided for on Norfolk Island. There is also a feeling that our Healthcare system is unfair on a proportion of our population, in regards to the levy payments and the requirement to have to pay the first \$2,500 in any one financial year prior to the healthcare scheme cutting in. Whilst I am confident that our Healthcare scheme could be sustainable, at this point it is struggling to cope because the levy has not kept up with the increases in medical costs. This can be overcome but it would mean increases to the levy and capping claims to the limits as per the Medicare schedule, and Madam Speaker this could become a reality by the June levy period. Reforms to the Norfolk Island health system as part of the Road Map is intended to provide facilities to ensure access by the community to contemporary or present time, modern health services. These services would I imagine complement the services already provided, but with integration into the Medicare and the PBS scheme, it would mean that medications would be provided far cheaper and residents would pay in accord with their earnings to Medicare and therefore ensure sustainability as Norfolk Island becomes part of the Australian medical network. Whether or not this would mean better access to services that we are used to at this time, or would mean sitting on waiting lists for

medical services will certainly have to be discussed as part of the process. It is not my intention to reduce any level of service or access to professional health personnel currently provided by the NI Hospital but changes to the way we pay our dues may result in changed access to services off shore.

SPEAKER Thank you Minister. Question on Notice No 143, Mrs Ward to ask the Minister for Community Services

MR SHERIDAN Thank you Madam Speaker and Mrs Ward. The question reads at the last sitting of the House the Minister said he was delighted to see the development of a proper waste management strategy listed on the Road Map. Is it not a fact that a strategy already exists; it is the lack of finance and political will that is the problem and what foreseeable financial capacity does the Government have to continue implementing the existing strategy? Madam Speaker as I indeed did state last month, I am pleased that the Road Map identifies that the Commonwealth together with the Norfolk Island Government will work together to develop a waste management strategy for Norfolk Island in the 2011-2012 years. I also stated that we have struggled to come to terms with our waste disposal and in the main it has come down to the lack of finances to fully implement a suitable system that can fully discharge and get rid of our waste that we generate. A local documented strategy does not actually exist, the waste management centre is managed around sound waste management principles as identified in various reports and in particular reference is drawn upon the consultative report by the environmental management group "A Prince Consulting Pty Ltd" that was completed in 2000. This report was the precursor to the waste management centre opening up and provided base ground recommendations for the implementation of their strategy in refining waste disposal methods on Norfolk Island. There certainly is no lack of political will to improve the methods of waste disposal for Norfolk Island, and this is demonstrated by the Development Application currently being reviewed for a high temperature pit burner so as to reduce the open burning at Headstone. The problem over the years of course has been the exorbitant cost of providing management systems for the classes of waste that this community disposes off. It is anticipated that with the assistance of the Commonwealth a beneficial way forward will be able to be identified and implemented to the benefit of the community.

SPEAKER Thank you Minister. Question on Notice No 144, Mrs Ward to ask the Minister for Tourism, Industry & Development

MR NOBBS Thank you Madam Speaker, the question reads, What positive action has been taken by the Minister to provide opportunity for local fisherman to develop a deep-water commercial fishing industry and have any barriers in relation to this matter been discussed with the Commonwealth in recent weeks? Thank you Mrs Ward for the question. As you are aware, during the term of the 12th Legislative Assembly a Norfolk Island Inshore Fishery Management Policy was developed by the Norfolk Island Government in consultation with the Norfolk Island Fishing Association and the Australian Fisheries Management Authority. A Memorandum of Understanding was entered into in relation to recreational and charter fishing in the Norfolk Island inshore fishery. In January 2010 the Chief Executive Officer of AFMA advised that AFMA would proceed with development of a commercial fishing policy and that the draft policy would be developed by AFMA in consultation with the Norfolk Island Government and other interested stake holders in accordance with the Fisheries Management Act 1991. Madam Speaker in May 2010 I advised AFMA in the change in the Norfolk Island Government and on 29 July 2010 I received a further letter from the Chief Executive Officer of AFMA advising that AFMA is developing a policy to guide the development of commercial fishing in

waters around Norfolk Island. The letter advised that AFMA would be seeking input initially from Government Departments such as the Attorney General's Department, the Department of Agriculture, Fisheries and Forestry and the Department of Environment, Water, Heritage and the Arts before releasing a discussion paper for broader consultation. The discussion paper was to outline AFMA's proposed management approach and seek to further identify the issues associated with development of a commercial fishery in waters around Norfolk Island. It was intended that some of the issues to be outlined in the discussion paper would include how fishing concessions may be allocated, resource sharing between commercial and non commercial sectors of fishery, how AFMA's management costs would be met and the relationship between the commercial fishing policy and any other relevant legislation such as legislation relating to boat licencing. Madam Speaker on the 15th March this year I wrote again to AFMA requesting advise on the current status of the policy and/or discussion paper. The barrier to developing a deep water commercial fishing industry for Norfolk Island fishermen relate to the development of the AFMA policy and I will keep Mrs Ward and the House informed as soon as I receive a response to my last request for advise

SPEAKER Thank you Minister. The next two Questions 145 and 146 from Mrs Ward are in your name Chief Minister

MR BUFFETT Thank you Madam Speaker. 145 first from Mrs Ward. Will the Chief Minister advise the House of the Norfolk Island and Commonwealth Government's considered position on the recommendations made by Ms Lynden Ayeliffe in her report entitled 'Kingston and Arthur's Vale Historic Area (KAVHA) Governance Review', tabled by him at the 16 June 2010 sitting of this House? Madam Speaker the Government has looked at the Ayeliffe report and it was tabled as has been mentioned. The Road Map has identified discussions between the two Governments, that is the Australian and the Norfolk Island Governments are to be one of the immediate factors in the Road Map itself and the Norfolk Island Government plans to write up its initial view for consultation both with Members of the House here and then with the Commonwealth and then putting the resulting recommendations out to the public for comment in the Road Map context

MR BUFFETT Madam Speaker question 146, again from Mrs Ward, reads what action has the Government taken to ensure that the community is fully aware of the fact that people are encouraged to participate in the Road Map discussion paper process by the 28th of April. Where and how can the Road Map be obtained; where can people lodge submissions and how will comments be analysed and recorded by both Governments? Madam Speaker the Government has provided the Road Map itself, it has provided the public meeting, it has followed that up with being published in the newspapers, online it is available on both the Government and Telecom websites, hard copies can be obtained from the front office here at the Legislative Assembly, the Administrator's office and the CEO's office in the Administration. Copies can be posted or emailed to community members by calling the Assembly at 22003 or the Administrator's office at 22151. And also by emailing either roadmap@assembly.gov.nf or roadmapfeedback@regional.gov.au. A submission template is available from those same sources, excluding the newspaper and submissions can also be hand delivered to the Administrator's office and the Legislative Assembly office or the CEO's office or the above email addresses. I do confirm that the 28th or the 29th, either Thursday the 28th or Friday the 29th, one of those dates and I'll give some confirmation about that, I'm sorry that there are two dates appearing in the papers here, but the end of April is the plan and those responses that are received will be collated and there will be a feedback publicly provided for information so that comments made, collated and then there is public

feedback in respect of that. Fact Sheets which are still part of the programme in regard to some major issues are continuing to be compiled and I mentioned to you Commonwealth Officers being on island at the end of this week the beginning of next and part of the consultation process will be about those fact sheets, after which they will be distributed to form part of the process for evaluation of the road map.

SPEAKER Thank you Chief Minister. The next two Questions are also in your name and they are 147 and 148 from Mr Snell

MR BUFFETT Thank you Madam Speaker. I'm going to tackle the next one which has a) to f) parts to it, a little differently. I'll tackle each one. A) and then a response, b) and then a response. It might be easier to follow Madam Speaker. So from Mr Snell and I thank him for the question. Would the Chief Minister please explain and provide details of the abnormal police activity on Norfolk during the last fortnight, in particular: a) the reason for a 24 hour guard opposite the scene of fire in Taylors Road; who authorised this and at what cost to the community. The response to that part Madam Speaker, the Norfolk Island Police are responsible for the investigation of all fires on Norfolk Island in accordance with the Coroner's Act 1993. A guard was posted to preserve the integrity of the scene pending the arrival of forensic and fire investigators, and subsequent reporting to the Norfolk Island Coroner. This was authorised by the Norfolk Island Police in that context. B) the reason for the "Rambo-type" operation to destroy material which had been legally imported for quarrying purposes; who authorised this and at what cost to the community. The response to that is a large quantity of explosives was surrendered to the Norfolk Island Police. There are no appropriate, secure facilities to house explosives on the island and as Police determined the explosives posed a serious public safety risk, they were destroyed. And the next part of the question, who authorised this and at what cost to the community. This was authorised by the OIC of Police who kept the Government briefed. The full cost of the activity is yet to be finalised. The next part is and can the Chief Minister explain why this material could not be "bunkered" for future use, particularly in view of the Island's pressing and ongoing need for quarried rock. The response to that is there are no appropriate, secure facilities to house explosives on this Island. The holder of the explosives estimated that they were between ten and twenty years old and had significantly deteriorated. The manufacturer's technical data sheets states that this particular type of explosive and I quote, had a storage life of up to 12 months in an approved magazine". The explosives are also described by the manufacturer as an obsolete product. c) can the Minister confirm that all proper care was taken for the protection of the natural habitat at the disposal site and that all community members, particularly those living in the area were given adequate warning to safeguard themselves and livestock before disposal action took place. The response there, the Police notified all Members of the community through a press release, radio and a number of door knocks in that particular vicinity. The Police also assisted Members of the community with moving livestock and indeed ceased operations in some instances to assist with the movement of livestock. d) was there an assessment conducted on the possible damage to the cliff and surrounding area. The response, an assessment was conducted, that is a visual and consultancy process, prior to explosive operations commencing by Norfolk Island authorities in consultation with the AFP Bomb Response Team and the necessary risk mitigation action taken. Some of the areas consulted in that context Madam Speaker was the National Park people, Fire Service, the Gun Club who have a premises in that particular area. e) was there an assessment on how many birds and or chicks would be killed because of this action. The response is an assessment was made and there was an overview of the area conducted prior to the explosive operation commencing and there were line searches periodically through the process and at the conclusion of the process

and that was done in consultation with the AFP Bomb Response Team Members. I made an earlier comment in this question it mentions chicks, I made an earlier comment about describing them probably more accurately as fledglings and there were no birds that were located although I had another question asked me about dead birds and I have already indicated that if there are other reports about that I would be pleased to have them but the line searches did not reveal that as being the case. The last matter, f) are there any other police matters that the community should be aware of? The Police have advised me that they are continuing enquiries on this and related matters so there is nothing to report at this time. Madam Speaker I further elaborate in terms of this. It's not necessarily as Mr Snell has asked me, but make two points additional to those questions being answered. The first is that in conducting this operation it has been clearly found that there is not the breadth of legislation that would be useful and therefore the Government will need to have a report about it and there may be following, some legislative adjustments or maybe just legislation to cover some of the difficulties not covered at present and the second matter is that whilst there were two lots of explosives identified in this process, they were in the Strand Arcade and behind what is now known as the Paradise Hotel although both of those, one has been destroyed and the other has been relocated now, it may well be that unknown to us there may be some other areas that explosives may be stored. We don't know about that so the Government is looking at maybe offering an amnesty arrangement to see if that is the case and to cover it. That has not been fully addressed at this moment but nevertheless in this context I just mention it.

MR SNELL Thank you Madam Speaker a supplementary question if I may. Chief Minister thank you for that very detailed explanation and I'm sure that will put to rest some of the questions that are circulating within the community but Minister I would like to ask is it the responsibility of the officers in charge of Police to make decisions without any consultation or was there consultation done with the Government on this matter

MR BUFFETT Madam Speaker this was an operational matter and the normal arrangement is that the Police have authority to act on their own account in terms of operational matters, it doesn't necessarily come to a political forum but periodically there were reports to the Government about how this matter was progressing

MRS GRIFFITHS Thank you Madam Speaker, Chief Minister considering that this area has the largest collection of mu-uu available on the Island and is well used by our weavers, will this Government be ensuring that this site is now stable so as not to further endanger the weavers climbing the cliff face to collect their fibres.

MR BUFFETT Madam Speaker I mentioned earlier when I endeavoured to respond, and it may have been to Mr Snell or to Mrs Griffiths, I apologise for not having that clear in my mind, that the Volunteer Rescue Squad are to conduct some examination of the cliff and surrounding areas and that process may well assist a response to the question that you have just raised that will give some assurances to safety in that area

SPEAKER Thank you Chief Minister. The next Question is also in your name, 148

MR BUFFETT Madam Speaker I think this is the final one in my name. Again from Mr Snell. Can the Chief Minister, at this time, give any

assurance that the extension of the Commonwealth Migration Act 1958 to Norfolk Island as recommended under the Norfolk Island Road Map, will protect Norfolk Island from illegal refugees seeking residency in Australia? I think it's probably useful for me to mention that the protection at present that Norfolk Island has in this context is less related to Norfolk Island legislation and protective machinery and more to a matter of geography. If Australian Migration laws and machinery come into operation as described there is a likelihood that it will probably be more robust than we experience at this moment. If we see examples in the media as to how Australia has conducted its surveillance programmes, that really is a matter for the Commonwealth to respond to and I'm not claiming to be totally knowledgeable about their proposed actions there

SPEAKER Thank you Chief Minister. The next two questions are 149 and 150 and both are from Mr Snell to the Minister for Tourism Industry and Development

MR NOBBS Thank you Madam Speaker, the question is broken down into two parts, a and b and reads, a) if the Air Services Consultant Report highlighted any areas of management or scheduling or charter operation details and in particular any new way forward with tourism numbers recovery that this House and the community should be informed of. Madam Speaker we've requested the Commonwealth to give approval to release the report on air services to and tourism in Norfolk Island and I can say that the draft report that we have seen thus far assesses much of the criteria listed in Mr Snell's question. In addition the Commonwealth have commissioned the expertise of Deloits to analyse and report on the current and future operations of Norfolk Air. Part b) of the question reads how the Australian Government working with the Norfolk Island Government on ways to establish alternative revenues to airborne tourism. In relation to part b of Mr Snell's question the Australian and Norfolk Island Governments continue to work together to establish alternate revenue sources and this forms part of the Road Map. To quote part 2 under economic development the aspirational goal include amongst other things, positive actions to encourage diversification and broaden the Island's economic base and in the 2011-2015 years, both Governments to work together to facilitate opportunities to diversify the economy. I can also advise that I've provided information on potential revenue streams for intergovernmental consideration in the following areas. The establishment of international shipping register and the establishment of overseas banking unit; number range leasing through our news telecommunications range and foreign national tourism visitation to Norfolk Island to name a few

MR NOBBS Question 150 is also from Mr Snell and the question is broken into three parts and reads, a) Minister can you inform this house and the community as to what you consider as the immediate benefits to Commerce and Industry that could occur as a direct result of intergovernmental discussions and what, if any, possible economic stimulus to industry and tourism as proposed in the Road Map can we expect. Madam Speaker in response to part a of the question I can advise that the second charge of stimulus funding of \$3.2m sought from the Commonwealth Government included \$500,000 specifically for tourism marketing and promotion. Part b) reads, The Road Map identifies "remove barriers to business investment on Norfolk Island, including allowing Australian citizens to operate new businesses". Aside from a time consuming and expensive redevelopment of planning laws, what consideration is given or is to be given to ensure the protection and best outcomes for our economy and community? I just follow on with the second part here which is, c) Can the Minister give any assurance that if the tax and regulatory provisions currently enjoyed on Norfolk Island were to change in line with what is

proposed in the Road Map, businesses on Norfolk Island will be consulted to ensure that they will be able to compete competitively with any new business which may be introduced? Madam Speaker I'll in effect compress all of those questions into the remainder of my answer and that is with regard to the \$500,000 application for marketing and promotion, if that is received this would result in immediate benefit and stimulus to tourism and provide the best mechanism for stimulus to our private sector as the funds would be applied immediately to destination marketing and increasing our capacity to attract visitation to Norfolk Island. With regards to the latter part of the question, these are significant and important and will be addressed in the ongoing consultations between the Governments and the community including the business community and Madam Speaker I can assure Mr Snell and this House that the fact sheets are being prepared for each individual area outlined in the Road Map and these will be made available to the community for comment as part of that consultation process and I urge everyone in the community to participate in the consultation process to ensure our best outcomes for Norfolk Island

SPEAKER Thank you Minister. The next three questions are 151, 152, 153 and are all to you Minister from Mrs Griffiths

MR NOBBS Thank you Mr Deputy Speaker, the question reads, Aside from requesting the Commonwealth, can the Minister outline any steps he is taking or intends to take to reduce our debt to Telecom NZ? The current payment process covers costs for ongoing provision of TNZI services. Aside from the approach made to the Commonwealth for assistance in paying the outstanding invoice amount we may be able to utilise number range leasing income to assist in reducing the TNZI debt. This has been discussed with Norfolk Island Telecom and also in my discussions with the CEO for the Public Service we are identifying a line item in the budget process that is specifically for servicing this debt

MR NOBBS Question 152 reads, cconsidering that our telecommunications sector has, for some years, faced difficulties in a number or areas including: inadequate legislation, conflict, and an acute shortage of resources, does the Minister have any intention of addressing any or all of these issues in the life of this Assembly? Madam Speaker prior and current budget preparation have identified the need to comprehensively evaluate and update our Telecommunications legislation and in each case an amount has been proposed to carry out this work. Given the current budgetary process this allocation has been removed, however the legislation review mechanism that the former Attorney-General had initiated has been identified as a possible source for updating the legislation. We have also discussed at a Commonwealth Departmental level the current legislation and its limitations. I intend addressing all issues that detract from the effective and efficient provision of Telecommunications on Norfolk Island

MR NOBBS Thank you Mr Deputy Speaker, the question reads, Can the Minister outline any progress he's made, or barriers he's identified, in leasing our telephone number range? Madam Speaker I thank Mrs Griffiths for this question and I'm pleased to inform the House that both the Manager of Norfolk Telecom and I as the responsible Minister have been actively engaged over a number of months if not over the past year at least, in a series of telephone conferences and direct meetings with representatives of international business groups which have expressed interest in obtaining the use of certain telephone number ranges for international Telecommunications business purposes. There have been barriers identified such as where some Norfolk Island telephone numbers have been hijacked or used without permission in the past and commercial operators interested in doing the right thing and seeking our permission to gain access to our numbers have rightly

expressed concern at the actions of such pirates and thieves. Progress has indeed been made in our discussions to the point that a heads of agreement has been signed allowing us to continue negotiations on key issues towards a final agreement but without financial or legal commitment or liability of any kind by either parties. It has been found that some issues relating to such a number licencing proposal will require further analysis and careful consideration by each of the parties in the course of the negotiations continuing, not least of which is ensuring the numbers are used for proper and lawful purposes and identifying the legal mechanisms by which that can be controlled by all the parties involved or any barriers which might be identified in that regard. Obviously all this is very much subject to review by the Commonwealth under the financial arrangements and it is my understanding from the Norfolk Telecom Manager that a draft text of a possible number licencing contract has been provided to the CEO and that such draft either has been or will very shortly be provided by the CEO's office to the Commonwealth for review and comment in accordance with our financial arrangement obligations and as Minister I welcome any input by the Commonwealth on these types of proposals and documents relating to them. Thank you

MRS WARD Thank you Madam Speaker a supplementary question if I may. Madam Speaker I'm wondering what penalties the Norfolk Island Government has at its disposal to deal with these naughty pirates and thieves who improperly and unlawfully hijack the telephone number range. How will we deal with that in the future

MR NOBBS Thank you Madam Speaker normally the policing of the number range is carried out by ITU, the International Telecommunications Union. At this point in time if an operator declares to the ITU that he has ownership of that number range then ITU will normally administer that utilisation. Up to this point in time because there hasn't been necessarily utilisation of that number range it's been a bit of a free for all without appropriate oversight I would say

SPEAKER Thank you Minister Nobbs. Honourable Members I do believe that we have completed Questions on Notice

SUSPENSION OF SITTING FOR LUNCH

SPEAKER I'm looking at the time and I'm looking for your agreement for a luncheon suspension until 2.30. Are we comfortable with that. We have on the table a proposal Honourable Members. This House now is suspended until 2.30pm. Thank you Honourable Members.

RESUMPTION OF SITTING

Good afternoon Honourable Members, we resume the Sitting at 2.30 pm and the next item on the programme today is Presentation of Papers. Are there any Papers to present this morning. Chief Minister

PRESENTATION OF PAPERS

MR BUFFETT Thank you Madam Speaker firstly I table as is required the virement processes since our last sitting.

I also table a Legal Aid Report for the period 1 July 2010 to 31 December 2010. This again is a statutory requirement pursuant to the provisions of the Legal Aid Act.

I also table the Commonwealth Finance Minister's (Norfolk Island) Orders 2011. Members will recall that there has been a time frame for those to be prepared. They have been and the appropriate orders made by the Minister for Finance and Deregulation in Australia. Thank you

MR NOBBS Thank you Madam Speaker I table the linbound passenger statistics for February 2011 and March 2011

SPEAKER Thank you Minister. Any further Papers for presentation. No. We move on.

STATEMENTS

Are there any Statements of an Official Nature.

MR BUFFETT Madam Speaker Honourable Members will know that I had earlier prepared that the matter on Chinese visitations would be a statement but that has been taken up in another quarter

SPEAKER Thank you Chief Minister. I take it there are no Statements this afternoon. We move on

MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR – MESSAGE NO 9

SPEAKER Message No 9 reads on 22 March 2011 acting pursuant to Section 21 of the Norfolk Island Act 1979 I reserved the following proposed law for the pleasure of the Governor-General the Healthcare (Amendment) Bill 2010. That message is dated 22 March 2011 and signed by Owen Walsh Administrator.

MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR – MESSAGE NO 10

SPEAKER Message No 10 reads on 22 March 2011 acting pursuant to Section 21 of the Norfolk Island Act 1979 I declared my assent to the following proposed law passed by the Legislative Assembly, the Court of Petty Sessions (Amendment) Act 2011 (Act No 2 of 2011). That message is dated 22 March 2011 and signed by Owen Walsh Administrator.

Are there any reports of Standing Committees. No. I move now to Notices Honourable Members

EMPLOYMENT ACT 1988 - RE-APPOINTMENT OF MEMBER TO THE EMPLOYMENT CONCILIATION BOARD

MR SHERIDAN Thank you Madam Speaker I move that for the purposes of subsection 65(2) of the *Employment Act 1988*, this House resolve to re-appoint Richard Graham Massicks being a person with relevant qualifications and experience, to the Employment Conciliation Board for the period 17 April 2011 to 16 April 2014

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

MR SHERIDAN Thank you Madam Speaker this reappointment of Dick Massicks to the Employment Conciliation Board is merely a formality in regard that his last period had expired or is just about to expire and I'm just looking to reappoint Dick to the board. Dick has proved to be a very good person on this board as he has had past experience in New Zealand on conciliation matters and I saw no reason as to change his Membership of the Board and I would just like the endorsement of this House to reappoint Dick Massicks to the Board

SPEAKER Thank you Minister. Further debate Honourable Members? Then I put the question that the Motion be agreed to.

QUESTION PUT
AGREED

That motion is so agreed

MATTER OF PUBLIC IMPORTANCE PROPOSED BY THE CHIEF MINISTER AT 9 MARCH 2011 SITTING

MRS GRIFFITHS Thank you Madam Speaker I move that the House take note of the statement made by the Chief Minister as a 'Matter of Public Importance' at the 9 March 2011 sitting relating to Norfolk Island's long-term sustainability and the proposed Road Map. Madame Speaker I've put this motion forward in order that members of this House can publically debate the proposed road map. My intention here is to stimulate thinking and assist members of this community to frame their own contributions. Madame Speaker, there is a saying that "if you don't know where you're going – any road will take you there". – Well we've been travelling any road for years and not surprisingly we've finally ended up in a place we should never have gone. Before I returned to Norfolk to live - long before I became a member of this Assembly – I've wanted to see this community with a vision and goals for the future. I have long been supportive of mapping a common path in partnership with the Commonwealth; of having something that says where we're going and how we're going to get there. Having been involved in several long term development strategies for the region and a number of Pacific Island countries in particular, I see many benefits of a long-term partnership approach. My experience, however has also given me some views on how this is best achieved. I don't intend to speak for hours on the different components of the road map today; instead I would ask that our Chief Minister strive to ensure that this community has the opportunity to hear us debate these issues in this House. Today Madame Speaker, I will limit my statements on the road map to structure, process and engagement. In terms of structure, the road map lacks narrative in the form of context and challenges which would automatically frame reasons for goals. More than one line of 'why this is important' is required. I understand that we're waiting for fact sheets to be developed. I understand that we're waiting for the results of the surveys carried out by the Commonwealth. To be waiting at this stage for such fundamental documentation shows that we didn't position ourselves well in the initial stage of this process. I believe in evidence-based decision making and without narrative and an understanding of our strengths and weaknesses, we're doing ourselves a disservice. The road map lacks a vision, which should be the overarching statement of where we want to go. Without it, it's like saying, as we've done for years, we're not sure where we want to end up. Some of the pillars - for example, environment and culture - are cross-cutting issues and rather than being separate pillars – should be 'mainstreamed into every pillar. When we talk of culture and heritage – let us not restrict this to KAVHA and our World Heritage listing. Let us recognize and support the culture and identity of the people of Norfolk Island. For too long, culture has been used as an impediment to change. Let us now integrate culture into change! The

road map is not time-bound; exactly how far ahead are we planning? 5 years? 10 years? 50 years? Both governments and the road map must be explicit in this regard. The roads map needs to identify priorities for activities –it may well be that each year has number of activities – by identifying the most important – we can keep momentum – particularly when time and resources are short. The goals in the roadmap must be SMART! That is: Specific, Measurable, Achievable, Realistic and Time-Bound. Presently, they are not. In terms of process, I'm appalled. This Assembly had been forewarned for some time by its Executive that such a road map was to be developed. Despite our questions in the House, the first substantial draft provided to this Assembly was a hard copy two days before our administrative staff were due to fly out and continue work on it. We were not permitted to have an electronic version. That was the extent of consultation your nine elected representatives had on this document. To make matters worse, we backbenchers were not provided with the electronic 'word' version recently circulated to the public soliciting comments. By not engaging more effectively with members of this Assembly, the Executive have thrown away a major opportunity to draw on this Assembly's knowledge and build support for and involvement in the development of this road map. Having said that, I've not been in favour of this road map being developed at the political level. I've made no secret that I would have preferred to see skilled, experienced and unbiased development specialists construct such a community and Commonwealth vision. Guided by us, not developed by us. A politically oriented road map will most certainly give us a different path. Let's hope it's not a garden path! Finally, Madame Speaker, engagement! I recognise that the Executive has made some attempts at engaging the community; however this too has been disappointing. This government has failed to increase people's understanding of the Road Map. I don't count one public meeting and a couple of press releases as sufficient. I would have preferred to see working groups with some knowledge and expertise working on the pillars. It has failed to create adequate opportunities for community engagement. By that I mean it is not clear where the roadmap can be found; nor is it clear how long people have to get their comments in or what and when will happen when they do comment. Short of having a choice of where to send your submissions, it is not clear how privacy is protected and respected. Madame Speaker, having identified the shortfalls in the process, structure and engagement of this road-map; shortfalls which now they appear in Hansard, I expect be addressed. It comes down to, it is up to every member of this community to put pen to paper, to put their thinking caps on and get us the best results we can. Submissions must come from every part of our community; we need the views of individuals, our civil society organisations, private sector, our public sector managers and staff. We should also solicit the views of our women and young people. This is their future we're mapping! I would like to give some advice to anyone considering making a submission! Be aspirational. Think big. But don't get bogged down on details. Be goal oriented. Activities for reaching goals can be worked through! Be innovative and creative, but be realistic. Look forward, but avoid giving a history lesson. This is not the time or place! Don't just concentrate on finances. Not everything has be about the Commonwealth providing us money. Perhaps some of the best things they could give us is technical and human resource support or at least access to it! Madame Speaker I consider this road map to be one of the substantial expressions of partnership between Norfolk Island and the Commonwealth that's been embarked on for over 30 years. I want this to be the very best that it can. Thank you!

SPEAKER

Thank you Mrs Griffiths. The question before the House is that the motion be agreed. Further debate

MRS WARD

Thank you Madam Speaker and certainly thank you to Mrs Griffiths for the opportunity to debate the Chief Minister's statement which is the Road Map. I agree with Mrs Griffiths points and I think it's very important that she has highlighted structure processes and engagement into Hansard. They are certainly very good points. Timing and our financial situation has pushed us to the point of doing it in such a way that there wasn't adequate time given to back benchers as Mrs Griffiths says to have more input into the Road Map. I think it was all about urgency and Mrs Griffiths rightly points out that whether that's going to be in our best interest in the long term or not is a fair point, but the Road Map has been drawn up by democratically elected Norfolk Island Government and Federal Government. This Government and Legislative Assembly has been in office for twelve months and we are the elected people to represent the community and move in a direction that will be in the best interest of the whole community and so we are currently determining our own future and we will continue to do so. The Road Map simply highlights what we all know need to be addressed and it provides a starting point and a direction. The detail within those boundaries is yet to be developed and the community's input will help determine outcomes and the points that Mrs Griffiths made should very well be highlighted as that continues. Some are calling the document a wholesale sellout and I don't know how many times today in this House that we've said we need to use the words bankrupt, broke, insolvent for people to understand and that that's where we're at because where the Government needs to borrow the \$4m to pay the teachers wages, for the internet to be maintained, for the money to run the hospital and to ensure that electricity supply continues and is safe, then there is a major problem. That bit should be simple to understand. The course is also simple. A community that's unable to tax itself effectively and a system that covers three levels of Government, Federal, State and Local, add to that a demand to provide increased or Australian standards. The vast majority of this community has come to accept the need for change but how it is implemented is of concern, and that is a valid concern. Rarely is change easy and this will be no different and there may be compromises made to accommodate one another and there are still unknowns, but we as a community must commit to working on the changes that are set out in this Road Map. At the last sitting of this House I touched on Immigration and Planning and it's no surprise that these are controversial areas and we need to be serious about ensuring that population growth is at a sustainable rate and respects our fragilities. Heading one I think is worth mentioning. It refers to the model of self Government and there's a general support for a model that is similar to continue with a model that is similar to the one we currently enjoy today which involves the retention of our institutions such as the Administrator remaining as part of the Government, it includes maintaining an Assembly, it includes maintaining a port system and public sector. But what we must do is take a realistic look at what the Government is able to provide in terms of services and at the end of the day it's what we can afford that will determine the level of self Government but I'm confident that our institutions as we know them can be maintained. If the Road Map is successful self determination will continue at many levels because the Road Map is not about the Commonwealth being seen as a saviour and I'm glad that Mrs Griffiths points out her realisation and understanding that the relation with the Commonwealth and that long term partnership has been part of her ideals for the future. It's very important and I agree with her but they're not going to be our saviour. It's recognising that we are a territory of Australia and that carries benefits that we need to be taking advantage of. The Road Map is very much about looking within and we must work together as a community to ensure that we secure that partnership with Australia and an Australian system, attaching ourselves and forming a solid base from which to work upwards. But I'd say that's the easy part. I'd say it's when the recommendations start to come in that its going to be the acceptance by the community and the implementation of those recommendations that will be the hard part. It will take

political will to follow through in this process. There's one thing for sure about this process I should say. Not moving on it is no longer an option. We must move and it comes back to the speed at which the Chief Minister and the then Minister for Finance and the Government took these issues and our problem forward and that's what has resulted in the Road Map. None of us want to destroy our homeland in order to save it but it's our responsibility as part of a democratically elected Legislative Assembly to look at the community's comments, to debate and to make the really hard decisions. Decisions that won't necessarily leave individuals unaffected but will secure the long term security of the island as a whole. That is the aspirational goal. That is the condition. The net benefit to the community as a whole is the condition that the MOU back in November was signed on when we took on the \$4m to pay for essential services. For the Road Map to work, the Legislative Assembly needs to endorse it and the community needs to accept it. And everyone should consider the content of the paper and have their say. This paper signals the biggest change that Norfolk Island has seen since 1979 and there's no reason to think that if you contribute you will not be heard. Nothing is set in concrete in this Road Map. It is merely the boundaries of the things within it that we need to look at. It's just that change is inevitable. Thank you Madam Speaker

MR KING Thank you Madam Speaker. I appreciate the opportunity to make a further contribution to the Road Map. I thank Mrs Griffiths for bringing it forward. It is absolutely essential of course that we continue with the debate, possibly to the point of boredom and being tiresome about it. A number of questions have been placed on the Notice Paper today and asked in questions without notice in relation to the Road Map and to a large extent they've been deliberately asked in order to continue the debate, to stimulate further debate and I hope certainly and those others of us on the backbench who deliberately set out to continue that debate going feel the same way. Obviously the Road Map is the most important plan or outline of a plan that is probably ever been placed before a Norfolk Island community, the Norfolk Island Pitcairn community and it mustn't be allowed to stagnate and let me pause just for a moment to congratulate those in the community who regularly stick their necks out and make a contribution in editorials and the columns of the paper in an effort to keep the debate going. It is important and that is a commendable task that they undertake. As others have said, the plan isn't perfect and in its implementation like Mrs Ward and Mrs Griffiths have said, there will be unforeseen difficulties and problems but that would be the case with any plan which is designed to extricate someone or somebody from a situation such as we are in. It hasn't been offered by Government as a perfect solution. It's been offered at this point as an outline. It will not suit everybody but then again there can be no solution that will attract universal support and we all understand that and it would be foolish to think that we can achieve universal support. For my own part I've heard very little substantive or reasoned criticism in relation to the Road Map. I hear strongly expressed doubt about the capacity of Norfolk Island to contribute in terms of skills and resources to the further development and implementation and we've spoken about that and the Chief Minister has offered some words in response to some questions about that. It is a very, very grave and real problem that faces us there. I don't believe that we can embark on the exercise, contemplated by the Road Map, unless we have the resources available to contribute in a valid and meaningful and ongoing fashion. At present I simply can't identify the necessary skill set or the personnel to make this contribution or at least personnel who can give the time and effort required and it must surely be addressed by our Government and the Commonwealth Government if our contribution is to be timely and well reasoned and adequate. If we lose that opportunity or if we fail to do that we are losing the remaining opportunity get the best deal that we possibly can. It would be inexcusable not to. As to the model of Government. What have I heard. I guess the difference

between what I'm about to say and what Mrs Ward says illustrates that we mix with different people. The people I talk with, what I hear generally is that self Government ought to be limited dramatically and reduced dramatically. There are those with whom I discuss these things who simply hold on to the view that we ought to go back to the advisory days. I don't personally have that view and that's not the platform that I stood on but I wish the House to understand that there are those out there who perhaps charged by the emotion of being in the desperate situation that we're in, are expressing those views. I've expressed different views to Mrs Griffiths about the role of the back bench. I know you don't like that word Madam Speaker but nevertheless I can find no other suitable word. I admire and respect Mrs Griffiths views and her expectations about the backbench contribution to Government but I don't entirely share it. I believe and I promote loudly a distinct and separate role for the back bench. That is, distinct and separate from the Government. If we all, that is all Members of the Legislative Assembly, were involved in policy development, who is going to provide the scrutiny and challenge required for best or better outcomes. Where would we be for example in this debate if we had all discussed and agreed with some consensus on the Road Map before we entered this public arena. The debate would be stymied, stilted, one sided perhaps. My belief is that the Government has to be allowed to exercise the executive authority bestowed on it by the House and to develop its own policy direction to guide its executive action. That's what we should expect them to do, and that's what they've done with this Road Map. They've not brought it forward as a fait accompli or set it in concrete as Mrs Ward has used those words. I don't believe that to be the case. It may have that appearance. But I have strong views again about community engagement and the community fully engaged and participating in the democratic process, march in the streets if you wish, and a parliament comprised of a majority of aback benchers who understand their rights and their role in the parliamentary process are very powerful weapons indeed and used properly things can change if people are prepared to be fully engaged in the processes. That's all I wish to say thank you

MR SNELL

Thank you Madam Speaker. I have said this on many occasions and I'll say it again, it is disappointing that we have to come to this. Norfolk Island must remember that we've successfully maintained and provided services and functions since 1979 at very little cost to the Federal Government and with very little input even though they claim they spend millions and millions here but most of those are on a voluntary basis. It's disappointing that we've reached the situation where we need financial assistance from a greater country than ours and that of course is Australia and it's also very disappointing that with the asking for financial help that they've put goal posts that have raised and will change Norfolk Island's lifestyle forever and we're not just talking about taxation and some of the social welfare programmes. One must look at what happens in other areas of the Australian jurisdiction. And to think that Norfolk Island, such a small place, is going to have any preferential treatment, we would have to be kidding ourselves. I'm deeply, deeply concerned at the implications that we are financially strapped ~ which we are ~ but to get out of this we have to accept unpalatable restrictions to be placed on the total community and I encourage everyone of course to voice their opinions and they're views on what would be the best outcome. I've been a signatory to the letter of course that's been circulated around to Norfolk Island planning for Norfolk Island to help ourselves. It's generally accepted by Minister Crean when he was here although he seems to have changed his mind overnight when he was here, but there is so much more to do on this. It's such a difficult situation I tend to agree with Mrs Griffiths that there needs to be a heck of a lot more input into the Road Map, and more details needs to be explained but I can't comment any further on this at this time

SPEAKER

Mr Deputy Speaker would you take the chair

MS ADAMS

Thank you Mr Deputy Speaker. This afternoon first of all I would like to thank Mrs Griffiths for providing us with the opportunity to have broad ranging discussion by using a procedural motion to take note of a statement which gives us very broad parameters within which we can work. Mrs Griffiths hit the nail on the head as far as I'm concerned. It's been a while since I've heard the word used in the chamber. Vision. And one of the key reasons that we are where we are today is because of the absence of a collective vision. We are here because we're the product of ad hoc decisions with no barometer against which to measure where we are travelling. Thank you Mrs Griffiths for bringing that on to the table. At the March sitting of the House in discussion on the March 2011 version of the road map I stated that we are a community of very diverse views on what the way forward should be; and as the days go by, that diversity of views becomes more and more evident. The community seems to be looking for direction. There are those who want full integration into Australia. There are those who want partial integration into Australia. There are those who wish to see no change. There are those who wish for self determination, perhaps in free association with Australia. I put forward the view at the last sitting of the House that it is not for me, or any Member around this table to make a final decision on the way forward for Norfolk Island without ascertaining through proper process, through a referendum, the will of the people whose lives, and the lives of their children, will be affected by the changes that are being proposed in the road map before us today. Mr Deputy Speaker I also spoke out strongly in favour of an independent third party being brought to the negotiation table; a third party chosen from outside Australia and outside of Norfolk Island; a third party that ensures that every change that is mooted by either side at the negotiation table is measured against the guideline "that there will be a net benefit to the Norfolk Island community and there is appropriate consideration of local circumstances". I have since received much community support for this idea. At the March sitting I posed a number of possibilities who the third party might be, and it was certainly never intended that there was any issue of mistrust. But the subject matter before us, this island, is a treasure. It is far too important to not take the greatest care that we can take in where we are taking the community forward and I posed as possibilities who the third party might be. Another Commonwealth country; or the Commonwealth Parliamentary Association, or the United Nations, or the Pacific Forum. Of course there are many other possibilities. They were just four that came to mind. They were suggested as possibilities and I urged the Chief Minister to give the concept serious consideration at the last sitting. Today Mr Deputy Speaker however my debate centres around the Island elders of this community and the role that they could play at the negotiation table on the current road map. In 1856, our forefathers, whom I will call this afternoon, the ancestors or early elders, arrived on Norfolk Island from their homeland, Pitcairn Island. They came as a self governing people. Governor General Sir William Denison in a despatch dated 3 September 1855 to the Right Hon Lord John Russell referred to the ancestors as "the race now about to inhabit this small island" end quote. The ancestors, all 193 of them, came in 1856 with a road map, the first road map and history records that Denison's "race of people" remained a proud self governing people until 1896 when that right to self govern was removed. The ancestors or early elders, arrived with expectations and no doubt some trepidation; they brought the mores of a new society; they brought with them the simple set of laws that served them well on Pitcairn; they brought with them a new language that continues to be spoken today; a language that has been acknowledged by the United Nations as an endangered language; they came to this island with the understanding that Norfolk Isle was to be their new homeland. They brought with them achievements to be proud of. A people acknowledged as being the first to give women the vote – way ahead of Australia. A people acknowledged as being the first to make education compulsory. The ancestors were the elders who

held the wisdom. They were the elders who passed on to the next generation the skills they brought with them from Pitcairn Isle to their new homeland. The skills to till the land and to sustain an isolated community with fresh food. There were no corner stores; there were no luxuries to put on the table, there was little in the way of money. But there was faith, there was a will to work, there was a will to survive. They were the elders and it was to them that the younger generations turned for wisdom and guidance. In time the younger generation became the elders and many of those elders are still with us today. Still young at heart, still passionate about the land that many of them still till, even though many of them are more than three score years and ten. They have seen much change in their homeland; much water flow under the bridge, and many of these changes have been imposed on them from outside. But this is perhaps the first time they have been asked to become a regional area of another country, with its own mores and values. I believe that our elders would wish to retain those same basic values that have defined them as a people down through the years to today. Basic values such as, respect for your elders, a love of community, a love of the homeland by a people; people of great wisdom and courage, a people who have known hard times and in the face of those hard times, have never lost their wicked sense of humour, their love for one another, their love for this place. And I honour them. Each generation of elders has been the backbone of this community since 1856. Elsewhere in the world the elders are revered for their wisdom. In fact the Speaker of the Canadian Northwest Territories Parliament less than 12 months ago in 2010, established The Elders Parliament to give the Elders a forum in which to voice concerns on issues that affect them whilst at the same time showcasing the unique form of consensus government in the Northwest Territories. Mr Deputy Speaker I table in the House today this Article on the Elders Parliament "Reaching out to the people" published in 2010. Today, 155 years since the arrival of The Pitcairners, today's elders, and the community at large, including our youth, are being asked to consider a new road map; a road map bearing date 2 March 2011; a road map that heralds further major change to the 1856 road map if it is agreed. And so today Mr Deputy Speaker I send out the call in this Chamber to the Island elders who hold the wisdom. I send out the call to the Island elders to gather, to come together and bring their wisdom to the new road map. I call on the Island elders to talk about whether the new road map honours us, whether the new directions we are asked to consider will still enable us to retain the strengths that have underpinned this community from its beginning and whether or not the partnership being proposed is the best partnership for the future of our Island that you, the Island elders, are entrusting to the younger generation of today. I feel confident that the Chief Minister will support me in my call to the Island elders to come to the table and talk about their homeland's future. Thank you Mr Deputy Speaker.

MR BUFFETT Thank you. Mr Deputy Speaker I thank all of those who have made a contribution today around the table and those who have in other ways made contributions with their comments and thoughts about the Norfolk Island Road Map. I won't necessarily repeat a range of things that I've said earlier that lead us up to this situation but I do say in respect of this map itself, the road map, that it is designed to be a balance of leadership in the Norfolk Island Government and the Norfolk Island community but at the same time also offering room for contributions as to how we might pursue what is, the Road Map. It's a balance to be struck in that process but that's the role of Government to offer that leadership arrangement and yet to seek contributions from the community. Earlier today there have been efforts to emphasise how those contributions can be made. Equally there has been an indicator as to how those contributions may be collated and displayed so that people would be able to see that their thoughts have been registered and that will lead on to the next stage of decision taking in respect of those comments and how that will shape further the Road Map. There are a number of

things that have been said about lack of detail in the Road Map at this stage. There is lack of detail and the Road Map needed to be erected with some reasonable speed. There has been some criticism of the Road Map having reached a certain stage without maybe a great deal more of consultation. Without a great deal more components within it. All of those things will take time and the longer one leaves in terms of not having the Road Map the greater the void there is between that and the Road Map appearing. If there is a void there is a vacuum and people then invent things in a vacuum and so there was methodology endeavouring to put on the table something as reasonably speedily, and that doesn't mean that it was a very speedy process I've got to say but nevertheless, as speedily as one could in those circumstances. Notwithstanding that it may not be perfect. There is yet the pros and cons to be added for some factors. There are still fact sheets in terms of other items and a range of accompanying things and they will add to the mix and the community will have the opportunity to be contributors with those factors. Time frames have been set but the time frame also needs to be explained. You will note that in the Road Map it sets out immediate things, and then it sets out in yearly cycles thereafter. It's not always practical to be able to know some of those latter things at the earlier stage. Sometimes some of the earlier things need to develop before one can take a decision in respect of those later things, so that needs to be seen in the process so the time that has been set for the end of this month for comment are for those earlier things about which one can make realistic comments at this time. Some of the others will need to follow in the passage of time. The model of self Government is probably an example in this. It does say what would be the model that you would prefer but the reality is that I suspect that once some of the earlier factors are walked through it in itself will shape the model that is to follow and I think that needs to be taken into account. So it's not as though we can say today, fine we want model A, because some of the considerations that are yet to be done may well indeed make that shape and I just make that point in terms of timing. A number of points have been made today, and Madam Speaker I thank you for your contribution, about the cultural components. I too would like to add this in terms of consideration by those who have the heritage of this place. This Road Map is a big ask but of course we are in a big difficult situation. Can I lead you through this, and I say this particularly for those who have the cultural content of this place. We all know that the commencement of the Norfolk Island and Pitcairn Island peoples who originated in Pitcairn was not 100's of people, not 1000's of people as we experience them today, but just 28 people. Twelve Polynesian women, nine men who were mutineers, six men who were Polynesians and one female child. But 28 people. They were the commencement and they thought probably that they were going to Paradise when they went to this place but of course we all know that they didn't go to Paradise. They had significant difficulties within the first ten years, most all of the Polynesian men did not survive. Most of the mutineer men did not survive. The people who did have the continuity, to their great credit, were the Polynesian women so a great turmoil in that time, so nevertheless things reached a level and they moved on. The real point that I come to next is that within 66 years they had overpopulated that small place. And by overpopulation I don't mean that they just bred up and that was that. It meant that they found it difficult to survive in terms of food to produce their own food. That meant if you can't produce food that meant an element of starvation unless you could, and they eventually realised that they had to move to another place if they were to accommodate that number of people on a continuing basis and so after a series of processes, it was mooted that they would come to this place. Not that anybody had sent a reconnaissance to this place beforehand to suss it out, to see how it all was, but because they had made approaches to the Imperial Government and various machinery matters made the offer to them. But the reality is that those people who then lived in Pitcairn Island, most of them had never been anywhere else. Most of them, not all. Most of them had never been anywhere else. They loved the place and

rightly so too. They didn't want to go anywhere else. But there was a need for them to do it. And they all decided well, notwithstanding the difficulty it's going to be all or nothing. We are all going to go or none of us are going to go. And they decided that they needed to go and so they did, notwithstanding that they didn't want to and even when they arrived here in 1856 progressively over a number of years, two groups went back. Such was the discontent. But look at the place that they inherited. This beautiful island. And so therefore the difficulties of that time, although they were great in the move they did move up a notch in coming to this place which was then new to them. Brand new and full of the challenges. They'd never seen houses like this before. Never worked the ground with utensils and machinery that was available to them when they reached this place, so huge difficulties, but without a doubt they moved up a notch. Allow me to move on a significant number of years to the second world war in Norfolk Island. The same group of people. The same group of people. The second world war. Who would want a war. Who would want a war where people were killed. Norfolk Island people certainly didn't want a war but yet it happened and notwithstanding that they didn't want it, they sent their men and some women to fight. Some of them never return. Who would want that in a community? That was a huge challenge that was thrust upon this community at that time. But notwithstanding all of those difficulties there were pluses that came to the island. The male population particularly who in turn had never been anywhere else in great number, not totally but many had not been anywhere else, had an opportunity to see the wider world. Whether they made the best opportunity of that I'm not trying to argue but they joined up and they were posted overseas and they saw the bigger world. Some females equally were in that position but those who remained equally had a broadening of their spectrum because people who had never been to this place came to the island during that period of time by the battalion load. By the battalions. There was a battalion posted here. There were anti aircraft units posted here. There were air force units posted here so the community itself saw this wider spectrum as well that had never been experienced before. A broadening of the times but the principal factor that we experience today was that they built an airport. It was a war measure. It would never have been built otherwise. You try and get an Environmental Impact Study today to build an airport to Norfolk Island but it happened then and it was the key to the principal industry that we now experience notwithstanding that it has tailed off in the years that we've experienced. It was the reason that allowed it to commence and Norfolk Island experienced decades of prosperity as a result of that so just think of those huge pluses that came, notwithstanding the difficulty of the time. May I now come to where we are with the Road Map. There are huge difficulties that we need to face in this Road Map. There are huge factors that we would not want to come to grips with but if we do and if we successfully gain a sustainable future for this place then we will have moved up a couple of notches, just as we moved up a couple of notches in terms of the cultural arrangements when we moved from Pitcairn Island to here. When the Island moved up a couple of notches again with the pluses that were the result of the Second World War. We have opportunities to move up a couple of notches now. We are not to stagnate. That has not been the lifestyle of this place to ever stagnate and hopefully in doing that it will pick up the content of those things that have been mentioned around the table and hopefully it will not lose, definitely not lose the cultural content which Madam Speaker referred to but we cannot stand still. We need to assess a way forward and the Road Map is endeavouring to give the Governments guidance in doing so

SPEAKER

Thank you Chief Minister. Any further debate Honourable Members? Then I put the question and the Motion reads that the House take note of the statement made by the Chief Minister as a 'Matter of Public Importance' at the 9 March 2011 sitting relating to Norfolk Island's long-term sustainability and the proposed Road Map.

QUESTION PUT
AGREED

That motion is so agreed

NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ACT 1980 - RE-APPOINTMENT AND APPOINTMENT OF MEMBERS

MR NOBBS Thank you Madam Speaker I move that this House resolves 1. for the purposes of subsection 4(5) of the *Norfolk Island Government Tourist Bureau Act 1980* that the Minister re-appoint Morgan Borry Evans as a member of the Norfolk Island Government Tourist Bureau for the period 21 April 2011 to 30 June 2011; and 2. for the purposes of section 4 of the *Norfolk Island Government Tourist Bureau Act 1980* that the Minister appoint Duncan Harvey Evans; David Bell; Glen Albert Buffett; and Charisse Clarke to be members of the Norfolk Island Government Tourist Bureau for the period 21 April 2011 to 30 June 2011

SPEAKER Thank you Mr Nobbs. Debate Honourable Members. The question before the House is that the motion be agreed to. Mr Nobbs

MR NOBBS Thank you Madam Speaker. At the outset I would like to thank the previous Members of the Board, that is Nadia Cuthbertson, David Porter, Lisle Snell and Morgan Evans for his work as Chairman in the board and all past Members of the Norfolk Island Government Tourist Bureau Board. The members whose names I put forward today have specific significant, particularly with regard to the two presidents of the ATA and the Chamber of Commerce who agreed to get on board with the Norfolk Island Government Tourist Bureau Board and in doing this, providing a much clearer conduit between their organisation and the operations of the Tourist Bureau. You will note also that Morgan Evans carries over into this Board and perhaps that is so there is some corporate knowledge that carries through some of the work that needs to be considered as they move forward so I certainly thank those people for putting their names forward

MR KING Madam Speaker could I just make an observation which might attract some further response from the Minister, in the difficult times that we are in is the fact that the Minister is changing 80% of his Board an indication of his desire to try a new bunch of people. Is it his choice that those Members have discontinued their role in the Board. What comment can he make of that

MR NOBBS Thank you Madam Speaker and thank you Mr King. Yes, some Members have indicated that they do not want to continue through. The other aspects to keep in mind is that they are nominated Members from organisations on there who have been replaced by the Members that I've laid out here in the presence of those organisations

SPEAKER Any further debate Honourable Members? Then I put the question that the Motion be agreed to.

QUESTION PUT
AGREED

That motion is so agreed

MUSEUM TRUST ACT 1987 - RE-APPOINTMENT OF MEMBERS OF THE MUSEUM TRUST

MR BUFFETT Madam Speaker I move that this House resolve for the purposes of subsections 5(1) and (2) of the *Museums Trust Act 1987* that the Minister re-appoint the following as members of the Norfolk Island Museum Trust: Ronald Coane Nobbs; Jodie Therese Williams; and Elizabeth Anne McCoy for the period 21 April 2011 to 20 April 2013.

SPEAKER Thank you Mr Nobbs. Debate Honourable Members. The question before the House is that the motion be agreed to. Mr Nobbs

MR BUFFETT Madam Speaker as the motion implies this is a motion to reappoint three people. I thank them for the service that they have delivered and I thank them for allowing their names to come forward for a continuity act on their part. The Museum Trust is an important body that has responsibility in the Museums area and these people have demonstrated skills and I would want to think that I could say on behalf of Members that they appreciate the service of these people. I commend this motion to the House

SPEAKER Any further debate Honourable Members? Then I put the question that the Motion be agreed to.

QUESTION PUT
AGREED

That motion is so agreed

OMBUDSMAN BILL 2011

MR BUFFETT Madam Speaker I present the Ombudsman Bill 2011 and move that the Bill be agreed to in principle and I table the Explanatory Memorandum to the Bill

SPEAKER Thank you Chief Minister, the question before the House is that the Bill be agreed to in principle. Debate Honourable Members

MR BUFFETT Thank you Madam Speaker. I table the explanatory memorandum. That has been circulated previously to Members so that they will have had the opportunity to look at it. This Bill is an important Bill. It is one of the benchmarks mentioned in the Territories Law Reform Act and it is one of the particular pieces of legislation that the Norfolk Island Government, both this Government and previous Governments have signalled that they look forward to its introduction so that it provides a facility of accountability in the Norfolk Island community. This is designed to be introduced today, to be on the table of the House for a month in the normal process and we look to consideration of it in its final form at our next sitting. I think by way of further explanation I should explain this, that the Ombudsman proposal to date is that the Commonwealth Ombudsman should have the capacity to be able to undertake the tasks here in Norfolk Island so there is an element of independence from the community and somebody obviously who has wide experience in administering the task. The legislation has been drawn up with that in mind so there has been some consultation with the Commonwealth at an earlier time in respect of the legislation that is proposed here. I have equally written to the Office of the Administrator providing this final document seeking the comment of the Commonwealth should they wish to do so. Bear in mind that it is a two way thing. It will be their Ombudsman and the Territories Law Reform Act provides that

that person may have jurisdiction here and this provides the detail of how that person may operate once he is here. I think having said that, it is probably sufficient at this moment. Members will be able to read it and I'm available for any comment that Members may care to ask of it and I'll bring it forward again at our next sitting. It is an important piece of legislation in the progress of Norfolk Island

MR KING Just briefly Madam Speaker I wonder whether the Chief Minister might remind me of two things, the first of which has jumped right out of my head but the other is the mechanism in the Bill, is there a mechanism in the Bill which for the prescription of those enactments or areas where the Ombudsman will be active

MR BUFFETT Madam Speaker the legislation provides a brief as to where the Ombudsman can act. I don't recall that it particularly gives a list of legislation

MR KING The other aspect has come back into my head, is what intended commencement date is envisaged

MR BUFFETT Madam Speaker there are two things about this, one earlier in the sitting today I was asked about some of the pieces of legislation that might come in, the Freedom of Information, Ombudsman which is this one, and some of those have not been provided, in those areas we have not yet been provided fully with a brief. Again we have visitors from the Commonwealth who are visiting in the next week and this is one of the factors in terms of commencement and how we might co-incide the Commonwealth piece of legislation and this legislation. The commencement process as in most pieces of legislation actually is mentioned in the body of the legislation when it comes in. in this particular one it's on notification of assent when it's published in the Gazette. That's the commencement process

MR SHERIDAN Thank you Madam Speaker I don't intend to say too much because I've only just been reading through it over the last couple of days but something that may assist Mr King and I was going to make comment on it with regard to commencement but under section 5 it says the Functions of the Ombudsman and I'll just read this out, this one small part "shall investigate action that relates to a matter of Administration being action taken after the commencement of this Act" so by reading this it doesn't seem as though it would be retrospective of actions taken after the commencement of this Act and I think that's what Mr King was getting at and it also states in the same section, it details who the Ombudsman is not authorised to investigate. Members of the Legislative Assembly, a judge, a magistrate, Coroner, the Registrar or the Deputy Registrar, actions taken by a Royal Commission, and it details a few, actions taken by the CEO with respect to persons employed in the Public Service so there are some areas that he can't investigate but further on down in that section it does say that in reference to an action taken by the Minister does not include a representation taken by a delegate of the Minister so the delegation that Ministers give to authorised officers of the Administration would still be open to scrutiny by the Ombudsman and that's just a couple of comments. I haven't gone through it completely but just for the Chief Minister on section 9(11) I believe there's a reference to the wrong subsection there, subsection 18 (1) or (2) which you may need to have a look at. Section 9(11) and it's the reference to the subsections in the text of that, the paragraph but like I said, I've only just glanced through it in the last couple of days and I'll have something more to say about it at the next sitting

MRS WARD Thank you Madam Speaker the Ombudsman's Bill is a result of the Government's support for the Territories Law Reform Act which is basically amending parts of the Norfolk Island Act. It demonstrates our commitment to mature and move forward in a new relationship with Commonwealth and I certainly expect to see the same commitment from the Commonwealth, thank you

MR BUFFETT Madam Speaker if I could just respond. I think I should give this clarification. I did certainly refer to the Territories Law Reform Bill but I think to our credit, that is, Norfolk Island's credit, I think I should say this that the proposal for an Ombudsman arrangement including erecting legislation was before the Territories Law Reform Act, before that. We had taken initiative about that. Yes it has been subsequently encompassed in the Territories Law Reform Act and that is praiseworthy but I'm trying to say that we were the forerunners in this process so thank you for allowing me to say that

MR SNELL Thank you Madam Speaker I too like Minister Sheridan have glanced through this document but two questions come to mind, taking into account that it was our initiative in the first place, but what happens to the complaints avenue that's in place now Chief Minister will they be made superfluous or just go hand in hand, in tandem with this, particularly with the Public Service area

MR BUFFETT Madam Speaker yes, there may be adjustments in those arrangements. One of the things in terms of an Ombudsman machinery is that all matters don't go to the Ombudsman. The Ombudsman erects a process and he is at the end of the process and there are a whole host of complaints procedures that have an opportunity to settle and examine a matter before it gets to his level and the advise that we have received to date is that he actually handles and sorts out a number of difficulties. That is equally planned to be so here but it may not be the exact processes that are there at this minute. There may be some adjustments to that

MR SNELL Thank you Madam Speaker the second part of my question is the cost of this appointment of the Ombudsman, is it going to be met by this Government on a joint shared basis or is there any detail on that at this time

MR BUFFETT Yes Madam Speaker if I did have the answer to that I would be very pleased to give it. But what has been foreshadowed with the Commonwealth is that whilst we are supportive of doing these things, there is an understanding that there is a resource and a cost and we at this time may not be in a position to meet all of those costs and therefore there is continuing discussion with the Commonwealth about that process. Thank you

MR ANDERSON Madam Speaker section 23 of the bill covers that already in that it is determined by the Remuneration Tribunal and if it's the Commonwealth then its by arrangement between the two Governments

MR NOBBS Thank you Madam Speaker I actually reflect some of the Chief Minister's comments in that its good to see that its back on the table and significant work has been done by Norfolk Island Governments down the line in regard to the Ombudsman's Bill and access to the Ombudsman specifically so that there was independent advise and scrutiny available for these areas and just with regard to the question about the complaint handling system, the complaints handling system and the templates and structure of the Administrative Complaints handling system was at that time configured with the existence of the Ombudsman.

The Chief Minister's rightly pointed out that there may be some tune ups to that but the idea was to make it a fairly seamless arrangement between how it was documented, recorded and assessed so that in the handover process everything aligned itself well and we got the best outcome as possible

MR ANDERSON Thank you Madam Speaker I merely wished to say that at this point in the explanatory memorandum this is principally lifted from the ACT Ombudsman's Act so it is intended to apply to a small jurisdiction. It is pretty much standard as far as its content goes in relation to appointment, and duties and functions. One area that we may need to look at, particularly as its just been raised in relation to the independence of the Ombudsman it's always been as I understand it, predicated on the basis that the Commonwealth Ombudsman would undertake the role, but the Bill actually permits anyone to be appointed to be the Ombudsman without stipulating qualification, experience, so whilst the initial intention may have been to appoint the Commonwealth Ombudsman there's always the opportunity in the future for someone other than that office to be appointed and there's no guidance as to what level of independence or qualifications or experience should be necessary otherwise I think it's about time and it's a great idea. Thank you

SPEAKER Thank you Mr Anderson. Is there any further debate Honourable Members. Chief Minister. I think we've exhausted debate at this stage and look to you please Chief Minister for a motion

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

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

QUESTION PUT
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

We move now Honourable Members into orders of the day

AIRPORT (AMENDMENT) BILL 2011

SPEAKER Honourable Members we resume debate on the question that the bill be agreed to in principle and Minister Nobbs, you have the call to resume

MR NOBBS Thank you Madam Speaker at the last sitting I tab led the Airport Amendment Bill and the explanatory memorandum. I might just briefly go through and it is fortunately a brief explanatory memorandum and it just describes that this Bill is proposed in order to clarify the power of the Administrator to make Regulations requiring the payment of a security deposit by aircraft operators. The proposed amendment seeks to make it clear that the Regulations may distinguish between different classes of operator and impose different requirements for payment of a security deposit on the various aircraft operators. The amendment preserves the position of operators carrying on business when the initial amendments were made as well as that of the Administration. Clauses 1 through 3 establish the name of the Bill, its commencement and a definition of the principal Act

being amended. Clause 4 amends the principal Act according to the Schedule. The Schedule amends subsection 3(5) to remove the limitation on the amount of deposit the Regulations may impose and clarifies the purpose for which the deposit may be required, and adds a new subsection 3(7) to make it clear that the Regulations may impose different deposits upon different classes of operator (including that for a given class of operator no deposit may be required). Thank you Madam Speaker as earlier discussed when I placed this on the table and then in discussions we've had during Members meetings this is a tidy up on the suggestion of the Legal Services Unit with regard to the way that the fees may be applied to this category

SPEAKER Thank you Mr Nobbs. Any debate Honourable Members . There seems to be no further debate. I put the question that the bill be agreed to in principle

QUESTION PUT
AGREED

The Bill is so agreed to in principle

We move now to the detail stage. And I ask, is it the wish of the house to dispense with the detail stage. The detail stage is so dispensed with, I now seek a final motion Mr Nobbs

MR NOBBS Madam Speaker I move that the Bill be agreed to

SPEAKER Thank you Mr Nobbs. The question before the House is that the Bill be agreed to. Any debate Honourable Members. There being no debate I put the question s that the bill be agreed to

QUESTION PUT
AGREED

Thank you. The Bill is so agreed to

NORFOLK ISLAND GOVERNMENT TOURIST BUREAU (AMENDMENT) BILL 2011

SPEAKER Honourable Members we resume debate on the question that the bill be agreed to in principle and Minister Nobbs, you have the call to resume

MR NOBBS Thank you Madam Speaker many people will recall as well as the membership around the table that in October of last year I placed on the table an exposure draft for the Norfolk Island Government Tourist Bureau and that exposure draft was specifically aimed at sorting out some of the issues in the Tourist Bureau as well as providing best outcome in line with the Tourism Strategy and interfacing with the various recognised Associations and community input into the Tourist Bureau Board. There was discussion and feedback with the Chamber of Commerce Membership and the ATA Membership and in particular with their executive level as well. There was an evaluation at that point of the exposure draft of the Bill which I welcomed comment to and I received a great deal of feedback from those areas. Discussions with the ATA and Chamber of Commerce Executive and particularly with the ATA executive to work through any of the issues of suggestions that they may have had at that time to optimize the

operation of the board and of course I had discussions with the Board themselves and additionally I should point out that all Members around the table have had the opportunity to participate in the construction of this Bill and I thank them for the changes proposed and that have been utilised in this framework. I should point out that this framework is the framework that's been tried and tested for some years by the Hospital Advisory Board. The Hospital Advisory Board has had obviously great capacity in ensuring the best outcome for health in the Hospital and is able to propose initiatives, policies and plans and of course have been instrumental in some fairly major events and in particular with regard to the Hospital proposal. The new positioning of the Board as an advisory board has not removed its ability to propose strategies, policies or initiatives. The major change is that it introduces an accountabilities process for the expenditure of money and a management framework. In saying that in just the same way as I spoke of the Hospital Board, by the Hospital Board being an advisory board, that does not mean that the Minister is operating the Board as I think some people have had a feeling that by changing the Tourist Bureau Board to an advisory board that it was going to make it more a political board than able to operate in the way that it should but having said all that I invite debate around the table and hear other people's views

SPEAKER The question before the House is that the Bill be agreed to. Any debate Honourable Members

MR KING Thank you Madam Speaker I've said before on more than one occasion that I don't intend to support this Bill. At least not in its present form and there's been nothing that I've come across that's happened to alter my opinion. No-one in the community has said to me anything that suggests that what Mr Nobbs is proposing is a good thing. It's not in our present financial and economic services I've had to say, something which has attracted a great deal of attention and perhaps that is something that is germane to this debate as well and the effort and resources that have been put into this Bill. Madam Speaker like me, people have spoken about trying to understand what Mr Nobbs is trying to achieve. The Bill will do nothing whatsoever to check the decline in visitor numbers, tourist numbers to the island. Nothing at all. I see it merely as being a device to deflect, perhaps not an intention device, but a device nevertheless which has deflected some attention away from the real tourism issues. Where the resources and the time and effort that Mr Nobbs has applied to this Bill should have been deployed. Madam Speaker the current statutory arrangements have been in place for some thirty years. They have served the island through a period of essentially sustained growth most of the time, we've seen tourism grow probably 200% or so, certainly from the fledgling industry to an essentially solid industry despite of course the current circumstances that we find ourselves in. Nevertheless there has been a substantial growth in tourism industry activity during that period. It can't possibly be said Madam Speaker that the statutory framework of the Board has not served us well. It seems in fact almost ludicrous that because we're in tough times that we appear to be wanting to lay the blame for our problems at the feet of the statutory framework that has generally worked well. Madam Speaker I think that's just nonsense and I suggest we look somewhere else to lay the blame. I accept that there are valid concerns. That Boards of the past and indeed some individual board Members of the past have acted unreasonably or perhaps have overstepped their mark. That happens. But maybe the remedy for that rely in introducing measures to more readily replace those Members not throw the baby out with the bathwater as this attempts to do. As I've said in the past a general movement throughout the civilised world ~ I understand what happens at the Hospital but the general movement throughout the civilised world is towards closer involvement by industry and industry groups in the regulation of their industry. Not the other way round. Not giving the Government greater say and

involvement in industry. That has proven to be undesirable and unproductive elsewhere and why should it be any different here. I just can't accept the argument that I hear that there are too few properly skilled people in the community to entrust to these positions. In fact the same could be said of the composition of the Legislative Assembly and the Government. We are all drawn from the same limited pool of skills and if you take that argument to the enth degree or to its final conclusion you would have to say that all this Bill does is pass certain responsibilities from one bunch of perhaps inadequate people to another bunch of inadequate people. Perhaps we should pause to look inwards at some of the difficulties which have led to the Bill. During the last Legislative Assembly under Mr Nobbs Government a whole bunch of money went missing from the Tourist Bureau. Actually they weren't sure if it went missing, they just couldn't tell how it was spent. If there's a difference. They had some forensic examination of the books take place and the tourism Minister of the day made a grand speech in the House explaining that he had done all he could but he just couldn't offer any explanation. He didn't offer his resignation either as perhaps he should have and the House offered not one word of criticism or condemnation. Apparently not understanding that as Minister he was ultimately responsible. So that situation perhaps could have been avoided. Of course it could have. All you needed was a responsible Minister and an alert Legislative Assembly, both of whom were doing their job. It was the Minister's job to ensure that all the necessary checks and balances were in place to enable him to account to the Parliament and it was the Parliament's place to bring him properly and hold him properly to account. The remedy lay at the political level. The exact same place to which this Bill now seeks to extend a greater involvement. It just doesn't make sense. Understand although I've not delved in to any great extent, but it's my understanding that the regulation of the Tourist Bureau finances now falls to a great extent under the Public Moneys Act and under the control of the Administration Accounts area. That is a worthwhile additional control measure and to a great extent it addresses some of the long standing financial issues of the Tourist Bureau. We certainly hope so. There are other concerns of course about the degree of decision making responsible of the Board or the Bureau and the Board's ability to enter into contracts and incur financial liability. I think Mr Nobbs mentioned that a major objective of the Bill was the accountability aspect. They are of concern, I can see that but once again I suggest that they can be addressed quite adequately by closer oversight and scrutiny. They have for thirty years or perhaps more to the point they can be addressed by brief amendments to the powers and functions of the Board not throwing the baby out with the bathwater, not just by transferring those responsibilities to the political arena. I don't know for sure but history will show that quality decision making has not been a hallmark of Norfolk's Tourism Ministers. Not before and not now. The Bill is not in my view worth the effort and resources that it has attracted and Mr Nobbs I emphasise should have expended those resources on the real tourism issues. Not some fuzzy perceived notions and solutions which would do nothing for the tourism effort. Importantly Mr Nobbs has not been able to demonstrate any great level of industry support for this endeavour or whether industry is comfortable with the proposed changes in any way. Certainly I do not hear any loud industry applause and that has to be a huge negative. There needs to be a further close and realistic look at the Bill so that the baby is not heaved out with the bathwater. If called upon to vote today I would vote against it. That would not come as any surprise. If however there was support for a further look at the real objectives and how they might be more simply achieved then I would if I get that indication, move an adjournment at an appropriate time. Thank you

MR NOBBS

Thank you Madam Speaker some interesting conundrums in there. Perhaps some of the most obscure ones were ultimately the Minister is responsible and that is exactly what I'm trying to introduce here, that the Minister would be responsible in having process or engagement in contracts or the

expenditure of public money going through a process that was accountable and would hold the Minister accountable. What has happened in the past is that contracts has been committed to, public moneys have been expended without a process that has enabled the Minister's oversight or understanding of what these commitments were and to ensure that they complied with the appropriation. Mr King has said that this is about laying blame. He could not be further from the truth. This has got nothing to do with blaming anything, it is just an evolution of process that we use in the Board. Mr King has said no industry support. I've met with the ATA. I've met with the Chamber of Commerce. I've met with numerous other operators in accommodation and the like, perhaps you could detail the industry areas that you are dealing with Mr King. I've also obviously had discussions in depth with the General Manager of the Tourist Bureau as well as the airline CEO. Each of these areas are affected as well. With regard to resources deployed that may have prevented something else happening as a tourism initiative that's a furphy. The marginal amount of resources that's been used to provide this framework of revised or amended Norfolk Island Government Tourist Bureau Amendment Bill has been minimal and in the purpose of establishing the best way forward, given the history of financial and contractual matters for the Tourist Bureau and the need for a framework of management for the Tourist Bureau where ultimately in the Tourist Bureau someone is responsible rather than everyone is a manager and no one is responsible this goes a long way to pointing that out. There obviously is a great deal of industry confidence in that the Presidents of those two associations that I talked about earlier have committed to being part of this Board, particularly with a view towards their understanding of this amendment. That'll do

MR BUFFETT

Madam Speaker I support this Bill. One of the difficulties that we've had to face in more recent times is that under the arrangement that we are endeavouring to amend is that we have had some areas of accountability that has caused us difficulty, significant difficulties. We are endeavouring to put this on a stream where there is proper accountability. The reality is that the Government allocates significant funds in this area and that being the case then the Minister who has responsibility in that area needs to ensure that the governmental decision taking can be exercised and I think that's understood by those who are players in the field. It has been mentioned before that the Hospital is an example and the Hospital is running well using that model and I think that's something that we can draw comfort from. Some people may not agree with what I've said. They're entitled to that view. Mr King obviously is of another view but I think we have to move forward in the context here. If in fact the funds that are put in to the travel industry area came from another source then those who might be at that other source may well have a claim to be the decision takers but its in the context as described in this Bill that has the provision of funds at this time.

MR SHERIDAN

Thank you Madam Speaker I have no hesitation in supporting this Bill. I believe that the days of management boards when we employed professional people to run an agency such as the Tourist Bureau and we have a General Manager there, I think it's about time that the General Manager accepted the responsibility that the position comes with the management board being in place. He doesn't have that. With this change he will have. He will have that responsibility to the Minister on the way the Tourist Bureau is operating so I have no hesitation in supporting this. I believe that the Advisory Board or the management board as it is now, coming back to an advisory board, they're all volunteers, they don't get remunerated for it but the General Manager of the Tourist Bureau does and that's where the responsibility should lie and it is one of the main reasons why I will support this notwithstanding the problems that we've had with management boards at the Tourist Bureau in the years gone by but if I could just point out one

thing there to the Minister. I see you have a detail stage amendment. You might want to add the same section Item 3 paragraph 4 subsection 5 you have subject to subsections (5) and (8) a person holds office for two years and is eligible for reappointment. I think that should read subsections (6) and (8). Okay. And just further down in the amendment is it intended that the organisation... a recognised association may nominate two persons as being appropriate for appointment to the Tourist Bureau, or one

MR NOBBS They can nominate two and one of them will be selected but it also gives an option if there's suitable reason to assess whether they should both be put on

MR SHERIDAN So that is two per association that they may nominate. I have nothing further Madam Speaker

MR SNELL Thank you Madam Speaker my interest this afternoon was in what Mr King had to say and I listened with interest to his argument. I respect that but I supported this amendment originally and I intend to support it again. I have been involved in the Tourist Bureau for the last twelve months and on previous occasions. I have seen some of the difficulties that have been raised by the Minister in his desire to amend the Tourist Bureau Bill and I totally agree with him that there has to be more accountability. I agree with the Chief Minister in his comments but what I would like to ask the Minister at this time, Minister you referred to both the Accommodation and Tourism Association and the Chamber of Commerce but I have two letters from them both objecting to the implementation of the proposed changes and the amendments to the Act. Can you assure us now that they are both in agreement with what you are proposing

MR NOBBS Absolutely. The letters that you are referring to and I may not have a copy of them here, go back to the original exposure draft that I put on the table here and everyone will be well aware that the amendment Bill that we have in front of us now is vastly different than the exposure Bill when it was first laid on the table. In making the transition to the amendment Bill I spoke with these bodies and also met with them in the Chamber actually to get their feedback on the areas of issue and also some of their suggestions which formed the basis of other changes as well and just if I can reiterate I suppose, just to provide some credence to that in those two organisations we had both of the presidents from those organisations putting their names forward in this context

MR KING Thank you Madam Speaker just some additional or closing comments from me. If this Bill achieves a great level of accountability in the Tourist Bureau area and I guess I would be reasonably happy about that given the past but in reality what it is doing is removing a layer of accountability because the ultimate accountability rests in here in this House and with the Minister and you're removing a level of accountability, a statutory framework between the Bureau and the Bureau management and the Minister and introducing a direct connection between the professional manager and the Minister for Tourism so that may be exactly what you want but understand you are removing a level of accountability and placing it in an area where there is already the ultimate accountability, that's where it rests and the difficulty I tried to stress, to identify a little while ago in my debate was that, that ultimate accountability resided here and it has resided here for thirty odd years. It is the manner in which that accountability is brought to bare in this House, that has been the difficulty and by simply transferring it to the political arena is not in my view going to provide any great solution to the difficulties that you've got up there. If it does, well and good and that's setting aside the other difficulties I had about moving

Mexican standoff, still nothing would be achieved. So in researching that point, I unfortunately came to a dead end and where it may unfortunately remain that way until both bodies, the Government and the industry reach the stage where they both appoint a leader or a leadership team to take pro active steps and call for unity and co operation. The Strategy is supposed to be about bringing the players together and not dividing them and if the industry and the community wanted the Bureau to be jointly owned and operated then both Government and industry must participate. The option of handing the whole kit and caboodle back to the industry players might have merit and I would welcome debate on that in future but that ask needs to come from the people. The Government as I can see it is currently engaged in what it believes is the want of the people. Experienced players in the industry understand that apathy kills. I bring this point into debate because it is fundamental to how this community moves forward and currently there is some pro active action in the community and there needs to be more of that and this Government might find a way of allocating funding in the future through existing budgets to enable financial support for local initiative but that's not the question I understand. Minister Nobbs has worked to create this Bill and there is a requirement for Members to be selected from recognised industry bodies such as the Chamber of Commerce and the Accommodation Association and this may not cover the question of jointly owned and operated for some but it does make sure that the industry is represented at the highest level and it wouldn't make sense for them not to be. An advisory board would still as I understand the freedom to present brilliant initiatives both to the General Manager or directly to the Minister and I imagine that they would be free to invite private operators to participate in their initiatives. Where the amendments suggest that six people shall be nominated to the Board by them in accordance with a resolution of the Legislative Assembly this ensures that the industry has a voice as it should. It's for the industry to put forward the people to the Minister who they see as the best people, or person/people, one or two, to represent them. I can see where one is coming from when they suggest that power is being taken from the industry and being given to the General Manager and the Minister but there is a long history attached to that as I think the Chief Minister touched upon at the last sitting of the House. It's a history attached to the development of the Tourist Bureau and now is not the time to go back in history but the Government picked up tourism so to speak some years ago in order to try and create a level playing field. That's the structure that we currently work with and it's also a point that is questioned to be reviewed in the Road Map. Again the community has opportunity to make comment on that. I will wait for Madam Speaker's debate on the subject. I would always support a motion to adjourn debate if there are areas that still need to be examined and I did listen very carefully to Mr King, was his point about the move away from industry Regulations. I can concede that's a valid point and I also recognise Mrs Griffiths important point about the direction of a strategy. I agree that really is the issue, should be the short term long term issue, thank you Madam Speaker

SPEAKER Any further debate Honourable Members.
Would the Deputy speaker take the chair please

MS ADAMS Thank you Mr Deputy Speaker, I'll be brief. I've walked a long way with this Bill right from the beginning and all the points made around the table are valid. I agree with Mrs Griffiths, we have a strategy but I have come to the point where I am comfortable having worked long and hard with the Minister to reach a point where I'm prepared to agree with the Bill, however, at the same time I'm also in a position where if it is thought around the table that an adjournment for one more month is a wise thing to do, bearing in mind at the end of the day I will be supporting the Bill, there are a couple of grey areas in there but they are consequential on the shifting of responsibility which can be fixed up that I've

tightening of financial control, which is what is necessary. Unless there's substantial reason to consider alternatives ie another month, I propose to support the Bill

MR KING Thank you Mr Deputy Speaker at the risk of being accused of not speaking up when I had ample opportunity to speak up let me defend myself by saying that when the Bill was first tabled as an exposure draft I spoke with Members of the Tourist Bureau at that time. There was little or no support for what was happening. I spoke with Members of the Chamber of Commerce including some of its executive. There was little or no support for the proposed changes. Nothing has been said to me to indicate that, that has changed although there is now going to be some new people on the Board and maybe they have some different views about it. I didn't give it a great deal of time and energy beyond that because I felt that with the lack of industry support, this thing wasn't really going to move further along so I offer that in terms of a defence of my not bringing forward other proposals and indeed I have other things I have to get on with in terms of my role in the Legislative Assembly and in business but if I could achieve in another month which is a very short period of time, changes which would abandon this idea of an enhanced role at political level which I cannot come to terms with where the major objectives that Mr Nobbs has set out can be achieved in a simpler and much briefer manner, where that level of accountability is retained, where we also retain a meaningful level of industry involvement then I would like the opportunity to do that and with those words I would move adjournment of the Bill for resumption a the next sitting day

DEPUTY SPEAKER Are you moving that now Mr King

MR KING If it is appropriate to move it now

DEPUTY SPEAKER There are others who still wish to debate on this matter

MR KING I withdraw

DEPUTY SPEAKER Now next on is Ms Adams. Do you wish for further debate

MS ADAMS Thank you MR Deputy Speaker, I just omitted to say something at the time that I was applauding the initiative of the industry on picking up a partnership arrangement to take the opportunity to wholeheartedly applaud Megan Fitzpatrick and the team of people who moved behind her to help her in the Cudo initiative. That is a prime example of the community helping us to help ourselves and irrespective of what the end result was, it was the principal behind it which is the only thing that we should be considering at this time and applauding. Well done Megan. Well done the Norfolk Island community. Those of you who were involved in it, you done a good job!

MR SHERIDAN Thank you Mr Deputy Speaker. I would just like to make comment on the comments from Mr King where he states that he hasn't given this the time that he should have and he's only really spoken to the industry people after the exposure draft was tabled some months ago. It just goes to show really, that now he wants us to defer a month, put it on the table for a month and deal with it in the May sitting when Mr King has indicated that he won't be here. I don't really have a problem with that. He won't be here to defend it. But I think it's the best if we move forward with it today. Mr King himself has said that he hasn't give it the attention that should have been required of it. Well that's his fault and we shouldn't

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

SPEAKER The result of voting Honourable Members, the Ayes seven, the noes two therefore the Bill is agreed to in principle

We move now to the detail stage and Mr Nobbs, you have detail

MR NOBBS Thank you Mr Deputy Speaker. I move the detail stage amendments dated 5th April 2011 be taken as read and agreed to as a whole if I might add, with the addition of item 4(5), that within the bracket where the number (5) currently sits, it is replaced with (6)

DEPUTY SPEAKER So Honourable Members, the detail stage amendments as indicated in item 3 in the proposed subsection 4(8), delete (1) and substitute (2); in item 3 in the proposed subsection 4(9), delete (1) and substitute (2); and item 3, section 4(5), that within the bracket where the number (5) currently sits, it is replaced with (6). Is there any further debate Honourable Members. There being no further debate I put the question that the detail stage amendments be agreed to

QUESTION PUT
AGREED

The ayes have it. The question now before the house is that the clauses as amended be agreed to. Further debate Honourable Members. I put that question

QUESTION PUT
AGREED

SPEAKER And finally Honourable Members I put the question that the remainder of the Bill be agreed to

QUESTION PUT
AGREED

The ayes have it. I look now to Minister Nobbs to move the final motion that the Bill as amended be agreed to

MR NOBBS Thank you Madam Speaker I move that the Bill as amended be agreed to

SPEAKER I put the question that the Bill as amended be agreed to

QUESTION PUT
AGREED
MR KING NO

MRS GRIFFITHS NO

The ayes have it. The Bill as amended is so agreed. Thank you. Mr King you would like your dissent recorded. Mrs Griffiths you would like your dissent recorded. Thank you

SOCIAL SERVICES ACT 1980 – LUMP SUM PAYMENTS

SPEAKER Honourable Members we resume debate on the question that the debate on the Social Services Act 1980 – Lump Sum Payments, be withdrawn from the Notice Paper. Mr King I believe you were looking to withdraw this motion from the Notice Paper

MR KING Thank you Madam Speaker a couple of words of brief explanation if I may. Two significant things have happened in relation to this. Things have moved on significantly. Minister Sheridan has developed some policy in relation to this area, whilst not achieving anything I wish to achieve he has made major concessions and movements in that direction that I'm quite happy with. The second thing that has happened significantly is the joint announcement by both Governments that Norfolk Island will become ultimately hopefully in the not too distant future part of the Australian Social Security system and on that basis Madam Speaker I seek leave of the House to this motion being withdrawn from the Notice Paper

SPEAKER Honourable Members Mr King is seeking leave to withdraw this motion from the Notice Paper. Is leave granted. Leave is so granted. That motion is so withdrawn from the Notice Paper.

EMPLOYMENT (AMENDMENT) BILL 2010

SPEAKER Honourable Members we resume debate on the question that the Bill be agreed to in principle and the Minister for Community Services has the call to resume. Mr Sheridan

MR SHERIDAN Thank you Madam Speaker I won't say too much at this point in time because as I said at the last meeting I've got a detail stage amendment that I wish to present and talk to and I tabled that at the last meeting for exposure. So I have nothing further to say at this time Madam Speaker

MR SHERIDAN Thank you Madam Speaker I continue the discussion in regard to the Employment (Amendment) Bill 2010, and as indicated at the last meeting I have a Detailed Stage Amendment that I wish to present and talk too. This detail stage amendment has been tabled prior to today so that the community could see what amendments are being considered. As indicated the purpose of this Bill is to address issues concerning the application of the legislation and the administration of claims by removing eligibility for workers compensation in respect of work related stress arising from or caused by reasonable employer management decisions or proposed termination from employment or disciplinary action, it also is to establish a statutory basis for the Employment Liaison Officer who will be the supervisor of employment inspectors and manage workplace related matters under the Employment Act as well as being the primary decision maker under the Workers Compensation Scheme and related purposes. This initial Bill was referred to the Impact of Bills Committee back in July of 2010 and they have presented their report of which the DSA picks up on their recommendations. Madam

Speaker I don't have anything further to say until I move the detail stage amendments when I'll talk to the Bill further

MRS WARD Thank you Madam Speaker it has been a lengthy process referring this Bill to the Impact of Bills Committee and it was sometimes very frustrating for Minister Sheridan but the detail stage amendment reflects the understanding of this House that the Bill in its previous form was unacceptable. If and when this Bill eventually arrives on the Honourable Simon Crean's desk and it will because employment is a schedule 3 item, he may decide that the inconsistencies between our regime and the Australian one are too great and although we are unique we are not above the basic principles of good governance and providing our people with the same protection as other Australian residents into the future. I'll go back a step and say that the major part of the Bill sought to modernize the Employment Act and I congratulate the previous Minister for the Public Service for initiating the process. However Minister Nobbs concluded or was advised perhaps that the system was being abused and the committee found that the way of work related stress abusers did not exist. A full review of both the noted recommendations and the Act does have the potential to open a can of worms in terms of work place health and safety but a Government must not leave the lid on because it's the easiest or the least disruptive option and we in this House are not upholding the peace, order and good Government in we choose to ignore the problem. The clarification of people's rights is paramount to establishing understanding in the community to both entitlement and limitations. People must feel safe in the knowledge that their workplace is a safe place and they will not be abused in any way. We must ensure that the Government treats this as an important issue and that it seriously considers the noted recommendations. Those amongst us who maintain a social conscience will maintain sensible pressure on the Government to ensure that the committees concerns are dealt with in a timely manner. The matter of industrial relations is one that may well be suited to becoming a Federal responsibility. It's no secret that our Government and public sector has limited capacity when it comes to reviewing legislation and we the community certainly have no chance of creating the department that would deal with industrial issues alone. If we are to take ourselves seriously and fight to maintain self Government then we must be realistic about where we need assistance, what we are best suited to deliver and what we can no longer afford to do. Again I record my thanks to the Administrator, employees of the public sector and the community who made valuable contribution to the enquiry and resultant recommendations which led to this detail stage amendments and again I thank the Minister for dealing with this matter, acknowledging that it is serious and picking up the recommendations as he did. Thank you Madam Speaker

SPEAKER Thank you Mr Ward. Is there any debate Honourable Members. No. I put the question that the bill be agreed to in principle

QUESTION PUT
AGREED

The Bill is agreed to in principle

We now move to the detail stage. Minister Sheridan at the March sitting of the House tabled detail stage amendments dated 8th March and I look to Minister Sheridan. Minister I notice that you are proposing that the detail stage amendments dated 8th March be taken as read

MR SHERIDAN
printed in Hansard

Thank you Madam Speaker, taken as read and

SPEAKER Thank you. Taken as read and printed and agreed to as a whole? Yes. So in other words there is no need for you to read out these detail stage amendments in full. They have been now for a month on info.gov.nf for the public who were interested in pursuing them, so I look to you now to move that motion

MR SHERIDAN Thank you Madam Speaker I move that the detail stage amendments dated 8th march 2011 be taken as read and printed into Hansard and agreed to as a whole

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

MR SHERIDAN Thank you Madam Speaker I'll just continue my debate into this employment matter where I left off last time and in particular working through the detail stage amendments and the Impact of Bills Committee recommendations and whilst I'm not reading the explanatory memorandum into hansard I intend to walk through it because there are some changes that are worth noting and I'll just work through the Impact of Bills Committee recommendations and in the detail stage amendments the definition of disease based on the definition in the Safety Rehabilitation and Compensation Act 1988 (Cwth) has been adopted at Item 1 of the DSA and reads as such, "disease" means (a) an ailment suffered by an employee; or (b) an aggravation of such an ailment and the proposed definition of significant injury has been deleted from the Bill as recommended by the IBC and the DSA has picked this up by applying alternative limiting measures under the definition of disease that was a contribution to, to a significant degree, by the employees employment. In determining whether an ailment or aggravation was contributed to, to a significant degree, by the employee's employment, the following matters may be taken into account – (a) the duration of the employment, (b) the nature of, and particular tasks involved in, the employment, (c) any predisposition of the employee to the ailment or aggravation, any activities of the employee not related to the employment, any other matters affecting the employee's health. This definition does not limit the matters they may be taken into account. This amendment was necessary so as to enable the objective of the new definition of disease, which as stated prior "to restore an initial legislative intent to require that an employees employment must have contributed in a significant way to the contraction or aggravation of the employees ailment"; and that it was "more than a mere contributing factor in the contraction of the disease". This definition achieves this aim. The 3rd recommendation of the IBC report advised the removal of the reference to contractor, sub-contractor and volunteer from the definition of employee, which has been done in the DSA and the definition of employee reads as such, "employee" means any person who works in the employers business in any capacity and includes the employer if working in the employers own business. This clarification was necessary so as to exclude contractors, sub-contractors, all of whom will or should carry their own insurance, whether it be under the Workers Compensation Scheme or not. Volunteers are excluded from the definition because as volunteers they would not be paid for the work, and therefore not be a member of the Workers Compensation Scheme. The 4th recommendation of the IBC report identified that section 45 of the Act be amended to more clearly reflect the governments intention not to widely exclude claims based on work-related stress. The amendment in the detail stage amendments changes the section title to read "Excluded from compensation" from "Misconduct", it also adds into section 45 a new sub paragraph

which reads “Where it is proved that the incapacity, injury or mental condition of an employee is attributable to work-related stress caused by or arising out of disaffection or disagreement arising out of or in connection with a decision or action or proposed decision or proposed action of an employer that is both lawful and reasonable in the circumstances, compensation is not payable in respect of the injury, death or incapacity”. This means that if a person was to present with a mental condition which is stress related but is attributable to an employers reasonable decision or action which was lawful, then compensation would not be payable. If the person presented with a mental condition which is stress related but due to conditions in the work place, i.e. pressure from over working, long hours, unrealistic work time lines, unacceptable work pressure for completion of tasks etc, then compensation may be payable for this work related stress injury. It doesn't discount stress injuries totally. The 5th recommendation from the Impact of Bills Committee report proposed new provisions relating to the creation of a statutory office of the Employment Liaison Officer or the ELO be amended to reflect more clearly the powers and functions of the proposed statutory office including in the wider sense of the Employment Act; to clarify the role of the office in relation to the determination of a claim from within the public service. A new Item 3 has been detailed in the detail stage amendments which establishes the position of ELO which is intended to be an appointment by the CEO in accordance with the Public Sector Management Act 2000. The ELO is intended to have the day to day management and control of the procedures and administration of claims under the compensation scheme established by the executive member and while they may be subject to the directions of the CEO or the Minister, independence and freedom from potential undesirable influence is established by providing that neither may give any direction concerning employees of the Administration or a public sector agency or a territory instrumentality. The ELO is also responsible for certifying employment contracts under the Act, has the supervision and control of the inspectors and will carry out such other functions and exercise powers and responsibilities as may be required or permitted to be carried out under the Act or the Regulations or as may be delegated by the CEO or the Minister. The ELO is also authorised to delegate his powers and functions other than the power to delegate or powers delegated by the CEO or Minister. The other 2 recommendations by the Impact of Bills Committee which were endorsed by the Legislative Assembly at the last sitting was a correction to a section reference at section 30(4), and a clarification that the reference to “disease” at section 28(4) is a reference to disease arising from other than employment i.e. to make it clear that damage to the body or mind of any employee caused exclusively by the normal aspect of aging, disease or infection and is not caused by or arise from a work-related accident does not constitute incapacity for the purposes of this Part. This is covered at Item 7 of the detail stage amendments . The next items of the detail stage amendments resulted from comments made by the Australian Government, with these being; Item 8 of the detail stage amendments inserts new provisions relating to the ELO in relation to matters involving misconduct. The ELO is empowered to conduct investigations to establish if a claim for compensation should be disallowed under section 45, which I had referred to prior, to determine whether an action of an employer was lawful and reasonable in the circumstances and requires that the finding and reasons for the finding of the ELO be made in writing and given to the employee and the employer. Item 9 of the detail stage amendment inserts a new definition into Part 4 of the Act (Safe Working Practices) of “bullying”. This extensive definition is to back up the amendment at Item 10 that makes it clear that part of working in a safe environment is to be free of bullying in the workplace, with Item 10 of the detail stage amendment adds a provision to section 49 (Duties of Employers) and makes it clear that one of the duties of an employer is to provide and maintain a workplace free of bullying and requires employers to take steps to prevent bullying or if it occurs to stop it. Item 11 of the detail stage amendment amends section 55 of the

Act (Complaints) in order to include the ELO as a person, along with inspectors as being empowered and required to receive and investigate complaints. Item 12 of the detail stage amendment provides that a complaint that is lodged under section 76 of the Act to the Employment Conciliation Board includes a complaint or grievance arising out of an unsuccessful workers compensation claim made by the employee. These last couple of items ensure that if a person is dissatisfied with the outcome by the ELO report/investigation then there is further action's that may be taken by the employee. Other items in the Bill are unchanged and include a definition of the expression "reasonable administrative action" and clarifies the definition of "reasonable" to mean an action that at the time; a) was lawful, b) was not irrational, absurd or ridiculous, c) was relative or related to the conduct or behaviour giving rise to that action, d) was taken pursuant to the regulatory rules applicable to the employee; and e) was taken in circumstances of fairness to the employee and includes action done by or on behalf of an employer by a person who has a reasonable belief at the time that the thing done was reasonable but nothing in this subsection affects the right of an employee to challenge the reasonableness or an action or for a decision to be made on appeal that an injury was not suffered as a result of reasonable administrative action. This Item makes it clear that a decision by the ELO may be appealed against by the employee. Also Item 5 which inserts a new provision providing a clear system for the claims procedure. And just to finish up Madam Speaker and I'm sorry to labour on a bit but the detail stage amendment was quite fulfilling, it's quite a big change to the original Bill so I thought I would walk through it, but these changes to the Employment Act 1988 ensures that employers and employees have responsibilities when making claims under the Workers Compensation Scheme, it allows for the ELO or an inspector to fully investigate claims, it will limit claims for work-related stress arising from normal employment processes as is the case in other Commonwealth jurisdictions and it provides clear details on how a claim is to be made. Madam Speaker I present the Bill to the House

Detail stage amendment

1. That the title of the Bill be changed from "2010" to "2011" in the heading and in section 1.
2. That the long title of the Bill be changed to—

“A Bill
for

An Act to amend the *Employment Act 1988* to remove eligibility for worker's compensation in respect of work related stress arising from or caused by reasonable employer management decisions or proposed termination from employment or disciplinary action; and to establish a statutory basis for the Employment Liaison Officer as the manager for the Employment department and supervisor of employment inspectors and workplace related matters under the Employment Act as well as being the primary decision maker under the Worker's Compensation Scheme and related purposes.”.

3. For Item 1, substitute—
 - (1) Repeal the definitions “disease” and “work-related accident” and substitute—
“ ‘work related accident’ means a situation or event occurring at a work place or arising out of, or in the course of, an employee’s work that results in death or significant injury.”.
 - (2) Insert the following definitions—
“ ‘disease’ means
 - (1) (a) an ailment suffered by an employee; or
(b) an aggravation of such an ailment;
that was contributed to, to a significant degree, by the employee’s employment.
 - (2) In determining whether an ailment or aggravation was contributed to, to a significant degree, by an employee’s employment, the following matters may be taken into account—
 - (a) the duration of the employment;
 - (b) the nature of, and particular tasks involved in, the employment;
 - (c) any predisposition of the employee to the ailment or aggravation;
 - (d) any activities of the employee not related to the employment;
 - (e) any other matters affecting the employee’s health.
 - (3) This definition does not limit the matters that may be taken into account.”.

“ ‘employee’ means any person who works in the employer’s business in any capacity and includes the employer if working in the employer’s own business;”.

‘injury’ means—

- (a) a disease suffered by an employee;
- (b) an injury (other than a disease) suffered by an employee, that is a physical or mental injury arising out of, or in the course of, the employee’s employment; or
- (c) an aggravation of a physical or mental injury (other than a disease) suffered by an employee (whether or not that injury arose out of, or in the course of, the employee’s employment) that is an aggravation that arose out of, or in the course of, that employment,

but does not include a disease, injury or aggravation suffered as a result of reasonable administrative action taken in a reasonable manner in respect of the employee’s employment.

Note: reasonable administrative action is defined in subsection (1A).”.

“ ‘significant degree’ means a degree that is substantially more than material.”.

4. Item 2 is amended by deleting all words following paragraph (f) of the proposed new subsection 26(1A), and inserting—

“and in this subsection ‘reasonable’ means action that at the time—

- (i) was lawful;
- (ii) was not irrational, absurd or ridiculous;
- (iii) was relative or related to the conduct or behaviour giving rise to that action;
- (iv) was taken pursuant to the regulatory rules applicable to the employee; and
- (v) was taken in circumstances of fairness to the employee,

and includes action done by or on behalf of an employer by a person who has a reasonable belief at the time that the thing done was reasonable (as described above) but nothing in this subsection affects the right of an employee to challenge the reasonableness of an action or for a decision to be made on appeal that an injury was not suffered as a result of reasonable administrative action.”.

5. Delete Item 3 and substitute—

“3. **New section inserted**

Following section 39, insert—

‘Employment Liaison Officer

39A. (1) For the purposes of this Act the position of Employment Liaison Officer is established.

- (2) The Employment Liaison Officer—
- (a) is appointed by the Chief Executive Officer in accordance with the *Public Sector Management Act 2000*;
- (b) has the day to day management and control of the scheme established by subsection 39(4) including the administration of claims;
- (c) is subject to the directions of the Minister and the Chief Executive Officer but not in connection with any matter concerning the investigation and determination of a claim by an employee of the Administration or a public sector agency or a territory instrumentality;
- (d) is the responsible officer for the purpose of certifying that an employment contract entered into in accordance with section 11, complies with the Act and the Regulations;
- (e) is responsible for the management and control of inspectors, including the power of direction to comply with, or perform a duty required to be performed by, this Act;
- (f) shall exercise such other functions powers and responsibilities in respect of any provision or provisions of this Act or the Regulations as may be required or permitted to be exercised thereby or as may be lawfully delegated or directed by the Chief Executive Officer or the Minister; and
- (g) may, by instrument in writing, delegate a power or function under this Act to an inspector or another employee of the Administration other than this power of delegation or a power or function delegated to him or her by the Minister or the Chief Executive Officer.’ ”.

6. Replace Item 4(2) by the following—

“At the end of paragraph (b), insert—

- ‘ ; or if
- (c) the incapacity, injury, illness or mental condition of an employee is attributable to work-related stress caused by or arising out of, disaffection or disagreement arising out of or in connection with a decision or action or proposed decision or proposed action of an employer that is both lawful and reasonable in the circumstances.’ ”.

7. Insert new Items as follows—

- (1) “**6. Correction of section reference**
Amend subsection 30(4) by substituting for ‘section 18’—
‘section 17’ ”.
- (2) “**7 Replacement of subsection 28(4)**
For subsection 28(4) substitute—
“**(4)** Subject to this section, damage to the body or mind of an employee caused exclusively by—
(a) disease, infection or the ageing process; and
(b) is not caused by or arise from a work-related accident,
does not constitute incapacity for the purposes of this Part.’ ”.
- “**8. New section 45A.**
Following section 45, insert—
‘Powers of the Employment Liaison Officer in matters of misconduct
45A. (1) The Employment Liaison Officer may on his or her own motion or must, if requested by an employee or the employer of the employee, investigate and determine whether in his or her opinion the claim by an employee is shown on the balance of probabilities to be a claim that should be disallowed under section 45.
(2) In making a determination under subsection (1) the Employment Liaison Officer shall determine, where a matter falls within paragraph 45(c), if the decision or action or proposed decision or proposed action of the employer was lawful and reasonable in the circumstances.
(3) A determination of the Employment Liaison Officer under this section must be provided in writing together with the reasons for his or her determination, to the employee concerned, and the employer.’ ”.
- “**9. New definition in section 48**
Immediately before the definition “incapacity” in section 48(1), insert—

‘bullying’ means repeated unreasonable behaviour directed towards an employee or group of employees that creates a risk to health and safety and may include or involve—
(i) publicly humiliating someone, verbal abuse or spreading malicious rumours or gossip;
(ii) physical bullying such as the use of physical actions to bully, such as hitting, poking, tripping or pushing or repeatedly and intentionally damaging someone’s belongings;
(iii) the use of negative words, repeatedly and intentionally to upset someone, such as name calling, insults, homophobic or racist remarks, and verbal abuse;
(iv) social bullying such as lying, spreading rumours, playing nasty jokes, mimicking a person or deliberately excluding a person;
(v) psychological bullying where someone (or a group of people) repeatedly and intentionally use words or actions which cause psychological harm and includes intimidating a person manipulating people and stalking a person;
(vi) cyberbullying where someone (or a group of people) uses technology to verbally, socially or psychologically bully a person and may take place in chat rooms, through social networking sites, emails or mobile phones.’ ”.
- “**10. Amendment of section 49**
Following paragraph 49(2)(a), insert —
‘(aa) provide and maintain a place of work that is free of bullying and to take such steps as may be necessary to prevent or stop bullying that may take place;’ ”.
- “**11. Amendment of section 55**
(1) Amend subsections 55(1) and (2) by inserting before the words ‘an inspector’ wherever appearing, the words ‘the Employment Liaison Officer or’;
(2) For subsection 55(3), substitute—
“**(3)** Where the Employment Liaison Officer or an inspector receives a complaint under subsection (1) or (2), the Employment Liaison Officer or the inspector shall, as soon as practicable, investigate the complaint.
(4) The Employment Liaison Officer to whom a complaint has been referred may require an inspector to investigate the complaint.’ ”.
- “**12. Amendment of section 76**
Following paragraph 76(1)(c), insert—

(ca) a complaint or grievance arising out of an unsuccessful worker's compensation claim made by the employee; or'."

SPEAKER Debate Honourable Members. We are on the question that the detail stage amendments proposed by Mr Sheridan be agreed to

MR SNELL Thank you Madam Speaker, I intend to support this amendment and whilst the information gathered at the enquiry did not find any blatant fraudulent activity regarding claims for stress related injury it did highlight the inadequacy of support and assistance regarding legislation to encourage those who claim such ailments, back into the workforce and I do ask the Minister if he could direct me to the area if there is one, that may be has been included to assist in those suffering from stress related injuries, is there any area where it assists them back into the workforce, including in this document

MR SHERIDAN Thank you Madam Speaker under the Employment Act when a person is coming out of a workers compensation claim and the ELO is the principle officer along with the Medical Superintendent. The Medical Superintendent is the person who would allow that person to get back into the workforce upon the recommendation from the ELO with a back to work programme then the Medical Superintendent would endorse this person going back to work. It would be the responsibility of the employer of this person who was on workers compensation to assist them getting back into the workplace. The problems come about when people do not have an employer to go back to in regards to work so this is a problem that the Administration is putting their mind to at this time because there is no ability under our scheme to assist these people back into the workplace outside of the normal employee/employer relationship. That is one of the downfalls of our legislation and at this point in time that area has not been rectified so whilst that person is in the employment of the employer there would be the facility to bring the person back through into the workplace. Unfortunately if there is no employer, then no, the Act does not cover that. That is one issue that we have to turn our mind to that we haven't done as yet

SPEAKER Further debate Honourable Members. There being no further debate I put the question that the detail stage amendments dated 8 March 2011 be taken as read, printed into Hansard and agreed to as a whole

QUESTION PUT
AGREED

The ayes have it. The question now before the house is that the amendments be agreed to

QUESTION PUT
AGREED

The ayes have it. The question now before the house is that the clauses as amended be agreed to

QUESTION PUT
AGREED

The ayes have it. And finally the question that the remainder of the Bill be agreed to

QUESTION PUT

AGREED

The ayes have it. I look now to Minister Sheridan to move the final motion

MR SHERIDAN Thank you Madam Speaker I move that the Bill as amended be agreed to

SPEAKER I put the question that the Bill as amended be agreed to

QUESTION PUT
AGREED

The ayes have it. The Bill as amended is so agreed. Thank you

FIXING OF NEXT SITTING DAY

MR SNELL Thank you Madam Speaker, I move that this House at its rising adjourn until Wednesday the 4th May 2011 at 10 am

MR SHERIDAN Thank you Madam Speaker I just give notice now that I may not be available for that Wednesday but I'm happy for that date to go ahead

SPEAKER Thank you Mr Sheridan. Any further debate Honourable Members? Then I put the question that the motion be agreed to

QUESTION PUT
AGREED

The Ayes have it. That motion is agreed Honourable Members

ADJOURNMENT

MRS GRIFFITHS Thank you Madam Speaker I move that the House do now adjourn

SPEAKER The question before the House is that the House do now adjourn. Any debate Honourable Members? I would ask the Deputy Speaker to take the Chair

MS ADAMS Mr Deputy Speaker from time to time in the House comment is made about consensus government and whether it has been lost, or in danger of being lost in Norfolk Island. Mr King earlier on looked for guidance on another word for backbencher. Another word elsewhere is regular member. The Norfolk Island Parliament is one of the few democracies that today adhere to the principle of consensus government and I believe it is important to record into history what the principles of consensus government are. Earlier today in debate I referred to the Elders Parliament in the Canadian Northwest Territories. The Canadian Northwest Territories is recognised as being a show case of consensus government and today I propose to read from the Guiding Principles and Process Conventions of Consensus Government in the Canadian Northwest Territories. Guiding Principles and Process Conventions which in so many ways mirror our Parliament, namely the Legislative Assembly of Norfolk Island. There are ten guiding principles and for the purposes of Hansard I will read into the record principles 1 through to 3 unless you

would like me to keep going to number ten, otherwise I would ask that the other seven principles also be recorded into Hansard. So allow me Honourable Members.

1. Consensus government is not defined by the absence of party politics. It is defined by the ability and willingness of all Members of the Legislative Assembly to work together, within their respective roles, for the collective good of the people of the Northwest Territories, and I would suggest that there we read Norfolk Island. 2. Consensus government is a unique combination of the British traditions of ministerial responsibility, cabinet solidarity and legislative accountability and the aboriginal traditions of open dialogue, inclusive decision-making, accommodation, respect and trust. 3. Open respectful communication between all Members is the most essential feature of consensus government. While it is impossible to reach unanimous agreement on all issues, the opportunity for all Members to have meaningful input into important decisions is fundamental. 4. Effective communication is a “double-edged sword.” For consensus government to work, all Members must agree to respect the confidentiality of information before it is properly made public. Similarly, Members should acknowledge the fact that information was shared in confidence once it has been released. 5. Except under extraordinary circumstances, Members of the Legislative Assembly should be made aware of and have opportunity to discuss significant announcements, changes, consultations or initiatives before they are released to the public or introduced in the Legislative Assembly. Use of the element of surprise is inconsistent with consensus government. 6. The role of the Caucus is fundamental to the effectiveness of consensus government. Caucus provides a venue for all Members to set broad strategic direction for a Legislative Assembly and discuss matters of widespread importance to the Northwest Territories as they arise. 7. The Premier and Cabinet are appointed by the Members of the Legislative Assembly to provide overall leadership and direction in accordance with the broad strategic direction set by the Caucus. Cabinet must have the ability to implement this strategic direction effectively and efficiently but in a way that reflects the concerns of Regular Members and maintains their support. 8. Unlike a party-based parliamentary system, the Regular Members are not a “Cabinet in Waiting.” Their ultimate goal is to support Cabinet in implementing the broad strategic direction set by the Caucus. 9. As with all parliamentary systems of Government, a healthy level of tension must exist between Cabinet and Regular Members. While the ultimate goal of the Regular Members is not to defeat or discredit Cabinet, it is their responsibility to review and monitor the leadership and direction of Cabinet and hold it to account. 10. The attendance and participation of all Members of the Legislative Assembly within their respective roles is essential to the effectiveness of consensus government. Formal sessions of the Legislative Assembly and meetings of Caucus, Cabinet and standing and special committees must be a priority for every member. It is important to note Mr Deputy Speaker that the system of government in the Northwest Territories evolved to allow the new settlers and the Inuit people to have equal voice in their parliamentary forum whilst honouring the culture of each. I table the 14 page document titled “Consensus Government in the Northwest Territories, Guiding Principles and Process Conventions – 16th Legislative Assembly dated 14 October 2009”, just for those who might be interested to read a little further. Thank you Mr Deputy Speaker

MR KING

Mr Deputy Speaker thank you. I have the greatest admiration for Mrs Adams endeavours to hold on dearly and tightly to the consensus form of government which is said to have been practised here in Norfolk Island for thirty one odd years, thirty two and I don't wish to get into any long prolonged debate about it today. I've suggested from time to time that there ought to be a debate on this and perhaps we should put something on the Notice paper in a substantive fashion to have a debate about this. I reject entirely the notion that we ought to be compared to the Assembly of the Northwest Passages. There are

significant differences. I read with interest what Mrs Adams has placed on the table as the guiding principles with as much interest as I read the guiding principles that were put on the table the day after the election which were put to me as the guiding principles for consensus Government on Norfolk Island. I took serious exception to those then. I hope I don't take such exception to those that she placed on the table today to read. I hope they are more honourable in their intent and those were, which were to exclude party politics and to embrace an open form of Government which embrace secrecy and swearing to secrecy anything that happens behind those closed doors and undertaking not to tell anyone what is happening. I will not be a part of that. I look forward to the substantive debate on Consensus Government. Thank you

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

QUESTION PUT
AGREED

The motion is agreed. Therefore Honourable Members this House stands adjourned until Wednesday the 4th May 2011 at 10.00 in the morning.

