



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
13TH NILA HANSARD – 6 JULY 2011**

SPEAKER Good morning Honourable Members, we commence with the Prayer of the Legislative Assembly

PRAYER

Almighty God we humbly beseech Thee to vouchsafe Thy blessing upon this House, direct and prosper our deliberations to the advancement of Thy glory and the true welfare of the people of Norfolk Island, Amen

LEAVE OF ABSENCE FOR MS ROBIN ADAMS JP MLA

DEPUTY SPEAKER Honourable Members we now seek leave of absence under Standing Order number 29 and I call on Mr Buffett.

MR BUFFETT Yes, Mr Deputy Speaker I seek leave for Ms Adams for this Sitting.

DEPUTY SPEAKER Honourable Members is leave granted? Thank you. Leave is so granted

CONDOLENCE

DEPUTY SPEAKER We move on to condolences. I call on Mrs Griffiths. Thank you Mr Deputy Speaker it is with regret that this House records the passing of Anthony Dennis Johnston, known to us all as Tony. Tony was born in Cheshire England in 1949. On leaving school he joined the Merchant Navy and on one of his voyages he journeyed to Sydney and there he met Maxine. He enjoyed an adventurous life travelling to Australia, returning to England, back to New Zealand, Australia and Norfolk Island in 1977, where he married Maxine. They had two children; Erica and Zane. Tony operated a number of small businesses over the years, including a pest control business, which he later continued in Sydney, he participated in a wide range of community activities and studied extensively, learning Japanese and French. 25 years ago Tony became a Christian and thereafter regularly attended and supported his church. He also undertook mission work with the homeless in Sydney; cooking and serving meals. Recently he was diagnosed with liver disease. Maxine needed to care for him in Sydney and this became full time as he became increasingly ill. In January he had a transplant and this sustained him over the last six months, Tony passed away in Sydney on the 26th of June 2011, aged 61 years. To Maxine, Zane, Erica and Khan, to his family and many friends, this House extends its deepest sympathy.

DEPUTY SPEAKER Thank you Mrs Griffiths, Honourable Members as a mark of respect to the memory of the deceased, I ask that all Members stand in silence please. Thank you Honourable Members, please be seated.

PETITIONS

DEPUTY SPEAKER I call on petitions. Presentation of petitions, are there any presentations of petitions this morning Honourable Members?

GIVING OF NOTICES

DEPUTY SPEAKER We proceed now to the giving of notices. Are there any notices please?

QUESTIONS WITHOUT NOTICE

DEPUTY SPEAKER There being no notices I move to questions without notice. Are there any questions without notice? Mrs Griffiths.

MRS GRIFFITHS Thank you Mr Deputy Speaker my first question is for Minister Nobbs. Minister what progress has been made with the Gaming prospectus.

MR NOBBS Thank you Mr Deputy Speaker and thank you Mrs Griffiths for the question. My understanding is that the final artworks and composition for the prospectus has finished for the print prospectus, as I've mentioned the online aspect has been demonstrated to members earlier and from that outcome, I would imagine that the prospectus is in print, or about to go to print I should say.

MR KING A supplementary if I may. I would like to ask the Minister what progress has been made in respect of the development of the Gaming website.

MR NOBBS Thank you Mr Deputy Speaker and thank you Mr King. What I was referring to at the start of that question was that those Members that attended the meeting sometime ago, were able to see the website production that had already been virtually finalised at that stage. As I understand it now, the website is up and operational. I think I gave the web address at some earlier meeting, but happy to provide that to members at some stage.

MRS WARD Thank you Mr Deputy Speaker a supplementary. Can the Minister advise the House the reason why in 11 years since Norfolk Island had become a licenced jurisdiction for Gaming that it has not been able to secure anymore than one significant tax paying gaming operator.

MR NOBBS Thank you Mr Deputy Speaker I'll take that question on notice although I do need to point out that with regard to tax paying, it's not the procedure of fees collected from gaming aren't specifically a taxing.

MRS WARD Thank you, but is it a fact, that it makes up the revenue for Norfolk Island?

MR NOBBS Certainly, there are charges associated with the gaming.

MRS GRIFFITHS Thank you Mr Deputy Speaker my question is again for Minister Nobbs. Minister what progress has been made in relation to Port and Landing Fees for Cruise Ships as well as packages for passengers who are on ships that did not land?

MR NOBBS Thank you Mr Deputy Speaker and thank you Mrs Griffiths. The landing fees had been quantified by the Executive Level of the Public Service in conjunction with Carnival Cruises and I have actually provided that figure at an earlier Sitting, for memory, it is somewhere in the vicinity of \$5000 on successful landing, there has also been work carried out by Executive Level of Public Service and Carnival with regard to unsuccessful landings and a fee charge for that, in keeping in mind, that Norfolk Island goes through a fair degree of preparation for the landing whether they land or not. I don't have that figure with me at the moment, but I understand that it is in the vicinity of \$2,500.

MR KING Thank you Mr Deputy Speaker. A question to the Minister for Tourism if I may. In the Minister's Memo to his fellow Member's dated the 4th of July, the Minister revealed that none of the strategic objective Tourism Strategies developed four years ago had been met. The Minister seeks to explain in that memo however that the work on the achievement of the objectives has never the less commenced. My question is, how is it then that in the passage of four years the Minister has not been able to monitor and report on expenditure and occupancy levels of visitors, which appears to be such a relatively minor task?

MR NOBBS Thank you Mr Deputy Speaker, thank you Mr King for the question. Within the memo that I sent out, I certainly pointed out that there are a number of areas that were commenced but not yet completed within the traffic light analysis presented by the General Manager for the Norfolk Island Government Tourist Bureau. With regard to the ability to collect data and report on accommodation and expenditure, I'm sorry Mr Deputy Speaker, I just need to...

MR KING ...The strategic objective was to monitor and report on expenditure and occupancy levels of visitors.

MR NOBBS Yes, Thank you Mr Deputy Speaker. That is done through the exit survey, so that data is collected and certainly within the objectives of the Strategic Plan to build a better database to understand demographics, expenditure, methodology for booking travel and satisfaction levels, that has certainly been collected and collated and that information is available, as I understand it, to industry.

MR KING A supplementary in clarification Mr Deputy Speaker. You are then saying that this objective has been met and therefore the report should indicate a green light, as having achieved that objective, the report that you have provided to Member's indicates an amber light, which suggests that the particular objective has not been met, as you have suggested.

MR NOBBS Thank you Mr Deputy Speaker, the Traffic Light analysis, as I have explained once or twice, is the General Manager of Tourism's analysis of the progression of the Norfolk Island five year Tourism Strategy. Within that he sees areas that are certainly commenced, but still have some room to complete their objectives within the five year Tourism Strategy.

MR KING Mr Deputy Speaker, I wonder how many supplementary questions I might be allowed in this instance. Could I make a suggestion to the Minister that he may care to table this since I have a number of questions in relation to it. But before he answers that question, could I ask him to answer this question, is the report, dated June 2011, the first analysis review done in respect of the strategy adopted four years ago?

MR NOBBS Thank you Mr Deputy Speaker, thank you Mr King for the question. As I had also reported to the House when this question was raised earlier, there have been a number of, I suppose reports, from the various General Manager's through the change over periods particularly leading up to 2010 where we had something in the vicinity of three change overs in General Management, and in each of those cases, an analysis was done on where the strategy sat and implementation ideas and budgetary proposals and the like.

MR KING Perhaps the Minister has misunderstood my question Mr Deputy Speaker. I asked a very clear question, I asked whether the June 2011 report that has been presented to Members was the first analysis and review of the Tourism Strategy, that was required by the Strategy to be done, is it the first that has been done in the four year period that the Strategy was developed. It's either a yes or no, I'm not trying to trap you, well I guess I am, but I really am interested to know whether in that four years we have bothered to monitor the strategic objectives. If you didn't do that, you might as well have not done the strategy in the first place.

MR NOBBS Thank you Mr Deputy Speaker and thank you Mr King for the question, it is quite relevant, and it is essential that when you put these plans in place that they are reviewed and where appropriate they are adapted where necessary too. From the commencement from the plan, there were certainly updates provided to the House by the then Tourism Minister, however I would need to review some of that documentation to see whether they were a formal review or just an ongoing update of implementation.

MR KING Well in an effort to tease it out just a little bit longer Mr Deputy Speaker, perhaps the Minister could tell me, what additional special interest activities have been developed, as required by the four year old Tourism Strategy?

MR NOBBS Thank you Mr Deputy Speaker, thank you Mr King. Perhaps if I was to refer you to Hansard for the last Sitting where I gave information with regard to Sponsorship and support through Norfolk Air, there has been a significant amount of Special Interest encouragement through both the Tourist Bureau and the Airline in events in cultural presentation and all sorts of things.

MRS WARD Thank you Mr Deputy Speaker, I'm afraid it is on the same subject. I thank the Minister for presenting the Traffic Light Document. In the last Sitting the Minister stated that there are a small number of these objectives that have been reached completion and then later on in the meeting he stated that perhaps a small number of areas have been completed. I understand the confusion of Mr King because there are no green lights to demonstrate that any areas have been completed. The Minister may like to clarify what has been completed and the other thing is that a number of stakeholders need to collaborate to finalise some of the issues within the strategy and what plans does the Minister have in place to bring those stakeholders online so to speak, into the fold, to have this strategy reach completion?

DEPUTY SPEAKER Mrs Ward you are asking an opinion, but Minister you have...

MRS WARD I am asking what plans are in place and what has been completed.

MR NOBBS There is a simple answer to that Mr Deputy Speaker, and that is the clear intention that I gave by placing a President from both the Chamber of Commerce and the ATA, was to provide the engagement within the accommodation and tourism areas and retail areas. I've not only spoken to the new Board Members about the review of the strategy upon their commencement, I've also joined them in their Board Meetings and I've subsequently also put it in writing to the Chairman of the Board that the review of the Strategy and the commencement or the building of a further three year strategy which as I've said earlier, I'm terming it Recovery Strategy, needs to have the endorsement and the sign off and the commitment from each of the areas. In effect within that new strategy will be areas that are specifically developed to recognise some of the issues in the retail sector, in the accommodation sector, in the touring sector, in the broad tourism areas for Norfolk Island. And those areas of the strategy will be developed in conjunction with, for example, for the ATA and the Chamber of Commerce, so they have ownership of it, and they are then committed to the changes and they then become realistic changes that we all work towards.

MRS GRIFFITHS Thank you Mr Deputy Speaker my question is for the Chief Minister, Chief Minister in your recent press release, you stated that during your recent visit to Canberra, you chaired a meeting of the KAVHA Board and this meeting focussed on the KAVHA budget, was the KAVHA Governance Review discussed at all and what does the Board intend to do with this review?

MR BUFFETT Mr Deputy Speaker, thank you, thank you Mrs Griffiths for the question. The governance review was not a feature of the meeting that Mrs Griffiths referred to, the Board has earlier taken a view that that is a decision to be taken between the two Governments and then reflected to the Board in terms of whatever that decision is. There is not been substantive discussion between the two Governments to bring that to finality at this time, although it is something that is imminent, given that some decisions to need to be made about how things are handled in the KAVHA area in the longer term. Thank you.

MRS WARD Thank you Mr Deputy Speaker, my question is for the Chief Minister. The Road Map Submission responses have revealed that 87% of the community either fully support or are unsure and needed more information on the question of governance reform. Has the Norfolk Island Government decided on a preferred model of self-government and what will the Norfolk Island Government be doing to inform the community of its preferred option?

MR BUFFETT Mr Deputy Speaker thank you to Mrs Ward for that, I have a statement to make on that when statement comes I will do so.

MR KING Perhaps I could ask a question of a supplementary nature which maybe also addressed perhaps in the Chief Minister's statement, nevertheless I am keen to understand Mr Deputy Speaker what considerations have been given by the Government by its apparent decision under the Road Map implementation to retain local GST ahead of participation in the Federal GST?

MR BUFFETT I can address that maybe at this time. There has not been significant to-ing and fro-ing on that matter. Earlier indications by the Commonwealth have been that they would not necessarily wish us to relinquish the

GST. I said that the Commonwealth have indicated to us that they have not necessarily, certainly not at this time, asking us to relinquish the GST in Norfolk Island. That is about the extent of the discussion at this time.

MR KING A supplementary. So Chief Minister are you saying then that such a decision has not been made to retain our GST ahead of participation in the Federal GST?

MR BUFFETT No I am saying that there has not been a move to disturb what exists.

MR KING Right, perhaps I will reframe my question. Has any consideration been given to discontinue in the local GST in favour of participation in the Federal Scheme, which does not tax food and which makes equitable adjustments through its income tax system in which we are to participate for low income earners who experience a greater impact from the payment of GST.

MR BUFFETT Madam Speaker as I mentioned, there has been no discussion with the Commonwealth apart from that that I've said.

MR KING Thank you, that is helpful.

MRS GRIFFITHS Thank you Mr Deputy Speaker, my question is again for the Chief Minister. Chief Minister what progress has been made for the Census which is scheduled to take place on August 9th?

MR BUFFETT I have a statement on that also Mr Deputy Speaker, I'll elaborate that then.

MR KING Perhaps another in respect to the Road Map implementation. Which I accept may be covered in the Chief Minister's statement, but nevertheless I ask it now. Chief Minister what advice was sought and given in relation to the ability to the Federal Immigration system to support a separate permit system, entry permit system for Norfolk Island?

MR BUFFETT Mr Deputy Speaker, the discussions at this time have not totally sorted out the matter of Immigration. Certainly the Road Map indicates that we should migrate to the Australian overview system, and that is the way we are heading at this moment. However it is equally said that there needs to be in place, other population mechanisms and controls. It is thought at this time, it may be exercised by Planning and the like. Some initial studies have been done, not conclusive at this time, to be able to demonstrate that that is the case, and these need to be demonstrated before the full migration can take place.

MR KING I'm sorry, a supplementary Mr Deputy Speaker. To the Chief Minister, has it been demonstrated that the Federal Immigration System can support a separate entry permit system for Norfolk Island?

MR BUFFETT We don't know that yet, but that is part of the consideration. It may well be that under the wider Australian Immigration Scheme there is still some permit or population arrangements that may be exercised locally. That is not been discussed to its finality at this time, but will need to be part of the debate in respect of how we migrate the Australian Immigration System to Norfolk Island.

MR KING Mr Deputy Speaker a paper circulated to Members of the Assembly during the week, I understand circulated by the Chief Minister, includes the words, "a local permit regime can co-exist with the Federal Immigration Regime when extended to Norfolk Island". Is that not a definitive statement saying that the Federal System will support a local permit regime? I'm not sure if the Chief Minister is the author of this document or not, but he may care to answer or elaborate to some extent.

MR BUFFETT Yes, Mr King is referring to a document that I will refer to in the Statement. He is really wanting to pluck something out of the air and have a separate discussion upon that, I think it is better that I stick to what I said at the beginning, that I'll cover it by a statement, and we can talk about in the context of that.

MR KING It is a substantive question. It is in respect to the Road Map again, and once again I would accept the Chief Minister's undertaking to cover this issue in his Statement. Can the Chief Minister inform the House of any knowledge he has or conclusions he has reached in relation to an alternative Roadmap, it's purpose and content and it's addressee which has apparently been produced by or for a local businessman?

MR BUFFETT Mr Deputy Speaker, it is quite clear that the Roadmap that the Norfolk Island Government has promoted and published and put about, I'm not too sure I'm going to be lead into making comments about somebody else's.

MRS WARD Thank you Mr Deputy Speaker my question is to the Chief Minister. Can the Chief Minister assure the community that reasonable steps have been taken by a proposed employer or an applicant that no person ordinarily resident in Norfolk Island is being employed under the TEP status? Sorry, I will repeat that question. It refers to people entering Norfolk Island under a TEP status for employment and the question is whether the Chief Minister is satisfied that the authorised officer is carrying out his role under the immigration Policy and Guidelines in respect to the Employment of ordinarily resident persons before that of a Temporary Entry Permit and is he satisfied that reasonable steps are being taken by the proposed Employer of the applicant under the dot point in the Policy and Guidelines?

MR BUFFETT Thank you Mr Deputy Speaker, I think Mrs Ward is really asking me whether residents here are given first preference. There is a process under the immigration arrangement for jobs to be advertised and for there to be an evaluation as to what the local market may be able to bring to a particular task, given the particular expertise of all of those who are involved, that I understand is being carried out. I know there is some controversy about how some of the advertisements are phrased, for example, TEP Renewal mentioned, and I had thought that maybe some of that had been sorted out, but maybe you are referring me to something that maybe in existence and I am happy to pursue that, but there is that process and I understand it is taking place.

MRS GRIFFITHS Thank you, my question is for the Chief Minister. Can the Chief Minister advise where the Commonwealth is up to with the Public Service Review?

MR BUFFETT Mr Deputy Speaker, I had a document come to me this morning I think, I just don't have it in front of me, but I'll just try and wing it to

let you know what is around, you will know that we have been involved in encouraging the Commonwealth to undertake this review. They have given us time lines, and if I remember this correctly, the time line for final delivery is something like September of this year. The time frame to engage, is by the end of this week, if I remember that detail correctly, the word from the Commonwealth this morning, is that they are on target in terms of that and they did give me a date when they expected the group to have first visit to the Island. I think it is within a fortnight, and I'm rather guessing and I will just have to circulate that information to you but I do have a prospective date for that. This morning.

MR KING Thank you Mr Deputy Speaker, a question for the Chief Minister. Can the Chief Minister advise whether there are staffing and cost implications for the Administration associated with the operation of the organisation known as CIRCA?

MR BUFFETT I think I will refer that to one of my Ministerial colleagues who handles the CIRCA matter, he will probably have chapter and verse about that if that is okay?

MR NOBBS Certainly, thank you Mr Deputy Speaker and thank you Chief Minister and thank you Mr King for the question. What occurs in the CIRCA office is that the member of the Public Service who is the Tourism Officer, is quite often carrying out his normal Tourism Officer work while manning the desk and enabling the front doors to be open for those people that would like to pick up any of the written resource or seek any assistance in terms of charges either way, CIRCA doesn't charge for the access in the centre of town and as a result the Administration doesn't charge for having their officer in the office attending to their public service work.

MR KING Thank you Mr Deputy Speaker Minister I understand this is not in your portfolio of executive responsibilities, I understand that you are answering as a Chairperson or a officer bearer of CIRCA, I'm not quite sure Mr Deputy Speaker whether it is appropriate if he have the call in relation to these questions, but is the Minister saying that there is no impact on the substantive office of Tourism Officer, which is funded by the public purse and if he is saying that, how can that possibly be so.

MR NOBBS Delighted to answer this question Mr Deputy Speaker. There is a positive impact from the Tourism Officer being in the centre of town, it has been a process that the Tourism Officer and certainly previous CEO's have looked towards to enhance the accessibility of the Tourism Officer for the accommodation industry in particular.

MR KING One last supplementary, in an effort to obtain a succinct answer, let me put a succinct question. Is it not a fact, that someone pursuing or undertaking a substantive position in the public service who is called upon during the performance of that work, to act in another capacity outside of that office, does that not indicate that there must be an impact on that substantive position within the public service and therefore a cost factor?

MR NOBBS Thank you Mr Deputy Speaker, thank you Mr King. This has been assessed by of course the CEO of the public service to ensure that there was no such negative impact, the work within CIRCA itself as a person at the desk is minimal. If I was to tell you how many hours would be particularly driven towards CIRCA in an average week, it would probably be one, it is an assistance to

the community, the community generally has the ability to pick the print resource themselves.

MRS GRIFFITHS My one was a supplementary Mr Deputy Speaker. Where is CIRCA located now?

MR NOBBS Thank you Mrs Griffiths, CIRCA now, following the unfortunate demise of our previous office, has relocated to what was the Menswear Shop, directly opposite Borry's, so for those members of the community who would like any resource, such as budgeting resource, or information to do with grants and other assistances, they can certainly find it in there.

MR BUFFETT Mr Deputy Speaker if I may, I had a question earlier about the Public Service Review and I said I would try and rely on my memory. I now have the date I can provide, if you are willing to hear it now? The team will be arriving on July the 18th, Mr Deputy Speaker, so that just gives clarity to that. The earlier date that I was mentioning in terms of expectation of their final review and final report was mentioned as the 25th of September, I have no advice that that is changed, so we have in a couple of weeks a visit and a prospective concluding date if that is useful.

MRS GRIFFITHS A supplementary, thank you Mr Deputy Speaker, Chief Minister do you have the number and the names of the delegation?

MR BUFFETT I don't have that detail at this time. As soon as I have I will circulate it.

MRS WARD Thank you Mr Deputy Speaker my question is to Minister Sheridan responsible for environment. The question refers to the proposed pit burner at the waste management centre, currently on public display, can the Minister confirm that only clean timber will be burnt in the pit and will the Minister also define the term, temporary, which is within the development application document.

MR SHERIDAN Thank you Mr Deputy Speaker and Mrs Ward. Yes the paperwork that is associated with the high temperature pit incinerator clearly identifies that the only wood, that is natural wood, would be disposed of in there. Tanalised treated wood, I think the report identifies that it is not suitable to be disposed of in there, I can only go off what is in that report there, Mr Deputy Speaker, and temporary. Temporary Mr Deputy Speaker could mean a few years, it is really designed around us coming to an agreement on what is a long term solution for Norfolk's disposal of waste, so it could be there for sometime, but it is not planned to be there permanently.

MRS WARD Thank you Mr Deputy Speaker would the Minister explain to the community the Governments policy decision in why it is decided that timber is better burnt in a built up area at the Waste Management Centre, rather than at Headstone?

MR SHERIDAN Thank you Mr Deputy Speaker, I don't believe I said that it is a better proposal to burn it in a built up area, than out at Headstone, what I did say was that the report identified that tanalised timber would not be burnt in the high temperature pit incinerator. How we dispose of it, is another matter we have to come to grips with.

MRS WARD I'm only referring to the Minister's statement, and he may like to clarify for the community, was his move very strongly to have disposal of waste and burning removed from the Headstone area.

MR SHERIDAN That is exactly right Mr Deputy Speaker, that is exactly right. That's the intent of this project, it is to remove and to cease burning out of Headstone altogether.

MRS WARD Can the Minister clarify for the community the Government's reasons for that? Why they see that in town is a preferred option to Headstone?

MR SHERIDAN Mr Deputy Speaker, it was decided to co-locate it with the Waste Management Centre for a number of reasons and the main reason is because it is a Waste Management Centre, ok so it is located, you might say, in the middle of the Island, but it would mean less costs for the transportation of the waste, hours reduced in the handling of the waste that the Island community generates. In that aspect, and also Mr Deputy Speaker, we wanted to get rid of burning out of the Headstone area altogether because there has been such a demand from the community for the Government to clean up that area and the main way to do that, is to cease burning out at Headstone altogether, so the alternative is to burn the material where it is deposited. Less handling, save money, less fuel and you get a better return, you might say, of the employment of the personnel who are employed at the Waste Management Centre in processing everything within the confines of the Waste Management Centre, so that was the thought behind the decision to identify that the waste, the high temperature pit incinerator would be co-located with the Waste Management Centre.

MR KING Thank you Mr Deputy Speaker a question for the Minister for Community Service if I may. Minister in light of the proposed increases in taxes on tobacco and the Minister's stated desire to pursue health measures in relation to tobacco consumption, is the Minister planning to introduce legislation to limit point of sale cigarette advertising consistent with other Australian jurisdiction.

MR SHERIDAN Thank you Mr Deputy Speaker, no I haven't turned my mind to limiting the advertising of point of sale on cigarette's, no I haven't turned my mind to that at all. If Mr King would like me to, I suppose I could.

MR KING Yes Mr Deputy Speaker, Minister in the light of your statement in relation to having attaching a health aspect to the increase in cigarette taxes, or taxes on tobacco, can you detail any legislative or administrative measures that you have planned for targeting a reduction in tobacco consumption.

MR SHERIDAN Thank you Mr Deputy Speaker the only planned, I don't want to say policy, planned activity that I have instigated is with the Director of the Norfolk Island Hospital, and that is to introduce a quit smoking program, and that is to enable people who wish to give up smoking to be able to access the patches and other methods of encouraging them to stop smoking that they be made available to the community at a better price than that is currently available at the Hospital at this point in time. The Hospital Director is on leave for two weeks and he has indicated to me that they could sell those at cost to the community but the cost of those materials is still quite high, and I would like to have some discussions with him and with the CEO of the service to see whether or not we could provide these free of charge and what the impact on the budget would be. I don't think it would be too

much and that is my hope that we could provide those things free of charge for people who wish to give up smoking.

MRS WARD I have a question for Minister Sheridan. Would the Minister explain why the Obstetric service is not available on Island and what is being done by the Norfolk Island Government, the Director of the Hospital to ensure the birthing of children can take place on the island into the future?

MR SHERIDAN Thank you Mr Deputy Speaker, yes the situation at the Hospital at the moment whereas we can't provide the service for the delivery of babies has unfortunately come about by, we had one Doctor leave at the end of his term and then unfortunately our Doctor who was a GP Surgeon unfortunately fell ill, he was supposed to be off Island for treatment for a couple of months, but he had complications and he therefore most probably won't be back at work at the minimum, for six months, and it could be possibly 12 months, this has meant that the Hospital has had to source locums to fill these gaps. Unfortunately it hasn't been possible to find Doctor's with the suitable qualifications to enable the Hospital to provide the service of birthing at the Hospital. Of course, whilst the Doctor might be qualified in Obstetrics and can deliver a baby, if there are complications and they need an emergency caesar, etc, you need a Doctor qualified to undertake that task, and also you do need an anaesthetist to undertake and to assist in the surgery. So unfortunately we haven't been able to get that combination of Doctor's on the Island, so it is unfortunate that at this point in time that members of the community who are pregnant have to leave the Island, at I think, four weeks prior to term, it is to enable their own safety Mr Deputy Speaker. Unfortunately there is a cost, both to those people involved and to the community through Healthcare, but it is a cost that we unfortunately can't avoid at this point in time.

MRS WARD Thank you, it is on the same subject to Minister Nobbs. Minister Sheridan has stated that the Healthcare fund provides assistance to the mother's that are referred off the Island, would the families be covered under the Norfolk Island Support Policy that Minister Nobbs has referred to in the last Sitting, the Norfolk Air Support Policy and if not, is the Minister prepared to put this topic on his agenda?

MR NOBBS Thank you Mr Deputy Speaker, thank you Mrs Ward. You have been reading my email! No, I jest, but I have already proposed this in a Cabinet meeting that we should look to a policy that particularly during the recruitment process, that if someone were to on current manning levels of Doctor's and expertise within the Hospital be required to make a booking to fly off the Island for the treatment, or in the case of childbirth, and recruitment was completed within that time and they no longer needed their ticketing, then that would be fully refunded.

MR KING Thank you Mr Deputy Speaker, a question to the Minister for Telecommunications. In a recent response to a question concerning the cost in providing a free internet download during off peak times, the Minister indicated that there was no revenue loss, even though he advised the usage during the period constituted 21% of the whole. Can the Minister advise what modelling has been done to determine the equity in that, or the effect of introducing perhaps a small tariff during off peak and a reduced tariff during other periods for other users? In the interests in equity and fairness. Perhaps in the interests in proper management, whether any modelling has been done.

MR NOBBS Thank you Mr Deputy Speaker and thank you Mr King. It's quite a relevant question, in regards to the analysis of the usage of that

bandwidth between those time periods between 12 and 5am, as I did point out, the main purpose for enabling that was to remove some of the blockages that were happening, or the overuse of the bandwidth that were happening where heavy upgrade downloads were happening during core business times, so this enables those people to update their anti-virus, update whatever other notifications they need within their systems, without it impacting on their day to day business, so there are some advantages within that on an operational and business level for the service. However I will certainly take on notice the suggestion Mr King has just given.

MR ANDERSON Thank you Mr Deputy Speaker, just by way of a supplementary to that. You are saying that in order to not impact during the day on the normal business, I've got people saying to me and I've experienced at the moment at certain times of day, that you can go out and make a cup of tea between the downloads of various screens. Can the Minister please provide an update on the anticipated three-fold increase in bandwidth for the internet services, is there a time frame for its implementation?

MR NOBBS Thank you Mr Deputy Speaker, thank you Mr Anderson for the question. Certainly I do need to point out that there a number of plans within the scheme for Norfolk Telecom, some of those are of particularly low cost, that enable, that are cup of tea speed, that are specifically aimed for email, rather than heavy downloads. So those certainly they would perhaps be able to make a cappuccino and a sausage roll. Having said that the information that I have given previously about the increase to upload download, that is still on track, I think the time that I specified at our last Sitting was that we would be working within a time frame of four weeks from the last Sitting. The information that I have had from the Manager of Telecom as late as this morning, that is still on track for that time frame.

MR KING Whilst we are still on telecommunications Mr Deputy Speaker, can the Minister advise whether any of the recommendations of the economic consulting report into telecommunications other than that which recommended that competition not be allowed, have been adopted by the Government?

MR NOBBS Thank you Mr Deputy Speaker, thank you Mr King. Certainly we have pursued some clarity within the Telecommunications Act, in fact we have done that through the Commonwealth Departments seeking some assistance in that regard, and as we go through the Public Service Review and analysis that we will be addressing in that regard too.

MR KING Yes Mr Deputy Speaker, I wonder then whether it is the Government's plan to adopt the recommendation that financial guidelines be set to determine desirable profit levels and that an innovative pricing structure be set to ensure that consumers still benefit in the absence of competition. And what in fact is the Government's profit objectives in relation to the operation of Telecom, what is its policy in relation to profit levels?

MR NOBBS Thank you Mr Deputy Speaker. It really is probably best that I take that on notice and provide a more substantial answer on those aspects of the report.

MR ANDERSON Thank you Mr Deputy Speaker. A question for the Minister for Community Services, is it correct that as a result of a now almost complete third party insurance claim involving several people under 21 years old, that one underwriter has refused to write any further third party policies for Norfolk Island

and is the Minister is aware whether the issue of failure to wear seat belts was raised as a factor?

MR SHERIDAN Thank you Mr Deputy Speaker and thank you Mr Anderson. Mr Anderson I can't answer that because I'm totally unaware that the claims that you do make, but I wouldn't be surprised, but I'll take that on notice Mr Deputy Speaker.

MR KING Thank you Mr Deputy Speaker. A question for the Minister with responsibility for Industrial matters, can the Minister inform the House whether any investigations are taking place with a view to prosecution of certain employers for a failing to provide weekly rest, annual holidays and public holiday entitlements.

DEPUTY SPEAKER Minister Sheridan this may have some legal implications, but I leave it to you.

MR SHERIDAN That is ok Mr Deputy Speaker, thank you Mr Deputy Speaker and thank you Mr King. The matter that Mr King refers to, has been referred to the Legal Services Unit and with instructions that proceedings, where possible, are undertaken, under the Act.

MR KING Can I ask the Minister whether there is a political will or commitment to stamping out such practices?

MR SHERIDAN Thank you Mr Deputy Speaker, I will just answer Mr King, that they have been referred to the LSU with instructions to reinforce the Employment Act.

DEPUTY SPEAKER There being no further questions without notice Honourable Members we move onto questions on notice and the answers to questions on notice.

QUESTIONS ON NOTICE

MR BUFFETT Mr Deputy Speaker the first question which is 212 is asked of me. Is it a fact that significant delay with attaining Commonwealth Government funding was occasioned through significant delay in the Chief Minister's office with on forwarding necessary data to Commonwealth Officials? Mr Deputy Speaker a request to the Commonwealth for Budgetary Funding for the full year 2011-2012 was made on the 6th of May 2011. There is no advice to me that this request from us in Norfolk Island was either delayed or out of time, how of course it was handled at the Commonwealth hands at their end is a matter for the Commonwealth. I followed up this request both formally and informally and that today we don't have a formal response to that as we all know Mr Deputy Speaker. Upon the knowledge that we would not have a response to the full years request for funds, we therefore sought funds on the 21st of June for the initial period of three months, a more modest request in this particular instance of \$3.03 million. And whilst we have had significant discussions and expressions of good will, we have no formal response to this, our most recent request either.

MR SHERIDAN Thank you Mr Deputy Speaker, question on notice 213, will the Minister explain in clear terms the difficulties encountered in filling Medical Officer positions with the Norfolk Island Hospital. Mr Deputy Speaker, in clear terms the difficulties are that the package of what is offered to these medical

professionals is falling short of their expectations, also the requirement of the position are such that the two positions that are attempting to be filled are required to be a GP Surgeon and a GP Anaesthetist and medical officers with these qualities Mr Deputy Speaker are very difficult to source.

MR BUFFETT Thank you, this question Mr Deputy Speaker, question 214, comes in three parts, a) can the Chief Minister explain why as part of the proposal to increase tobacco duty, the expected increase in the average cost of a packet of cigarette's was not advised to the community or to the House as part of the Chief Minister's debate, b) did the Chief Minister did not consider that such disclosure was an integral part of the debate and c) what possible social impacts were identified and considered as likely to result from a doubling of tobacco duty? Mr Deputy Speaker, I didn't quote necessarily what packets of cigarette's would cost in the context of all that, principally for this reason of course, the Government has no control over the purchase price by a retailer in this process, nor does the Government have any participation in the price that is actually charged to the person who buys it at the outlet. The control that we do have is on the duty component, but nevertheless having said that, I do understand, that maybe the current retail price of a packet of 25 cigarette's is in the \$8.20 mark. Mr King quoted some figures when he raised this question at an earlier time, these are figures that have been provided to me, I assume they are pretty much on the same mark, but I offer no guarantee about that. If we look at what we have at this moment, where there is a 500% duty arrangement, I understand from figures that have been provided to me, that the invoice cost, to somebody buying those cigarette's might be something like .91 cents, the duty on that, would be \$4.55, which gives a cost to the retailer something like \$5.46. If say there is a mark-up of say 50%, which brings us to the \$8.20 market, the 50% would be \$2.73, and all of that brings a price to the \$8.19 but rounding it to \$8.20. And that we will say is what happens at this moment. If we then walk through that with the increase that has been applied, it would still be the .91 cent invoice cost, we have no control of that, the duty would be \$9.10, the cost to the retailer therefore would be \$10.01. If there is a mark-up of 50%, as earlier applied, it would be an amount of \$5.01, a total price therefore of \$15.02. And that gives an increase of \$6.83. And in that process of course, the retailer makes a profit of \$2.28 on the duty increase, if the retailer only passes on the duty, and all of this is not up to the Government, it is up to the retailer, if the retailer only passes on the duty the increase would only be \$4.55 and therefore the cost of the packet of cigarettes would rise from \$8.19 to \$12.74. So there are a number of scenes really that one can paint in respect to this and we are not necessarily able to dictate too much of that, except the duty component, the rest lies in the hands of the retailer, and I just thought I would mention that in the context of this. I might also mention that one of the reasons in this duty increase, was to respond to a community group who made such recommendations to the Government that there might be an increase upon the duty applied to tobacco products, equally as they made some comments with respect to the sale of liquor and both of those two, in this particular instance, have been applied.

MR KING A supplementary if I may. I may have missed that part of the Chief Minister's answer that responded to parts b and c to question 214. If I did, I apologise, did the Minister in fact answer those parts of that question?

MR BUFFETT If Mr King is referring to did the Chief Minister consider that such disclosure of the pricing arrangement was integral to the part of the debate, I've indicated that a lot of that really was not in the Government's sphere in able to answer, I've endeavoured to put it in context now, no it wasn't discussed then, I don't think it was essential to discuss then, Mr King may be of a view that it would be useful, and I'm not necessarily trying to debate that.

MR KING What about part c, what possible social impacts were identified and considered? I'm trying to understand Mr Deputy Speaker whether in fact, these very pertinent parts of a debate in respect of the impact of a tax increase were considered by the Government and if not, why not? I've not been given any satisfaction in respect of that question what so ever at this point in time.

MR BUFFETT Mr Deputy Speaker, in terms of social impact, two things, one I have mentioned that there is a community group that made recommendations about that and the Government has listened to that. I might just couple that with an earlier comment made by the Minister who has responsibility for Community Services and the like, in that there has been discussion within the hospital sphere to endeavour to have programs that might assist people to kick the tobacco habit. And that's something that's a part of this as well. And those matters were considered of course in the process, without a doubt there is there is the part of revenue, all of that has always been a part of the consideration in tobacco products, it raises revenue for the public purse, but there is the impact about social awareness and social wellbeing that is also now woven into it, in more modern times and I've just explained our participation in that.

MR BUFFETT Question 215 from Mr King read says can the Chief Minister advise the House what he has identified as the date by which public funds will be exhausted if Commonwealth funding is not received, and identify to the House the consequences of such an occurrence? I have made it plain that Norfolk Island's financial situation is such that we have needed to seek Commonwealth financial assistance. This was provided in the financial year immediately passed to the extent of \$5.7m. It came in two tranches. We have sought funding for the present year and whilst yet to have a formal response, discussions progressed confidentially and that is the note of confidence the Government projects to the marketplace where we continue to encourage customers in our principle industry and continue to provide essential services and that's the response I make to our present situation.

MR KING I know I'm a nuisance Mr Deputy Speaker but did I miss the identification by the Chief Minister of the consequences of us running out of money or is that left simply for the community to ponder and excite themselves about what might happen when we hit rock bottom?

MR BUFFETT Mr Deputy Speaker I'm endeavouring to make it plain that the Government wishes to have a positive attitude to a working relationship with the Commonwealth Government and that we therefore will be an ongoing concern. The Norfolk Island Government wishes to press that positive attitude with our partners and within the marketplace. It is not going to be led into a situation of negative attitudes and negative signposts and that's the Government's attitude at this time.

MR KING Does the Chief Minister understand that the exact same attitude towards trying to be positive and hiding the truth of the matter and not adopting negative attitudes was carried out by the last Government and the Legislative Assembly which led us to the situation we're in now?

MR BUFFETT Mr Deputy Speaker I'll interpret that as a question. The situation then and the situation now is quite different. I said at the very outset of this particular response to the question that Norfolk Island's financial situation is such that we need to seek Commonwealth financial assistance. There's no walking away from that. It is plainly said. We are taking a positive attitude about

that relationship and that's the attitude that we are wishing to promote in the marketplace.

MR SHERIDAN Thank you Mr Deputy Speaker, question 216 from Mr King reads, given the Minister's acceptance that e.coli readings in the islands surface waters are above acceptable limits and represent a public health risk how does the government possibly justify postponing measures to determine sources of contamination, such as the audit of the water assurance scheme? Mr Deputy Speaker, the reason for the deferring of the audit of the water assurance scheme is essentially exactly the same as to why this audit has had to be deferred all of the previous financial year. This Government is in a precarious position with regards to its finances and all non-essential tasks have been deferred. A decision was made to defer this audit because of the financial position, but also on the knowledge that the waters referred to are not utilised for potable use by the community. So whilst acceptance of this problem is acknowledged, it is also acknowledged that it was a task that could be deferred. I believe that Mr King has alluded to this in question 215 in regarding to the exhausting of public funds, the task of the audit of the water assurance scheme will go ahead when the Government is comfortable that the monies expended on this project are not required elsewhere. At the Sitting of the 22nd of June I informed the House in response to a question on notice in regard to the same subject, that I will be requesting the service to ascertain what are the requirements and costs for testing of surface water to establish as to where the contamination of e.coli is coming from, human or animal. The service is currently undertaking this task and I will keep Members informed of the outcome.

MR KING Thank you Mr Deputy Speaker. How can the Minister possibly regard the audit of the water assurance scheme as a non-essential expenditure item, when there is strong anecdotal evidence and perhaps scientific evidence that the scheme is leaking sewage into our aquifers? How can that possibly be regarded as a non-essential expenditure item?

MR SHERIDAN Thank you Mr Deputy Speaker, those statements that Mr King made are all unsupported and this is what we are trying to attempt to do. The statements he makes, they are just scare mongering, they are unsupported Mr Deputy Speaker, reports going back to the seventies, the eighties, all indicate that our underground water is contaminated, I don't believe that has changed. We are talking about the surface water here and there is no indication through the service that the water assurance scheme is leaking and that is through their own inspection. Yes, we are attempting to quantify that through an external inspection but we feel that the need for that is not such that the funds can not be deferred for three months, that the task can't be deferred for a further three months.

MR KING Sorry, one more supplementary. Is the Minister saying then, that he, or he and the Government have dismissed entirely the conclusions reached in a report conducted by a professional student in this area? Or a professionally trained person I might say.

MR SHERIDAN Thank you Mr Deputy Speaker thank you Mr King. That report that Mr King refers to was a report done by a university student as part of his thesis, I wouldn't say that he is suitably qualified in the area that that report was undertaken in, and that report did not substantiate his readings of where those readings came from, or where the source was and that was made clear in the report, that there was made no attempt to undertake, to determine the source of the contamination of the results that he presented.

DEPUTY SPEAKER
to ask the Chief Minister.

Thank you Minister. We move on 217. Mr King

MR BUFFETT
Thank you Mr Deputy Speaker. Will the Chief Minister advise what consideration the Government has given to the outflow of young local workers to the mainland mine industry; what is the level of loss now and projected for the immediate future and what has the government identified as the likely social and cultural consequences of such out-flow? Mr Deputy Speaker we all know, everyone knows in Norfolk Island that we would like to have full employment here in this place and we indeed have for some decades, until recently, experienced high employment in satisfying jobs, but this has significantly changed over the past two years or more for a variety of reasons. And a good many beyond the control of our shore. Financial circumstances have become tight and job opportunities less available. Many Australian places, from cities and centres to towns have suffered the same, so it's not just Norfolk Island, but it's very stark in this place. The major growth areas in Australia are mining industry related. Good jobs. Plenty of them and good money. On the one hand we here are fortunate that a good many of our local workers do have the skills to take mine related work with the downturn of local employment. They have the opportunity to earn respectable money to continue to maintain their families and of course, we don't wish them off shore but if necessity demands, then they do have opportunity to place their skills. On the other hand, we do lose their skills locally and we certainly hope that the pendulum doesn't swing to the extreme where we are deprived of essential services. The Government hasn't conducted a study on the outflow of local labour to offshore mining sites. I've got to say we really don't have funds at this moment to undertake such a study. That's just one comment. But anecdotally we obviously monitor the movement and around this table people will monitor the movement as it goes. Regrowth of the principle industry of tourism will keep a substantial number of local workers here on the island. Not all I've got to say. We have for years had young local residents working in the mines. It's not brand new at all. But the volume has significantly increased. And moving onto the Road Map which seeks to broaden the spectrum of activity on the island. It seeks a less costly and more viable airline to the industry, that's a tourism advantage. Ventures infrastructure activity such as the hospital and harbour which will offer employment onshore. They're just a couple of examples and Mr King who asked the question may have others that he might like to raise. I'm happy to hear and discuss further with him. I'm happy to do that.

DEPUTY SPEAKER

Thank you Chief Minister. We move on to question 218 from Mrs Griffiths, to ask the Chief Minister.

MR BUFFETT

Yes, this one, which is the last question on notice today Mr Deputy Speaker, it's been implied recently that the Norfolk Island Government hasn't fulfilled its obligations under the funding agreement. Can the Chief Minister confirm or deny this? If there are indeed obligations that we haven't met, can the Chief Minister explain why we haven't been able to meet them? Madam, I mean Mr Deputy Speaker, I keep doing that, I do apologise to you. Mr Deputy Speaker under the agreement, funding agreement, I think there are something like 19 areas of specific improvements that the Administration has to comply with, and it has complied with 15 of these at the moment and has sought an extension of time in respect of some others, some of these related to Immigration, some studies, healthcare, workers compensation aspects, airline negotiations, ombudsman arrangements. Some are partly progressed, some I think there is probably a difference of opinion as to whether it has been concluded or not. The ombudsman one for example is still on track, but it doesn't say that we needed to actually present a piece of legislation, but we are doing our best with it, I consider we

are doing our best with it, and so that one is running at this time. There are some governance measures in terms of providing information and I think there are a couple of instances where we have certainly publically provided information, I'm not too sure that we have got an email to the Commonwealth side within a time frame, but those have been remedied and those that are not considered to be remedied by the Commonwealth are certainly being worked upon. So from the Norfolk Island's perspective there is every effort of course to meet these commitment, some have unavoidably fallen behind. We don't consider that that is the end of the world and we are seeking the Commonwealth's consideration on those.

DEPUTY SPEAKER Thank you Chief Minister. That completes questions on notice Honourable Members.

PRESENTATION OF PAPERS

DEPUTY SPEAKER We proceed to presentation of papers. Are there any papers for presentation this morning?

MR BUFFETT Thank you. Mr Deputy Speaker, firstly virement of funds. Under the Public Monies Act I am required to table virement arrangements and I do this each month and this is the batch that takes us to the end of this Financial Year, I so table those Mr Deputy Speaker.

DEPUTY SPEAKER Thank you Chief Minister. Any further presentation of papers?

MR BUFFETT If I may continue, Mr Deputy Speaker, I have two reports on Customer Complaints Handling System within the Administration, this system was introduced in March 2009, I have received a report for the year ending the 30th of June 2011 and for the previous year, there is no requirement for me to actually table reports of this nature, but I do so for the information of Members Mr Deputy Speaker. I particularly mention this in two contexts. Firstly the Public Service Review which a question came earlier about how that was progressing, under the Public Service Review, there will obviously be these sorts of progresses and if they need adjustment upon that which we are using now there is that opportunity. And the second factor to draw with this, is the Ombudsman Legislation. Because obviously an Ombudsman arrangement first of all demands that various agencies have their own complaints handling system and the demand is that you test that before you go to the Ombudsman and one of the arrangements with the Ombudsman coming ashore, will be for him to look and see the adequacy or otherwise of that which is being used here. I just mention those as I think it is useful given those two things running at present with the reports that I tabled today.

MR BUFFETT One more for papers please. I have some statements, but these are papers. Under the Public Monies Act Mr Deputy Speaker, there is, at the end of each Financial Year, usually a need to transfer appropriation from one year to the next given some matters that have been approved, but not actually paid off on, so that there is the capacity to tidy these matters, these need to be listed and I do so, and I table a list of transfer of appropriations from the Financial Year 2010-2011 to the next Financial Year 2011-2012.

MR SHERIDAN Thank you Mr Deputy Speaker, Mr Deputy Speaker in accordance with Section 41 of the Interpretation Act 1979, I table the Employment (Amendment) Regulations 2011. And also Mr Deputy Speaker, in

accordance with Section 41 of the Interpretation Act 1979 I table the Employment (Amendment No.2) Minimum Wage Regulations 2011.

MR NOBBS Thank you Mr Deputy Speaker, Mr Deputy Speaker, in accordance with Section 41 of the Interpretation Act 1979 I table the Airport Amendment Regulations 2011.

MR BUFFETT Thank you Mr Deputy Speaker in accordance with Section 41 of the Interpretation Act 1979 I table the Goods and Services Tax Amendment Regulation 2011 and in terms of that same Section of the Interpretation Act Mr Deputy Speaker, I table the Customs Amendment Regulations 2011.

DEPUTY SPEAKER Any further presentation of papers Honourable Members? There being no further presentation, we move now to Statements of an Official nature.

STATEMENTS OF AN OFFICIAL NATURE

DEPUTY SPEAKER Are there any Statements this morning Honourable Members? Chief Minister.

MR BUFFETT Thank you Mr Deputy Speaker. I firstly put on the table the Road Map Submission Feedback Summary Mr Deputy Speaker. This has been a subject of a press release, so it has been in the public arena, but I wish to table it here in the House, so there is the formality of that situation. I then move on to two other matters Mr Deputy Speaker, one referred to earlier, which is the self-governance model. I put on the table a preferred model for Territory self-governance, arising out of the Road Map Mr Deputy Speaker, this is not a lengthy paper at this time, but it gives the outline of the Government's preferred model of self-governance. It is that which relates to a Territory, which Territory institutions are to remain. In other words, a Territory Executive comprising of an Administrator, Ministry – elected from the Parliament, a Territory Parliament, a Territory Public Service or Administration and Territory Courts and Tribunals. It also provides that Territory Government responsibilities and functions are maintained in this way. That the Norfolk Island Government would progressively transfer Federal type functions to the Commonwealth and this is in accordance with the process outlined in the Road Map, but it notes these things and these were the discussions that came in, or the questions that came earlier, and I'll read this particular piece. Noting that Norfolk Island Government's preference is to defer removal of local permit controls on residents pending review on the efficacy of land and planning controls in achieving the same population management outcomes in the Territory context. It mentions that a local permit regime can co-exist with the Federal immigration regime when extended to Norfolk Island. That is a statement at this time, which obviously needs to be worked through in various ways, so it's not trying to say that all of that is all cut and dry, but it is saying that that is way that we would want to work through and see if we can find the best system in that context. This also goes on to point out that the Norfolk Island Government would retain State and Local Government type functions. It then goes on to also say that funding, that is delivery of service, funding of service, funding for Norfolk Island's delivery of public infrastructure and state and local Government type functions should be shared with the Commonwealth and that's in a similar context to other self-governing jurisdictions that enter the Federal Taxation System. Now that's a broad overview which really requires fleshing out in a number of ways. And it's not the plan to try and claim at this moment that everything is known about all of that, but people are at the stage now, and the Government is at the stage, both Government's are at the stage with wanting to move forward and

financial planning. How can you develop a financial plan to underpin a model of Government if you don't know what it is. This will provide a key to that financial planning and it will provide to the community some promise of leadership has been lacking in this whole debate. Thank you Mr Deputy Speaker.

DEPUTY SPEAKER Any further debate Honourable Members? There being no further debate the motion is that the Statement by the Chief Minister be noted.

QUESTION PUT
AGREED

Are there any further statements of an official nature Honourable Members?

MR BUFFETT I will continue with this Mr Deputy Speaker. I also advised the House and place on the table, the update of the Immigration Policy and Guidelines. The adjustment in terms of the earlier Policy and Guidelines and this is, that this provides for self-funded retirees to be considered in the immigration process and also those that want to enter for new business prospects and there is criteria of course in respect to both of these categories but they are part of items that have been mentioned in the Roadmap and they have been on the table now, and we have had comment in terms of the Roadmap and the Government's progressing with these in conjunction with its undertaking in discussions with the Commonwealth. Those are now operative Mr Deputy Speaker, those have been earlier circulated to Members.

MR KING I move that statement be noted, the paper be noted, whichever it is Mr Deputy Speaker for the purposes of at an appropriate time adjourning debate for discussion at a later meeting, but before I do that, did I hear correctly that the policy embodied in that document is now policy, or does it remain the status of draft?

MR BUFFETT It is operative.

MR KING Well I am quite happy to hear that, there are some obscurities in the policy and I would like some further opportunity to make some comment on that, in this place, but it is not of significant or substantial nature. I do applaud the Government's efforts, I have been critical that it is not an exercise that has taken as long as it has. I am glad it has now come forward, I'm not quite sure it is going to achieve what people think it is going to achieve in self-funded retirees, I can't see them out there lining up to come to the place, but nevertheless. Mr Deputy Speaker that is all I have to say at this point in time, I would like to look over the document and discuss it at the next meeting if necessary so I will adjourn at an appropriate time.

MR BUFFETT I just wanted to make this comment. It has taken some significant time, Mr King says that he wishes to have some further input, I've just got to say that I've continuously waited, not necessarily from Mr King, but input from a number of areas, for a number of reasons over a period of time. I'm no longer able to wait, it needs to be done. That is where we are.

DEPUTY SPEAKER There being no further debate Honourable Members, the question from Mr King that the debate be adjourned. I put the question first that the paper be noted. No, the question is that the debate be adjourned on the question that the statement be noted, I put the question.

QUESTION PUT

AGREED

Are there any further statements of an official nature? Chief Minister.

MR BUFFETT Thank you. The question was raised earlier about the Census. If I could just equip Members with this information please. The forthcoming Census is to be held in Norfolk Island on the night of Tuesday the 9th of August in 2011. In just yesterday, I have been provided with a draft set of population and household Census questions and we've got approve this by this Friday in terms of some time frames and I appreciate that other Members of the Assembly will want to have input into that and so I will circulate promptly those questions so that you might have some input. These questions are based on the Household form used in Australia and has been adopted for our use here, so that keeps the format consistent with the Australian form and will assist us in the results in our Census and our ongoing discussions with the Commonwealth. But it also retains the Norfolk Island components that have been there consistently so that in terms of our Census we will have consistency, and an ongoing comparison of results. I am advised that there is no issue with us using those questions that are in the Australian Bureau of Statistics context for the Australian Census. We do need to have this tidied by this week, so as soon as I've got those documents in a form that I can circulate them, I expect to do that today, I would appreciate Member's having a look at them. But that is where we are at with the Census.

MR BUFFETT Mr Deputy Speaker I would like to take this opportunity to provide to the House and to the public an explanation in regard to the Amendments to the Goods and Services Tax Regulations which were tabled today and which were made in the Executive Council Meeting on the 29th of June. The Amendment was made to correct an anomaly in the regulations regarding GST on hire car insurance. Hire car operators charge a fee to hire it at the time of hiring the vehicle, which is called insurance, there is a daily fee that is charged to hire it in order for the operators to recoup insurance expenses and other expenses and these payments, to date, with some people, not all, have been described as insurance, however they are a fee or a charge payable at the time of hire. And as we are aware, premiums paid for life insurance and general insurance such as private hire vehicles are exempt from the GST under the regulations, now that part remains so, that is private life insurance and the like, we are talking about hire cars. However, some hire car operators have been claiming the fee they are charging as insurance to their hirers and claiming that it is exempt from GST as they see this fee as being described as insurance in the way that I have just mentioned. But these payments are not premiums paid for insurance policies, they are a payment to the operators to recoup insurance expenses, accordingly they are not in the nature of insurance premiums and are not exempt from GST, the amendments to these regulations clarify this and makes it clear that such charges at the time of hiring a car is a GST inclusive charge, but to be clear, the insurance does not affect other insurance premiums, such as life insurance, private vehicle insurance and the like. I hope that is clear. It has been asked for some time, this difficulty and that's endeavouring to settle it. Thank you.

MR BUFFETT I am trying to find a bit of paper if I may Mr Deputy Speaker. Thank you. Mr Deputy Speaker we know that Madam Speaker, is on official duty with the Commonwealth Parliamentary Association which is celebrating its 100th anniversary, but particularly Madam speaker is in the Isle of Man on official duty in that context and she is undertaking both cultural and promotional in a tourism sense, activities and today she is particularly making linkages with the Tynwald Court on the Isle of Man, between that place and this place, drawing reference to our

historical links, families of their place and our place, and also the Bounty link and I just wanted to make mention and give encouragement of that at this time Mr Deputy Speaker.

DEPUTY SPEAKER Thank you Chief Minister. Any further statements of an official nature Honourable Members? There being no further statements of an official nature we move onto messages.

MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 15

Message from the Office of the Administrator No 15, and I so read, on the 28th of June 2011 acting pursuant to Section 21 of the Norfolk Island Act 1979 I declared by assent to the following proposed laws passed by the Legislative Assembly; Supply Act 2011 (Act Number 4 of 2011), Fiscal Charges and Impositions Act 2011 (Act Number 5 of 2011), Departure Fee Amendment (Act 2011) (Act Number 6 of 2011). Dated 28th of June 2011, Owen Walsh, Administrator. Honourable Members we move onto presentation of reports from Standing Committees.

PRESENTATION OF REPORTS OF STANDING COMMITTEES

Are there any reports Honourable Members?

MR KING I would like to make a report as the Chairperson of the Public Accounts and Estimates Committee and report to the House that since no allocation of funds has been made for the operation of the Standing Committee, that is tantamount to saying to the Committee that it can no longer perform its function, I would suggest to the House that at the times when the Committee wishes to perform its functions as set down in the Standing Orders that there will be a call upon the Finance Minister to find the appropriate funds to allow the sub-committee of this House to do its job.

DEPUTY SPEAKER Are there any further reports from Standing Committees Honourable Members? There being no further reports we move on to the Notice Paper, Notice No 1.

NOTICE PAPER

EMPLOYMENT ACT 1988, APPOINTMENT OF MEMBER TO THE EMPLOYMENT CONCILIATION BOARD

DEPUTY SPEAKER We move to the substantive matters on the Notice Paper, and the first is under the Employment Act 1988, appointment of Member to the Employment Conciliation Board and Mr Sheridan you have the call.

MR SHERIDAN Thank you Mr Deputy Speaker, Mr Deputy Speaker I move that for the purposes of subsection 65(2) of the Employment Act 1988 this House resolves to appoint Polini Boseto-McNeil (XX) being a person with relevant qualifications and experience to the Employment Conciliation Board for the period 7th July 2011 to 6th July 2014.

DEPUTY SPEAKER Debate Honourable Members?

MR SHERIDAN Thank you Mr Deputy Speaker I won't dwell on this too much, but this appointment has become necessary because of the resignation of two members from the Employment Conciliation Board which left us

with just one. The Board can sit with just one, but it's vital that we do fill the two vacancies, this motion will fulfil one of those vacancies, but I would just like to advise the general public out there that we are looking for a further person to fill the third position and if anybody feels that they have relevant qualifications and experience to sit on this Employment Conciliation Board, then make themselves known to myself or to Alma's office or to the Office down here at the Assembly, I'll just leave it at that please Mr Deputy Speaker.

MRS GRIFFITHS Thank you Mr Deputy Speaker, Mr Deputy Speaker it's my intention to abstain from this vote today, however it's not in any way, shape or form on reflection on Ms McNeil. My abstaining from this vote comes from my disappointment that in spite of the fact that Minister Sheridan is supposed to be appointing two people to this Board he's unable to do so. Once again we hear flashy words spoken by this Government, such as capacity building and succession training, yet once again it has failed to translate these policies into reality. I'm aware that the criteria to be a member of this Board is stringent, but I am also aware that this Board is remarkably well managed by Mr Dick Massicks, who is ideally placed to mentor a third candidate. I do not accept that such a person can not be found in this community. Therefore that I request that Minister Sheridan review with urgency the criteria required to perform on this Board and appoint a third member taking into consideration those values that this Government itself espouses being capacity building and succession training. Thank you.

DEPUTY SPEAKER Any further debate Honourable Members? There being no further debate I put the question that the motion be agreed to.

**QUESTION PUT
AGREED**

That motion is agreed to Honourable Members

SOCIAL SERVICES AMENDMENT BILL 2011

DEPUTY SPEAKER We move to Notice Number two Honourable Members. The Social Services Amendment Bill and Minister Sheridan you have the call.

MR SHERIDAN Thank you Mr Deputy Speaker, Mr Deputy Speaker I present the Social Services Amendment Bill 2011, and move that the Bill be agreed to in principle and Mr Deputy Speaker I table the Explanatory Memo.

DEPUTY SPEAKER Thank you Mr Sheridan. You may commence.

MR SHERIDAN Thank you Mr Deputy Speaker, Mr Deputy Speaker, I just read the Explanatory Memo into Hansard it's fairly short and it's only a very brief Bill and hopefully the Explanatory Memo will explain as to why it's necessary. The Explanatory Memo reads, "This Bill has been made necessary because of a realisation that went on 27th June 2000, the Social Services Amendment Regulations 2000 were made by the Administrator. The Administrator had no power under Section 49 of the Act to make the Regulation. That being reserved to the Commonwealth Minister. The Regulations prescribed rates of benefit under the Act and provided that the rates could be amended in future by the Executive Member by notice in the Gazette. The revision in the Social Services Act 1980, that regulations be made by the Minister is unusual in the broad range of legislation in force in Norfolk Island which in accord with the principle of self-

governance is usually reserved to the Administrator and the provisions of the Norfolk Island Act 1979. In order to deal with the position the Bill contains two substantive provisions; in Clause 4 of the Bill substitutes the Administrator in place of the Minister as the maker of regulations under sub-section 49(1) of the principle Act, in Clause 5 of the Bill provides that the regulations made by the Administrator on the 27th of June 2000 are deemed to have been validly made and are therefore in full force and in effect thereby assuring that all monies raised in accordance with their terms have been properly and effectively raised". So that is the Explanatory Memo Mr Deputy Speaker and I just make a short comment, that as explained the Social Services Amendment back into Regulations back in 2000, varied the rates of benefit to the Schedule to the Act in regards to benefits payable under that Act, i.e. the Aged Pension, Invalid Pension, etc, so that is the ability to alter those rates and unfortunately there was a slight hiccup there and we are just trying to correct the wrong there Mr Deputy Speaker.

DEPUTY SPEAKER Thank you Minister Sheridan. Further debate Honourable Members? There being no further debate, I call on Mr Sheridan.

MR SHERIDAN Thank you Mr Deputy Speaker I move that debate be adjourned and the resumption of debate be made an Order of the Day for a subsequent day of Sitting.

DEPUTY SPEAKER I put that question.

QUESTION PUT
AGREED

Debate is so adjourned. Thank you Honourable Members. That concludes the Notices. We move onto Orders of the Day.

ORDERS OF THE DAY

HEALTHCARE (AMENDMENT NUMBER 2) BILL 2011.

DEPUTY SPEAKER Orders of the Day, Order Number One, is the Healthcare Amendment Number 2 Bill 2011. We resume on the question that the Bill be agreed to in principle and Minister Sheridan you have the call to resume.

MR SHERIDAN Thank you Mr Deputy Speaker, Mr Deputy Speaker I won't say too much on this, I think I said it all at the last Sitting, but just to briefly remind Members as to exactly what this Bill is attempting to achieve, what it is, it is virtually attempting to achieve a \$200 reimbursement for multiple medical visits offshore, referrals offshore for medical treatment, that the person can claim up to \$200 per trip under the Healthcare Scheme in place of their travel. At the moment there is only the ability to claim once in the financial year for \$200 in the travel situation, this will enable somebody who has to go off Island for the treatment of cancer, or eye problems etc, two, three, four, five, ten, twelve times in the year, they can claim this each and every time that they go off the Island. It also includes an escort, if the escorts are deemed necessary by the GMO. It also makes clear, it clarifies the responsibility of the manager, of the Healthcare Manager to make decisions to approve or reject claims without any directional interference and for the decisions of the manager to be open for review by the Court of Petty Sessions. This came about, Mr Deputy Speaker, as I said last Sitting, after a review by the Tribunal, and it was the Chief Magistrate who made these recommendations on changes to

the Act, to reinforce the intent of the Act. So I will just leave it at that Mr Deputy Speaker.

MRS WARD At the last meeting I did raise concerns over the cost of adding this burden to the Healthcare Scheme, and the Minister acknowledged that. This amendment means that there will be an added \$13,500 burden on the Fund as estimated by the Service and I thank the Minister for those figures. It is a fund that is already in financial difficulty, thankfully it is being supported by the Commonwealth and I wonder if the Minister is going to ask the Commonwealth to further fund our unsustainable, or currently unsustainable scheme, until we enter into the income based Federal Taxation and welfare scheme, or is he planning to place a blanket increase on the community where 51% of people are just getting by, where 25% of people could not pay gas, telephone or electricity bill on time, where over 10% have fallen behind in their mortgage and rent repayments and 27% of people can not find fulltime employment.

MR SHERIDAN Thank you Mr Deputy Speaker, just in response to Mrs Wards concerns there, yes, the Healthcare Fund is struggling at this point in time and it is the intention of myself and the Government that once the actuarial report is received, the final report, and I am assured it is only days away. That there will be recommendation for an increase in the Healthcare Levy to try and offset the losses that are occurring in that area at this point in time. As to the continued, or the subsidy by the Commonwealth in this area, yes in the last financial year, some of the funds that the Commonwealth have provided to the Norfolk Island Government for the continued support in our financial area, some of that money has been expended in the Healthcare area and I would assume that if we do become, if we do have difficulties in the Healthcare area in the future, that yes, some of those funds that the Commonwealth do provide may have to be used in that context again. But Mr Deputy Speaker, until the fund has changed to a Commonwealth orientated Scheme, unfortunately yes we have to attempt to fund the scheme ourselves.

DEPUTY SPEAKER Any further debate Honourable Members? Honourable Members I wish to advise that I will be abstaining from this motion due to some possible personal conflict of interest. Honourable Members there being no further debate I put the question that the Bill be agreed to in principle.

QUESTION PUT
AGREED

We move now to the detail stage, is it the wish of the House to dispense with the detail stage? Any further debate Honourable Members? Thank you Mr Sheridan I seek a final motion.

MR SHERIDAN Mr Deputy Speaker I move that the Bill be agreed too.

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

QUESTION PUT
AGREED

The Bill is agreed to.

OMBUDSMAN BILL 2011

Honourable Members we move to Order of the Day No 2 which is the Ombudsman Bill 2011, we resume on the question that the detailed stage amendment dated 27th of June be taken as read and agreed to as a whole and Chief Minister you have the call to resume.

MR BUFFETT Thank you Mr Deputy Speaker, I'm going to make a proposal that we adjourn this matter for this reason, we all know the processes to date, the most recent amendments referred to here have been referred to the Commonwealth for comment and explanation as to why they are, and we are yet to have that comment back and I have given them and undertaken that I will receive those comments before I progress it. So on that basis Mr Deputy Speaker, I move that this matter be adjourned and made an Order of the Day for a subsequent day of Sitting.

DEPUTY SPEAKER Thank you Chief Minister. Any further debate Honourable Members? Honourable Members the question is that the debate be adjourned and the resumption of the debate be made an Order of the Day for a subsequent day of Sitting.

QUESTION PUT
QUESTION SO AGREED

Debate is so adjourned Honourable Members.

ROAD TRAFFIC (AMENDMENT NO 3) BILL 2010

We move to Order of the Day Number Three, the Road Traffic (Amendment No 3) Bill 2010. We are at the detail stage and we have agreed detail stage amendment No. 1 which changed the title of the bill to the road Traffic (Amendment) bill 2011. We now resume debate at detail stage amendment No 2, which deletes all clauses after clause 4 of the Bill and substitutes the following. Minister Sheridan you have said that your preference is to proceed clause by clause so we open debate at clause 2 item 1. Is there any debate Honourable Members. Minister Sheridan

MR SHERIDAN Thank you Mr Deputy Speaker. Yes when I said that my preference is to proceed clause by clause, I think the best way forward would be to debate the Bill as a whole and then once we get to the voting stage and we proceed, I do have a recommendation as to how we proceed with the voting but yes, we can do it clause by clause but I would recommend that appears to be only two or three contentious areas of the Bill and I would propose that we vote on those contentious items being 15, 16, 17 and 18 I believe they are, separately, and then the remainder of the Bill as a whole, but that is in the hands of the House and we'll just see how we go when it comes to that stage. I also do have one minor amendment that I will move at the appropriate time Mr Deputy Speaker and it's just a numbering issue. There's nothing substantial there, it's just a numbering issue there's nothing substantial. One of the references to a section has doubled up. If I could just make comment as I've just written here, again we're discussing for the final time hopefully, the proposed amendments to the Road Traffic act. I would like to commence with answering a few of the Members queries that came about during the last sitting, some of which I've already addressed, but first I would like to correct an error in my debate at the last sitting when I was talking to the amendment which will allow the dual control vehicle to be utilised on a public road. At the sitting I referred to this vehicle as being donated by the Lions Club which is incorrect and I should have been referring to the Rotary Club. During the past week I've been informed in no uncertain

terms that it was the Rotary who identified the need for such a programme. The Members of Rotary fully supported this programme and it involved Norfolk Rotary bringing to the Island two accredited driver educators who would train and give accreditation to volunteers from the community who would then give driving instruction to students as required and this was successfully completed. Rotary also purchased a suitable small vehicle, had a dual control operation installed by Mr Hayden Bell at no charge, the car was repainted by Mr Brian O'Connor free of charge. Accessories were donated by Cascade Motors at around a total cost of approximately \$15,000 half of which were donated by the Norfolk Island Government. The Rotary club also purchased and paid for the erection of a suitable storage shed at the Norfolk Island Central School at a further cost of \$30,000. I sincerely apologise for this error of statement and thank Rotary for their continued support in the activity. Getting to the comments that were made at the last sitting and this is why we deferred the final say on this Bill until now, so that I could make some feedback on those comments and comments were made in regard to the compulsory wearing of seatbelts in a vehicle that is stationary and there were comments made in relation to sitting in your vehicle and waiting to pick up somebody and then getting fined for not wearing a seatbelt. Mr Deputy Speaker the amendment actually reads that a person must wear a seat belt whilst the motor vehicle is moving or is stationary but not parked. This is to ensure that a person who pulls over to the side of the road but not parked say to answer a mobile phone is still safe from a vehicle colliding with theirs whilst in this position. A vehicle that would be waiting to pick a person up would be parked and therefore not required to wear a seatbelt. Also a comment was made in regard to a person must not sit on the front row seat unless there is a seatbelt or there is no sitting position in another row and the explanation was requested this comment comes from the explanatory memorandum section 44E and once you read section 44E it refers you to section 44G which is exemptions from wearing seatbelts and subsection 5A indicates that a person exempt from wearing a seatbelt if, the vehicle has two or more rows of seats and if the person is not in the front row of seats or there is not a sitting position available for the person in another row of seats. I just add a little bit more to that. This is principally designed for buses so what they're saying there is that if you are in a bus and there is a vacant seat apart from the front seat then that seat must be occupied but there is no requirement to wear a seatbelt. But if you are in the front seat because there is no other position available then you must wear a seatbelt in the front seat. It is a confusing way to write things but that's how the drafts people write things in this legislation so that's just to answer that query. Also I believe that I commented on this at the last sitting in regard to approved seat belts, child restraints and bike helmets and in regard to the approval standards. These as I stated will be provided by regulation but in the main will comply with the Australian standard so the requirements there for the suitability of child restraints and child seats, helmets and the approved seatbelts will be detailed in regulations as per the Australian standards. In regard to item 6 and the type of vehicle that is not registerable and the concern that maybe when eventually we have solar powered or air powered push bikes that these will not allowed to be driven on the roads. If and when this happens a decision will be made depending on their output if they will be required to be registered or not. A facility is already in this amendment to declare by regulations any other type of vehicle not to be registerable is included in item 6 so that's virtually covered. Another query was in regard to item 10 and the modification of a motor vehicle. In this instance this is in regard to a person who is on a provisional licence and it is the intent of the inexperienced driver not to be able to soup up their vehicle over and above the manufacturers specifications. This is purely a safety limitation so that the person does not have to handle a vehicle that maybe does not drive as it was intended, ie by lowering the suspension, increasing the output of the engine, etc. An interesting comment was made in regard to when persons are travelling on the back of a ute or a truck and

there is cargo on the ute or the truck and concern that this cargo could shift and injure the person. I believe that it's already legislated that all loads must be securely fastened on the back of a ute or a truck and therefore the incident of a person being injured by moving loads should be reduced if this is carried out. The comment was also made in regard to the requirement to get a Norfolk Island Driver's Licence after having been ordinarily resident on Norfolk Island for a period of three months. This is in line with other jurisdictions in Australia and if a person has a full licence and coming back to Norfolk Island to reside then they would be able to convert this to a full Norfolk Island licence. Age would have nothing to do with it so if they come from Australia and they have a full licence, yes they would be able to convert that to a full licence here on Norfolk Island. The comment was also made in regard to the limited statistical data that is available on Norfolk Island in regard to traffic accidents and in particular from the Norfolk Island Hospital. All the statistical data which is available was made available to all Members and whilst it may not satisfy all Members needs, they do demonstrate that there are accidents on Norfolk Island and that injuries do occur. Whilst they may not indicate how many children have been thrown through a windscreen, thrown off the back of a truck, and whether it's safer to drive at night or during the day, these statistics do indicate that accidents do happen, not because they are planned, but just because they are accidents. Accidents where injuries may have been reduced if some of these amendments were in place. Does this Legislative Assembly need to compile statistics over a period of ten years or so to justify the introduction of these changes. I don't believe so. There's been so many studies done all over the world of which all indicate that when legislatures legislate on road safety, especially on seat belts, helmets etc, then statistically injuries are reduced dramatically. This is what legislatures are for. To legislate for the good of their communities. I would rather be proactive on an issue such as this instead of being reactive to statistics in another ten years time. Good legislatures identify what is good for their community, what will make it safer for the community, identify needs that will reduce the cost of healthcare, reduce the negative impact on families and friends and introduce legislation that will provide for the needs of all the community not just a small portion. In all discussions a portion of a group will not agree with the decision made but decisions must be made for the overall good. Decisions such as ensuring that a person on a bicycle is better protected from injury in case they fall off. Not comments making fun about a painted piece of plastic stuffed with styrofoam plonked on a person's head but real issues such as a piece of plastic reduces by 80% the risk of head, face and neck injuries among helmeted, pedal and motor cyclists off helmeted riders less than that for unhelmeted riders. Conclusions such as this on a par on head facial and neck injuries in bicycle and motor cycle crashes in relation to helmet users state, the study confirmed that helmet wearing offers a substantial benefit to the cyclist through a reduction in the risk of head face and neck injuries. Unfortunately it was observed that some cyclists especially adolescents, were less likely to wear a helmet and thus expose themselves to avoidable injury risks. This says it all. Avoidable injury risks. Also the wearing of seatbelts reduce significantly the chance of injury. Do we need statistics to tell us this or commonsense. Research all over the world will indicate and support this that seatbelts saves lives. I represent all people on Norfolk Island. Even the Cottonwool Club. Some do not agree with my thoughts, ideas, and the legislation that I am attempting to introduce. I'm fully aware that children and for that matter, the community as a whole, enjoy the freedom which Norfolk Island allows. The freedom that legislation allows the community to enjoy. Because it is only because of the legislation that the community is bound by which allows for this freedom. If there were no legislation, yes there would be freedom but would Norfolk Island be a better place for it. I doubt not. If this community were not governed by rules and regulations would we be better off. No. All communities should be able to expect rules and regulations which make them safe from harm, care for them and have a legislature

that are responsible. My final comment. It was suggested that this Government should take a step back and look at why we are seeing so many near misses that are mainly related to speed and alcohol and deal with these problems. Deal with the real social issues behind these problems. This Government is attempting to deal with these issues and these amendments will allow the regulators to better deal with these problems by ensuring that when a person drives on our roads, a road that is shared by your children, my children, or will be in years to come, that the road is the safest place that this Government could make it. A place where social responsibility starts at home. The Government will support the community but one has to start taking responsibility for ones own and stop blaming the system. Emotional. On Norfolk Island it's always emotional. But let's stop blaming our emotions and legislate for the good of the community. Lastly I would just like to thank Ikey, the Police, the Road Safety Committee, the Legal Services Unit for their patience and all the community who wrote, commented, berated, voiced their opinions in regard to these amendments. If nothing more is achieved than making Norfolk Island safer for all road users, then I will be satisfied with the outcome. Thank you

MRS WARD Thank you Mr Deputy Speaker and I thank you Minister Sheridan for his debate and answering concerns. Firstly I would also like to thank Members of the community who have actively lobbied the Legislative Assembly and I can assure those people that you've made my decision even more difficult in the last week. I highlighted at the last meeting my concerns over the lack of detail and inconsistencies in the information provided to us by the Norfolk Island Police Report and I didn't ever receive information from the Hospital or the Public Service highlighting the financial burden on the island. I explained that I was choosing to represent a section of the community who didn't want to see further regulation in the area of seat belts, push bike helmets or passage on the back of a truck. After enormous consideration I will stand by that decision today. I believe that I am representing less than half of the population so my decision today will not be popular. But I simply will not be controlled by fear, and I cannot make a decision based on the scant information I have been provided relevant to Norfolk Island. I can't subscribe to living in fear of what might happen. In discussing this with my very pro seatbelt mother she made an interesting point, and that is that the three women were standing against further regulation in these areas. Members know from the beginning that I have stated I intend to support the vast majority of this Bill. There is good work in this Bill and again I congratulate as the Minister has, all the people involved in this process to get it to this stage. If it is the will of the House today to support the contentious issues, I accept that decision and will not move to seek a further adjournment as requested by Madam Speaker. I certainly accept the Minister's arguments of the reduction of injuries and that this is about risk management. If it assists, I can highlight the clauses that I will vote against today. The items are 15, 16, 17 and 18. Thank you

MR KING Thank you Mr Deputy Speaker this Bill approaches the end of a long and stormy passage. A little out of proportion I would have thought, some of the comments that I've received over the last few months. A little out of proportion to the social responsibility that's attached to our positions here in the Parliament. I've heard from many people during the last, I think about six months since this was introduced and to be truthful the balance of those who spoke to me about the Bill and its intentions were opposed to one aspect of the Bill or another whether it be seatbelts or children on the backs of trucks or whatever and whilst I accept that the weight of numbers was with those who oppose the Bill, my experience in representative life tells me that in circumstances such as this, you will largely hear from those who oppose rather than those who support. I expose myself to, at the very outset, the very day that the Bill was introduced to the parliament,

when I said on that occasion that I would support the Bill, support the measures because I felt that they were responsible. Nothing has persuaded me from that view in the meantime. I have found it difficult to accept the arguments that measures like those which are contentious will intrude on Norfolk Island's way of life, that they are just not Norfolk. They are not substantial arguments in my view. They do not dispel the weight that I have attached to the statistics, the world wide statistics which support these measures and I understand that statistics can be interpreted in different ways then eg Mr Kelly's very cogent arguments. Right up until this morning he was still attempting to persuade those of us who were going to support the Bill and I congratulate him for those efforts and he put some very cogent arguments up. It is not an irresponsible or unnecessary piece of legislation. We no longer travel in horse and buggies. We have much more powerful motorcars. We have busy lives which have us running and rushing hither and thither around the island. We have a far greater number of younger people in charge of motor vehicles and we all know those of us who have had children. The pressure from their peers, placed on us to provide them with motor vehicles at an early age. Certainly there are far, far more younger people in charge of motor vehicles on the roads these days then there was in former decades. Unfortunately we have roads that we can't afford to maintain to proper standards. They are full of potholes. They are crumbling at the edges. There's no guiderail posts above steep ravines and valley's and despite this there are still those who remain in the community who would reject the notion that we have to as community representatives accept the responsibilities of our positions to adapt. The Bill is a clear reflection of the significant social responsibilities that Mr Sheridan has alluded to. We took them on board when we stood for election. I will support the Bill. The only regret I have is that not enough effort was put into selling the legislation to the community and there remains a level of belligerence and hostility in the community which was manifested to me as recently as last night. That's unfortunate. That could have been avoided by a planned and balanced advertising campaign to sell the Bill and its contents to the community. There was no radio talkback. There wasn't any increased presence on the radio. I know there's not a great deal of media that you can run to here but we certainly do have the radio which could have been used more judiciously in respect of this matter to sell the Bill and its contents. It was very clear right from the outset that the Bill was going to be controversial and that certainly proved to be the case. The level of early controversy demanded an increased attempt to sell it but the Government unfortunately didn't provide it. Nevertheless, a vote in opposition to the Bill would in my view be irresponsible. The opinion and the practices elsewhere weigh heavily in favour of these measures contained in the Bill. I stand by my early support. Thank you

MR ANDERSON

Thank you Mr Deputy Speaker I'll just reinforce what's been said before. I congratulate once again the Minister on bringing it forward and agree totally with what he just had to say. I raise the point about the women and those not supporting the Bill. I would have thought that they would be the people most in support of the Bill given their normal role in respect of families. I'm surprised that fear campaigns is part of what is being rejected as being sufficient for these amendments to be passed. I recall not specifically that Madam Speaker raised FEAR as something to do with False Evidence but I think what we are doing today is actually a fear campaign. If fear stands for Facilitating Essential Action Reasonably. We can all play with letters. I must put on record that I'm not particularly happy with people travelling on the back of trucks. I think it's unsafe to the extent of being dangerous. I accept that it's been the Norfolk way of life about I don't accept that as an excuse but recognising that the Norfolk way of life precedes with people shooting down to the beach and so forth with children on the backs of trucks. I think what is proposed in the Bill is a sensible compromise. I was initially going to abstain from that

but then in order to ensure that it goes through I'll give it my support. Thank you Mr Deputy Speaker

MR SHERIDAN Thank you Mr Deputy Speaker since debate is virtually concluded, there's one query that I failed to mention and it was just pointed out to me and it was in regard to compliance plates on vehicles. The comment was made I think at the last sitting are we going down the road of Australia that we need Australian standardised compliance plates that comply with Australian standards. That is not the intent at this point in time. The ability or the requirement to have a seat belt included in your vehicle, I believe most vehicles now that come into the island via New Zealand out of the Asian countries all would have seat belts in them. They may not necessarily have an Australian compliance plate attached to it but there is no intention to move away from that at this point in time and just quickly, I take up Mr King's comment with regard to maybe we didn't do the proper job of selling it to the community and maybe we could have done more through advertising through the paper and discussion groups etc, I suppose it's just the way that things historically have been done down here, is that we rely on all our Members of the Legislative Assembly to get feedback back from their Members of the community and then bring it back around this table but I take on board that maybe an issue such as this, may be a campaign should be undertaken through the media to reinforce that the vital parts of the legislation that the Government is trying to put through so I take that on board and I thank Mr King for that and Mr Deputy Speaker if there's no further debate I would suggest there's five areas there, or four areas that I feel are contentious and that is the riding on the back of trucks, I think is 15, the bicycle helmets which I think is 16 and 17 then 18 for seatbelts and I would recommend that we deal with those four items separately and vote on them and get rid of those and there's also item 29 that I would like to make a minor adjustment to in the numbering. If we could deal with number 29 in isolation and if it is the will of the House to then deal with the rest of the Bill as a whole and that would make it a whole lot easier then going through thirty items and voting on it thirty times so if that's the will of the House then Mr Deputy Speaker that's the way that I recommend we proceed

DEPUTY SPEAKER Thank you Mr Sheridan. Any further debate Honourable Members? I put the question that clause 2 item 15 be agreed to. Debate Honourable Members

MR KING Thank you Mr Deputy Speaker I perhaps should have included this in my substantive debate but nevertheless, when we address the issue of children travelling on the backs of trucks, I know there is a history in Norfolk Island of fatality in that respect. My own personal experience, Ms Adams reflected on her own personal experiences in respect of seat belts, but my own personal experience in respect of children travelling on the backs of trucks is this. I have been guilty of it if there's any guilt attached to that. I've certainly carted my children around fairly briskly down to the beach and off to sporting functions. For a period of time that's all the transport we had and couldn't fit them all in the front in any event but nevertheless during the course of that travel on every occasion, I was nervous and concerned in respect of the children. Constantly looking in my rear vision mirror and constantly looking back over my shoulder to ensure they remained seated and they remained safe. That would have detracted from my ability to control that vehicle properly. I never ever on any occasion allowed them to stand on the back of the truck and even when they were traveling on the back of the truck there was that nervousness attached to it which was very, very real and whilst I took my eyes off the road, the check on the children in the back of the truck, that put me and others on the road, at risk. Like Mr Anderson, I could probably have been convinced to do away entirely with the ability to cart children around in the backs of trucks. I see the

measure that Mr Sheridan has taken as a step in the right direction but probably doesn't go the whole way, but I will nevertheless be supportive of this particular section. Thank you

DEPUTY SPEAKER Thank you Mr King. That was part of a debate for a previous ruling but I'll now go back to there being no further debate, I put the question that clause 2 item 15 be agreed to

MR SHERIDAN Thank you Mr Deputy Speaker just before you put the question and we do vote, when you mention the item number could you just briefly explain what it's in regard to. Like Clause 15 is the wearing of the bicycle helmets. It's just for the clarity of the community who doesn't have the detail stage amendment in front of them and also for the Members to ensure that they are voting on the right areas that they believe they are in. It would make it a lot easier please Mr Deputy Speaker

MRS WARD Thank you Mr Deputy Speaker for further debate on item 15 which is following subsection 38(2) has to do with a rider of a cycle that is moving, must wear a prescribed cycle helmet securely fitted and fastened to the riders head. I intend to vote against this clause

DEPUTY SPEAKER Thank you. Any further debate Honourable Members. Then I put the question that clause 2 item 15 be agreed

QUESTION PUT

Madam Clerk could you please call the House

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

The result of voting Honourable Members, the Ayes five, the noes three there are no abstentions. Therefore the motion is so carried

Thank you. We move on to the next question and that is the definition of the cycle helmet, item 16. Is there any further debate Honourable Members. Then I put the question that clause 2 item 16 be agreed to and that is the definition of a cycle helmet

QUESTION PUT AGREED

That motion is so agreed

We move to clause 2 item 17. Back of trucks which has been discussed. Is there any further debate Honourable Members. There being no further debate I put the question that clause 2 item 17 be agreed to

QUESTION PUT

Madam Clerk could you please call the House

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

The result of voting Honourable Members, the Ayes six, the noes two, the motion is so carried

We move to clause 2 item 18. This is the wearing of seatbelts Honourable Members. Is there any further debate Honourable Members. Then I put the question that clause 2 item 18 be agreed

QUESTION PUT

Madam Clerk could you please call the House

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

The result of voting Honourable Members, the Ayes five, the noes three there are no abstentions. The motion is carried

We move now Honourable Members to clause 2 item 29 as indicated by the Minister. Such as leave may be required from the Chair, leave is so granted. Minister you would care to give detail

DEPUTY SPEAKER Thank you. Any further debate Honourable Members. Then I put the question that clause 2 item 15 be agreed

QUESTION PUT

Madam Clerk could you please call the House

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

The result of voting Honourable Members, the Ayes five, the noes three there are no abstentions. Therefore the motion is so carried

MR SHERIDAN Mr Deputy Speaker this clause here, there's been a slight error in that there are two items which refer to following section 40 insert 40A, so we have a slight discrepancy there. What I'd like to do is propose an amendment to the amendment Mr Deputy Speaker in clause 2 item 29, in the words "Following section 40 amend "40" to read "40D" as in 40 delta, and continuing down Mr Deputy Speaker delete "40A" and insert "40E" in its place

MR DEPUTY SPEAKER Thank you Minister. Any debate Honourable Members. There being no debate I put the question that the amendment to item 29 be agreed to. I put the question

QUESTION PUT
 AGREED
 MR SNELL NO

That motion is agreed to

Honourable Members we now move back to the remainder of clause 2 be agreed to. Any further debate? I put the question

QUESTION PUT
 AGREED
 MR SNELL NO

Please record my vote. That motion is agreed. I now put the question that the clauses as amended be agreed to. Any further debate? I put the question

QUESTION PUT
 AGREED
 MR SNELL NO

Madam Clerk please record my negative vote. The question that the remainder of the bill be agreed to

QUESTION PUT
 AGREED
 MR SNELL NO

Again Madam Clerk please record my negative vote. The ayes have it

DEPUTY SPEAKER Mr Sheridan I seek a final motion

MR SHERIDAN Mr Deputy Speaker I move that the bill as amended be agreed

DEPUTY SPEAKER The question is that he bill as amended be agreed to
 I put the question

QUESTION PUT

AGREED
MR SNELL NO

Please record my negative vote. Are there any abstentions? No abstentions. I think the ayes have it.

FIXING OF NEXT SITTING DAY

MR ANDERSON Thank you Mr Deputy Speaker I move that this House at its rising adjourn until Wednesday the 3rd August 2011 at 10 am

DEPUTY 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

MR KING Thank you Madam Speaker I move that the House do now adjourn

MR SHERIDAN Thank you Mr Deputy Speaker , I would just like to mention that tomorrow evening up at the A & H Hall, I will be holding a public meeting in regards to the Code of Conduct that the watercraft in enclosed waters, ie Emily Bay and slaughter Bay will be discussed and this includes specifically jet skis so I encourage owners of jet skis in particular to attend this meeting because the Code of Conduct is being reviewed and I would just like to have their input and that's tomorrow afternoon or evening at 5.30 at the A & H Hall

DEPUTY SPEAKER Thank you Mr King. 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 3rd August 2011 at 10.00 in the morning.

