



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY  
13<sup>TH</sup> NILA HANSARD – 1 JUNE 2011**

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

Before we commence Honourable Members may I welcome to the Public Gallery this morning Mr Kevin Skipworth LBO and Mrs Edie Skipworth, it's lovely to have you. Mr & Mrs Skipworth are guests of His Honour the Administrator and is staying at Government House. Mr Skipworth is the Official Secretary to the Governor of Western Australia, welcome to you.

**CONDOLENCES**

**MR SNELL** Thank you Madam Speaker. It is with regret that we advise of the passing of Rosina Beatrice Evans who was born on the 15<sup>th</sup> August 1914 in Great Yarmouth England the youngest child of Nellie and Walter Moy. Rose had one brother and four sisters all of whom have predeceased her. Rose was only 3 months old when her father was killed in active service. In 1919 Rose's mother Nellie put her 4 eldest children into care and travelled to New Zealand with her partner Walter Riddle. Nellie remained in New Zealand for 2 years then left Rose in the care of her stepfather and his sister while she returned to England to collect her other 4 children. The family lived in Te Kuiti until the depression and then moved to Auckland for a short period. Nellie's marriage to Walter Riddle failed so she again uplifter her family and moved to Sydney where her 2 eldest children were working but after about 2 years in Sydney she decided that she might move back to New Zealand. Nellie and Rose left Sydney travelling via Norfolk Island on their return to New Zealand. Nellie liked Norfolk and decided to stay and it was here that Rose met and married Andrew son of Phoebe Bataille and Andrew Evans. Rose and Peke (as Andrew was affectionately known) then raised 8 children on Norfolk Island. Their children are Borry, Bubby Jean, Lou, Pelly, Edie, Nellie and Thelma, 7 of whom now live on Norfolk Island. Jean married a New Zealander and lives in Hamilton. In 1959 Rose had only her 2 youngest children living at home so decided to move to New Zealand to be nearer to the older children who had all moved away to New Zealand to find work. Peke joined his family for a short period but found it difficult to adjust to the different lifestyle so he decided to return to his beloved Norfolk. Rose continued to raise her family and lived and worked in New Zealand. During her 96 years Rose has had the pleasure of seeing her family of 8 increased by 22 grandchildren, 45 great grandchildren and 2 great great grandchildren. Rose surrounded by 6 of her 8 children passed away peacefully at Brylyn Rest Home in Hamilton on Sunday the 22<sup>nd</sup> May 2011. Madam Speaker may she rest in peace.

Madam Speaker Nina Olive Bertelsen was born on the 26<sup>th</sup> February 1920 on Norfolk Island the eldes daughter of Albert Robert Quintal and Helen Madeline Quintal. She

went to school on Norfolk. Her mother passed away when she was 6 years old and she then lived with her Grandmother Elizabeth Stallard Quintal until she was 12 years old, and then returned home to help her father raise her siblings Hazeldene (Dene) and Leslie (Lute). When she was 18 years old she travelled to Sydney and lived in Paddington. She married Erling Bertelsen a Norwegian seaman. Her daughter Janice was born 2 days after her 20<sup>th</sup> birthday. Unfortunately her marriage ended in 1951 and she moved to Bathurst with Janice. She worked as a housekeeper on a beautiful property called "Pinereidge: at Dunedoo and became very fond of the owners wife Mrs Barlow. Some time later she moved to Dubbo as Housekeeper to Mr Herb Woods. Unfortunately her brother Lute whom she adored marriage ended leaving him with 3 children to bring up, Lisles, Donal and Juine all under five years of age. She then left Dubbo and brought the children up to her home, however after some months Lute missed the children so much that she then moved back to his home in Peakhurst Sydney and helped him raise the children for 6 years. In 1964 he moved to Canterbury where she lived until her admission to a Care Centre after a bad fall where she broke her leg and resided there until she passed away in Canterbury Hospital from Pneumonia on the 9<sup>th</sup> May 2009 aged 89 years. She only had 2 visits back to Norfolk Island in 1980 and 1983. However she never forgot that she was a Norfolk Islander and was very proud of this fact. Unfortunately her mother and father who drowned in 1940 did not have any markings on their graves and this troubled her deeply and that is the reason her daughter Jan and grandson Adrian have come to Norfolk Island on the second anniversary of her passing to intern her ashes on the island that she loved and to mark her parents and her graves. May they rest in peace.

**SPEAKER** Honourable Members as a mark of respect to the memory of the deceased I'd ask if you would all stand in silence.

Thank you Honourable Members. Before we move on may I welcome to the Public Gallery once again long term resident Mr Yarm Menzies, welcome.

#### **QUESTIONS WITHOUT NOTICE**

**MRS WARD** Thank you Madam Speaker. My first one is to the Chief Minister. At the last sitting the Chief Minister mentioned the Commonwealth was identifying a suitable person to be appointed as the Commonwealth Financial Officer has there been any progress with appointment since the last sitting.

**MR BUFFETT** Madam Speaker thank you for the question. There has been no advice to me further since that time.

**MRS WARD** Thank you. Assistance with the Commonwealth Reporting Requirements was to be provided by a Commonwealth employee being appointed to assist the Administration on island, has this occurred or has there been any progress made, and if not will the Chief Minister be raising the question of the appointment of a Commonwealth Finance Officer and reiterate the Norfolk Island Governments support for an appointment of a suitable officer at the upcoming meeting in Canberra with Minister Crean.

**MR BUFFETT** Madam Speaker I can do those things. Maybe I could just elaborate by saying this. As a result of the Territories Law Reform Act of the end of last year there were a number of provisions made in that that indicated that the Commonwealth would be active in a number of ways. Some of the things have just been referred to now but there are other things as well and I just wanted to emphasise that the Norfolk Island Government has continually sought from the

Commonwealth delivery of those items whether they be individuals in tasks or whether delivering services or the like. The response has been quite slow regrettably but I just want to emphasise that they are identified by the Government here and are continuously taken up with the Commonwealth. That might be useful in terms of the question, the range that has just been asked of.

**MRS GRIFFITHS** Thank you Madam Speaker my question is for Mr Nobbs. Minister you established a Tourism Industry and Development Consultative Group some months ago and recently you indicated that this group would be brainstorming and working on issues relating to the Road Map. How many times has this Group met in the last 6 months and what if any have been outcomes from this group.

**MR NOBBS** Thank you Madam Speaker and thank you Mrs Griffiths for the question. I need to get back to you On Notice with the number of times the group has met and communicated however certainly the group provided a submission to the Road Map in particular to the areas of commerce and industry for the island as well as tourism.

**MR KING** Thank you Madam Speaker. A question for the Minister responsible for culture who I understand is the Chief Minister Mr Buffett. Chief Minister a contribution which appeared in last weekend Norfolk Islander said that a local person Mr Ric Robinson had claimed on National Television that the descendants of the Pitcairn Settlers were accepted by the United Nations as the Indigenous people of Norfolk Island. Can the Chief Minister advise if this is a fact.

**MR BUFFETT** Madam Speaker thank you for the question from Mr King. I have no advice from anyone of recent times about that matter. If there are people who are making such claims I'm happy to see the documentation but I'm really not able to comment at this time.

**MRS WARD** Thank you Madam Speaker. Again to the Chief Minister. On the Point 16A of the latest Funding Agreement between Norfolk Island and the Commonwealth Government it states that Norfolk Island will amend any current restrictions to allow self funded retirees to live on Norfolk Island by the 30<sup>th</sup> September. My question is how are the lifting of restrictions being implemented, is it through policy and guideline or legislation, what is the progress of the process and when will the Government's initiative be commenced.

**MR BUFFETT** Thank you Madam Speaker and thank you again to Mrs Ward. A number of things have been undertaken in respect of this matter for example the Government has referred amendments to the policy and guidelines and that's where the principle amendments will be undertaken. I don't envisage that there will be a need for legislative adjustment. The Policy and Guidelines draft have been undertaken. The drafts have been circulated to the Immigration Committee obviously throughout the Immigration Section. I have circulated that to all Members of this Assembly and subject to those travelling reasonably well there is the expectation that quite soon that they will be implemented.

**MRS GRIFFITHS** Thank you Madam Speaker. My question is to the Minister of Commerce and Industry. Minister isn't it a fact that the previous Government didn't provide any terms of reference for the \$124,000 Woolley Parsons Report into Harbour facilities for Norfolk Island. Has this Government sought to improve this lack of capability for contracting for services.

MR NOBBS Thank you Madam Speaker. We've certainly put a number of steps in place for the contracting arrangements of such a similar project and part of the basis of that is the SOI the ? table in the House the Statements of Intent.

MR KING Thank you Madam Speaker. Another question on culture if I may to the Chief Minister. Chief Minister in view of the recent public discussion about the Council of Elders I wonder whether you might inform the House in respect of the Council of Elders, how it was formed and by whom it was formed, what it's function is, who makes the appointments and obviously the dismissals and what are the criteria for membership into the Council of Elders.

MR BUFFETT Madam Speaker I will endeavour to respond to some of them and maybe some of the detail could be followed up. The Council of Elders was an initiative of my predecessor Mr Nobbs. At an appropriate time in Anniversary Day Bounty Day circulated all of the families inviting to be involved in the formation of the Council of Elders. There was enthusiastic response from the families and all of that took place with the various 8 families being represented. The Council has met, it met I think it was maybe within the last 2 or 3 weeks. I have been a member of the Council although given my present task I have withdrawn from the Council of Elders. The group is an enthusiastic group in terms of the cultural arrangements. It has drawn up its terms of reference in a documented form and is a Council which will obviously play a significant role and I compliment my predecessor Mr Nobbs in his role as Chief Minister at that time in drawing the group together. Now I know that you did ask a couple of other things and maybe I can just do some further research to respond to some of those if you would find it helpful.

MR KING Thank you Madam Speaker a supplementary. My principle concern is who makes the appointments and perhaps how does a humble mainlander like myself might aspire to become part of that group.

MR BUFFETT Madam Speaker its really representatives of the 8 original families and the original nominations obviously came from the family areas. The Council itself would then monitor the family representations upon it from time to time. The matter that Mr King has raised as to whether he might have eligibility is a matter of course that can be referred to the Council.

MR KING Thank you Madam Speaker. Given the fact that ?? are made in the political arena I might refrain from doing that Madam Speaker.

MR BUFFETT Madam Speaker I need to correct an assumption that Mr King has just indicated. Whilst the Chief Minister of an earlier time was certainly active in the formation it is not a political arena and after that initial act it is not a matter for political appointment in terms of the Council itself that addresses the Council itself.

MRS WARD Thank you Madam Speaker. My question is to the Minister for Tourism. Can the Minister advise what percentage of current gaming taxes are received from existing local gaming operators and what percentage can be attributed to new or existing overseas operations and to what extent are these contributions forecast to change in the coming financial year.

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

MRS GRIFFITHS Thank you Madam Speaker. My question is for the Minister Nobbs. Minister at the last meeting Mrs Ward asked a question relating to legislation and protection of Norfolk's environment heritage and community values in the context of Chinese tourism. At the time you cited a number of pieces of legislation. Can you now expand and tell me exactly how the Norfolk Island Language Act 2004 protects these community values.

MR NOBBS Thank you Madam Speaker. Merely by recognitions it provides an ongoing process for the language.

MR KING Thank you Madam Speaker a question for the Minister with responsibility for Social Services. Minister in September last year you went to great lengths in this House to respond to a question that was an applicants income to explain that while an applicants income was considered where a special benefit was sought, the statutory income test did not apply. Why then are you now advising the community otherwise by stating in your weekend Press Release that such an application is subject to an income test which it is not and that the rate of special benefit is subject to certain income thresholds which it is not.

MR SHERIDAN Thank you Madam Speaker. Madam Speaker I believe that the reference in the Press Release on the weekend to an income test and and myself and Mr King we have debated this over a period of time and it may have been a wrong choice of words you might say. Of course the income test that Mr King refers to is the income assessment that is applied to the aged, the invalid and the widowed persons benefit under Section 16, 17, 20, 21, 22, 28 and 38a of the Act. The special benefit is Section 26 so therefore that statutory you might say income testing does not apply but under the special benefits I have to be satisfied that that person is suffering hardship and is unable to earn sufficient livelihood for themselves and that the rate of the special benefit is such a rate that I determine in each case shall not exceed the rate of the invalid benefit. So in a roundabout way whilst the income assessment does not apply to that special benefit I still have to be happy with their income. So you might say that it is tested to a degree. There is some assessment of their income but it's not necessarily the one that's applied to the other benefits. So in the statement in the paper last weekend it may have been a wrong choice of words but the intent, yes I realise that it is not the statutory income test but the intent under a special benefit is that their income would be assessed.

MR KING Thank you Madam Speaker a supplementary. I no longer wish to prolong the agony of this, it's been going on for a long time but Minister firstly you will understand of course and this is a question that the main criteria for qualification for special benefit is hardship and hardship may bear no relation to the amount of money that someone is earning therefore an upper limit does not preclude someone from receiving a special benefit but the second question I need to ask beyond whether you understand that is that would you not agree that by the use of misleading information such as barriers which do not exist in your Press Release would act as a deterrent and run counter to your objective to advise people and encourage people who are in hardship to attend the Kingston offices.

MR SHERIDAN Thank you Madam Speaker. The second part first I suppose if Mr King believes that the statement is misleading I can assure that that is corrected and I can reissue another Statement. The objectives behind releasing the Press Release in the paper on the weekend is because we had so much feedback from community members in groups within the community stating that people are suffering hardship within the community, unable to pay their bills,

unable to put food on their table etc. This is a facility that people can apply for, it's a benefit that we have available for people who are suffering hardship but at this stage I don't believe there is one person that is currently on this benefit. So it's very hard for the Government to ascertain whether or not the comments in the community hold water.

MR KING

Your Press Release has discouraged them

MR SHERIDAN

Maybe as Mr King says, maybe the Press Release, it's not intended to discourage and as I said if it is misleading in that sense with regards to the income test, the statutory income test I will correct that but the applicants income would certainly be assessed and not only the income it would be their assets as to what they do have available to use. So yes maybe not necessarily their income that they are earning at that time but it certainly would come down to what assets they do hold.

MR SNELL

Thank you Madam Speaker I direct this question to Minister Nobbs. Minister I believe a senior member of Air New Zealand visited Norfolk Island last weekend to have discussions with interested parties and particular yourself Government on the future plans for Air New Zealand's continuing involvement in Norfolk Island. Can the Minister give some detail of what was discussed at those meetings.

MR NOBBS

Thank you Madam Speaker thank you Mr Snell for the question. Yes indeed we had the Pacific Manager. the Manager for Pacific Islands from Air New Zealand and one of the staff attended a meeting with myself being Chief Minister the General Manager for the Tourist Bureau and the on island representation for Air New Zealand Burnt Pine Travel. The purpose of that meeting was to highlight some of the trends that are occurring in travel from New Zealand, the seat load factors or the amount the aircraft from Air New Zealand is being utilised by tourists coming to Norfolk Island and we worked through a number of scenarios to hopefully improve the picture for both of us in terms of Air New Zealand travellers and Norfolk Island achieving better tourist outcomes from Air New Zealand. In the budget or the appropriation that is to be put on the table as members will be aware within that certainly be aware through my email communications that there are proposals within that appropriation to remove the Departure Tax and drastically the passenger movement charges, now they are in many ways an obstruction or certainly a hindrance to providing the best fares possible to make Norfolk an attractive tourist destination, that goes quite a way to addressing our issues and the other airline operator issues.

MR SNELL

Thank you a supplementary if I may Madam Speaker. Minister could you give some assurance that Air New Zealand has no intentions of removing themselves from the Auckland/Norfolk run at this time. Are they still happy with providing the service.

MR NOBBS

Thank you Madam Speaker I certainly think they are enthusiastic to get Norfolk going at a better rate. There is no immediate intention to withdraw from Norfolk. During the meeting they mentioned a number of times that Norfolk at one stage was their number 3 seller on their list and we've endeavoured to perhaps work our way back up toward there again in the future.

MRS GRIFFITHS

Thank you Madam Speaker my question is for the Minister for Community Services. Minister considering the that I asked you some weeks ago for information related to the seemingly high number of wasps and

nothing yet has appeared in the newspaper for the public benefit do you intend to make a statement in the House today,

MR SHERIDAN Thank you Madam Speaker. Thank you Mrs Griffiths I suppose I could answer no to that because no I don't intend to make a statement but I will give a bit of information. I must apologise to Mrs Griffiths because I did undertake a couple of weeks ago to put a Press Release out in regards to the activity of the Asian Wasp which is currently on the island, and in the main I had asked the Health Building and Quarantine to provide such a statement for me and to this date I have not received any information but just the initial response from the Service was that the increased activity from these Asian Wasps is that it's their breeding season at this point in time and that the activity is all the males out there looking for a queen. So that's the result of Mrs Griffiths concerns but I was also informed that the males aren't the ones that give you a sting, it's only the worker bees and the queens. How you tell the difference apart I don't know and I think you should approach every wasp with caution but that's just the advice I was given from the Service verbally but I am awaiting a Press Release so that I can put it in the paper.

MR KING Thank you Madam Speaker. I have a question for the Chief Minister. Chief Minister under what circumstances would you consider it appropriate or acceptable that a Minister of your Government intervened in a request for support financial or otherwise by a member of this House for purposes of attending a exposition of which that member has a commercial activity.

MR BUFFETT Are you saying that in terms of the membership of this Assembly has an interest in something and approaches

MR KING I'm asking your Governments view, your view on the acceptability of that member making an approach to a Minister for intervention.

MR BUFFETT Madam Speaker I think that Ministers of the Government need to hear most who come to them to see what the matter may well be and if it's in this context then some decision can be made as to whether it's desirable to have further conversations or to be further involved in whatever the proposal is. I've got to say that members come to Ministers with a range of things, some of which they have personal involvement and some of which they are making representation in terms of their constituents. It would be up to the Minister to ensure that their not pushing something in the direction of a member that is inappropriate. I have no knowledge that that has happened and if Mr King is concerned about a particular matter he might want to discuss it with me.

MR KING Thank you Madam Speaker I have a supplementary in clarification. Is the Chief Minister saying that he considers such approaches by a member with a vested interest to a Minister to intervene in a request for assistance acceptable.

MR BUFFETT You're using some colourful words there and I'm not too sure.

MR KING I'm using plain English Chief Minister.

MR BUFFETT Intervene might be inappropriate depending upon what it is, self interest may well be inappropriate. I have no knowledge that Ministers are involved in such activities.

MR KING Just one more supplementary, then I shall direct a supplementary to Mr Nobbs. Minister Nobbs did you in recent times intervene in a request by a member of this House for support for that members attendance at a exposition in which that member had a vested interest, a commercial interest and did you intervene for the purposes of supporting or seeking assistance financial or otherwise in the form of travel or other assistance for that member.

MR NOBBS Thank you Madam Speaker. Mr King this is pretty obscure I do not know the detail of what Mr King is talking about, he's certainly welcome.

MR KING Just an answer yes or no

MR NOBBS That's fine if you explain what your on about and again go through the Chair. Madam Speaker I'd be more than happy and I'm sure that the Chief Minister would as well to give the detail of what Mr King is talking about so that we can help him understand where the situation is at if such a situation exists.

MR KING Given the absence of an emphatic no I'll take that as a yes thank you Madam Speaker.

MR BUFFETT Yes I just need to make a point that Mr King may want to again place his inflection upon it, that doesn't mean that that's what the real facts are.

MR KING I thought you didn't know what the real facts are.

MR BUFFETT Well I'm trying to find out what the real facts are and you're not being very helpful about it.

MR SNELL Thank you Madam Speaker. I direct a question to the Minister for Parks and Reserves. Minister can you give some explanation as to the deterioration, particularly mowing of the Hundred Acre Reserve and other reserves around the island. Is there a reason for such a deterioration in their condition.

MR SHERIDAN Thank you Madam Speaker. I'm unaware of what Mr Snell has just mentioned about the deterioration of our Reserves especially in regards to the maintenance through mowing etc. The only thing that I am aware of that the Forestry Section or the Parks Section of the Norfolk Island Government, they do have limited resources, I am aware that their equipment may not necessarily be 100% operational at all times and there is also the budget restraints that they have been trying to work in within this last 12 months, it has affected their ability to mow I know some areas, in regards to just the purchase of fuel, that's how tight their budget has got and they have to operate within. There budget has been allocated and coming down to the end of the financial year it has been tight so they have had to reallocate their resources to other priorities I would assume but I can follow that up with the Conservator and get a more detailed response to Mr Snell before the next meeting.

MRS WARD Thank you Madam Speaker. My question is for the Minister for Tourism as he has spoken of a philanthropic airline policy. It would be helpful for the community to understand how industry or individuals are supported on the mainland expose for example and to ensure that it's an open book and everybody understands so people are not treated unfairly is the Minister prepared to table the philanthropic airline policy or Tourist Bureau policy or whatever may exist so that people understand.

MR NOBBS Thank you Madam Speaker. The policy has obviously been through the Airline Board, it's very much a continuation of what has happened in the past. I don't have an issue in tabling it and making it available but I guess I am a little cautious about the number of things we are tabling just for the sake of tabling. I'd certainly welcome any member of the Assembly to come and view the documentation at any stage and if any member of the public has any requests on it they are certainly welcome to contact the CEO for the Airline or myself for that matter to assist them.

MRS WARD A supplementary please. So is it a fact that if a member of the community wants to know how they may be assisted in the future through philanthropic policy they approach the CEO of the Airline or the Minister for Tourism.

MR NOBBS Thank you Madam Speaker. There's actually a number of avenues for people to approach if that is the case for assistance because there may be a range of areas in which we can assist particularly if it's an event or if it's something that is going to enhance the tourism profile for Norfolk Island and tourism. So some of those approaches will go to the Tourist Bureau, some of those approaches will go to the members of the Tourism Board, some of the approaches will go to the members of this House, there is a range of areas to approach that can then assist in refining where the best positioning for that application should go.

MR KING Thank you Madam Speaker. A question for Mr Nobbs. Minister you have previously raised 2 concerns by questions in this House concerns about difficulties with the slowness of the internet and dropping out. I'm alerted by further complaints from my constituents about continual slowness and dropping out and an increase in mobile and landline telephony. You've indicated in the past that you can find no difficulties with the local equipment, can you add to that.

MR NOBBS Thank you Madam Speaker and thank you Mr King for the question. What I have requested through the Telecommunications area is a breakdown of the block areas that are being used for internet in particular outgoing from Norfolk Island just to ensure that we are using those block as efficiently as possible. However in addition to that the negotiations with Telecom New Zealand have enabled the very shortly to commence the expansion of the internet bandwidth or broadband to Norfolk Island.

MRS WARD Thank you Madam Speaker and perhaps as a supplementary to that question. Has the Minister, Minister Nobbs been able to determine as he undertook at the last Sitting of the House the April Sitting of the House to what quantity of material is downloaded free of charge on the internet during Telecoms midnight to 5.00am free download period, how much revenue is foregone by this policy and whether the facility is being abused or exploited unfairly by time programmed downloads.

MR NOBBS Thank you Madam Speaker. I don't have that data at this point.

MR KING A further question for Mr Nobbs. Minister can you advise if a cost benefit analysis has been carried out or is to be carried out prior to the renewal of service contracts in the Stock and Noxious Weeds Inspector and can you advise or assure us Minister or assure the House that contracts will only be renewed when cost effectiveness is clearly established.

MR NOBBS Thank you Madam Speaker. Yes in terms of the cost effectiveness evaluation which was the whole purpose of establishing that contract in the first place. The review and contract process for that is handled through the public Service so I've discussed that with the CEO.

MR KING I'm sorry I missed the last comment.

MR NOBBS Any contract reviews and engagement processes will be handled through the Public Service.

MR KING Well perhaps a supplementary then. Am I limited to only one supplementary these days.

SPEAKER No no no just bearing in mind that supplementary questions are a gesture from the chair.

MR KING Perhaps the Minister might undertake to provide to this House or to me if he wishes a detailed cost comparison between both models of service delivery prior to the existing contract being renewed, or if it has been renewed perhaps he might like to provide that data to the House.

MR NOBBS Madam Speaker, I'm more talking generally about the contract arrangements and the like, the contract for the Inspector does not rest in my portfolio.

SPEAKER Mr Snell, unless Minister Sheridan, you would like to respond?

MR SHERIDAN I'm the Minister responsible for the Stock Inspector and as Mr King has indicated, he'd like a cost analysis, I presume you mean the Service doing it, or putting it out to private contractor, and I believe that has already been undertaken.

MR KING I really don't need to see it, if I can have your assurance that it's been done, I will accept that.

MR SHERIDAN Yes, all those things have been done and the cost analysis was done prior to this term of the contract, I'm unaware of what the conditions are for a further extension, if there is a renewable period or if it has to be advertised again, as Mr Nobbs has said, it is an area for the Administration to handle the recruitment of personnel, but I am sure I can discuss it with the CEO in that context.

MR SNELL Thank you Madam Speaker, Madam Speaker, I direct a question to the Minister responsible for the Fire Services in Norfolk Island, particularly Airport Fire Service. Madam Speaker, I declare a personal interest in this

question and in the matter, as a member of my immediately family is a member of the Fire Service, and I seek your permission to continue. Thank you Madam Speaker. Madam Speaker, I seek clarification from the Minister as a matter regarding the discontinuance of emergency services to arriving regular passenger traffic aircraft from Australia after hours. In 2003 all regular passenger traffic flights had to be covered according to Australian Civil Aviation Safety Regulations, CASA, 139h, in 2011, this requirement was apparently changed, can the Minister please provide confirmation that Airport Fire Services are now no longer required for regular passenger traffic aircraft from Australia after hours and on what and whose authority has this changed been authorised?

MR NOBBS Thank you Madam Speaker. Thank you Mr Snell for the question. The process of evaluating the aviation fire fighting service scheduling and provision to various aircraft has been carried out at the executive level of Public Service with information then provided to Cabinet, in that regard there's been documentation to demonstrate that Our Airline operation has not necessarily required that aviation support, on that basis a reduction in the evenings had been engaged in. However, I will say this at this point in time, we are certainly evaluating all of the requirements, all of the ongoing issues to do with provision of aviation fire fighting service.

MR SNELL A supplementary Madam Speaker if I may. A supplementary on the same vein Minister. Can the Minister also confirm that when both of our Senior Fire Services Officers are absent from duty there are no qualified local personnel trained to perform their functions resulting in seconding personnel from Australia, which I appreciate those men taking the time to come up here and covering these services provided by Norfolk Island. But is it a fact Minister that the essential training has been deferred due to lack of funding or is there any other reason?

MR NOBBS Thank you Madam Speaker. If you are talking about essential funding for training that has led up to this point with there being perhaps insufficient succession training and availability of qualified personnel to step up to the role, I'm not entirely sure whether it's been an issue of funding, or available technical expertise for training or timelines or the like, it has certainly been brought to the table a number of times, and we insist that this succession training take place in that area.

MRS GRIFFITHS Thank you Madam Speaker. My question is for Minister Nobbs, can the Minister advise the dates and results of the most recent annual audit of the airport for compliance with the Civil Aviation Safety Regulations Part 139, including detail on recommendations for corrective action.

MR NOBBS Thank you Madam Speaker, thank you Mrs Griffiths for that question. I had a feeling that I tabled some documentation with regard to that audit, some time ago, however, I'll take that question on notice, if I have then, I'll reproduce it, if not then I'll provide that information.

MR KING Thank you Madam Speaker. Had I had a bit more time, I may be able to answer the question myself by reading the budget papers, but I haven't been able to do that. Assuming that Minister Sheridan has had no success in sourcing funds, replacement funds, to test the integrity of the water assurance scheme, is it safe for me to assume that that money has been allocated in the budget that is coming up? And if I can just ask one more question, add to that, does it remain of course a high priority, which I'm sure you are going to tell me it

does, public health and have whatever steps have been taken, that can be taken now, for example, the tendering process, been taken in the interests of having this project put underway in the early part of the coming financial year.

MR SHERIDAN Thank you Madam Speaker and Mr King. Yes that money that was deferred from this financial year has been allocated in next years budget, \$25,000. I have already discussed it with the planning officer to let him know that that money has been allocated, and he has already worked on, or has been working on, regards to the advertising of the terms of reference, etc to try and get a consultant over here to undertake that audit, for want of a better word. Yes it is still a priority, public health, it is a priority and I'm hoping that early in the new financial year that we will see an advertisement for somebody to undertake this assessment.

MRS WARD Thank you Madam Speaker, and my question is to the Minister for Tourism, concern was expressed about the state of the lighterage plant and equipment and the need for urgent attention 12 months ago. Can the Minister advise the House what steps he has taken to address the deteriorating situation.

MR NOBBS Thank you Madam Speaker. Certainly through the Works Depot Manager who now fulfils the role of Lighterage Management and looking after service scheduling of that equipment. He has certainly put together a program for repair of those issues. I understand also there's been some equipment replacement for nets and the like, so in real terms I think that has been addressed by proper program.

MR KING Minister can I take it has having been addressed satisfactorily?

MR NOBBS Madam Speaker and Mr King, the issue with lighterage is that there is a lot of wear and tear, there is a lot of danger in the operation so we're certainly doing everything we can to make sure that all areas are as safe as possible. In terms of a works program that identifies those things, that is a satisfactory outcome.

MR KING Sorry Madam Speaker, one more Madam Speaker. I am perfectly happy that the Government is doing everything that it possibly can, but is it doing enough to remove any Occupational Health and Safety Risks? Or all of the OHS Risks?

MR NOBBS To remove all Occupational Health and Safety Risks we would probably have to stop using the lighterage system.

MR KING I wonder if the insurer is listening.

MRS WARD Thank you Madam Speaker. My question is to Minister Sheridan. What future does the Minister see for the local workers compensation scheme and what plans does he have for enhanced administration of occupational health and safety provisions of the existing legislation?

MR SHERIDAN Thank you Madam Speaker. I'll have to take that on notice, because I haven't turned my mind to the future of the Scheme you might say, the workers compensation scheme, to a great degree you might say, I will have to take that on notice Madam Speaker.

MR KING A question for the Chief Minister Madam Speaker, can the Chief Minister in his responsibility for finance matters advise the House by how much it is expected that fees and charges will increase on the 1<sup>st</sup> of July, I think under the Interpretation Act, and what is the basis for the increase, if any?

MR BUFFETT Are we talking about the fee unit?

MR KING Yes, that's what I'm talking about.

MR BUFFETT Yes, there isn't a plan to adjust that.

MR KING Is it a fact that the absence of any plan reflects the fact that there is only a very insignificant movement in the Retail Price Index?

MR BUFFETT A very small movement yes in the RPI.

MR KING Isn't it a fact that Chief Minister that concerns have been expressed for some time about the content of the basket of goods, that is regularly priced to enable the calculation of the Retail Price Index and that the basket of goods contains only some 35% of the number of goods required to maintain its integrity.

MR BUFFETT Madam Speaker, it has been some time since we have reviewed the basket, and Mr King is right in that there needs to be reasonably constant review to ensure the components of the basket are relative to daily living within the Island. I've got to say that it's not a matter that I have put attention to since I have picked up the finance portfolio and indeed I think I've got to say at this time that even if I did, that there would be no funds that we would have immediately to put to that particular task. That doesn't mean however that it may not have the importance which you raised in respect of it, and I can give that some attention, but I do foreshadow that the matter probably would require some funding and that is not budgeted for at this moment.

MRS GRIFFITHS Thank you Madam Speaker. My question is for the Minister with responsibility for gaming, Minister at the April meeting you undertook to advise the expected development costs and publishing date of the Norfolk Island Gaming Website and prospectus. Can you now fulfil your undertaking?

MR NOBBS Thank you Madam Speaker, thank you Mrs Griffiths. I said at that meeting, the website was active and what I co-ordinated after that was a meeting with the gaming Director for all members who were interested to enable him to give his outline of that area. In so far as putting out a prospectus and website information, the website as I say is active and I think everyone has a copy of that website at the moment. The prospectus, from what I was informed previously, was to be finalised by the Gaming Authority prior to going to final print, but I will refer back to the Director for that and ensure that progresses.

MR KING Minister for Hospital, Mr Sheridan Madam Speaker. Minister what is the basis for the recently gazetted, the numerical basis, for the recently gazetted increase in Hospital fees and charges. Thank you Madam Speaker and Mr King, the result of the gazetted increase in Hospital charges has the following background, under the Norfolk Island Hospital Enterprise Act there is a

requirement for the Hospital Director to review charges on a two yearly basis and it was due this year. The last time that they had an increase up there was 2009. The Hospital Director together with myself, we discussed this and the basis of the increase was worked out on the RPI movement over the last two years prior to that period, the 24 months prior to that period which worked out to be 7.8%. The advice from the Hospital Advisory Board and the Hospital Director for the increase was that they did not recommend an increase this year. But considering the financial state of the Enterprise the Government made a decision that there would be an increase and we came up with a solution that we would increase it by 3.9% being half of 7.8 with the intention that the next 3.9 would be increased 2012. So that is the basis of the increase for the Hospital charges and that's like I said, that is the background.

MR KING Madam Speaker, I have a supplementary, I am a little confused, I hear the Minister saying that he has increased the fees and charges by 3.9% representing half of the movement in the RPI over the last two years, yet my information is that the RPI has moved only, in the two years, the end of March, by 5.4% or for the two years to the end of December, I'm not sure what period you have calculated at, I'm not quite sure, has moved only 4.23%. I know no sign whatsoever of a movement of 7.8% over the past two years. I guess my question is, perhaps the Minister might like to turn his mind to the basis of the calculation again.

MR SHERIDAN Thank you Madam Speaker, we will certainly look at the maths again.

MRS WARD Thank you Madam Speaker, a question to Minister Sheridan responsible for Environment. Would the Minister be kind enough to explain to the community why it is taking so long for the machine to be fixed in order to have the green waste section of the Waste Management Centre working, if there is an update from that please correct me Minister. Has the Administration looked at an alternate site or is it now acceptable for people to return to the practice of burning off in their own backyard?

MR SHERIDAN Thank you Madam Speaker and thank you Mrs Ward for the question. The actual green waste chipping machine has been fixed and is operational at this point in time and has been for the last couple of weeks. The reason why green waste can not be deposited around the Waste Management Centre at this point in time is because they are trying to deal with the build up of waste that has accumulated over the period of months that the machine was inoperable, currently at this time, they do have an outside contractor with his assistance they are attempting to reduce that pile, but it is envisaged that it will take two to three possibly four weeks to reduce that pile of green waste, the Administration is also looking at other ways they can reduce that pile in a shorter time frame, but that is something that the Service is working through at this point in time. Consideration has been given to the siting for the green waste machine at another site, but the main reason it hasn't, is because of the Argentine Ant problem and we don't really want to run the risk of infesting another area of Norfolk Island. So that is the reason why it is still located at the Waste Management Centre. It is hoped that within three weeks green waste will be able to be deposited at the Waste Management Centre. In regards to burning in the backyard, I didn't know there was a prohibition on it. I know certainly that I did some a couple of weeks ago to get rid of my green waste.

MRS GRIFFITHS Thank you Madam Speaker, my question is for the Minister for Tourism. Minister in a recent email you advised a Member of this House that adequate funding is available for costs associated with preparing Cruise

Ships that do not disembark and that you had almost completed arrangements for charging the Cruise Ship Operators, does this mean that Carnival Cruises has agreed to reimburse \$5,000 for costs associated with failed visits and what progress have you made in relation to port and landing fees for Cruise Ships when they do land?

MR NOBBS Thank you Madam Speaker, in effect I have involved the Executive Level of the Public Service in these negotiations as I understand it, there has been an agreement on amounts to be paid for unsuccessful landings, in terms of amounts I might have to take that aspect of the question on notice and Madam Speaker if Mrs Griffiths doesn't mind reminding me of what the very last part of that question was?

MRS GRIFFITHS What progress you have made in relation to port and landing fees for when they do come?

MR NOBBS Thank you Madam Speaker, that is again an ongoing discussion with executive level of Public Service and myself.

MR ANDERSON Thank you Madam Speaker, my question is for the Minister Tourism in his capacity for Telecom. You have stated this morning that there is potentially going to be an increase in the bandwidth provided by New Zealand Telecom, is it a fact that the internet service by Norfolk Island Telecom at the moment has reached its limit and is approaching melt down in the early evening each day?

MR NOBBS Thank you Madam Speaker, I certainly haven't had a report along those lines, I have had a report that at different times throughout the day is what they are terming flat lining, where it's reaching it's full capacity and so endeavours have certainly been put in place for the equipment to be optimised to be able to handle that load. One of the issues I suppose that drives a lot of this is that the available bandwidth is a constantly requested thing from everyone with changes to more graphics and multi media hungry components of their usage of their computer and the internet, in particular face book and the like. So in simple terms, I am unaware of a meltdown.

MR ANDERSON A supplementary, so the situation is that we are regularly reaching the limit, so can you tell me when we are likely to be able to gain access through New Zealand Telecom to the additional bandwidth.

MR NOBBS Thank you Madam Speaker that is currently being worked on between Norfolk Telecom and Telecom New Zealand at this moment.

MR ANDERSON Last supplementary, given the ongoing cordially relationship with Norfolk Island Data Services, has Norfolk Telecom considered purchasing capacity from NIDS?

MR NOBBS That would probably be an issue that the Public Service and Norfolk Telecom might put together a discussion on, but I haven't seen anything on that Madam Speaker.

MR ANDERSON Thank you Madam Speaker. Chief Minister, question for the Chief Minister, the next Australia wide census is due to occur on the 9<sup>th</sup> of August, which is a little under 10 weeks away, consideration was given at the

time of the community survey to including extra questions in the Norfolk Island census to collect additional financial information, has the census paper been finalised and were there any additional questions to be included?

MR BUFFETT Thank you Madam Speaker, thank you Mr Anderson. Madam Speaker, I have asked, and Mr Anderson was involved in this in an earlier situation and I thank him for his participation there, I have requested the Service to put together a group to both plan how the conduct of the census will be taken and to also plan the documentation, I have not yet got a suggestion in terms of any adjustments to that paper that might take into account those factors. Just by way of information I mention that in terms of the earlier Wellbeing Survey, we had talked about whether we should not incorporate some of those things in a census arrangement and indeed we talked about whether we might not bring the census forward for a brief period to assist that process, that wasn't done, but I'm just mentioning this in terms of consideration of various factors associated with the census. We also foreshadow another study which is a wider and all embracing socio-economic study for Norfolk Island in terms of the Road map and whether that might pick up some of the questions that we might well put in the census is a factor that is yet to be determined, so there are a number of things running which would be taken into account into the census. But I confirm that we will have a census in the August time frame and the doings are being worked upon.

MR ANDERSON Thank you Madam Speaker, a further pre-question to the Chief Minister, I wish to ask the Chief Minister if he has had an opportunity to consider the at times misleading information that the Officers of the Department of Regional Services gave in answers to questions at the Senates Estimates Committee hearing last week.

MR BUFFETT Madam Speaker I've got to acknowledge that I've only last night have an opportunity, and I think the best word is to skim those answers, I think they only became available on the net last night, I could be wrong about that part, but only very recently. I have not had an opportunity to examine them in detail, but I can see that Norfolk Island was covered in a number of ways, by officers of the Department, how accurate they were in terms of responses, I would really like an opportunity to look further at the Hansard to be able to examine that. I thank Mr Anderson for drawing it to attention.

MR ANDERSON Yes, I just say, that as far as I am aware, the information only became available yesterday and the reason I made it a pre-question is that there will obviously be subsequent questions which we will leave til next time.

MRS GRIFFITHS Thank you Madam Speaker my question is for Minister Nobbs. Minister given the resounding silence and the amount of time and energy you have sent on the Redemptech initiative can you inform us of any progress since January, will there ever be any progress and would you consider this having been a waste of time and energy?

MR NOBBS Thank you Madam Speaker.

SPEAKER I wouldn't expect you to be expressing an opinion.

MR NOBBS Oh look Madam Speaker, it comes with the territory I think.

SPEAKER I am just inviting attention to Standing Orders.

MR NOBBS Yes, I don't think that it has been a waste of time, and I don't think it will be waste of energy. In real terms, I would say that there hasn't been a resounding silence, I've provided information on the progression, I've also provided information from Redemptech directly to this House and just as a follow up to that, middle of last week I spoke via phone to the operators of Redemptech, following which they sent me through documentation with regard to their patent process and gave me a further indication of their intentions to put a system into Norfolk. I certainly don't think this is wasted time and effort because it is a major opportunity for Norfolk to reduce costs for the consumers of electricity, it is a major opportunity for Norfolk add another string to our bow in terms of attractiveness as a tourist destination with a very firm environmental stance as well as those who are technological tourists who travel to various areas to view wind turbine systems and other operating systems.

SPEAKER Thank you Minister Nobbs, Honourable Members time for questions without notice has expired. Mr King?

MR KING I would like an extension Madam Speaker.

SPEAKER Would you like to indicate a time?

MR KING Thirty minutes?

SPEAKER The question before the House is that the time questions without notice be extended by 30 minutes, I put that question, unless there is any debate?

QUESTION PUT  
AGREED

SPEAKER Question time is extended by 30 minutes, until 11.40am. Further questions without notice, Mrs Griffiths.

MRS GRIFFITHS Thank you Madam Speaker, my question is to the Minister for Tourism, Minister given that the current Tourism Strategy is in its final year, has the Minister directed the new advisory Board to review and evaluate the current strategy and make recommendations for a new one?

MR NOBBS Thank you Madam Speaker. At the commencement of the new Board, I organised a meeting with them and myself and the first item on the list was for them to review the five year Tourism Strategy and understand what has led to the positioning of where we are at at the moment, some of the goals and objectives and also to provide me feedback, not only aspects moving forward that should be reviewed out of that document, but also some work towards a three year Tourism Strategy moving forward and the reason I say that Madam Speaker is this Tourism Strategy which commenced in 2007 finishes in 2012. So we really need to implement some steps in that regard and I definitely saw it as beneficial to the Board to understand the parameters that surrounded that strategy.

MRS WARD A supplementary please. What exactly have we implemented in the last four years?

MR NOBBS Madam Speaker, and thank you Mrs Ward for the question, the General Manager for the Tourist Bureau has actually in an

ongoing review that both he and I have been carrying out with the strategy, put together a document that he calls the traffic light document, which demonstrates what is commenced, what is at a certain area of process and what are completed. Perhaps I can get a summarised version of that document and provide it to Members.

MR KING Can I ask a supplementary on that? A brief one. Minister, you may have mentioned previously, I'm not quite sure, but where there interim reviews done on the implementation and the achievement of objectives of the Tourism Plan? A half way mark or whatever?

MR NOBBS Thank you Madam Speaker and thank you Mr King for the question, I think there have been a number of reviews, which haven't necessarily lined up in that way, with a half term review for the strategy, and the reasoning for that is that we have had a number of General Manager changeovers through that period, so each General Manager has come in and carried out an assessment and then passed on that assessment in that process to the Board and to the various other areas. In real terms, the traffic light assessment that I am talking about at the moment, was commenced very early after the current General Manager's employment and has been an ongoing assessment of how the strategy is performing and has been applied.

MRS GRIFFITHS Thank you Madam Speaker, my final question is to the Minister with responsibility to fuel. Minister is it true that the fuel price rise has come about as a direct result of awarding the fuel contract to a new operator who did not have the necessary equipment to fulfil the contract, who then had to hire the previous contractor to provide the services?

MR NOBBS Thank you Madam Speaker. Thank you Mrs Griffiths for the question. An emphatic no. We make the fuel adjustments subject to the importation costs for fuel.

MR KING Madam Speaker, my question for Minister Nobbs in relation to the special purpose pontoon, the Cruise Ship Industry pontoon. Minister is it a fact that the modifications to the special purpose pontoon did not achieve the objective of reducing sufficient weight to enable handling by a single crane?

MR NOBBS Thank you Madam Speaker and thank you Mr King for the question. That is correct, it still requires two cranes, however it is a much safer load to now be utilised between the two cranes.

MR KING Thank you Madam Speaker. A question for the Chief Minister if I may. Chief Minister what is the extent of Government involvement in the well publicised NICHE Project that is the Norfolk Island Carbon Health Project, and is it not a fact that the NICHE website reflects an intended allocation of some \$120,000 to the Administration of Norfolk Island, but the Administration has absolutely no knowledge of that intended allocation, its targeted expenditure or what is expected of the Administration?

MR BUFFETT Madam Speaker I think I will take that on notice so I can do some homework and come back and give you some detail. The figure that Mr King has mentioned is not one that is in my mind, which is triggering me to say that I will do some homework on it.

MR KING I wonder whether if at the same time, or will the Chief Minister may be able to answer a supplementary question and explain to the House why the recently advertised positions of Project Officers for the NICHE project included a requirement that applicants lodge their applications with the Legislative Assembly?

MR BUFFETT Yes, I'm not up to date with that particular component, I'm happy to look at that and also give you some response.

MR KING Thank you Madam Speaker. Another question for the Chief Minister. Chief Minister at the January Sitting this year, the House instructed the Government to return to the House by the May Sitting with a detailed written report on the desirability or otherwise of maintaining Government Policy which allows intrusion by Government owned businesses on Private Sector commercial activities. Will the Chief Minister advise what level of consultation has taken place with the commercial sector on this matter and what stage has been reached with the enquiry and preparation of the report?

MR BUFFETT Mr Nobbs will respond to that.

MR NOBBS Thank you Madam Speaker, at this stage I don't have the detailed report, but I certainly commenced some documentation to enable that consultation process and that was through the Service and that was also to review, as I understood it, the GBE operations in the commercial areas as well. Once I have that response, I will certainly provide it to Members.

MR KING Just a quick supplementary. So no industry consultation has taken place as yet, you are saying that you have prepared some documentation to enable that to take place, but not yet occurred. I understand the difficulties you have with resources and things, I'm just interested to know.

MR NOBBS In all honesty Madam Speaker there may well have been some consultation up to this point as a result of that documentation, but I'm not informed of it.

MR KING Thank you Madam Speaker, a question for Minister Sheridan, Minister is it a fact that the Toon Buffett Trust has provided at least one grant, possibly two, to an organisation registered as a commercial business and isn't it also a fact that this business did not take on the status of a not for profit organisation until well after the grants were provided?

MR SHERIDAN Thank you Madam Speaker, I will have to take the main text of that question on notice Madam Speaker as I am unaware of any commercial businesses applying for a Toon's Trust Grant, I am aware of a couple of organisations who are not for profit. But commercial operations I am unaware of. But I will double check and as I said, take it on notice.

MR KING Well, I have a supplementary Madam Speaker, if upon double checking the Minister finds that that is the case, will he then table in this House at the next meeting of a list of commercial businesses which have been provided grants by the Toon Buffett Trust, whether those applications for the grants included any claim that the applicant or organisation was a not for profit organisation and whether any Member of this House was a beneficiary of the funds.

MR SHERIDAN Thank you Madam Speaker, I can certainly undertake to do that, because I am aware that all recipients of the Trust are in the local paper, so I have no trouble with presenting that into the House if any commercial operators have obtained funds, but we will have to check their application to see how they represented themselves.

MR KING A question for the Chief Minister, Madam Speaker in relation to the recruitment freeze in the Public Service, which I understand to have been in place now for some six weeks or so. Is it as it appears that that recruitment freeze does not apply to either the Legal Section or the Old Military Barracks staffing, you made add some further comment about how you expect that recruitment freeze to work, and what areas will not be affected by it.

MR BUFFETT Madam Speaker, the decision given by Government is obviously to contain costs, and that has been put into the hands of the CEO in terms of his management of the Service. He will need to make an assessment in consultation with his Manager if there are positions that become vacant as to how essential they are to be filled, and if they are not essential to be filled, then of course, they will not be filled, and thus a saving would be. It is recognised however that there are some areas that may need staffing on a continual basis, I am not trying to project any decision with respect to those, that would need to be assessed by the CEO when the time arose. There has been given no blanket exemptions from that arrangement, but it is recognised that there may well be positions that would require to have a continuity.

MR KING I'm sorry Madam Speaker, but a supplementary. Hasn't the Government and this Assembly already decided by appropriating funds that all existing positions are required.

MR BUFFETT We will come to that in the budget.

MR KING Oh god, ok.

MR BUFFETT As there is a part and then we will...

MR KING Well it just occurs to me, as it occurs to others in the community that there is a recruitment freeze, but not a recruitment freeze, because somewhere along the lines someone is going to make a decision that we will exempt this and we will exempt that, and I'm not sure that that is a desirable perception or observation.

MR BUFFETT It might be interesting if Mr King would let me know as to whether he feels that he a decision can't be made validly on that that I have set out? I'm not asking him the question now, because the question is obviously coming to the Minister's, but at another time, he may be able to equip me with some thought on this matter.

MR KING Well I can do that Madam Speaker, but I remind the Chief Minister that Mr King doesn't have executive authority.

MR BUFFETT Indeed I'm recognising that by offering an opportunity to speak at another time.

MR KING Madam Speaker, on that same issue for the Chief Minister, is it not a fact that contracts in place in the Old Military Barracks to

provide temporary or relief secretarial services include an ability for that contractor to sub-contract another person to provide services and does that not have the effect of circumventing the freeze on public sector employment.

MR BUFFETT No, I don't see that that is the case. There is a contractual arrangement in place, whereby, which has been advertised and there have been bids for it. In which when there is a need to call for such services there is already an established list so that people can be, especially at short notice should that occur, to be able to not be caught short.

MR KING Another supplementary, are there plans to provide those unusual contract arrangements in other areas of the Public Sector?

MR BUFFETT Madam Speaker, that would be a decision for the CEO in whatever area he needs to address. It was obviously seen to be a need in the area that Mr King has drawn to notice.

MR KING Special arrangements for the OMB perhaps? I have no further thank you Madam Speaker.

MR BUFFETT Madam Speaker, it might be useful that I do have in mind that there are other areas that have advertised in advance for relief arrangements so that people can be called upon at short notice. One that comes to mind immediately although it may be wider than this is at the School for example, there are casual teaching arrangements and they are advertised periodically so that there might be a pool of people and sometimes they don't know until the morning of requirement and if indeed you have to advertise and take 3 weeks of course that need has passed. There are such circumstances within the Service and there are arrangements such as exist in the Old Military Barracks to cater for those arrangements, so it's not just in this area.

MR KING Madam Speaker forgive the further supplementary and I most certainly agree that those situations exist but is it not a fact that where those situations exist for example at the School it is not the Teacher who is departing on leave who has the ability to sub contract a further position, that is the difference.

MR BUFFETT Madam Speaker the arrangement that Mr King is talking about here has been taken into account in the recruitment process so that it was known at the time of recruitment that such an arrangement could be called upon.

MR SHERIDAN Madam Speaker I was just going to assist the Chief Minister by saying that those situations do occur in the Public Service I think the Post Office and the Liquor Bond have a pool of people that they call upon, they advertised for a pool of people and when they are short staffed well they get them on short notice but it does occur,

MR KING It occurs to me that there at least maybe 1 Minister or 2 Ministers that are not aware of the contractual arrangements that are in existence in the OMB. I have one final question and then I can pull my head in for the rest of the day perhaps. A question for Minister Sheridan. Is it a fact Minister that a person recently recruited to fill the statutory position of Child Welfare Officer is called upon now to carry out duties relating to the specialist area of mental health.

MR SHERIDAN Thank you Madam Speaker. I'm unaware that the Child Welfare Office has been undertaking counselling as Mr King has insinuated, in the area of mental health, has undertaken any mental health counselling for want of a better word. I'm unaware of it and it's something that I can look into.

### QUESTIONS ON NOTICE

We move now to Questions on Notice and Mr Nobbs Question 174 is directed to you

MR NOBBS Thank you Madam Speaker. The question from Mrs Griffiths reads at the last meeting you were adamant that you unable to put in place low season airfares because of negotiations taking place yet now you've managed to do exactly what you've been asked to do for months. Was this done as a result of public pressure or have there been some developments at the negotiation table and if the latter will the Minister provide details of those developments. Madam Speaker I may well have impersonated Elvis Presley in the past but never adamant so I'll just clarify that first off. With regard to the question of whether the fare was installed as a result of public pressure – no. With regard to the question as to providing details of developments at the negotiation table, negotiations are continuing.

MRS GRIFFITHS Thank you Madam Speaker. If I may ask a supplementary please. Can I ask the Minister why was there such a short lead time given and why is there such a short selling period in relation to these fares.

MR NOBBS Thank you Madam Speaker. Obviously we wanted to get the sale out there as soon as possible. The work was carried out between the Wholesalers and the Agents and the Norfolk Air office. In terms of the short sale period that is to ensure that there is a sale and some urgency to that timeframe to ensure that people will purchase the tickets within a short space of the sale rather than making it of an extended length where people then don't necessary feel the urgency and perhaps in some cases miss the sale all together. The other thing is that by extending the sale period too dramatically it can actually then start to be conceived as the base fare.

MR NOBBS Thank you Madam Speaker. Mrs Griffiths question reads – what is our current debt to New Zealand Telecom, how much interest are we paying per month, when does the contract with New Zealand Telecom expire. Current debt is \$1,053,430-02. The interest we are paying per month, we are paying the interest rate of 16.15% p.a in accordance with the contract. The question with regard to when the contract expires, the contract was signed on the 12<sup>th</sup> sorry the 21<sup>st</sup> of the 12<sup>th</sup> 2007 and had a one year initial term after which it can be terminated by either party with 90 days notice.

MR BUFFETT The question reads Madam Speaker the introduction of programme based performance budgeting for the current financial year 2010/2011 was under by essential monitoring and audit activity including the presentation to the Legislative Assembly of at least one performance audit report. Can the Chief Minister offer any reasonable explanation as to why this essential ingredient of performance budgeting has not manifested. Madam Speaker the performance based budgeting was introduced within 8 sections of the Administration for the financial year 2010/2011 and included Office of the CEO the Airport Fire Services and Emergency Management, Parks and Forestry, Land Use and



creek out at Douglas Drive which is 505 maximum reading 1,100, Headstone creek at the dam averages 120 and the maximum is 300. So there is some variance there but as you can see the ecoli organisms recorded in the creek identified as the outlet has an average reading of 715 organisms per 100ml of water tested and a peak recording of 1,200 organisms. This flow is the aggregate of all creeks flowing south from Peters Highway, Ferny Lane, Burnt Pine, Taylors Road, Middlegate, and Collins Head Road areas. It's a large area with a mix of uses including commercial, residential, rural and grazing. All these areas do run into the Kingston area and as can be seen from the data its very difficult to know exactly where the ecoli originates or what or who is to blame, cattle or the people. The ecoli count will vary considerably depending on the water flow of creeks rainfall and the loading. Madam Speaker the Health section of the Administration have increased environmental monitoring to attempt to get a better long term picture of water quality across the island. It is intended to expand this testing to include tests from the salt water of Emily and Slaughter Bays to see what the actual level of test organisms are present. The ecoli test used for fresh water is not suitable for this and another test that isolates intestinal intacoccuria is being investigated and providing the investigations are successful and the resources are available this should be place by the summer swimming season. Madam Speaker on commenting on the statement made on the question in regard to the incidence of sickness of children and the high level of school absenteeism and inferring that there is a link between this and the ecoli readings I can state that during the period of heavy rain that we experienced in March/April/May I was in constant contact with the Hospital to see whether or not there was an increase in representations of persons who had ear infections, stomach bugs or the like that could be attributed to bad water. The advice that I received was that there was no noticeable increase. As for the absenteeism from the School Principal has advised me that on any normal day approximately 19 students are absent from school and whilst in the period April/May they averaged 28 students a day absent. The Principal has put this down to a variety of bugs and not to the water and what he refers to is the water at the school. The school environment is a perfect place for breeding and passing of all types of bugs and the school water is tested regularly and filters replaced in February and May of this year. Just as an aside in the advice that I did receive from Administration. He just made mention that the documentation that I mentioned prior the Australian Governments National Health and Medical Research Council Guidelines and Management Risks in Recreational Water indicate that no one should swim in an area where creeks or storm water enter a bay if there has been heavy rain, and they put that down to more than 10ml within the past 24 hours, and as I say would therefore urge users of Emily Bay not to swim or play in a creek or where the creek enters the bay when the creek is running. Of course there is a dam at the end of that creek and it's not running continually into the bay, it is only when there is heavy rain that it does overflow.

MR KING Thank you Minister for your comprehensive answer. I take it from what you've read and I'd be happy to receive a copy of your report so I can absorb it and understand it a bit further. Have I gleaned correctly that there were no specific tests done to determine the particular strain of ecoli or identify the source of the contamination and secondly do I glean correctly that those additional tests have been identified as perhaps desirable but are restricted by shortage of funds.

MR SHERIDAN Thank you Madam Speaker and thank you Mr King. I don't believe this testing has been hindered by the shortage of funds. The Administration Officer has indicated that they will be, it's just a different type of test and they will be off planning the necessary equipment for want of a better word to undertake those readings prior to the summer swimming season, he's given no



MRS WARD Thank you Madam Speaker. Supplementary if I may and it's a question as to whether the Project Manager is the Manager of the airport and is that where this advice coming from.

MR NOBBS Thank you Madam Speaker. Certainly those positions line up. Yes the Airport Manager is carrying out the project management for the oversight of the work.

MR SHERIDAN Thank you Madam Speaker. Question was what is the Governments long term strategy for the ongoing supply of crushed rock products to the Norfolk Island community and what is the Governments position in relation to the importation of crushed rock products and what investigation has been carried out in relation to this as a possible long term solution. Madam Speaker the issue of long term supply for Norfolk Island of rock products is a question and a problem we have been assessing since coming into office back in March of last year. This issue was identified earlier in my term and in an attempt to ascertain what options the government had I requested the Service to complete a review on future supply options for crushed rock on Norfolk Island. This review was completed back in October 2010. The reports options included the continuation of quarrying the rock at Cascade and alternative site at Headstone and the option of shipping rock products to Norfolk Island. Madam Speaker no decision on what option is to be pursued has been made. Currently and into the future rock products has been sourced out of the quarry located at Portion 5a down at Cascade. The strategy here is that the remaining rock located within the quarry estimated to be over 20,000 tonnes will be removed by the 2 rock crushing operators and the stockpiling of products on Portion 44 near the School. This is expected to be completed over the next 12 months depending on the actual usage by the 2 rock crushing operators and the ability for the extra rock to be removed. Together with the current stockpile of rock products at Portion 44a of some 36,000 tonnes it is envisaged that on current usage it is estimated that there is enough rock product available to cater for the community's needs for approximately 7-10 years. During this period a decision has to be agreed upon as to where future rock will be sourced. On the next question in regard to what is the Governments position in relation to the importation of rock products and what investigation has been carried out. As mentioned prior an option paper has considered this proposal with supply from both Australia and New Zealand looked at. A comparison of price with crushed rock products compiled and environmental impact summary of such an option, comment on the social and economic cost to the community together with a summary on all 3 options. The position that this Government has is that it is not out of the question whether the Administration or private enterprise will be to contracted to undertake this activity has not been considered. I am of the opinion that the Government would not necessarily be the one to undertake this role, private enterprise may and would be better suited to this role.

QUESTION 180 – Mr King to the Chief Minister

CHIEF MINISTER Thank you Madam Speaker. The question is will the Chief Minister advise what staff training plans and programmes within the Public Service have been suspended or otherwise affected by the non availability of funds, Madam Speaker in the year and I assume it means in the year that we are still in at this moment the original allocation there was \$143,700. In the mid year budget review it was reduced to \$120,000. I have some detail of the courses that have been provided and I have some detail in terms of courses not yet provided but projected. I don't really have a great deal of detail to those that might have been crossed off the list at a much earlier stage. If that is required I can do

some further work about that but this information may well be interesting. For 2002/2011 these training activities have been conducted, Work Cover accredited ticket courses that is with front end loader, skit steer loader, forklift and dogging, senior First Aid courses, CPR refresher courses, return to work co-ordinator, fibre optic cabling and joining, aerodrome reporting officer course, IT courses in Word, Excel and Outlook, apprenticeship TAFE training, Telecom PETA international roaming course, risk management, Australian Airport Association courses, some on island and some off island. Those I have a report that have been undertaken. There are some that are yet to be undertaken but planned within this financial year although I've got to acknowledge that we are coming very readily towards the end of the year but these include Customs Intelligence training, LSU Professional development, OH & S Committee training, Manager Tool Kits and the like. That may give an overview of some of the programmes that have been in play for this year and some that are still on books hoping to be delivered within this year.

MR NOBBS Thank you Madam Speaker. The question reads will the Minister advise what plans are in place or being developed to extend fibre-optic connectivity around Norfolk Island to compliment existing ADSL services or in preparation for enhanced broadband services. Norfolk Telecom has commenced installing optic-fibre cable to strategic nodes on the island the first optic fibre cable to be installed this week runs from Norfolk Telecom to the School and then onto Satties Corner. This will be followed by an optic fibre cable from Middlegate to Kingston and then optic fibre cable will be installed to extend the existing cable from the Airport through to the Western side of the island servicing Rocky Point, Bumboras and Headstone area. This has been achieved within the existing budget and actually represents a cost saving in that it negates the need to purchase expensive terminal equipment that would be required should the ADSL and other services remain on the copper network. The installation of optic fibre cable to the node will compliment the Norfolk Telecom ADSL 2 plus network and enable the delivery of up to 20mg per second to the majority of households and businesses on the island.

MR NOBBS Thank you Madam Speaker. The question reads in respect to the rotary conference currently planned for Norfolk Island 2013 can the Minister advise the Norfolk Island Government position in relation to the following and provide explanations or justification for the position where necessary. This is a 3 part question so perhaps I'll do each part individually. Part 1 is the dramatic 60% increase in the Norfolk Air quotation for air travel. The original estimate for air travel a figure of around \$32,000 was a rough approximation of what a round trip Norfolk/Auckland/Norfolk would cost and include estimates in stage costs for hire of the B737 300 aircraft at 3.5 hours round trip, plus fuel, plus maintenance plus passenger liability and aircraft insurance, plus ground handling, plus catering costs Auckland and Norfolk. It did not allow for associated passenger taxes applicable for the routing nor did it provide for any intermediary commissions, disrupt or diversion costs nor did it provide for any benefit to Norfolk Air. When a more formal approach for costing was made through Travel Agents the full range of costs were outlined and these included provision for travel agent commissions for passenger taxes for both the New Zealand and for Norfolk Island passenger movement charges applicable at that time plus a provision for contingent liability associated with risk for weather diversions and non standard operational costs associated with weather primarily but not including mechanical delays which are borne by the Airline operator providing the charter. There was also a small element added to cover Norfolk Air's work associated with the charters. Part 2. The provision of \$20,000 Bartercard dollars for use in promoting the conference. The organisers were invited to submit a proposal for Bartercard promotion to be assessed by the Bartercard expenditure review group. Part 3. The possible waiver of New Zealand \$164-80 in transportation tax charged by

Norfolk Island Government. As I've said earlier Madam Speaker one of the proposals contained in the 11/12 budget is the removal of departure tax and the significant reduction in passenger movement charges.

SPEAKER Chief Minister I now come back to Question On Notice 182, 183, and 185 being in your name if you'd like to.

MR BUFFETT 182 Madam Speaker. The question here is to what measures has the Government taken to stop the leakage of GST revenue through inflated insurance costs charges by some rental car operators. Madam Speaker I can advise that it is proposed to make regulations to amend Schedule 1 of the Principle Regulation to ensure that policies issued in relation to the hire of private motor vehicles are not exempt from the payment of GST. My predecessor in fact had initiated instructions to attend to this matter. I have and I thought I had it here but I don't have it here I think I had a draft of it and I could provide that to interested parties now but I am happy to provide that to Mr King who I think initiated the question given his interest and with a view to bring it forward.

MR BUFFETT 183 Madam Speaker. The question here is what advice has the Chief Minister received regarding the likely economic consequences for 10% reduction in the Public Service wages and salaries such as might be achieved through a reduced working week as suggested during the course of budget preparation. Madam Speaker the Government hasn't really sought advice from the Service in relation to economic consequences but it did seek some advice on the likely affect on the delivery of service. I really address this matter when I come to the budget today because it is a component that I have listed and I'll do it in that context Madam Speaker.

MR BUFFETT 185 Madam Speaker. The question is what measures are taken to ensure proper acquittal of grants from the Public purse outside the Public Sector for example Banyan Park Playcentre, Sports grants and the like, have the measures been adhered to in recent years. The 3 major areas Madam Speaker in response to this question of grant funding of Banyan Park \$12,000 each year, Army Cadets \$5,000 each year and Sports promotion \$5,000 each year. Banyan Park and Cadets make a annual written submission and funding is provided based on a review of that request by the Minister responsible. Promotion of sporting grants are provided after the assessment of applications by a panel and condition of the grant is that the report be provided by each successful applicant outlining the outcomes and the benefits of receiving the grant and those provisions are then monitored.

MRS WARD Supplementary if I may Madam Speaker. Will the Government be insisting that the report be obtained from the Cadets and the Banyan Park Playcentre the same as the Sports grant.

MR BUFFETT Madam Speaker there is an annual arrangement in that they each year put in a written report and that gives opportunity to see how it has travelled last year as well as the proposal for the current year.

MRS WARD Thank you for the clarification. Thank you Minister.

MR KING Madam Speaker if I may have a supplementary which I'm still formulating in my head. I'm sorry Chief Minister but for purposes of clarification is it a fact, or do I glean correctly from your answer that applicants, like



unticketed options. So that's probably the bulk of the answer that Mr Anderson was after.

MR ANDERSON Just a short supplementary thank you Madam Speaker. Is there any intention to extend the for sale period?

MR NOBBS Thank you Madam Speaker, thank you Mr Anderson. Certainly there is some consideration going on by the Airline Board and analysis of the sale data to date and also the benefits versus the detractors of extending the sale in much the same way as I've explained earlier, it can then start to effect the base fare.

MRS WARD Madam Speaker I must ask, how the fare structure is being altered if the negotiations between Deloitte's and Our Airline are incomplete. I'm still confused about that.

MR NOBBS Thank you Madam Speaker, in real terms we are still an operational service, so what was carried out to enable this was just to make sure all parties were aware and it was then implemented.

MR NOBBS Thank you Madam Speaker. Question 188 reads, at the last sitting the Minister agreed to take on notice the question of whether the New Zealand Telecom debt is decreasing or whether the repayments being made are actually less than the interest component being applied each month, leading to the balance outstanding increasing. Can the Minister now provide the information previously requested? We are currently paying the full invoiced amount each month to Telecom New Zealand, but not the interest. Therefore the balance of our account is increasing. The budget provides for a repayment of this account over two years, including interest to commence from 1<sup>st</sup> July 2011.

MR NOBBS Question 189 from Mr Anderson reads, Norfolk Island Data Services have made representations and placed information in the local papers regarding services that they could be providing and services that the internet makes possible, that are not being supplied by Norfolk Telecom. Which of the services proposed by NIDS is going to be introduced by Norfolk Telecom? When will they be rolled out? If there are any that will not be introduced, why not? In the interests of providing the best possible service to the Norfolk community if there are any services proposed by NIDS that Norfolk Telecom cannot or will not introduce is it not in the best interests of the community to ensure access to those services? In answer to that, I have requested a listing of the services that Mr Anderson refers to and will provide a detailed answer to that one at the next Sitting.

MR NOBBS Question 190, thank you Madam Speaker, the question is from Mr Anderson and it reads, representatives of Norfolk Island Data Services met with the Chief Minister on 8 April 2011 and wrote to the Government on 15 April 2011. The letter was published in the Norfolk Islander. Can the Minister please advise whether a response was made to the letter and if so table a copy of the reply? If no response has been made can the Minister explain the reason for the delay? Madam Speaker as the question refers to, this is correspondence with the Chief Minister and not in my area.

MR ANDERSON Can I please ask a supplementary there? Thank you. The question was directed to you as the Minister for responsible and as I understood it, who had been approached by NIDS prior to speaking to and writing to

the Chief Minister, so the supplementary question is, has the Chief Minister not referred the correspondence or his details of his meeting to you?

MR NOBBS Thank you Madam Speaker, thanks Mr Anderson for the question. Certainly the Chief Minister and I have discussed the content of that meeting, my understanding is that the Chief Minister had discussion with the members of NIDS and also suggested to them that they communicate my office on some of their issues.

MR ANDERSON Further supplementary thank you. So is there any intention to answer the letter of 15<sup>th</sup> of April by somebody?

MR BUFFETT Thank you Madam Speaker. As has been related to date, representation has been made to my office, I spoke to these people on the dates that have been mentioned, in the company of a Senior Officer in my office and I subsequently had discussion with my colleague, Minister Andre' Nobbs, I did, at that meeting, encourage that they also speak to Minister Nobbs as it was a matter in his portfolio that you rightly point out, I just mention that. There was not a preference on their part to do that I might say. And they indicated that to me, it is indicated actually in the letter itself, the difficulty that I have in making a speedy response is really that the information that we have is no different to that prior to the sending of the earlier advice to these people who have made representation. I do not have funds to commission any other reports or examination. Our earlier advice was that if it was to move in some of the directions that they were proposing that it did require, not only expenditure on our part, but the erection of some authorities that might give supervision to various activities, and the explanation again was, that that was not within our resources. I have been searching for anything else that might equip to go back to these people and it is difficult to find anything at will. So yes, it has taken a long time, they're the sort of difficulties that are faced, I rather suspect that when the time comes to advise them, it may not be any different to earlier advice that has been conveyed. There we are Madam Speaker.

MR BUFFETT First of 191 Madam Speaker, the question to me, given the impact on local sales and the reduction in GST receipts that arises from internet purchases by locals under the \$300 threshold for duty, one, is the Government giving any consideration to changing the threshold as part of the budget deliberations? If so, and understanding the logistical nightmare that would be involved, has any consideration been given to purchases of goods not available in Norfolk Island, being excluded? Madam Speaker in respect to the second part of the question, exclusion, no that hasn't been considered. The first part really relates to the budget and I'll cover that when we come to it so it can be seen in context, if that is ok with Mr Anderson, I thank you for the question.

MR BUFFETT The next is 192, the question here is, the Roadmap Fact Sheets that have been released each contain the qualification "The details are not what will necessarily be extended to Norfolk Island as a future governance model for Norfolk is yet to be decided". The wording appears to have been carefully chosen and effectively negates the usefulness of the Fact Sheets. Can the Chief Minister advise when the Department intends providing Norfolk Island specific Fact Sheets rather than summaries of information available on the internet? Can the Chief Minister advise whether the Department has progressed the governance model and if not whether they have given a time frame for discussion or for delivery of a draft? Madam Speaker, at the very outset the Norfolk Island Government sought to have Fact Sheets more reflective of possible models based upon conditions and circumstances here in this place, in this Island. This hasn't been

possible to develop with the Commonwealth at this stage and I've got to say that we don't have the funds or resources to erect such models on our own account. The discussions with the Departmental people to date on the governance model has been on the basis on not necessarily disturbing the existing instrumentalities of Government. For example, the Assembly, the Norfolk Island Government, Office of the Administrator, the Department and the like. And more emphasis has been placed upon, where responsibilities and authorities for various subjects will rest. The general direction is rather gravitating towards, Commonwealth type functions elsewhere, for example, tax and Social Service, that they may sit where a Commonwealth Institution might have a responsibility for both delivering and funding. Some consider that we should just pluck a model from the shelf and mould all the subjects to meet the demands of that model. Others, and I've got to say, including myself, that evaluation of a number of factors and studies yet to be completed or presented, for example, whether land planning factors may or may not sufficiently replace aspects of the presently exercised arrangements under an immigration regime, examples such as that, evaluation of facts such as these, will equip us to know best, which instrumentality, that is Commonwealth or Norfolk Island instrumentality is best to handle it and fund it. Each responsibility in a particular sense. And that process will itself rather shape the model of self government, because if you assess all of those, you will see where it might sit in the overall context, but having said all of that, but discussions on this detail is yet to be framed. We've set a timeframe in the Roadmap to address the preferred model of self government and it is this, 2011-2012 consult and there have been various views given already in terms of the Roadmap arrangement and 2012-2013 to implement the result of those consultative arrangements and if there is legislative adjustment needed in the Norfolk Island Act, to be able to do so.

MR BUFFETT 193 is this, the question, at the conclusion of the last sitting the Administration's Audited Financial Statements for 2009-2010 were tabled. Understanding that the current Government was only in office for a little over three months of the 2009-2010 financial year does the Chief Minister have any comment on the accounts and the audit report particularly as they relate to the assumption that the Administration was a going concern? With no current guarantee of the Commonwealth's continued financial support in the 2011-2012 financial year does the Chief Minister have any comment in relation to the Administration retaining its going concern status for the current financial year? Thank you for this question Madam Speaker. The CST next year, the chartered accountants that undertook our audit for the 2009-2010 financial year, and who will undertake the audit of the current financial year, state this in their report to the 2009-2010 accounts. I quote, "these statements have been prepared on a going concern basis, the validity of this assumption depends on the ability of the Government of Norfolk Island to obtain financial support from the Commonwealth of Australia". This report then goes onto say this, "the Government of Norfolk Island will not be able to meet its suppliers and other contractual obligations beyond June 2011 without further assistance from the Commonwealth of Australia". So having that, I answer the question Madam Speaker. The assistance we are currently receiving from the Commonwealth provided the necessary comfort to support the going concern assumption for the year 2009-2010. In order for us to be able to continue to prepare our accounts on that basis we must secure long term assistance from the Commonwealth. 2011-2012 budget details are with the Commonwealth now for their consideration, a meeting with Minister Crean in Canberra in mid June and surrounding Officer discussions will enable us to determine more clearly the terms in which the Administration of Norfolk Island will be able to continue to operate as a going concern.

MR BUFFETT 194, from Mrs Ward, a Commonwealth funded Deloitte Report into air operations has been delivered to both Governments and negotiations with Our Airline have taken place. What are the outcomes of the negotiations and when will the Deloitte Report and the results of the negotiations be available for release to the public? Madam Speaker, some of the assumptions made in that question are not quite on the mark, Airline negotiations continue, we are best really served by maintaining confidentiality in terms of those negotiations, but when we have a result, I will promptly announce it. I expect the Commonwealth will approve release of the report when those negotiations are complete. Thank you Madam Speaker.

MR NOBBS Thank you Madam Speaker, Mrs Wards question reads, will the Minister table a précis on each of the following listed areas, plus any associated correspondence, agreements or related government business plans, the areas are listed alphabetically, a) international shipping register; b) telephone number range leasing; c) offshore banking unit; and d) foreign national tourism. Madam Speaker, each of the areas listed is a work in progress and at the moment I see it as detrimental to these areas to table documentation at this stage.

MR NOBBS Thank you Madam Speaker, the question reads in regard to an improved port facility, at the last Sitting of the House the Minister undertook to provide a summary of the Draft Worley Parsons report which cost the community \$124,000. Would the Minister table his summary and highlight for the community the pieces of information that will be of use in the future development of an improved port facility for the Island and include the construction cost estimates contained within the draft report? Will the Minister use the summary and the design concept contained within the report to develop a business case to take to the Commonwealth in an attempt to have them fund an improved port facility? Madam Speaker, I previously requested the Public Service to review the draft report and suggest areas within the report that may be utilised to advance a harbour port facility project. At this point in time, I am advised that the only engineering information of any value appears to be the wave data that indicates tidal movements and forces induced on such structures that may be in place. My review of the documentation yielded similar results, the wave data, which by the way, is in excess of some 30 pages of data, as well as information on near shore and off shore depths and contours and types of breakwater design and construction with analysis of their advantages and disadvantages, I also found could perhaps be useful, particularly given that there are a number of breakwaters, for example there is a conventional rubble mound, conventional hand bar, burn breakwater and vertical composite concrete. The Roadmap Madam Speaker, Economic Development objectives identifies our lack of port as a barrier to tourism and highlights the need for immediate action and we will certainly be pursuing that.

MRS WARD Thank you. Well if the Minister would answer the question completely. The question is on notice because it was the Minister, who in the House undertook to make a summary of the report. He undertook to do that. He has highlighted a couple of points, the wave modelling and the breakwater design, the question asked for the cost, the construction costs estimates contained within the draft report and is it the work that the Minister has done and/or the CEO has done, and the design concept contained within the report, which cost the community \$124,000, is that what will be taken to the Commonwealth as part of the Roadmap initiative to seek improved port facilities to the Island? Did you understand that question Minister Nobbs?

MR NOBBS Thank you Madam Speaker, that is a slight reconfiguration of the question, but I am happy to answer it. In real terms, the engineering proposal and scale within that report will not be used in a proposal to the Commonwealth, because we will obviously be working in concert with them to develop something that is more equitable and likely to be achieved for Norfolk.

MRS WARD Madam Speaker, what was the construction cost estimate within the draft report?

MR NOBBS I'll provide that later Madam Speaker, I don't have that information with me at the moment.

SPEAKER You will take that on notice. Moving along to the final question 197, Mrs Ward to ask the Minister for Tourism, Industry & Development. In responding to this, I ask you to be mindful of Standing Order 72a.

MR NOBBS The question, 197. The question reads was it the CEO of Administration, the previous Norfolk Island Government, or the Telecom Manager who placed an embargo on further lease of the copper wire infrastructure in 2009, what facts led the decision and why is the current Management of Telecom unable to develop a pricing structure for the utilization of 1.9 of the Current Operating Charges, Gazetted 15<sup>th</sup> January 2010 and tabled in the House by the Minister on 1<sup>st</sup> December 2010, which is a lawful mechanism whereby the private sector is permitted use of publically owned infrastructure at a price, for the benefit of the consumer? The previous Norfolk Island Government made the decision to restrict those connections to the network, written notification of that decision was provided to Norfolk Island Data Services from the CEO on the 21<sup>st</sup> of December 2009. Following email advice from Norfolk Island Data Services that they had not been formally notified of the stoppage. The setting of pricing structure was the task I charged the working group with, that was then referred on their advice to experts in the field of telecommunications. The result of that referral was a review of telecommunications competition that highlighted issues leading to this Government's decision to not enable competition on the network.

MRS WARD Supplementary Madam Speaker. How did we go from pricing structure to anti competition policy?

MR NOBBS Madam Speaker, obviously if we step back through all of the processes that have been involved in this, Members will quite easily remember that I said if we could come up with a suitable pricing structure that protected the infrastructure, that we would obviously assess and hopefully move forward on that with regard to other operators within the network. The issues that were raised in the consultant's report were of some significance to the broader community and the broader operation of telecommunications on Norfolk Island. So in real terms perhaps NIDS did not get what they want, and neither did I.

SPEAKER Honourable Members that concludes answers to questions on notice today.

## **PRESENTATION OF PAPERS**

The next matter on the programme is presentation of papers, are there any papers for presentation today Honourable Members? Chief Minister.

MR BUFFETT Thank you Madam Speaker. Madam Speaker I table the **financial indicators for April 2011**. I table further, Virement arrangements, Madam Speaker, you will know that under the Public Monies Act, that the Minister responsible for that particular area, may direct in writing transfers between divisions and the like. They are called virements, but it also provides that the Executive Members shall lay on the table those directions, and I do so on this occasion by tabling these.

SPEAKER Those papers are so tabled. Thank you. Any further papers for presentation Honourable Members?

## STATEMENTS

There being no further papers for presentation, we move to Statements of an Official Nature? Are there any statements this afternoon Honourable Members? Minister Nobbs.

MR NOBBS Thank you Madam Speaker. Madam Speaker, at the last Sitting of the House you made a statement in the adjournment debate in relation to the planning for the **East Marine Bioregion**, which includes, for further assessment the waters surrounding Norfolk Island. Madam Speaker, late last week after the construction of the motion on the Notice Paper under my name, titled East Marine Region, I received a response from the Department of Sustainability, Environment, Water, Population and Communities. The response was to my letter sent to the Department in late April outlining my concerns with regard to the consultation process and the recognition of the MOU entered into between the Norfolk Island Government, Norfolk Island Fishing Association and the Australian Fisheries Management Authority. I also took the opportunity to highlight the recreational fishery area known as the box and sought assurance that the area would not be affected by any marine bioregional planning for the East Marine Region. Within the response from the Department was an acknowledgement to update stakeholder contacts, information regarding the Australian Government's Marine Bioregional Planning Program, a commitment to a clear and transparent process, that is to involve broad consultation and some indications of time frames for that consultation and a paragraph that reads, thank you also for verifying the co-ordinates for the waters covered by the Memorandum of Understanding, the MOU, between the Norfolk Island Government, the Norfolk Island Fishing Association and the Australian Fisheries Management Authority. Identification of new Commonwealth Marine Reserves is being guided by the goals and principles for establishment of the national representative system of marine protected areas in Commonwealth waters. Where possible, new Commonwealth marine reserves should be determined in such a way that they avoid areas that are highly valued by industry and recreational users, while ensuring good conservation outcomes. Existing marine use managements arrangements, including the MOU you refer to are being considered as part of the planning process. And that is the end of that quoted paragraph Madam Speaker. Madam Speaker, I had placed the motion on the Notice Paper to give my colleagues an opportunity to discuss any concerns they may have had regarding the assessment process, as we had discussed this assessment process at Member's Meetings previously. The motion itself was an acknowledgement of the box within the MOU and the Fishery Management Policy and the activities carried within the box, as well as an endorsement to commencement urgent dialogue with the Commonwealth Minister. Madam Speaker, having received this communication from the Department, I am quite confident that the sensitivities associated with the recreational fisheries surrounding Norfolk have been acknowledged. I have therefore withdrawn the motion from the Notice Paper, titled, East Marine Region. The

Department has committed to keeping me informed as matters progress for the East Marine Region and I will ensure to provide information on new developments to this House. Never the less Madam Speaker, I have prepared a letter to the Federal Minister with responsibility for Environment, Water, Heritage and the Arts, the Honourable Tony Bourke MP and sought assurances that his Department will, one, formerly recognise that in the East Marine Bioregion, the Norfolk Island inshore fishery, two, the continued operation of the Norfolk Island Fishery Management Policy, which was developed and agreed in 2009, between the Norfolk Island Government, the Norfolk Island Fishing Association and the Australian Fisheries Management Authority, and three, amend the publicised Departmental documentation and plans to properly identify the Box and immediately remove this area as an area for further assessment from the East Marine Bioregion Planning. Thank you Madam Speaker.

MRS WARD May I ask the Minister to repeat the last sentence?

MR NOBBS Thank you Madam Speaker, that is point three, and that is to amend the publicised Departmental documentation and plans to properly identify the Box and immediately remove this area as an area for further assessment from the East Marine Bioregion Planning.

MR SNELL Madam Speaker, may I ask that the paper be noted.

SPEAKER The question before us is that the statement be noted. Debate Honourable Members? Mr Snell.

MR SNELL Madam Speaker I am disappointed that the Minister has seen the need to remove his motion from the Notice Paper, I think it is of extreme importance, and I know that a lot of the people of this Island are very concerned at the inclusion of the box in an area that they would have no real control over. It is my understanding that even to this day, and it has been for some years, that Norfolk Island's have been fishing these waters under a concession rather than of right and that concerns me greatly. Norfolk Island's have been fishing these waters since 1856, long before Australia became a Federation. I am concerned Madam Speaker that can we trust that what Minister Nobbs has been asking for will be adhered too? The waters around Norfolk Island is of vital importance, to the lifestyle, the recreational, to the commercial interests, to the culture of Norfolk Island etc, etc, and I'm concerned that Minister Nobbs has referred to this last paragraph of the document and I'll quote again, thank you for verifying the co-ordinates for the waters covered by the Memorandum of Understanding between the Norfolk Island Government, the Norfolk Island Fishing Association, and the Australian Fisheries Management Authority. Is that to say that it was never considered before? So are we going to believe that anything real and substantial will be taken from our discussions and negotiations that we will enter into, so this is a very highly emotive and controversial issue and I am pleased that the Minister has taken it on board to try and protect the box, as we call it, even through I think the extension should go round to the 200 mile economic zone, but that's probably impossible at this time, but I'm certainly in support of any negotiations Minister that you will have with the Australian Government in retaining at the very least, that section, that is clarified as the box, for Norfolk Island

MR SHERIDAN Thank you Madam Speaker and I'll thank Minister Nobbs for bringing this to the table and we have discussed this in the last couple of

weeks and I can't say that I'm a supporter of excluding the box from assessment as a Marine Protected Area, because as a Marine Protected Area the box would benefit greatly. It would benefit greatly. I believe that the box could be superimposed within the Marine Protected Area and I'll table a couple of pages from a document that I've recently been given with regards to Marine Protected Area, and I'll just read a little bit out of it, but I think people get excited about, if they say they're going to assess the area known as the box, they're going to exclude everything and you can't do anything there. That is totally wrong. What they're trying to do is protect the environment that the area is in. To protect it from illegal fishing, people going in there and upsetting the natural environment. They could overfish a specific species so that they are no longer available. The benefits of the Marine Protected Area and I'll just read, from this document that I have, and it states, what is a Marine Protected Area? A Marine Protected Area is an area of seas specially dedicated to the protection and maintenance of biodiversity and of natural and associated cultural resources and managed through legal and other effective means. MPA's include Marine Parks, Nature Reserves, a locally managed marine areas that protect reefs, sea grass beds, shipwrecks, archeological sites, tidal lagoons, salt marshes, mudflats, mangroves, rock platforms, underwater areas on the coast and the sea bed in deep water as well as open water, a water column. And it goes on. And it goes on to say why do we need Marine Protected Areas? Modern technology has increased a range of users of and access to marine environments, supporting industries such as fishing, tourism, aquaculture and development of new forms of drugs from marine biodiversity but unless managed sustainably, the users and uses of marine ecosystems can threaten, change and destroy the very processes and resources that they depend on. The current management systems are failing to maintain the productivity, biological diversity and the ecosystems of marine ecosystems. The consequences of this failure are serious and far fetching. Now this is what could happen if we don't have some protection in place. The most obvious effect would be the impact on the long standing and widespread use of marine resources for seafood as global fish catches have been in constant decline since 1989 and the downward trend is projected to continue. Marine Protected Areas help protect important habitats and representative samples of marine life and can assist in restoring the productivity of the oceans and avoid further degradation. They are also sites for scientific study and can generate income through tourism and sustainable fishing. It goes on to say that Marine Protected Areas provide a range of benefits for fisheries, local economies and the marine environment including: conservation of biodiversity and ecosystems; arresting and possibly reversing the global and local decline in fish populations and productivity by protecting critical breeding, nursery and feeding habits; raising the profile of an area for marine tourism and broadening local economic options; providing opportunities for education, training, heritage and culture; and providing broad benefits as sites for reference in long term research. The paper then goes on about How do Marine Protected Areas benefit fisheries and I would just quickly read through it. They say that for fisheries, Marine Protected Areas generally can be considered to provide four basic benefits: support for stock management, including, protection of specific life stages such as nursery grounds, protection of critical functions, feeding grounds, spawning grounds, provision of spillover of an exploited species and provision of dispersion centres for supply of larvae to a fishery. Also improved socio economic outcomes for the local communities; support for fishery stability and ecological offsets and it goes on to say that the support for stock management, traditionally Marine Protected Areas and reserves including specific fisheries management measures such as closures and catch restrictions have benefited fisheries through stock enhancement and management. Protection of habitat is important to key life cycle stages including spawning, juvenile settlement, nursery grounds and major feeding grounds. Strategically located protected areas provide sties for settlement and early growth of juveniles which when mature, spill

over into adjacent fished areas. Studies of marine protected areas with core 'no take' reserves established in coastal and island areas which have been overfished show a significantly improved fish catch and has led to sustained catch levels. And the third page of this short document is based on Lord Howe as a Marine Protected Area as it already is and it goes on to say exactly how that park is managed and I'll just mention that there's 70% of the park is assigned to the IUCN Category IV Habitat Protection Zone and allow for hand lining, trolling and strictly controlled drop line fishing to occur. Only Island residents are permitted to drop line, gear must be limited to 3 lines and 15 hooks per line, a radio beacon must be fitted to each line to prevent lines becoming lost. Fish can only be taken for consumption on the Island. Charter and recreational hand lining, trolling and breath held spear fishing area allowed within the Habitat Protection Zone provided they are carried out in accordance with any relevant concessions. The remaining 30% of the park has a very high level of protection and has been assigned to IUCN Category 1a and is a Sanctuary Zone. These areas here support how the box could be managed. They really do. They enforce the survivability for fishing on Norfolk Island for our locals. If that zone was excluded, as they say, you could get people coming in there, as they say, modern technology has increased the range of use and access to the marine environment. You could get people come in there and destroy the very thing that our sea life depends upon. Now I know everybody here, or not everybody here but a lot of people here, may think, the opposite and may say no, we should leave that box unprotected. I'm totally in reverse. I think it does need some protection and the protection comes from it being a marine park. It won't stop what we are doing in this area. It won't stop what we can do in the box. That still will be recognised and I'm hopeful that the Members with his correspondence with the Commonwealth Ministers will keep that in mind and I thought that's the indication that he gave yesterday, but the letter that he just read out stated that he will ask the box to be excised and it's not what he told us yesterday. It certainly isn't. I believe that there are many benefits from the area of the box being a Marine Protected Area and specifically further around it. As Mr Snell says, maybe the whole 200 miles, I wouldn't mind seeing that, but it will not stop the locals doing what they do, and that is to fish for themselves. Some of them who do the charter operations they will still be able to fish for their livelihood, and that is what we want. We don't want the ability for somebody else to come along and disrupt what we have here now and a Marine Protected Area will support what we do and Madam Speaker I just table those three pages

SPEAKER

Thank you Minister Sheridan, those papers are so tabled

MRS WARD

Thank you Madam Speaker I would like to assure Minister Sheridan that he is not alone. And I would urge him to sit down today with the Minister for Tourism, Industry & Development and amend the letter to reflect that the box will not be removed. If the Minister for Tourism who has responsibility for fishery, refuses to do that, then I personally encourage and I'm sure there is support from other Members of this House to, as the Minister for Environment, write to the Department expressing his views which will be supported by many in the cy for Environment, write to the Department expressing his views which will be supported by many in the community. At the same time, and I'm stunned because I have been mislead by the Minister for Tourism, some would suggest I shouldn't be however. I'm very pleased to see that Minister Nobbs has made the statement on this matter and that he will remove and has removed the motion from the Notice Paper today, because there was no way as you can tell that I was going to support that motion. The Minister has carried into his statement the major points from the motion which is very good, it's an important part of informing the community on this very important matter. Members of the community who truly wish to see Norfolk Island's true natural

value assessed, managed and protected, want to see Norfolk Island included in the research that seeks to ensure long term sustainable management practices implemented and protection of these ocean waters for the next generation and the one after that and on, and therefore we should be eternally grateful that we are part of a country that naturally includes us in its departmental scientific research. Conservation and fishing co exist. They can work hand in hand. Not one should dominate the other and there is no question that that's about to happen. There is no question that our fishing rights are to be taken away from us. The recent letter that the Minister refers to was sent to him by the Temperate Marine Conservation Branch of the Department and highlights that the program focuses on conservation and sustainable use of our marine resources. The identification of the areas for further assessment is about gathering and refining information on human uses and socio economic values in the marine environment. The work and assessment to be carried out will look at the biodiversity and ecosystems within various marine regions and Norfolk Island is part of the East Marine Region just as Minister Sheridan has described. What is happening here is a marine bioregional planning process. The reason they were identified was to aid further analysis of information and more detailed scale and assist in the design of new marine reserves. Public consultation assists in identifying potential social and economic impact that may occur with the establishment of marine reserves in these areas and how these impacts can be minimised. Public consultation. And I believe that we are open to honest and frank discussions on all issues now including this very important one of long term environmental management. The process suggested by the Department aims to ensure that conservation outcomes will be maximized while socio economic costs associated with the establishment of marine reserves are minimised. And I've heard people say, well they say that and the next thing you know these things are in place and all the control is taken away from us. Well that happens when you go to sleep at the wheel and I can assure you that as a representative of this community I will not be allowed to rest on this one. Neither will Mr Snell I'm sure, even though we sit on opposite sides clearly. The fact is that engagement with stakeholders will commence later this year, so yes, we are right to be vigilant and indeed this topic was raised by Madam Speaker with the Joint Standing Committee and the chair of the committee, Senator Louise Pratt is a West Australian and she has had a great deal of involvement with the development of Marine Reserves so that we raise the issue is certainly prudent, but to demand to have Norfolk Island removed from a research and planning process that seeks to ensure long term conservation of species and underwater land forms is not the right thing to do. I promised to sit here and represent my community with an open mind and that is what I intend to do. I promised to protect our natural environment and that is what I will do. Everything in my power to do that. I promised to support scientific research and the collection of data so that Government can make informed and evidence based decisions and that is what I will do. I understand that the Minister's statement was about Marine Reserves but I believe it is an appropriate time to recognise the work that the previous Minister Christopher Magri did, when he sat in this place in developing the Norfolk Island Fishery Management Policy 2009. It involved a mammoth amount of work with both the Federal Government and the local fishing body. Work that I believe still goes on in terms of the Fishing Association and the collection of annual data. I believe that the local fishing people are probably the most environmentally aware folk that you will come across. They self regulate within what is known as the box. They do it very well and they are recognised by AFMA. I understood Minister Nobbs was carrying out work on the potential commercial fishing licences for our local fishermen. I'm told by him that Minister Magri is still involved. Perhaps I should check with Minister Magri. My point with recognising previous work is that none of the existing arrangements will be removed. There will be no loss of control. Arrangements are either in place, they are covered by an existing Memorandum of

Understanding by both Governments or are being worked on in terms of commercial fishing licences. What is proposed under the East Marine Region is separate to all of that and we should not confuse or mix the two. Thank you Madam Speaker

MR NOBBS

Thank you Madam Speaker. A good rush of blood on this one I think. And this is good to see. It's an area where we are all having various concerns and issues that drive us on this. Just to be absolutely clear though, there was some inference about being misled. I made it very clear at yesterday's Members meeting that I would go down this path of a statement and that I would look at removing the motion to make it a better opportunity to discuss it given the basis that I'd had recent communication from the department and it's actually with reference to that communication from the Department that I now go to. Minister Sheridan has pointed out some of the benefits of being within the areas under assessment. I totally agree that there are certain benefits to proper management arrangements for these areas, recognising them for their contribution to the fisheries stock and the general strata of the area around Norfolk Island in particular, as we talk about the East Marine Region, however as I indicated yesterday and as has also been indicated in this letter which I've circulated to Members, there are management and environmental management aspects that form part of the Fisheries Management Policies and the Memorandum of Understanding. Keep in mind that, that was specifically worked on to ensure that those aspects were in there by the Fishing Association and by the Australian Fisheries Management Authority to ensure that what went on within the box was appropriate and environmentally sustainable. I'll just read one particular line from the paragraph that I read to you a moment ago, that acknowledges that and acknowledges the overlaying of one area of reserve over another area that is already covered by policy and this is quoted from the Department's letter. "Where possible new Commonwealth Marine Reserves should be determined in such a way that they avoid areas that are highly valued by industry and recreational users while ensuring good conservation outcomes, existing marine use management arrangements including the MOU which you refer to, are being considered as part of the planning process." To make it even more abundantly clear that what we're about is making sure that there is not an overlay over an overlay I'll just refer to the Joint Standing Committee that Mrs Ward referred to. When this was brought up in our discussion with the committee a senior Commonwealth officer made the particular comment, yes the assessment program had come out of left field and doesn't necessarily match the work that has gone on up to this point and in closing I am an environmentalist. I obviously want the best outcome for all areas whether it's the ocean or the land, talk the talk, walk the walk, have a look at the percentage or the ratio of area in this assessment that is overlaid over Norfolk Island versus the areas around Australia. Okay if you want to do that comparison, then we'll really start talking

MR SNELL

Thank you Madam Speaker, just to wrap up my comments I just hope that we're not so naïve in this that we can't see what is behind the closed door and to take into account that these waters were once all our waters and that's my greatest concern that we are losing control of it, it's another wedge that's been driven into us and I applaud any efforts that Mr Nobbs has in being able to take some firm stand on this that when any decisions are made they are made in consideration of what was once ours

SPEAKER

Thank you Mr Snell. If there is no further debate Honourable Members I'll put the question that the Statement be noted

QUESTION PUT  
AGREED

That Statement is so noted. Are there any further Statements of an official nature today.

## **SUSPENSION**

I'm mindful of the time. It's 1pm. Did you want to break for lunch Honourable Members until 2.30? Is that a nod all around. This House stands suspended until 2.30 this afternoon

## **RESUMPTION**

Good afternoon Honourable Members. We resume on the program

## **MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR – NO 11**

**SPEAKER** Honourable Members, I have received the following Message from the Office of the Administrator and it is Message No 11 advising that on the 17 May 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 Airport (Amendment) Act 2011 which is Act No 3 of 2011 and that message is dated the 17 May 2011 and signed Owen Walsh, Administrator

Honourable Members, I have to report that I have received the following letter from His Honour the Administrator dated 27 May 2011 and it reads –

Dear Madam Speaker

I write to advise you that I have today withheld assent to the Social Services (Amendment No 3) Bill 2010 (NI) ('the Bill'). You will recall that this Bill was passed by the Legislative Assembly as the Social Services (Amendment) Bill 2009 (NI). By speaker's amendment, the Bill was renamed as above. It was then referred to the federal Minister for instructions under section 21 of the Norfolk Island Act 1979 (Clth) as it made provision for matters specified in Schedule 3 of that Act. I received instructions from the federal Minister to withhold my assent to the Bill. Please find enclosed the message required by section 24(1) of the Norfolk Island Act 1979 (Clth) stating the reasons for the withholding of assent. Would you please arrange for the message to be tabled in the Legislative Assembly at its next meeting. And that letter is signed Owen Walsh.

## **MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR – NO 12**

So I will read the actual message which is Message No 12 and then I will read to you the reasons. On 27 May 2011, acting pursuant to subsection 21(6) of the Norfolk Island Act 1979, and in accordance with instructions from the Minister for Regional Australia, Regional Development and Local Government I withheld my assent to the following proposed law passed by the Norfolk Island Legislative Assembly, the Social Services (Amendment No 3) Bill 2010. The reasons for withholding assent are set out in the Minister's instructions, a copy of which is attached. That message is dated the 27th May 2011 and signed Owen Walsh, Administrator. I will now read the Minister's letter to you, the letter dated 24 May 2011 and signed Simon Crean, addressed to Mr Owen Walsh, Administrator of Norfolk Island, Office of the Administrator, Norfolk Island 2899.

Dear Administrator,

I refer to your formal request for my instructions on how you should deal with the Norfolk Island social Services (Amendment No 3) Bill 2010. As you know this Bill was an initiative of the previous Norfolk Island Government. Earlier versions of the Bill attracted critical comment from the relevant Australian Government portfolios,

particularly the Attorney-General's Department (Human Rights Branch), the Department of Families, Housing, community Services and Indigenous Affairs and the Department of Education, Employment and Workplace Relations the latest version of the Bill has amended or removed most of the contentious provisions identified in 2009. However, the Attorney-General's Department has drawn attention to some remaining issues and concerns. For example, it has pointed to inconsistencies in the mechanism for giving effect to the new definition of 'member of a couple'. An extract from the Department's advice is attached. The main points are set out below.

Although the Bill proposed to amend the definition of 'member of a couple' in accordance with previous advice from the Attorney-General's Department, the Bill would not properly incorporate the new definition into the Social Services Act 1980 (NI). The Act would still contain a number of references to 'spouse' without a corresponding reference to 'partner'.

The reference to 'prohibited relationship' in the Bill is not supported by a definition in the Social Services Act 1980 (NI) itself. That Act should adopt the definition contained in the Social Security Act 1991 (Clth).

Despite a previous recommendation from the Attorney-General's Department (in August 2009) the Bill does not address discriminatory provisions in the Social Services Act 1980 (NI) relating to eligibility for a "widowed persons benefit". Section 20 of the Act still directly discriminates against de facto couples and same sex couples. Such discriminatory provisions would be unacceptable in Commonwealth law.

Again contrary to a previous recommendation from the Australian Government, the Bill does not propose to remove the current discrimination in the definition of 'child' (affecting the children of same sex couples). The Act should adopt the definition of 'child' from the Family Law Act 1975 (Clth).

Given the flaws in the Bill and its failure to implement previous recommendations concerning the need to remove discriminatory provisions in the principal Act, I believe that assenting to the Bill would be contrary to the Australian Government's national interest in the Island's social security regime. I also do not consider that returning the Bill to the Legislative Assembly with recommended amendments would be a practical option. Circumstances on the Island have changed significantly since the Bill was passed and the current Legislative Assembly may well decide that more extensive amendments to the Social Services Act 1980 (NI) are needed. Closer alignment with the Commonwealth's social security arrangements may be worth consideration.

Therefore, after taking into account the advice I have received and in accordance with subsection 21(6) of the Norfolk Island Act 1979 (Clth) my instructions are that you withhold assent to the Social Services (Amendment No 3) Bill 2010 and in accordance with section 24 of the Norfolk Island Act 1979 (Clth) advise the speaker of the reasons for my decision.

I also ask you to encourage the Norfolk Island Government to consider what assistance it can provide to those Members of the community who are suffering hardship as a direct result of the Island's economic downturn but who may not qualify for benefits under the current social services regime. When reviewing the amendments proposed under the Social Services (Amendment No 3) Bill, the Norfolk Island Legislative Assembly may wish to look at options for expanding access to social welfare benefits and services.

Yours sincerely,  
Simon Crean

I look to Mr Sheridan who indicated that he wished to move a motion

MR SHERIDAN  
Message be noted

Thank you Madam Speaker may I ask that the

SPEAKER  
from His Honour the Administrator be noted

The question before us is that the message

MR SHERIDAN  
Thank you Madam Speaker. I won't say too much in regard to the non assent of the legislation . I would just like to point out exactly what the Social Services (Amendment No 3) Bill 2009 which was turned into 2010, actually contained. And whilst the letter that you have read out referred to in the main definitions, of a member of a couple, and this is what the main aim of this Bill was, to recognise members who were not in a paternal relationship, so same sex partners etc. We thought this Bill accomplished that. But it also reflected other areas that are of concern in the social service area and that was the increase of the ability for females to get the aged pension. It was raising it from 60 to 65 over a period of time such as Australia has done. It also changed the eligibility for that aged pension to a five year qualification period, but you had to have lived on Norfolk Island five years immediately prior to making that application. You had to be a resident. At this point in time it's ten years. It also corrected a couple of other areas in the invalid benefits area. It made some comment on medical examinations, information to beneficiaries and a couple of other minor areas, and in the schedule, there's a table there that changed where the Act referred to his or her, it changed it to his or/and her, so that it combined the two of them, or it turned it into they, and I see in here, his or her spouse, but there's also we had to omit spouse and turn it into partner, and this is what we were trying to achieve with same sex couple, is to get away from spouse, because that refers to a married relationship and refers to the partner of a relationship. Unfortunately and as has been pointed out by the Commonwealth there were obviously a couple of oversights in the Bill where they didn't properly consider certain parts of it. Like they say there's still a number of references to spouse without the corresponding reference to a partner. I believe that's just an oversight. The reference to a prohibited relationship within the Bill is not supported by definition in the Social Services Act. Madam Speaker I believe that the Commonwealth Marriage Act extends to Norfolk Island and surely that would detail what is a prohibited relationship and that should satisfy that concern. Then they go on talking about the widowed person's benefit which discriminates against de facto couple, same sex couples. Again that's a simple change because in that widowed person's benefit they refer to a spouse. Again I think that's an oversight. They hadn't changed that to partner, so I believe that they were simple changes that could have been made subsequent to the passing of this legislation. This was an attempt to bring our Social Services Act more in line with the Australian arena, with the aged benefit, we're talking about a lesser period for the qualifications for aged benefits, that in recognition of the long term residents of Norfolk Island who may have worked in Australia at some time. I've had people waiting for this to be assented to so that they may be eligible for a benefit. Now they're in limbo. We're going to have to readdress this, and when I say readdress it, we have to readdress it in view of the current Road Map that we're going down. Now the Social Services Act Commonwealth and the Medicare Act in the Road Map is, I believe planned to commence from 2012-2013 which is thirteen months away. This Bill took 14 months to assent to, or to come back to, so it makes one wonder whether or not we waste our resources or commit our resources to changing our Social Services Act when, in thirteen months time, you would bet your bottom dollar that the majority of the Social Services Act Commonwealth will apply to Norfolk Island. So it is a disappointment that the assent wasn't forthcoming and I believe the reasons given could have been easily overcome by a simple further amendment through the House but it has thrown us, it's put us

back really some eighteen months in our social services area, so thank you Madam Speaker. I would just like to point that out to the community

MRS WARD Thank you Madam Speaker I just support Minister Sheridan's words in that it is unfortunate in having to deal with the same sex marriage issue in Commonwealth law that it is leaving people in limbo here who have been waiting, to be eligible for an aged benefit having been resident for five years making their application and not ten, so that is unfortunate. Minister Sheridan mentioned about resources. This is obviously going to be a two Government workshop, if I could use that phrase to deal with this Bill. There's no point in our putting very limited resources in to just creating an amendment Bill. That's what Minister Crean has said, and I agree with that but again it's unfortunate. Thank you

SPEAKER Any further debate Honourable Members. There being no further debate I put that question, that the House take note of the message

QUESTION PUT  
AGREED

Thank you. That motion is so agreed to

#### **REPORTS FROM STANDING COMMITTEES**

SPEAKER We move now to Reports from Standing Committees and I have to report that I have received a letter addressed to me dated 27 May 2011 from the Minister for Tourism Industry & Development advising me of his resignation from the Public Accounts and Estimates Committee effective as of that date, being 27 May 2011

Tape 6

We move now to Message No 13 in relation to the Appropriation Bill 2011-2012

#### **MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 13**

I read the message, in accordance with the requirements of section 25 of the Norfolk Island Act 1979 I recommend to the Legislative Assembly the enactment of the proposed law entitled "An Act to authorise expenditure from the Public Account for the year ending on 30 June 2012" dated 27 May 2011 and signed Mr Owen Walsh, Administrator

Honourable Members we move on now to the first substantive matter on today's Program and we move now to Notice No 1

#### **NOTICES**

#### **APPROPRIATION BILL 2010-2011**

MR BUFFETT Thank you Madam Speaker I present the Appropriation Bill 2011-2012 and I move that the Bill be agreed to in principal and Madam Speaker I table the accompanying budget papers

SPEAKER Thank you Chief Minister. The question before the House is that the Bill be agreed to in principle



either already identified as being vacant or resignations received and therefore seen to be a vacancy coming up, in which there may be a saving in the vicinity of \$180-190,000 reflected in the year that we are addressing now. Overtime has endeavoured to be eliminated save for the unpredictable, such as emergency call outs, storms, power lines, Medivacs and the like. I have taken formal action to expand the bandwidth and assess the scope of hours within the Public Service. By broadening the bandwidth of work to between 5am and 10pm and this gives capacity to lessen the overtime bill and also express hours of work as up to a maximum of 75 hours per fortnight and this gives scope for a nine day fortnight. I've got to stress that this is homework at this stage to ensure that there is this provision if we are in fact compelled to do this. I do explain that as a Government we have tried not to undertake this at this moment recognising that many of the services provided are essential whether from electricity services, education services, mail services, airport operations, police and the like. The Administration is the largest employer on the island and the total pay package each fortnight is in the vicinity of \$320,000. that's excluding police and education, hospital and a couple of others in that particular category. The Administration pay packet. This means that each two weeks that sum is released into the community. It circulates funds. Curtailing the circulation of funds further to the already crisis point experienced elsewhere in the community by lack of circulation of funds is something that we have tried to avoid to date. But it does depend upon the capacity to pay, at the end of the day, and so depending upon the response from the Commonwealth we may, or we may not need to resort to a nine day fortnight. A nine day fortnight is not in the present budget that is in front of us. Continuing on the containment of costs in this budgetary period, the Chief Minister will return 10% of his salary to the public purse from the first pay in July whilst we experience the present financial difficulties. I've encouraged my Ministerial colleagues to do likewise and Members may equally give consideration to this measure. If we all make this contribution it will be a saving in a round figure of something like \$27,000 in the budgetary year. There are few provisions of new services in this present climate. Yet I do point to the allocation in Minister Sheridan's portfolio of \$79,000 for homecare for people who are in that situation and require assistance in their own homes. Again, a total expenditure of \$58.257m. Moving to income. Income is in three packages. Revenue from taxes, revenue from charges, revenue from other sources and I'll just briefly give examples throughout those three. Taxes. There's a total income there of \$10.548m and this grouping is led obviously by the major taxing resources GST. \$7.265m. Customs duty. \$1.022m. Gaming receipts \$725,000. Land title fees \$555,000. Just to select and give you examples from that grouping. The revenue from charges which is a much smaller group, has a total of \$456,000. We turn to the other revenue sources and there is a larger total here of \$38.271m and this grouping contains the major income component of the earlier mentioned GBE's. I earlier mentioned the expenditure and this is the income that they generate and just picking up a couple of them again. On the other side of the ledger for them, electricity \$3.690m, Norfolk Energy \$5.79m, Norfolk Telecom \$2.7m, Norfolk Air \$17.618m, the Liquor Bond \$3.406m. Continuing on there is a modest increase in imposts to increase income. They are these. An increase in spirit prices to a minimum of \$15 per bottle. I might say that this has already been implemented and it will be reflected in the year that we are addressing. Duty prices in customs duty and levies, duty increases from 10% to 12% on item 1 of schedule 1 of the Customs Act. You will note that, that then equates to the GST rate that is applied elsewhere. In terms of duty exemption of goods which presently is at the \$300 mark, is to be reduced to \$100. There's to be a 100% increase in duty for tobacco products and there is a change of a land transfer and business transaction levy from 3% to 4%. There are also changes in the mobile phone charges. In total, it's expected that there is an additional income to be raised by that grouping in the vicinity of \$620,000 so again, a total income of \$49.275. Now the hard bit. Projected budget deficit of

\$8.982m. This budget is predicated on the Commonwealth responding to our funding request. The need for Commonwealth funding in the year 2011-2012 has long been recognised by both Governments. Norfolk Island formally sought \$9m on the 6<sup>th</sup> May and there have been follow up requests of that letter. The Commonwealth has not yet responded to that request in a formal sense. On the 24<sup>th</sup> February 2011 the Commonwealth Minister for Finance issued the Commonwealth Finance Minister's Orders in respect of Norfolk Island and this requirement flowed from the Territories Law Reform Act of December 2010 and these orders set out a range of requirements to be met in preparation of this budget that is now tabled and one such requirement is to present with the budget a certificate from the Norfolk Island Minister who has responsibility in this area and the Chief Executive Officer of the Public Service in respect of a reasonable estimate as to income and a requirement to disclose information that may reflect upon the budget that has been presented. This certificate accompanies the documents today and it clearly states that this budget is not able to be implemented in its current form without Commonwealth funding input. There is presently a need to have Commonwealth agreement to fund if we are to have a budget and appropriation settled at our next sitting of the 22<sup>nd</sup> June. Concluding this overall presentation I mention that this budget has a number of firsts. It's the first we've erected under the requirements of the Commonwealth Finance Minister's Orders and I've just referred to those. It is the first that has required certification by the Minister and by the Chief Executive Officer. It is equally a first that identifies a deficit of the magnitude of \$8.982m. This budget isn't for finalisation today. It's for presentation. I introduce it and I give the explanations and parameters that I have just done. We have a further sitting on the 22<sup>nd</sup> June to attend to its finalisation. I commend all of this in its present form Madam Speaker

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

**MR SHERIDAN** Thank you Madam Speaker and I thank the Chief Minister for presenting the Appropriation Bill and giving a quick review of what is contained therewith. I would just like to say a few words in regard to the areas that I have responsibility for, and if I could just work through my areas commencing with Social Welfare. The area of social welfare is very important and I note that the budget for the financial year 2011/12 is some \$2,658,100 of which the majority has been allocated to social service benefits \$1.5m worth. This is the area where the aged benefit, etc is funded, it includes a Special Benefit for persons in the community who are in hardship and because of the slowness of the economy on Norfolk Island is finding it hard to pay their bills and put food on the table. This Special Benefit will support these persons. They is also a figure put aside for the low income special benefit, for persons who are unable to make sufficient income, there is the ability to receive a supplement to offset this. \$79,000 dollars has been allocated to fund the commencement of Home Care Services to our elderly residents who obtain a social services benefit, this service will allow our elderly residents to remain longer in their own home prior to seeking full time care, it will cater for areas such as basic home and garden maintenance to keep these areas safe by minimising safety hazards, domestic assistance to assist in areas such as general housekeeping, clothes washing etc, it will provide for some personnel care to a person who because of illness or frailty is unable to do certain things for themselves. This could include showering, dressings and domiciliary nursing; this service would in the main be undertaken by the district nurse. Other areas that will be offered is meals on wheels, which is already in place, and the ability to offer respite care. Of course, these services are restricted, they're not an open ended take. They are restricted to a limit and for personal care and domestic assistance it is limited to two hours per week for each service. Home and ground maintenance is restricted to 15 hours per year, with

respite care to 28 days per year. There of course will be a shared cost to this whereas the social service recipient pays a portion of the charge with social services picking up the rest. Further information can be obtained from the Social Services Officer of the Administration on 22001. Also in the social services area some \$850,000 has been allocated for HMA for expenses both off-shore and here on the Island. Monies have also been allocated to continue the service of the Child Welfare Officer who has been in the position for approximately eight months and has proven to be a very useful tool in this area. No additional monies have been allocated at this time to the Healthcare or Workers Compensation Scheme. Both schemes are budgeted to have a loss during the next financial and this will be addressed in some way after the receipt of the Actuarial Report and its recommendations. Both schemes have had to have subsidies from general revenue during this past year. The Norfolk Island Hospital Enterprise has been budgeted for a subsidy of some \$2,010,000. An increase of \$600,000 from last year. This has resulted from a budgeted forecast of a reduction of some \$300,000 income compounded by a forecast increase in expenditure of \$250,000. \$50,000 has been allocated to progress the new hospital planning. The Hospital Enterprise has struggled through this last financial year with it's cash flow, as the requirements for it's service has reduced. Bad debtors increased and extra unforeseen expenditure has resulted due to the illness of one of the doctors and the requirements to obtain locum services for many months. The fees and charges at the Hospital will be increased by 3.9% from the 1<sup>st</sup> July 2011 and it is expected that a further increase would apply from 1<sup>st</sup> July 2012. This is in line with the CPI increase over the past two years and I'd just like to clarify, when I say over the past two years, the question from Mr King earlier in questions, when we initially worked out the increase we looked at the last financial year or the financial year following the last increase was in 2009, so we looked at the 2009/2010 year and that increase was actually 3.9%. the following year after that we are coming to June, it would finish this month so we were unable to forecast the proper RPI movement for the last twelve months, because you can't do that for the next three months, so we didn't have a look at the period that were the last two financial year's that we could look at was June 2008 to June 2010 and the actual combined total of the movement was 6.97% or 7% and so the decision was made to utilise the 3.9% of the full year following the increase and then next year's increase hopefully will reflect this current twelve months. The figure that I gave of 7.8%, it was a doubling of the 3.9% where in actual fact, the two years that I really was talking about was the 6.97% so I just correct my answer to Mr King previously, that was the figure that I was thinking about at that time. The 3.9% increase at the 1<sup>st</sup> July reflects the twelve months following the last increase from 2009 to 2010. It was 3.9%. Just to clarify a point further, the Norfolk Island Hospital Director and the Advisory Board recommended against this increase but in an attempt to reduce the bottom line the Government has decided that this increase would go ahead. Now I make that comment because I do know that the staff at the Hospital and the Director, and the Advisory Board has copped a bit of flack over this increase but I just would like to point out, they recommended against it. It was a Government decision. It is pleasing to note that at this time no planned services have been removed or reduced and the community can expect the expert treatment that the Norfolk Island Hospital provides to continue. In the area of Health Building and Quarantine \$100,000 has been allocated for the continued program of the argentine ant eradication. This program has worked well this past six months, and it is the intention to continue monitoring through out the cooler months and to recommence baiting later this year. Some \$57,000 has been granted by Caring for our Country Fund by the Commonwealth for the next financial year, and this complements the \$100,000 that was allocated for this past year. The roads budget has been allocated \$826,800 of which \$520,000 has been allocated to materials. \$220,000 of these funds are required to repair Marsh Road going down to Ball Bay to ensure that this vital road is able to be utilised at all

times. Other areas for consideration for the roads program this year is Hibiscus Drive, of which had to been delayed this year due to financial difficulties, Prince Philip Drive, and possibly Bombora's Road. This is on top of the full time patching that continues to ensure that the roads are kept in a condition satisfactory to all road users. Well maybe not to all but to the majority. \$6,000 has been allocated to the area of emergency management so that these volunteers can continue to update and be trained in this important community area. \$25,000 has been allocated in the water assurance budget to allow for operating sufficiently. This is another item that had to be deleted from the last year's budget. One other item of note is the allocation of monies in the budget to produce a white paper on the subject of Strata Title for Norfolk Island. This matter has been raised but to ensure that we fully understand the implications and benefits of such legislation \$90,000 has been allocated for the research to be completed. With a budget deficient of \$8,982,000 this budget will really test the resolve of the Government in its drive to reduce expenditure but also in its attempts to improve the private sectors income of which flows into the Governments coffers and enables the Government to put in place services and systems that this community relies upon for its day to day needs. Thank you Madam Speaker

MR NOBBS Thank you Madam Speaker and thank you Chief Minister for presenting the Appropriation Bill to us. The areas I would like to talk about is just to cover in particular the Tourism area and just to highlight what has gone on in the past financial year and what we envisage moving into in the next financial year. Approximately 72% of the Bureau budget was dedicated to marketing direct and indirect marketing activities during the 2010-2011 financial year and it's worth noting that in this upcoming financial year approximately 84% of that Tourist Bureau, that's the \$1.6m figure that the Chief Minister spoke of earlier, 84% of that Tourist Bureau budget has been allocated to marketing. That's the direct and indirect. This has occurred despite no increase in the overall Tourist Bureau budget between the two years and is evidence of the improvement in the efficiency systems and processes in the administration and operation implement by the General Manager and his team throughout the current year. A significant component of this improvement has been the consolidation of the two previous offices, the Tourist Bureau and the Visitor Information Centre. One which had commercial rental expenditure which is now money that can be directly aligned to marketing spend and efficiency, and the Telecommunications and utilities expenditure of the Tourist Bureau, in some cases saving nearly 40% from the previous years through the consolidation and the improved management processes now employed within Norfolk Island Tourism. I mentioned earlier in the discussion today and particularly in questions, the proposal within this budget to make the charges associated with incoming tourism a little more attractive by reducing the departure tax and the passenger movement charges. The proposal in this budget is that the departure tax is removed altogether and the passenger movement charge becomes a \$25 first sector fee. It works out to 120 so you've got 40 and 20 in the spread. Just to give an indication on that, that particular change was certainly welcomed as a potential change for the budget in our discussion that I talked about earlier with Air New Zealand and of course with our other operators which are putting ticket sale deals in the marketplace, one of the things that has impacted on some of their sales has been the fact that perhaps they can throw a great airfare deal but it's then overridden by the taxes and arrangements that we have on the island in that regard so I see that certainly as a positive in our moving forward, particularly in tourism. The other areas that the Chief Minister referred to in terms of the slight increase in phone charges with regard to roaming, they are increases that still keep us with in the tolerance of what the accepted roaming charges are internationally, but they also then bring cash into the economy rather than just recirculating the existing cash and that's via the

tourism that comes here and use the roaming facility etc. within the Liquor Bond there is to be a reduction in the held stock threshold and as was earlier discussed there's also a minimum pricing that's applicable to spirits, and that doesn't just come out of looking at revenue, that comes out of looking at responsible sale of alcohol and that's an area of management as well. With regard to gaming in my portfolio area, the figure that is entered for gaming is one that in effect we've rationalized. There was quite a deal of optimism by the Gaming Director, in fact as most of the Members will realise, however we are going to work on the historic figures and that seems to indicate that we have a safer outcome if we worked at those figures. Lastly the Chief Minister spoke about the increase in duty and the reduction of the threshold from \$300 to \$100. I actually see that as something that will assist our retail sector and price sector on the island. It is certainly something that I bought up within Cabinet that within other areas a similar type tariff arrangements is in place that supports your local industry whereby at the current point, it is very easy to order things off the internet and bypass the local shops and there is then the penalty on the existing shops of a) coping with their expenses but there is also very little income that comes to the Government as a result of that.

However I will point out that in amongst all that, everyone would seem to expect to be able to order purchases off the internet but they would still expect the shop to be there so that they could drop in on any given day, so it's a balance that has to be recognised in moving forward with what we are doing at the moment. Thank you

Tape 6 ends

Tape 7

MR SNELL Thank you Madam Speaker I just would like to thank the Chief Minister for bringing the Appropriation Bill to us in such a form but it's been a difficult time, it's been a difficult time for the Legislative Assembly in coming together on this matter but I would like to just make some comment on the brief time I had to have a look at this. Earlier on today it was mentioned that there was a great deal of training being compiled and prepared for other services and I do again quote my personal interest in this matter but training for Fire Services Officers at the airport seems to have been not mentioned in this section for the budget, page 40, and I would ask that consideration be given for training and updating of Fire Service Officers if it hasn't already been included and I can't see it at this short time, that they be considered for upskilling, training and for updating of their services which is essential to the Island and if those responsible could take that on board, thank you

MRS WARD Thank you Madam Speaker. Thank you to the Chief Minister and I will say a few words at this time because I have faith that the Commonwealth will commit to continue to fund Norfolk Island however it does depend on their commitment that we can carry forward the Bill in its existing form on the 22<sup>nd</sup>. The Chief Minister has tabled an Appropriation Bill as he has pointed out, with a \$9m deficit and it's something that we've never seen before in our history, and for some Members this is a very uncomfortable moment. Norfolk Island community needs to understand what a \$9m deficit means. What it represents and what the benefits and ramifications will be and the Chief Minister should be encouraged by this House to use every tool at his disposal to provide the community with the information and assurances they need as we enter into this transitional period and work towards the implementation of reform contained within the Road Map. The Appropriation Bill itself is not unusual. It's about where the money from the public purse will be spent. The areas are the usual and they include the school, the tourist

bureau, KAVHA, the hospital, Banyan Park, Telecom, electricity and of course, the airline. It would however be pointless to single out the Appropriation Bill and speak to it in isolation and I will therefore speak to the budget as a whole and I'm referring to revenue, Commonwealth funding as well as expenditure. This time last year I said that it was a fair question to ask, where does the money go in terms of \$58m being budgeted for expenditure. The cost of running the airline is \$17m approximately. The school consumes over \$3m and the hospital over \$2m. the Tourist Bureau over \$1.5m and of course there is revenue, but it falls short by almost \$9m. the Chief Minister and the Minister for Tourism, have covered imposts, so I might come back to those at the next sitting. As for reducing costs and developing a more effective and efficient Public Service and creating a competitive economy, this Government and Legislative Assembly have committed to supporting a Commonwealth funded review of the public sector and Government Business Enterprises. The review will highlight our incapacity in many areas, but this we must face and implementation of recommendations must be tackled. It will only be then that the private sector will be satisfied that the foundations are being set in place where business is being put back into the hands of the business community. Then and only then can the Norfolk Island Government get back to the business of running Government. Setting regulation and taxation to ensure that our residents are cared for and provided with the services that they need. The Government may simply be in the business of providing infrastructure and environment for business to thrive. This Legislative Assembly understood twelve months ago that economic was stalling and we understood that to cut spending even further would not solve the problem but that it would prevent public sector dollars flowing into business and make the situation worse. Just as damaging would be if dollars had been cut in areas such as the Tourist Bureau. Marketing power would have been diminished even further and the business community would have suffered further. But out of every difficult situation comes opportunity and for Norfolk Island it is within the Road Map. It is contained within the reforms to be negotiated and ultimately implemented. We are fortunate to have a friend in Simon Crean and we very clearly have friends in the Joint Standing Committee who have recently visited the island and they are already speaking up and wanting to ensure that we are considered at every turn in the process. They are genuinely caring about our future. I wish to especially thank the Liberal Senator Alan Ferguson for his support of Norfolk Island over many years. The Senator is retiring this year. I guess the most important point for me to convey to the community today in light of a \$9m deficit budget is that if we want the Federal Government to continue to assist us, then we as a community must commit to supporting the implementation of change as it is assessed and realised and the feedback that I have received, the vast majority of people are ready for that change. Yes, some are unsure of what it might mean but they are willing to give it a go. I think that when this Assembly, if it does, support the Bill at the next sitting of the House, which will be the 22<sup>nd</sup> June, we will be taking a monumental step towards reform and I would like the community to understand that. I would like to close by using the words of a hard working local tradesman, who said to me last week, there will be winners and there will be losers and I plan to be with the winners. Thank you Mr Deputy Speaker

MS ADAMS

Thank you Mr Deputy Speaker, I just have one question and its really just for clarity from the Chief Minister. Chief Minister could you confirm for me that I did hear you say that the nine day fortnight, and a change to the bandwidth which has to happen under the Human Resources Policy, is not at this point in time being taken into account in the budget. Thank you. Because the consultation process, the statutory consultation process only concluded, am I correct, yesterday afternoon? With the Public Service Board. I just wanted clarity on that. I wasn't certain, so thank you

MR BUFFETT Thank you Mr Deputy Speaker. The process that I have referred to, I indicated to Members, was the process of doing homework. It was examining and going through the process to a) broaden the bandwidth from 5am to 10pm and to also make an adjustment in how the hours of work are expressed so that it can be up to or a maximum of 75 hours per fortnight. It doesn't say that at this minute. There is a process that one needs to go through, the Chief Executive Officer needs to go through, and I need to go through as the appropriate Minister and I have substantially gone through that process at this time. I am required to write to the Public Service Board, the Public Service Association. I have done both of those things and both of those bodies have responded to me. The time line I provided when I wrote to them was to let me have a response by the 31<sup>st</sup>. That is yesterday. Both have done so. They've not been evaluated at this time because they've just been received. One of them has just been received. The other one came a bit earlier and so that has taken place. Equally I have provided all of that information to all of the Members of this Legislative Assembly. Again another requirement. And then it comes to the Members in a formal motion and now that the first part has been undertaken I am then in a position to bring that to the House in terms of the second part, but having said and done all of that it is not in the budget. It's homework so that should we need to go there we therefore have the capacity to do so

MS ADAMS Thank you Mr Deputy Speaker, and thank you Chief Minister. That was all I was looking for, I was making sure that I had quite clearly heard that the budget at this time does not take into account the possibility that the Public Service may be required to move on to a nine day fortnight and bandwidth may change. I'm fully aware, thank you, for the rest of Members and the listening public, of what the process is. I'm fully aware of what the process is and it concluded yesterday afternoon. I did understand that. I just wanted to make sure for the listening public and all things going wonderfully well, who knows. It may never have to be brought into play so let's stay focused that, that may be the case. That our circumstances will change and change dramatically and quickly. Thank you

MR KING Thank you Mr Deputy Speaker. I'm not quite sure what I'm about to say. I'm trying to interpret some scrappy notes I've made here in front of me, so I too acknowledge the difficulty that has faced the Government in the compilation of the budget. I acknowledge the task ahead of them in seeking to address and deal with the \$9m shortfall. It's not normal practice of course to oppose supply and I wouldn't do that but I can't allow the opportunity to pass without making some comment in relation to some of the measures that are included in the budget, particularly being proposed as revenue items. But then my disappointment stems from a number of areas. Of course it's a budget which has been pared to the bone. In fact, worse than that. It's probably sucking out the marrow. There are no capital works or very little I think there was mention made of some nominal amount. That's not new to this year. That's been a component of the budgets for the last recent number of years and certainly a component of our annual budget which has been in decline since almost day one of self Government almost 32 years ago. At a point in time at which we used to contribute some 12-15% of our budget went towards capital expenditure. That has reduced in more recent years to zero. But I understand. I understand that the difficulty that we're in now... I don't like the idea that in turning away from capital works that perhaps it compromises things like occupational health and safety, the necessity to work with old and dilapidated equipment. The budget itself is not as it should be and that is, a reflection of significant Government policy and initiative. It is not that. Although I do applaud some of the components of initiatives that are in there. I very much applaud the initiative taken by Mr Sheridan in respect of home care. \$79,000 is not a great deal of money but hopefully it's a start

and it represents that the Government will commit to look at that and I do applaud that. Other initiatives for example, the \$90,000 initiative to develop a white paper on strata title. I wouldn't go near that, I don't believe that the demand is there, I don't believe it will do anything in the short or medium term to favourably impact on our economy but again I understand that the Government is the Government and they have the right to put their own policy stamp on these things but I reject it as being a necessary expenditure item. I'm terribly unhappy at the pressure that will be placed on families in respect of increases in electricity fuel, hospital charges by 3.9%, I thank Mr Sheridan for the clarification in respect of that. I'm trying to reconcile what he said with what Mr Buffett about having no need to increase fees and charges because the RPI only moved less than 1% over the past year and that in itself doesn't create any necessity to increase the fee unit so I'm trying to reconcile that against putting up hospital charges and fees by 3.9%. Not that I accept that the RPI has moved legitimately by only .7 of a percent, in fact, I reject that entirely because the jurisdictions that surround us, our major trading partners, their price indexes are up around the 3-3.5%. Ours have always been within 1.5% of theirs and all of a sudden 3.3 in Australia .71 in Norfolk Island. It just doesn't ring true but nevertheless, that's the tool that you've got to work with to adjust these things. Mr Deputy Speaker it is an honest budget. It's an honest depiction of our bare basic needs with a couple of exceptions to that. The \$90,000 strata title initiative. The \$35,000 slush fund. Nope. Withdraw that. Withdraw that. \$35,000 discretionary fund allocated to Mr Nobbs for his commerce and economic development portfolio responsibility. Given the history, the failure of the perpetual motion electricity motor, to manifest itself in Norfolk Island I don't think I would be giving \$35,000 for the Minister to develop skills which have shown no proven ability, but nevertheless, I'm not in the Government. Mr Deputy speaker even if the \$9m shortfall is provided by the Federal Government we understand I'm sure, but the community needs to understand that the expenditure is still pared to the bone. The nature of the expenditure. If we get the \$9m, the \$58m expenditure does not keep pace with surrounding inflation whether it's .7% or 3%. I suspect it's around about 3% which probably means given that it's about the same in constant dollar terms to last year; it probably lost about 3% of its real value. Given that it is the greatest economic contributor on the island, Government expenditure, and it's expected to be so, we are not putting back to the island in real terms the same amount as we did last year or this year that's closing. Even if we get the \$9m. There are a number of things that jump out at me in respect of the paperwork that's been given us and we've only had one day to have a look at it, and I have to confess that I didn't spend a great deal of time looking at it last night but there are a number of things that jump out at me. I understand that the budget is underpinned by a single industry in our economy and that is tourism, and the expectation I believe although the Chief Minister didn't make any specific comment in relation to it, the number of tourists which would equal what is projected this year ...

MR BUFFETT

24,500

MR KING

...and that is equal to what is projected this year, or does that suggest an increase. NO. Well I can accept that. I can accept that far more readily than the 7.5% upon which the budget for last year was predicated and a number of us said that at that particular time. I hope that it will increase of course, just as everyone does but understanding that where we're a single industry economy I can't reconcile and I know that there would be answers to these questions and I don't expect them to be provided now but I would reasonably expect, given the fact that we're a single industry economy that most things are relative to the state of the economy and the number of tourists that we get. I find inconsistencies like a 12% downturn in registration fees for vehicles yet a company fees budget which is going to go up by 12%. I find land title fees and there are obviously some explanation for

these I'm sure, but land title fees which are expected to increase by some 23%. All that is relative to tourism activity. Pasturage and dog fees and miniscule as it is, is down by 50% yet tanalith plant charges is up by 15%. Interestingly in the Liquor Bond area I note that it's proposed to put up the bottle of my malt whiskey. I don't quite know by how much because Mr Buffett didn't say by how much they were going up but nevertheless it is projected that there will be about an 8% fall in the Liquor Bond sales. How is that consistent with those...

MR BUFFETT

It's not meant to be attributed to Mr King

MR KING

That's right. It must be suspected that my intake will be decreasing and I can assure you that's not the plan at the moment. Philatelic sales down by 5%. Post office mail processing down by 15%. Just figures that jump out at me that don't seem to be consistent with a parity in economic activity. But as I conceded I'm sure that there are answers to those things. Some comment was made in respect of the staffing matters and I fully understand what has been said in relation to the measure proposed to be taken at this point in time subject to the completion of the consultation process in respect of the band width and a mechanism to allow a reduction in Public Service working hours if and when thought necessary. And I accept the Government's reluctance. I would not imagine this is something that would have been embarked upon lightly. I do recall the answer given in Questions Without Notice when it was asked of the Chief Minister what advice has been given in respect of the economic impact of such an action, and the answer was that no advice had been sought in that particular respect. Madam Speaker the Government's action in positioning itself to reduce Public Service work hours I believe sends out the wrong message. To me it seems to be a lack of complete understanding of this economic consequence of a reduction in Public Service working hours. We don't because we have a dearth of statistics and stuff by which we measure changes in our economy so no one really has a measure of the multiplier effect of the Public Service wage dollar but we do know that the Public Service is comprised largely of permanent members of our community. They are the ones who have homes, children to support. They are the ones who spend the greater part of their wage dollar in the retail and service sectors than any other less permanent or temporary groups of residents in the island. It's quite likely that there is anything up to a 3:1 economic multiplier effect as far as the Public Service wage dollar is concerned so if as a direct result of reduced Public Service wage hours, there is a saving of say \$1m in the public purse, or \$800,000 would probably be closer to the mark at 10%, is followed, then the downward impact on our economy would be somewhere in the area of \$2.5-3m. I would suggest, and I'm no economist, but I would suggest that is the last thing our economy would need and perhaps for some businesses, the last straw. I do understand however, the need over time to reduce the size of the Public Sector and I have some I think reasonably well developed personal ideas on the matter. They are not ideas and positions which have been adopted by my political group, Norfolk Labour, and I think what I'm about to say will upset a few of the rank and file Members but I'm prepared to run that risk and say that I think that the changes we are working through at present in respect of governance will result in a smaller Public Sector.. I see over time a Public Sector which deals with only core responsibilities, a Public Service which has removed itself from commercial activities in the island by divesting itself of most if not all business enterprises. Over time. Even though I'll cop a bit of flack I should be very quick to say that what I envisage is that this should occur over time with proper safeguards for jobs and with the preservation of the Public Sector as an attractive and satisfying area of employment. Not as an unhappy place where job security and job satisfaction are threatened by short term contracts and where there is no or little job satisfaction because of a lack of resources and perhaps poor political leadership and now of



Ministers Financial Orders will know that the CEO has a statutory responsibility to address various things and he has done that and I acknowledge and give him thanks for that, and he has been ably supported in a range of budgetary ways by the Deputy CEO and I value very much their participation. We next consider this matter on the 22<sup>nd</sup> June and so in that context I move that debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting

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

QUESTION PUT  
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

### **PROVIDENT ACCOUNT ACT 1958**

MR BUFFETT Madam Speaker I move that for the purposes of section 4A(1)(b) of the *Provident Account Act 1958*, the Legislative Assembly recommend that the Minister with responsibility for the *Provident Account Act 1958*, appoint Gary Dowling being a public service employee, to be the Deputy Official Trustee of the Provident Account. Madam Speaker I've given notice of this and Members will know its context. The Provident Account has provision for an official trustee and a deputy official trustee. The official trustee position is filled and that person has recommended that there be a deputy within the provisions of the legislation so that there might be this coverage to attend to matters in whatever context it needs to be. I should say that it's not up to the Minister to direct the trustee in any way, or the deputy trustee, but he has a responsibility for the appointment that I'm pursuing here. I recommend that Gary Dowling be appointed to the deputy official trustee position

SPEAKER Thank you Chief Minister. Is there any debate Honourable Members? There being no further debate I put the question that the motion be agreed to

QUESTION PUT  
AGREED

The ayes have it. The motion is so agreed

### **PLANNING ACT 2002 – ZONING FOR NORFOLK ISLAND HOSPITAL**

MR SHERIDAN Thank you Madam Speaker I move that in accordance with subsection 12(4) of the *Planning Act 2002*, this House resolve that the draft plan laid before this House being a proposed amendment of the Zoning Map which forms part of the Norfolk Island Plan (as amended), be approved; and that for the purposes of subsection 13(1) of the *Planning Act 2002* that the date of commencement of the approved plan be 10 June 2011.

The aim and intent of this Plan are:

- (a) To change the zoning of certain portions of land on Grassy Road which are, or have the potential to be, connected to the Water Assurance Scheme. These characteristics fit better with the Intent, Objectives and Guidelines of the Residential zone than the Rural Residential zone, hence the area is proposed to be rezoned as such.

- (b) To change the zoning of two portions recently purchased to cater for an expansion of the Norfolk Island Hospital, from Rural Residential to Special Use ("Hospital").

Madam Speaker, I'll just briefly read to this now. I don't know whether I need to table a copy of the Report on the Public Consultation but I will do that and I table that now. Madam Speaker this request for a variation to the NI Plan 2002 comes with two objectives as I have stated and I will address the easy one first and this is the proposal to rezone Portions 24b1 & 24k from Rural Residential to Special Use with the notation of "Hospital". This requirement has resulted from the recent purchase of these two portions by the Norfolk Island Hospital Enterprise for the construction of a new hospital for the community. Under the current development standards for Rural Residential the construction of a Hospital would be classified as prohibited. Developments such as the Hospital are restricted to be built on zones that are designated "Special Use", such as the portion that the hospital is located upon at this time.

Tape eight

To facilitate the construction of a new hospital it is proposed that the two new portions that have been purchased by rezoned to special use so as to make one large portion of land available for the use of the hospital. The other objective is the proposal to change the zoning of certain portions of land on Grassy Road from Rural Residential to Residential zone. This request came about from an enquiry from a resident who lives on Grassy Road, together with a letter from his lawyer who was representing this resident, outlining their request. It was pointed out that these portions of land at the bottom of Grassy Road fit the characteristics of the Intent, Objectives and Guidelines of the Residential zone rather than the Rural Residential zone, esp. the intent of the residential zone to locate the zone within or adjacent to the area covered by the Water Assurance Scheme so that existing services are utilised and the potential impacts on the environment of residential use or development are minimised, which is not a requirement of the Rural Residential zone. The Water Assurance Scheme runs to the top of Grassy Road and most of the houses located on this road are connected to the Water Assurance Scheme. The application to vary the Plan was published in the NI gazette on the 1<sup>st</sup> April and available for public inspection until the 29<sup>th</sup> April 2011. Letters were sent to all landowners as part of the public consultation process prior to this on 18<sup>th</sup> February 2011 and these are the landowners who have land in the area concerned. Only one submission was received and this queried whether or not the change of zone would increase rates. Currently land rates do not apply on Norfolk Island, so this query has no implications to the application. Interesting the proposed rezoning would have the following impact on the way that the land can be used and developed. Currently this land could be utilised for agriculture, a club, food premises, garden centre, forestry, licensed club, tourist facility with accommodation and multiple dwelling prohibited. Under the proposed zoning this would change to prohibited for agriculture, club, food premises, garden centre, forestry, licensed club, tourist facility but accommodation and multiple dwelling would be permissible with consent. The current use of the area is characterised by small portions for residential and tourist accommodation use. The current tourist accommodation houses in this area are the Bligh Court and Daydreamer Apartments. The Planning and Environment Board considered the rezoning on the 5<sup>th</sup> May 2011 and the Board had no objections to the proposal, as does the Planning Officer.

MRS WARD Thank you Madam Speaker I fully support the Minister in bringing this to the table and it's obviously been through all the processes. I'm just asking about the one submission. Minister Sheridan when the submission asked about an increase in rates, I wonder whether it's reasonable to assume that person would be referring to the Water Assurance Scheme because that area is covered by the scheme

MR SHERIDAN Thank you Madam Speaker no this landowner was actually offshore and he was talking about his absentee landowner rates which is not affected by the change in the zone

SPEAKER Thank you Minister. Is there any further debate Honourable Members? There being no further debate I put the question that the motion be agreed to

QUESTION PUT  
AGREED

The ayes have it. The motion is so agreed

**FINANCIAL STATEMENTS 2009/2010**

MR KING Thank you Madam Speaker I move that this House take note of the audited financial statements of the Administration for the period 2009/2010 as tabled by the Chief Minister at the last sitting of the House. Thank you Madam Speaker. I had anticipated that there would be little debate on the 2009-2010 financial accounts, simply because of the passage of time and I realise that since this Legislative Assembly was elected a great deal has been said and done in relation to our financial position. In fact a heck of a lot has happened in the eleven months since the 9-10 financial year closed. In that short space of time we have effectively accepted that we've crashed and burned. Many in the community and indeed in this House have turned 180 degrees from a position of denial to one of acceptance that our depleted public finances, or to use the Chief Minister words, our exhausted public finances. We've moved from an insistence that we can do it ourselves to a position that the only way forward was to join the Commonwealth financial arrangements. A belated decision of course since the writing certainly in my view has been on the wall for some time for those who wish to read it. There is a demonstrated reluctance on the part of this Legislative Assembly to revisit the past. A number of Members have said that quite emphatically, let's just get on with it. I understand and accept that there are Members around the table who don't want to go back over old ground. I suspect that it's embarrassing to have to revisit those earlier periods. Embarrassing for some former Members of the previous Legislative Assembly because they presided over the period covered by these financial statements, a period of duplicity of a kind never before visited upon the people of Norfolk Island and their either complicit or ignorant involvement must be...

MR BUFFETT Whoa, whoa, whoa Madam Speaker. I am taking a point of order indeed I am. He is talking about duplicity in terms of Members of the Legislative Assembly whether past or present, I put to you Madam Speaker that it has an inappropriate ring about it

SPEAKER I ask that you withdraw those words please Mr King

MR KING They are offensive?

SPEAKER They are offensive

MR KING I withdraw them. Let me say a period of perhaps poor...

SPEAKER Unreservedly please Mr King. Unreservedly withdrawn

MR KING Unreservedly? I withdraw the word duplicity. I restate my belief that it was a period perhaps of poor political performance and judgement of a kind never before visited upon the people of Norfolk Island. Madam Speaker I've said before that one cannot move forward unless you know where you've been and understand how you arrived there. I refuse to let history record that the financial accounts for the period of financial administration covered by these accounts, which brought the island and its economy to its knees, a period which in fact delivered the fatal blow to Norfolk Island's self Government. I will not accept that those accounts in that financial period never rated a word of debate in the people's House. We don't need these financial statements to tell us what we already know but they reflect most clearly the position of public finances left for this current Legislative

Assembly . They are the legacy of the 12<sup>th</sup> Legislative Assembly. This Assembly has come clean with the state of the public finances, thanks in part to Mr Anderson I guess didn't do anything special, he simply did his job and told the truth. He did what was expected of him. He didn't quibble. He didn't fudge the figures. I'm sure that if he were still Minister for Finance and if he were still trying to convince those around him of the hopelessness of our situation he would have delivered an in depth analysis of these financial accounts which would have clearly demonstrated the mess that we're in up to our necks. Around this time last year, perhaps a little earlier, but a few months before this particular period closed, the then Finance Minister was telling anyone who would listen and principally he had the ear and the full attention of the Legislative Assembly of the day and Mr Nobbs' Government and they listened in complete rapture as he told them as the year drew to a close that is, the year depicted in these accounts, that he was pleased and encouraged by the financial position and that the Government was in a continuing improving trend. In some respects things did actually improve in the year outlined in these accounts. The Government extracted some 24% more taxes in the 09-10 year than the year before which contributed to an increase of some 5% in consolidated revenue. I think that 23% increase in taxes came from an increase in GST depicted by the Government of the day. A movement of 3 points from 9 to 12 depicted by the Government as a 3% increase when in fact it was a 33% increase so nevertheless, during that period the Government still managed to blow another \$5m off the consolidated bottom line. Improving trends. Not by any stretch of the imagination but Mr Christian's Legislative Assembly colleagues picnicked on his every word. Even if Mr Christian was still in office I'm sure that he would say to his colleagues, nothing wrong here Madam Speaker we are in a strong position. In fact not necessarily during the 9-10 period but during his period as Finance Minister, posed to the community that strength could be established by reference to a division of the total net assets of the Administration by the number of people living on the island and came to the conclusion that we're each worth a couple of thousand bucks each so everything was hunky dory. Of course, arrant nonsense but the Chief Minister of the day of course, he didn't think so. Just over one year ago he was regarding the financial position of the island. Once again the financial position reflected in these accounts, as being solid and sustainable. Another trick of the Government of the day was to convince their colleagues, front bench or back bench that there was ample money in the bank and of course that trick can't be perpetrated any more because quite rightly trust funds such as advance travel money is now held separately as it should have been then. Of these 9-10 financial statements, if the deception of the former Government had continued the then Finance Minister might have gotten away with "we're okay, there's \$5.5m smackers in the bank and another 45m owing to us". But Madam Speaker if running true to form, you could have bet London to a brick that what he wouldn't have told you was that there was \$14.25m owing. Nor I fully expect, would he have mentioned that as at the 30<sup>th</sup> June 2010 our liquidity position, that is, our ability to pay our debts, had fallen for the sixth straight year in a row. It's clear from these financial accounts that the Nobbs' Government of the day continued spending with gay abandon like there was no tomorrow. No regard to a crashing fiscus and no regard to a long term decline in our economy. It's difficult to understand how supposedly mature and responsible community representatives could do as they did to the Norfolk Island community in the face of entrenched downward trends and regional and world economic decline. I recall with some incredulity the former Finance Minister's pronouncement that the global financial crises in its early days was not going to last long and by implication would have little or no effect on Norfolk Island. Perhaps it was that extraordinary baseless and ill considered forecast that gave the Legislative Assembly of the day false expectations. No one challenged or sought any explanation or basis for Mr Christian's astonishing prediction. We now know that much of the extraordinary capital expenditure which depleted public funds was spent

with little or no justification. We know now that a long term exemption could have been sought from Civil Aviation Safety Authority in respect of airport runway and safety works and instead the Government of that day decided in 2007 to embark on a project which went on and on and on and on without proper costings and with uncontrolled expenditure. The project continues at the southern end to this day. We now know that when we spent on two new shiny fire tenders millions of dollars, that there was in fact no requirement at all for service attendants at the airport for any flights other than those from New Zealand. One or two a week. We also know now that there was never any requirement to upgrade our fire tenders to maintain essential certification. We hear recently from Mr Nobbs that CASA required us to purchase these massive overkills. That of course is self serving bollocks and of course there is the magnificent edifice in Ferny Lane, affectionately known as the Lopra House which will stand forever as a monument to unnecessary, excessive and uncontrolled waste of public moneys. Uncontrolled to the extent that its cost blew out horrendously by hundreds of thousands of dollars. All this while our economy was going down the tube and funds could well have been put to far better use in restoring tourism numbers or education, environment and health areas. We know of course that the airline is our biggest financial burden. With the 2009-10 year a recorded loss of \$3.97m. Some eleven months into this current financial year that is now that figure neither startles us nor comforts us. We have grown used to large losses and we've come to accept that the airline operation requires subsidisation. We were able to do that for a few years in the public account but now that money is exhausted. Were we lulled into complacency? Many were. Certainly the former Legislative Assembly and Government were. Just three months out from the end of the 09-10 financial year as represented in these accounts, Mr Christian was forecasting an end to the big monthly losses and a yearly result which ultimately proved to be inaccurate by 30%. As far as the big monthly losses were concerned, well they never did end. They went on and on and on and on. Ad infinitum. Ad Nauseum. So did Mr Christian's colleagues challenge these predictions. No. They said not one word. The tabling of these accounts satisfies the statutory requirements for dealing with the accounts although of course a lot later than the law requires. I think September or something. We're now nearing the end of the 10-11 financial year and maybe in a few years time we will have presented to us another set of financial accounts. They will contain no surprises because it is now a new era of financial management and reporting. I hope that we'll never again see a period such as the period covered by these financial accounts when the Legislative Assembly and the community were treated so poorly and the truth so twisted and distorted and ignored. My difficulty is my inability to come to terms with the fact that some of those people remain in the Legislative Assembly to this day and are charged with leading us out of the difficulty in which they created. The financial statements will leave anyone who cares to read them with a clear understanding that there was no choice but to reach out to the Commonwealth for financial assistance. The fact that we reached the situation portrayed in the accounts is an indictment in my view of the system of Government that we've operated under for some thirty two years, and finally, let it be recorded for posterity that these financial accounts reflect the financial irresponsibility of a Government which left its successor with no capacity to redeem our economic position and a grossly weakened capacity to argue best case for its citizens. It was a Government which drove the final nail into the coffin of self Government as we know it. Thank you

MRS WARD

Thank you Madam Speaker, and thank you Mr King. The Norfolk Island community is a far better informed community thanks to the work of Mr King. Whether we like it or not, whether we want to accept what he points out or not, they are the facts. He is quite correct in saying that this is a legacy of the 12<sup>th</sup> Legislative Assembly and now the books are open and I think that

acknowledgement should go to Mr Anderson as well and also to the Chief Minister who demonstrates steely nerves every day understanding the big picture as he does and committing the community to the Road Map. The report which is the External Auditors Report deals with the finances at a time when this Legislative Assembly had been in place for three months, and it's taken a lot longer than usual, I think usual, to have them tabled in the House. The reason for the delay is now clearly obvious. The point that I would like to highlight, just one point, and that is a going concern. The Chief Minister very succinctly answered and spoke to this point as an answer to Question on Notice 193 this morning but I just point to it again. The going concern. Are we a going concern? Without the Commonwealth? No we are not. The point reads under Going Concerns, point 26 if anybody for anybody is interested to read the report, and I quote, "the Government of Norfolk Island has incurred substantial operating losses in the last two years". That is the life of the previous Legislative Assembly. I continue the quote. "This is principally due to the combination of ongoing losses generated by Norfolk Air and the general decline in tourist numbers. The Government of Norfolk Island has projected that the Administration will run out of free cash to meet its supplier and essential services obligations from June 2011 onwards. The potential deficit is estimated at \$1,773,000 at the end of June 2011. Overall the Administration will require \$3.942m injection in funds to meet both normal suppliers and outstanding contractual obligations. Subsequently the Government of Norfolk Island has sought financial assistance from the Commonwealth of Australia". I know we've sat here for many months now and highlighted this to the community but at budget time is probably a good time just to make sure that those who still don't understand get the message loud and clear. I highlight that one simple point because it does worry me that there are some people in the community who are still under the impression that everything's alright. Well as long as the Federal Government continue to assist us we are able to keep our head above water but that's all and Mr Anderson and Mr King have pointed that out previously in today's sitting. The bottom line is that we've been provided over \$5.5m already from Minister Crean and the Regional Department to survive. And it's only because of these funds that the external auditor was able to call the Administration of Norfolk Island a going concern. I need to stress that point. Clearly our Chief Minister is continuing discussions with the Federal Minister on the Road Map and the reforms contained within it and the extension of additional funding and I wish the Chief Minister well in Canberra whether its next week or the week after with his meeting with the Federal Minister Simon Crean. Thank you Madam Speaker

MR SNELL

Thank you Madam Speaker I hear what Mr King has said and so has the rest of the island. Mr King appears though to fail to see or accept what has happened elsewhere. Not only on Norfolk Island. Australia has a huge national debt which they hope to clear by 2012 -14. New Zealand is in a similar situation. They are cutting back on huge services. European countries such as Greece and Ireland are in huge financial crisis and require bailout by the International Monetary Fund. I reflect on what was achieved in the financial input by the 12<sup>th</sup> Legislative Assembly into the economy of Norfolk Island. They achieved a great deal. Criticised by Mr King on many occasion but I do believe honestly that it was put before us, the ramifications of such actions, together of course with what would happen if we didn't do what was done, and in particular I refer to the airline. We had to bail out the airline. Without the airline there would have been no tourists. There was over a million dollars owed in funds which had been not put into a trust by the previous operator. There would have been discontent within the tourism industry. We would have had no income or economy whatsoever so we had to take some action in that and to the best of our abilities we employed Econtech and others to give us advise. I wonder what would have happened had the Government of the day, closed shop and sat on the \$12m of consolidated revenue and not done anything. I think the

island would have been in a worse state than it is today. We've been battling with an economy on this island since 1979. There have been promises made to us by the Federal Government over those years that certain things would be done. They weren't done. The scrutiny on financial systems and the Public Service had to battle through areas where they had no expertise and so on. Mr King made reference to facts. Some of his facts are wrong. And in particular when he refers to, "there was no need for fire services" on flights other than air New Zealand. I would like to refer Mr King to a letter dated 2003 and it reads and refers to landing fees on Norfolk Island. It is addressed to a Mrs Kennedy in New Zealand but it refers to flights coming into Norfolk Island. "I refer to the following two matters which will have an impact on landing fees for regular passenger transport, RPT flights to Norfolk Island.

- . implementation of Civil Aviation Safety Regulations (CASA) 139H

- . the runway upgrade project

Firstly in regard to the amendments to 139H we have been advised that commencing the 1<sup>st</sup> May 2003 all regular passenger traffic flights must be covered by our Fire Services Unit. Clearly this will have a considerable impact on staffing and operational arrangements. These costs will be passed on to the airline on a cost recovery basis." And it goes on to say other things. This came from Graeme Donaldson who was Minister for Finance at the time. It was necessary in 2007-2008 for the Government of the day to have a look at the fire tenders at the airport as they were over 40 years old. They had to be replaced. Due to certain circumstances our supplier of fire tenders previous to that, that arrangement was discontinued where we used to get good second hand vehicles from services throughout Australia. That was withdrawn from Norfolk Island so we had to look at new fire tenders. We went around the world and we joined with the Australian Government in obtaining two fire tenders from Europe. The fire tenders were delivered here. They were an asset to the island and our insurer has complimented the previous Government on the purchase and the construction of the Fire Services Unit at the airport. It is an asset to this island and it will always be. Madam Speaker I take umbrage at the words of Mr King and I'm sure that those who are not here to defend themselves also take umbrage. Thank you Madam Speaker

MR SHERIDAN Thank you Madam Speaker I'll be very short and sweet but since we are reminiscing I thought it might be an appropriate time to consider the past finances of the Administration and as Mr Snell said, before the airline, before the Norfolk Island Government undertook the carriage of the airline, we usually did have between \$12m and \$14m sitting in revenue at the end of each financial year but circumstances led to the downturn of the economy and of course we've seen the last couple of years, those reserves dry up but I'm sure, Mr King, and he's made mentioned before, that our problems haven't just been as a result of the last Legislative Assembly or the last two or three years. They've been here since day dot I think Mr King's acknowledged from 1979, we've been going down that road of not managing our finances maybe as they should be and unfortunately they've caught up with us now. In paying out the last Finance Minister I don't think you can blame him alone. If we're going to reminisce we should think about past Minister's for Finance as well from previous Governments who maybe have contributed to the position that we're in now, and I believe we do have at least one, maybe two sitting around this table now and maybe they should share some of that burden as well

MR BUFFETT Madam Speaker, Mr King, thank you for this motion and for the contribution made and with others. I think we can probably relive yesterday for some considerable time if we chose to do that. I've got to say that we are now in the 13<sup>th</sup> Legislative Assembly and we have a significant task in front of us. My own focus is that we need to maintain the energy, to maintain the focus to move forward. We now have an entirely different scene. We have in terms of the budgetary

arrangements, because that's what this motion talks about, we have quite a different scene from that in the period mentioned here, for example, and we've mentioned them today, we have the Commonwealth Financial Ministers Orders which give another perspective as to how we need to bring the budgetary and accountability processes forward. There needs to be certification unlike other periods of time and there are strength and accountability processes. The budget that we've just presented today brings those things forward with them and we can see that the task is difficult ahead and if we're to tackle that difficult task ahead we need to give that task our energy and I encourage Members to do that instead of maybe trying to give significant strength to trying to relive yesterday. I have a motion to amend this motion, that this House take note and my amendment proposal is, and print, the audited financial statements. I make that proposal and we might then move forward onto some finality on this matter.

SPEAKER Thank you Chief Minister. That amendment has my agreement. The question before the House is that the amendment be considered if that is your wish. If it's not your wish to go there we will deal with the motion as amended, which has included the words, after the word "take note" the words "and print". Is that correct

MR BUFFETT Madam Speaker that's exactly as is

SPEAKER So the motion now reads, that this House note and print the audited financial statements of the Administration for the period 2009/2010 as tabled by the Chief Minister at the last sitting of the House. If there is no further debate I put...

MR KING Thank you Madam Speaker I wanted to say that I recognise the desire to move on as well. I understand the unwritten protocols that after a period of time you have to stop blaming former Governments and Legislative Assembly's for things, and given that a year has now passed, the period 2009-2010 is now closed for me. I've said what I've said for the purposes of recording my point of view for posterity and having said that, I'm happy to close and wish the Government well in moving forward

SPEAKER Any further debate Honourable Members before I put the question

QUESTION PUT  
AGREED

The ayes have it. The motion as amended is so agreed

### **ROAD TRAFFIC (AMENDMENT NO 3) BILL 2010**

We move now to Orders of the Day and we only have one under consideration today and that is the Road Traffic (Amendment No 3) Bill 2010 and we resume debate on the question that the Bill be agreed to in principle and Minister Sheridan you have the call to resume and I would ask the Deputy Speaker to take the Chair

MR SHERIDAN Thank you Madam Speaker I would just explain how I would like to proceed with this today and I would like to discuss the road traffic (amendment no 3) bill 2010 and I've got a detail stage amendment which I've circulated to everybody around this table. That detail stage amendment is a separate document and what I would like to do today is to proceed with the Road Traffic (Amendment No 3) Bill 2010 to the agreement in principle stage and when it comes to the detail stage I would like

to just table the detail stage amendment and on the next sitting on the 22<sup>nd</sup> June I would then move that detail stage amendment but I will have a consolidated Bill which incorporates the detail stage amendments into the amendment Bill as one document for ease of reference. I've been asked if this could happen, particularly for the purpose of the Clerk and the Speaker. Of course my intention is to go through the Bill clause by clause and there are something like 40 clauses so that gives the opportunity for Members around the table to vote on individual clauses, how they feel fit. If they don't agree with one ~ if we agree to the Bill as a whole, and you didn't agree with one portion of it, you might throw it out with the bathwater, and the rest of it that you did agree with, would go with it so if I could just proceed along those lines, get up to the in principle stage and then once everybody's had their say, then I would like to adjourn it. I'll table the detail stage amendment so it's on the table and then we all proceed with it on the 22<sup>nd</sup> June if that's to everybody's satisfaction

DEPUTY SPEAKER

Thank you Minister

MR SHERIDAN

Thank you Madam Speaker. It has been a long time since the introduction of the Road Traffic (Amendment No 3) Bill 2010 which was tabled some 6 months ago on the 1<sup>st</sup> December 2010. This time has been spent in working on amendments to the Bill of which I will as I said, discuss later after moving the detailed stage amendment. This time has also given the opportunity to the community to comment on the proposed changes and to date I have received approximately 12 letters from community members, and they're still coming in, I think everyone had one in their box at lunchtime today. Some people have even written in more than once. The underlying theme behind these letters is virtually reduced to a few items of which I will attempt to address. I will not read the explanatory memorandum into Hansard as this was done back in December. What I will attempt to do is address some of the concerns. Almost every letter received mentioned the intention of wearing a seatbelt and that it was not required on Norfolk Island, due to the slow speeds that are regulated on our roads, and the relaxed nature of Norfolk Island. A definition of seat belts is a "restraining belts fastened to the frame of automobiles, aircraft, or other vehicles, and strapped around the person occupying the seat in the car or plane, intended to prevent the person from being thrown forward or out of the vehicle in case of sudden deceleration." Whilst no actual statistics are kept on Norfolk Island in regard to the number of accidents and injuries sustained by people not wearing seatbelts, there is ample statistics on the number of accidents that occur on Norfolk Island and whether or not alcohol, speed or both were a contributing factor. During the period 2000-2009, a period of ten years there had been 357 accidents that have been recorded, some 85 involved alcohol, 118 speed with 65 involving both. 123 accidents involved neither alcohol nor speed. This means approx two thirds of the accidents over the past 10 years have involved both speed and alcohol. Statistics over a five year period has shown that approx 30% of accidents resulted in some type of injury. It is this statistic that the changes address in an attempt to reduce the level of injuries and to make driving safe. These letters that we have received, also compared Norfolk Island to other jurisdictions, such as the Cook Islands and their relaxed laws in regard to seatbelts, but upon viewing the statistics the Cook Islands come in 2<sup>nd</sup> to Eritrea in the countries with the highest traffic death rate with 45 deaths per 100,000. So I don't think the Cook Island's is a very good example. Other letters implored that the wearing of seatbelts be voluntary, with another stating that they don't wear seatbelts during daylight hours but at night and on weekends they belt-up due to the chance of coming across an intoxicated driver increases. I fail to see the logic in this reasoning. Either seatbelts make it safer for you to drive, or it doesn't. I will pinch a quote from a recent report that I have recently read in regard to seatbelts, and the quote is "The argument is simple. Seatbelts save lives and also reduce the severity of injury in those who survive motor

vehicle accidents. It is the responsibility of authorities to implement proven/researched established strategies that help save lives and mitigate injury and disability risk. Vehicle seat belt implementation should proceed as it will save lives and reduce morbidity. This argument alone should be sufficient." It is the responsibility of this Legislature to ensure that it provides rules and regulations for the better welfare of all of their community. This is one of the main reasons for introducing seatbelt legislation into Norfolk Island as occupant protection legislation lags behind all other Australian jurisdictions, and third party insurers have commented and I quote "the absence of a serious commitment to road safety will have a big impact on an underwriter's judgement. I believe that failure to accept facts which have been proven beyond doubt (driving under the influence or drugs or alcohol, use of seatbelts) will make it difficult if not impossible to obtain terms for an underwritten insurance scheme. Safety provisions should not only be contained in relevant legislation but also actively enforced". These issues are large in an insurance sense. The seatbelt legislation is written as three parts so it will be up to this House on whether drivers, passengers under 16 years old, or passengers 16 years old, or older is adapted. Another large concern by the feedback that was received was the introduction of a learners and provisional licences. I would just like to explain the procedure for the obtaining of a vehicle licence. At 15 years of age a person can apply for a learner's licence which will enable them to drive a motor cycle on a road up to a size of 185cc. This learner's licence is valid for 12 months, the Registrar may endorse the hours and the locations whence the driver may drive. An "L" plate sign must be displayed at the rear of the bike. At the age of 16 years a person may apply for a learners licence for a motor vehicle, which is valid for 12 months, with conditions attached but may after 3 months apply for a provisional licence, but not restricted to three months. This is because previously you got your learners and your motor vehicle, your licence was only valid for 3 months. If you weren't competent enough in that three month period to go for your licence you had to go down and renew your licence. We've made this that it's valid for twelve months but after three months, you can then go and get your provisions licence as long as you've done that three months, you've got nine months on the rest of your learners licence to make that happen. This would then enable the driver to hold a provisional licence which will be current for two years, be subject to restricted driving hours of between 6am – 10pm, carry not more than one passenger, not act as the licenced driver for a person with a drivers licence, not drive a vehicle that has been modified from the manufacturers specifications and also display a "P" plate. There are also requirements for a person who has an "L" or "P" licence that they cannot drive with an alcohol reading greater than zero. The requirements for display of these plates on the vehicle indicate licence status to other drivers, road users and to police for enforcement. After holding a provisional licence for two years a person could then apply for a full licence. These changes will enable the licensing system to be better structured to manage the risks faced by novice drivers. These risks being alcohol, speeding, mobile phones, peer passengers, inexperience. We know that not all drivers reach the same driving ability in the same time, so this legislation is drafted towards the lower end. All these are managed through penalties as laid down in legislation, and will give these drivers time to fully mature, gain experience and become a responsible road user. These requirements are for all new drivers whether they are 15, 16, 30 or 40 or 27 when I obtained my driver's licence. Another area of concern was the restriction for the carriage of persons on the back of a ute or truck. The actual requirement will be that no person under the age of five to travel on the back of a truck or a utility. These persons must be enclosed within the vehicle and securely fastened. The ability to carry persons over the age of five on the back of a ute or a truck will be limited to that they must be seated and the tray of the truck must have sides of at least 150mm. This was a compromise position reached in discussions in an attempt to ensure that persons cannot stand, sit on the side of the

tray etc. Again, it's all about safety. I am very mindful that this is one of Norfolk's traditions and I for one would not support a complete ban of this practice. The last area of concern by representation was the enforcement for push bike riders to wear helmets and the ability to penalise the parent of a child who did not conform. This requirement will be withdrawn from the Bill when I discuss the detail stage amendments but the requirement for a push bike helmet for all users will be discussed. Arguments have been raised that this requirement does not actually reduce the number of serious head injuries. It may prevent cuts and bruising but it has been reported that when compulsory bike helmets are enforced then there is a reduction in the number of bike riders, and the argument is, does the wearing of bike helmets outweigh the health benefits of bike riding. That's a matter for the House. I have an open mind to this part of the proposed legislation and will be led by the House on this issue. Other discussions points that have been raised is what is the magic behind prescribing a mini bus to be eleven up from eight seats, this definition better reflects the number of seats in a mini bus and also it clarifies the requirements of third party insurance by making reference to motor vehicles including minibuses as one class and buses as the other. Also why has there to be 4 levels of PCA which is the prescribed concentration of alcohol? This requirement has been recommended because at the moment there is only one class of PCA, which is the prescribed concentration alcohols, above .0. The 4 levels of PCA has been combined with penalties that increase the higher the PCA is. This will assist the courts in deciding as to what penalties should be applied in certain cases, also the penalties increase for second or subsequent convictions. These have been deliberately couched this way to deter driving whilst under the influence of alcohol and the penalties include cancellation of licence for a period of time. A lot of comment has been made that this legislation is only picking on the kids and that these kids will be targeted once these amendments are made. This legislation is not about picking on the kids but applies to one and all, no matter what the age. This legislation is about being responsible to the community members in who elected one self, by making sensible laws that make the community a better and safer place to live, work and play. The only persons who will be affected by these changes are the persons, who do not comply with road traffic laws and in doing so, place themselves at risk, their passengers, other road users and the community in which we live. I commend the Bill to the House.

MS ADAMS

Thank you Mr Deputy Speaker. I've come down on the floor because we are at the stage in discussion on this Bill on the motion that the Bill be agreed to in principal and that's the matter that we're debating and as I'm unable to do this from the chair, I've come down to the floor to say that I will not be able to support this Bill in principal as it currently stands, I cannot support it. In February last I did circulate to all Members detail stage amendments which I believe were circulated with the Notice Paper in April. I table those today so that they now are in the record. That opportunity hasn't been offered before and I'll just quickly read the memo that I wrote to Members along with them. I attach a detail stage amendment dated 27 February to the above Bill. The DSA gives effect to my firm belief that wearing of a seat belt should be by choice and not by compulsion; but that every passenger in a vehicle should be able to exercise that choice and wear a seat belt if they so choose. This legislation is driven by fear, and FEAR is an anachronism for False Evidence Appearing Real. My wearing a seat belt, my life, is my choice, not anybody's around this table. The DSA (1) removes the compulsion to wear a seat belt, and I've gone against my own beliefs with this in saying, unless under six years of age. Why six years and not five, or four, or three? And it was purely because I have taken the opportunity to speak to many parents. And whilst in theory they agree with what I was saying, there was a feeling that children under the age of six years, pre-school children, can be unpredictable in their actions and that school age children are more likely to respond to parental discipline. And so I'm taking into

account the views expressed to me by many mothers and the other detail stage amendment requires all motor vehicles other than motor cycles by 1 January 2012 be fitted with approved seat belts unless exempt by Regulations or are of a category defined in proposed new section 44G(6) in the detail stage amendment. At the moment the Bill is proposing to stagger safety. If seat belts become a fact in this community those people who have seatbelts in their cars now will commit an offence if they do not wear them immediately. If you do not have a seatbelt in your car you are given until 1 January to put one in so you are safe, some of you are safe if you don't have seat belts. You are safe until January. If you've got a seatbelt you must wear it now if this legislation comes in. I find that an absolute contradiction in terms. You are either unsafe now or you are safe now. You can't be both. You can't stagger across a period of time. I've looked at the detail stage amendments and thank you Minister Sheridan for sharing the proposal with us, and for taking into account some more concerns expressed on the back of trucks and there will be people out there who are going to be cross with me for saying what I'm going to say, but I have to say it, because it continues to demonstrate some lack of logic in this law. You can have children, it is proposed that children over the age of 5 can sit on the back of a truck provided there are sides. There is absolutely no requirement for them to be belted up by a seatbelt but if they are inside a car they have to be belted up. They've got more chance inside the car with a belt on if you go down that road then you have of sitting on the back of a truck that's had a truck with a huge semi trailer and you're booted off the back of the vehicle and I'll let the story there. You don't need much imagination for what I'm saying. I'll leave my case there. The point I'm making is that I cannot support the Bill in principle at this time and will vote no when that question is put. Thank you Mr Deputy Speaker

**MRS WARD** Thank you Madam Speaker I'm inclined at this stage to support this proposal. He is certainly aware that I will not be supporting certain clauses in the Bill but I don't think it's for me to be part of a, I don't want to attempt to delay this process any longer, that's what I'm trying to say. This issue has been debated not for months but for years, and even though I intend to represent those who are against further regulation in terms of the wearing of seatbelts, travelling on the back of trucks and pushbike helmets, even though Minister Sheridan has done a very good job of making me feel like a naughty schoolgirl, that I dare to represent those people, that's what I intend to do. But there are sensible amendments proposed within this Bill and so I would certainly support a move that the Bill be agreed to in principle today and understand that the detail stage amendments will be consolidated and so that when we do come to this Bill on the 22<sup>nd</sup> and we move through it clause by clause, it certainly will be easier for me certainly, and I'm sure for other Members and for Madam Speaker and so thank you very much

**MR SNELL** Thank you Madam Speaker. It gives me great difficulty in this Bill, principally because I think if we don't do something, it will be done for us and that really annoys me. As you probably know. I intend to not vote for the Bill in principal taking into account that there are areas of the Bill that I totally disagree with. Not so much the wearing of seatbelts, but bicycle helmets really annoys me and there are other areas within the proposed amendments that also I'm not in favour of and neither are a lot of my constituents who have voiced their concerns and I've taken on board the letters that have been written to me and I thank those people very much, because I have taken note of them, and I do agree with them. They are my concerns as well. But I'm also concerned at the possibility of this Road Traffic Act being foisted upon us in a manner and with more detail and more restrictions than is being proposed here this afternoon and I refer to the social services amendments. We thought that was a fait accompli and it certainly hasn't

been the case. It's an awkward one but at this point in time I will not support the motion in its current form.

MR NOBBS Thank you Madam Speaker, I intend to support the in principal so that we can see the full arrangements within the Bill. That doesn't mean that those full arrangements will carry through to finality. My reasoning for supporting Mr Sheridan on this is that I know that a considerable amount of work and consultation has gone into this, a considerable amount of evidence has been gathered. I too have certainly had my share of correspondence and I have to say that the majority of it is not necessarily supportive of the initial changes however I think some of those issues as Mr Sheridan has talked about in his explanatory memorandum and also as he has highlighted today, give him some view to some areas of the Bill that are in the amendments that he's proposing to combine and bring back to us on the 22<sup>nd</sup>. Thank you

MR BUFFETT Madam Speaker I just want to do up some words in terms of the process. The normal process for Bills is that it is introduced, and there is a general agreement in principal, that's the motion in principal which is where we are at, at this stage, comes forward and following that if that is agreed, there is the opportunity to work through a whole range of issues and debate them. Some of them may be acceptable and some of them may not be acceptable. We're talking about around the table in the House, some acceptable things, some not acceptable things, but we are not at the stage of debating each of those and if we knock this Bill out at the first stage then we're really knocking out any meaningful debate in terms of the process. If at the end of that process, talking about each of those items, Members are of a mind to be dissatisfied with the result they can vote against the Bill at the end of the time. I'm probably offering encouragement that these matters be given the opportunity to be talked through and then decide after that whether in fact you want the Bill or not and that's the way I'm going to vote on the matter today when we reach whatever stage we reach today.

SEPAKER Any further debate Honourable Members? The question before the House is that the Bill be agreed to in principle Honourable Members and in the absence of a motion to the contrary I put that question

#### QUESTION PUT

Madam Clerk could you please call the House

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

The result of voting Honourable Members, the Ayes seven, the noes two therefore the motion is so agreed.

We move now to the detail stage and I call on Minister Sheridan and I'm not going to ask that it be put aside, as I'm very much aware that you have detail stage amendments that you are proposing to table and then adjourn

MR SHERIDAN Thank you Madam Speaker if I could just table the detail stage amendment with the explanatory memorandum for the detail stage amendment. I won't talk to it today and that's on the understanding that when we come together in three weeks time I'll have consolidated both of those, the detail stage amendment into one Bill so that it will make proper sense and be less confusing and then we can go through the next part of the process so if no one else has anything to say, I'll move a motion to adjourn it to a later date of sitting

SPEAKER Thank you Minister Sheridan. The question before us now is that debate be adjourned and the resumption of debate made an Order of the Day for a later date of sitting and I'll put that question forthwith

QUESTION PUT  
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

**FIXING OF NEXT SITTING DAY**

MR ANDERSON Thank you Madam Speaker, I move that this House at its rising adjourn until Wednesday the 22<sup>nd</sup> June 2011 at 10 am

SPEAKER Thank you Mr Anderson. Any further debate Honourable Members? No debate. 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 Thank you Mrs Griffiths. Is there any 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 22<sup>nd</sup> June 2011 at 10.00 in the morning.

