



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY  
13<sup>TH</sup> NILA HANSARD – 7-14 SEPTEMBER 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.

Thank you Honourable Members, feel free to take off your coats, those who have not already done so.

**CONDOLENCES**

The first matter on the Agenda is condolences and I look to Mr Snell.

**MR SNELL** Thank you Madam Speaker, Madam Speaker it is with deep regret that this House records the passing of **Ellen Margaret Tanner**. Ellen was born in 1921 in Camperdown, Sydney and passed away on Norfolk Island on 22<sup>nd</sup> August 2011. Ellen had nine brothers and sisters. In her early years as a girl going to School at Rockdale, her Mother would give her tuppence for the fare on the train, but Ellen would walk the distance and keep the money to buy lollies for her and her brothers and sisters at the weekend, showing her generous nature. This continued throughout her life. Ellen married Denys Tanner in 1950, they had an engineering business in Bexley and Ellen worked as a courier and Secretary. Ellen and Denys came to Norfolk some 30 years ago. Ellen was involved in many committees and charity work here on Norfolk Island, she was a member of the Golf Club and of N.A.T.S, Ellen was one of the original members of White Oaks, and a staunch Red Cross Lady and also a member of the Blood Bank, she gave a happy helping hand at the Government House open days, greeting tourists with her lovely smile and helping hand, her expertise at the selling of raffle tickets also took her to the Royal Agricultural and Horticultural Show Day. Ellen was also the Catholic Church meet and greet lady for over twenty years, she would meet visiting priests and take them to the Parish House and point out all the important buildings along the way. Ellen has been described as a breath of fresh air, a happy soul who was entertaining, witty, a lovely lady who will be missed by many. To Ellen's family and her many friends we extend our deepest sympathy.

Madam Speaker it is also with deep that this House records the passing of **Albert Richard Mack**, affectionately known as Johnny, Alec or Jack. Jack was born in 1925, the eldest of 7 children. The depression hit when he was 9 years old but he didn't often talk about those times. As a teenager, whilst working on Juanbung Station, Jack's path would cross with a Norfolk Islander, David Buffett. At one time they had the same holiday allotment and travelled to Sydney together to visit David's four nieces. The youngest of these nieces was Edith May Gabbutt. Though still working on the station Jack had made up his mind to go to war so joined up on the Victorian side of the border and caught the train to Melbourne for his aptitude test and there he joined the Air force. After the war Jack married Edie and worked on the docks as a "lumper" often volunteering for the difficult and dangerous jobs that paid more. They later moved to South Australia where he trained as a Wool Classer, studying the four year course by

correspondence whilst working in the woolsheds around the state. He completed the course in three years. Their only child Sandy was two years old, so his travelling ceased and for the next 26 years Jack managed sheep and cattle properties in South Australia. After retiring in 1981 he was seconded by the South Australian Agricultural Department to work on a farm project with the Kurdish people in northern Iraq and later in Jordan. His love of travel and practical approach to solving problems stood him in good stead. Jack and Edie came to live in Norfolk in 1987 building on their land at Collins Head. Jack went to help out a friend in his market garden and stayed there for five years. His later years were spent pottering around in the garden at home and serving on various committees including the RSL sub branch, White Oaks, Probus, the Fishing Association and the Royal Agricultural and Horticultural Society Show. He looked forward to Show Day and judged the horses. In January 1999 Jack was awarded an Australia Day Citizens award and earlier this year he was presented with a plaque acknowledging his 50 years of membership in the RSL. With ill health taking its toll Jack passed away on the 24th August. To his wife Edith, daughter Sandy and her husband Steve, to his siblings Joyce, Arthur, Rosslyn, and Colin and to Jack's many friends here and offshore this House extends its sincere sympathy. Thank you Madam Speaker.

SPEAKER Thank you Mr Snell, Honourable Members as a mark of respect to the memory of the deceased I ask that we all stand in silence.

Thank you Honourable Members.

#### **.PETITIONS**

SPEAKER Honourable Members are there any Petitions for presentation this morning. No petitions.

#### **GIVING OF NOTICES**

SPEAKER Giving of Notices, any Notices to be Given this morning? We move then to Questions without Notice.

#### **QUESTIONS WITHOUT NOTICE**

SPEAKER Are there any Questions without Notice Honourable Members? Mr King.

MR KING Thank you Madam Speaker. I have some questions in relation to discussion within the community about whooping cough and whether it is present here in the Island. Can I ask the Minister with responsibility for that area, whether it has been ascertained or not, if whooping cough is here, and if it has not, is that as a direct result to a reluctance to test in respect of whooping cough in a particular person?

MR SHERIDAN Thank you Madam Speaker, thank you Mr King for the question. The question as to whether or not whooping cough is on Norfolk Island, I can straight that, there is one case that has been identified here on Norfolk Island and that case was identified in Australia to date, and I'm just reflecting back to late last week when I had the advice from the Hospital Director, there are two samples from two patients that have been sent away for testing for whooping cough, as of this time, as of last Friday, those results had not been received, so I can't definitely say that the whooping cough has been identified within the community by the laboratory at the Hospital, people who have been presenting at the Hospital with symptoms of whooping cough, they have been treated, and it is normal in winter Madam Speaker, that there are various types of viruses that are going around, but these patients that do present with

symptoms of whooping cough at the Hospital, have been treated immediately with the antibiotics that whooping cough is treated for. This is so that when the testing, and when I say when the testing, not every patient requires or wants the testing to be undertaken because it is an expensive test. But this ability, or this way of treating this cough or this flu with the antibiotics as for whooping cough initially will preclude that infection period of that person, as the infectious period is the first 2-3 weeks that a person has whooping cough, so by the time the results get back the infectious period is over. So if we waited until the results were obtained from Australia then if it was in fact whooping cough the disease could have been spread further, so these patients have been treated as for whooping cough as I've stated there is one case on the Island that was diagnosed in Australia. And they're awaiting two results from patients who have presented themselves to the Norfolk Island Hospital.

MR KING A supplementary Madam Speaker, Minister with respect to the one case that has been diagnosed in Australia, can I draw the inference from that that given the known period of presence of that person here on the Island and the known incubation period for whooping cough that it can be concluded that it was contracted here in the Island. Is that what you are saying?

MR SHERIDAN Madam Speaker, I'm not saying that at all, as I am not aware of that persons movements, all I know is that this person has been identified with whooping cough and it has been identified in Australia. I'm unaware of this persons movements, when they were on Island, when they were off Island, so I can't say where they contracted it from.

MR KING One more supplementary. Has there been to your knowledge, any reluctance to test for whooping cough based on a shortage of funds, or a resistance because testing results take five weeks to return.

MR SHERIDAN Madam Speaker, no, I have been advised that the Hospital Director that there is no reluctance by the Doctors to order that test as I explained, those tests do take some time to get back to the Island and by the time those results do get back here, the infectious period would have been over, so it would be up to the patient whether or not they would want to have those tests undertaken, considering that they would have been or have been given the antibiotics that would treat for whooping cough in any case.

MR KING Just one final supplementary, so Minister you give an absolute assurance to families here in the Island that adequate levels of treating and testing are available on demand or on request here in the Island for whooping cough.

(unclear on tape)

SPEAKER Minister Sheridan? Thank you. Further Questions without Notice Honourable Members, Mrs Griffiths.

MRS GRIFFITHS Thank you Madam Speaker my question is for the Minister for Education, Minister at the last meeting of this House you undertook to provide Members with a structure which justifies proposed changes to the School's management arrangements. Are you in a position to provide us with that now?

MR BUFFETT Thank you Madam Speaker. Would you like the long answer or the short answer?

SPEAKER We are in your hands Chief Minister.



MRS WARD Thank you Madam Speaker, my question is to the Minister with responsibility for the environment, can the Minister advise why the objectives of the Ball Bay Reserve's plans of management have not been adhered to by the Conservator, particularly 2.5.6, where a watering point was to be located at the upper section of the reserve and the lower part fenced to protect the area from cattle grazing?

SPEAKER I ask you to be mindful of Standing Order 72A, in preparing your answer.

MR SHERIDAN What does that say Madam Speaker?

SPEAKER No reflection on conduct, just be mindful anyway.

MR SHERIDAN That is fine, Thank you Madam Speaker. Thank you Mrs Ward for the question. The plans of management for each reserve Madam Speaker have been, as everybody will be aware, have been compiled, and I think it was 2003, so some eight years ago. Obviously all actions under those plans management for each reserve would be the ideal position to complete those in a certain time frame, of course this would depend on the resources etc that are available at this time. In regards to the fencing at Ball Bay and the relocation of a water trough, yes it has been identified in the plans of management that that would occur, and it had been planned to undertake such a task, but when that task was being assessed, you might say, and there was some funding through a private group to make this happen, due to the local resources within the Norfolk Island Government you might say, the public opinion at the time suggested that that action not be completed until the plans of management review has been completed, now, and I will just go on to say Madam Speaker, that each reserve has a plan of management, but they all revert back to the part A of the plans of management, the public reserves part A, if there is conflict that part would be read as, advice the plans of management of the reserve you might say, and in that Part A it says that the community will be consulted on all proposals to permanently exclude, stop from common grazing areas in public reserves, now Ball Bay reserve has had public grazing in the past, and even though it has been identified back, some eight years ago, that the intention was to fence off the upper portion of Ball Bay reserve, I still believe that there should be an undertaking for the public to be consulted in regards to the action that would have some, certainly some effect on the cattle grazes around that area. So that is the reason Madam Speaker and if Mrs Ward would like any further information she can...

SPEAKER More information may come from Question on Notice number 244 from Mrs Griffiths to yourself goes someway to addressing that question as well. Is that it Mrs Ward? Mr King.

MR KING Just a quick reference to 244, I want to ask a supplementary question in relation to the plans of management for reserves. Now Minister isn't it a fact...

SPEAKER We are not there yet Mr King.

MR KING No, no, no, I appreciate that, but I didn't want to intrude or cut across that question, the question on notice.

SPEAKER Oh okay, and it can't be answered at 244 you are saying?

MR KING That is correct, yes. Minister isn't it a fact that the plans of management of the reserves and the objectives and the strategies set out in

those plans of management have only finally been agreed by the Government at the time that those particular plans of management were established after consultation with the community and therefore isn't it a fact that the undertakings by the Conservator in respect to plans of management have the full and proper endorsement of this House and the Government?

MR SHERIDAN Thank you Madam Speaker and thank you Mr King, I presume Mr King that back in 2003, it did have the full endorsement of the House at that time, and I just like I indicated to Mrs Ward, due to the passage of time and some of those actions have not been carried out, I think it is prudent that the community be consulted again when an action such as this which has huge ramifications be discussed with the community now, not with the community which was eight years ago you might say. And that is all I can say with regards to that.

MR KING I appreciate that but I'm really trying to ascertain whether the Conservator has the support of the Government in pursuit of the objectives and strategies that are laid down in the plans of management as they exist now.

MR SHERIDAN Thank you Madam Speaker, yes I can say that the Conservator has my support to undertake the plans of management as they are now, but like I said, when there is a project that will affect the community, I think it is only prudent to have some up to date information and up to date discussions with the community at large.

MRS GRIFFITHS Thank you Madam Speaker, my question again is to the Minister for Education. Can the Minister inform Members of this House and this community of the differences in the roles and functions of a School Counsellor and a Welfare Advisor?

MR BUFFETT Thank you Madam Speaker, Madam Speaker the key aspect of welfare is that it is about the day to day wellbeing of students. In a School all Teachers have a role of pastoral care and student welfare, all Teachers. Teachers and Students continually interact on a day to day basis and student welfare related to the development and implementation of programs and strategies that assist the day to day wellbeing of students promotes positive relationships and develops resilience in students. There are positions which involve an increased role and time allocation to that particular role, examples of those are these; the Assistant Principals in K-2 and 3-6, Year Advisors, Girls Supervisors, Head Teachers, Deputy Principal who co-ordinates all of those above and involve significant day to day welfare role on their own account. The Principal has a role and responsibility for overall management of all School procedures, plus significant day to day welfare roles. The staffing formula that I mentioned earlier allows for adequate welfare time, as opposed to maybe face to face teaching, to be created according to the size and composition of the School, so that is a comment about welfare. School Counsellors, Counsellors, are qualified Teachers who have a degree in psychology and post graduate qualifications in School Counselling. They provide counselling and psychological assessment for students with specific needs, specific needs, this is the main difference, in that they deal with specific issues rather than the general wellbeing of students within the School environment. They offer a service additional to the School welfare system. They often see students whose behaviour and wellbeing can not be met by using all of the earlier mentioned welfare arrangements, parental support, for example students who are suspended from School, usually have a Counsellor interview and Counsellors write a report on all students who are given a long suspension. In New South Wales funds for students with special learning or behavioural needs are allocated to School's according to test results, School Counsellors are responsible for conducting these cognitive, social, emotional and behavioural assessment, and these assessments can be of assistance to Teacher's as well. School

Counsellor's often refer students and their families to other agencies and individuals who support student health and wellbeing. School Counsellor's aren't normally members of a particular School Staff, they are put into a regional pool, and they may service a number of Schools depending on the School sizes and the needs of the students, I just make mention again that here we have been very lucky until now, that we had a semi-retired School Counsellor who could be available exclusively for the School, but that person has now retired totally and therefore not available in that context. Hopefully that's useful.

**MR SNELL** Thank you Madam Speaker, Madam Speaker I ask a question of the Minister for Tourism and Minister as raised with you on a number of occasions, I have requested the appointment of the Norfolk Island Government Tourist Bureau CEO and Marketing Manager to be deferred until we have a better appreciation of our financial and Tourism Strategy. Minister would you please advise this House if you are intending to continue in filling the vacancy at this time?

**MR NOBBS** Thank you Madam Speaker, thank you Mr Snell for the question, the recruitment process as I understand it has been undertaken by the Board for the Bureau, my intention is to allow that to go to completion. The main reason for that is that Tourism for Norfolk Island is our main industry, our key industry and what we specifically need is focussed management, focussed communications and focussed accountability and I see that particularly happening through a General Manager.

**MR SNELL** Thank you Madam Speaker, a supplementary if I may, Minister it is well known that the track record for overseas appointment to this position haven't been very good, particularly in the last ten years. Minister have you considered the appointment of an Acting General Manager or CEO, to this position and will you take that into consideration after perusing the applications?

**MR NOBBS** Thank you Madam Speaker, just to clarify, I don't peruse the applications, I'm not on the selection panel, however I can certainly pass on some of your ideas Mr Snell. In real terms though, as I've indicated earlier, what we are after is some stability and focus in the way the Bureau's managed. Some of the previous issues that you refer to in terms of a number of General Manager's over the last ten years have been addressed by the amendments to the Norfolk Island Government Tourist Bureau Act, so I would see that we are on a more stable footing for having a more professional input into the Bureau.

**MRS WARD** A supplementary Madam Speaker on that question. The question is the Minister for Tourism of course, Mr Snell has just spoken of a better appreciation of the Strategy and at the last Sitting of the House the Minister stated that the Tourism Strategy was not just for the Bureau to implement, but for the whole of Island. What were the initiatives that the Government was to implement and what has been achieved of those, very briefly, and under the Strategy, what is the industry expected to do?

**MR NOBBS** Thank you Madam Speaker, thank you Mrs Ward. Just to be clear, that this isn't a supplementary, this is your own separate question.

**SPEAKER** I've taken it as supplementary to Mr Snell.

**MR NOBBS** No problem. In real terms there are a number of areas for community involvement or industry stakeholder involvement, first and foremost are the areas of service delivery, of assessment of visitor expectations versus the delivery of those expectations while on Island, through the various agencies, or bodies such as Chamber of Commerce and ATA there is obviously room for feedback both to

the Board and Bureau and from the Board and Bureau back to those organisations to highlight those issues and to move forward with them.

MRS WARD Thank you, back to the original question, related to the initiatives that the Government was to implement and what has been achieved?

MR NOBBS Madam Speaker I had earlier circulated the General Manager's Traffic Light Analysis, just took me a moment to recall what its name was, and that outlines a number of these areas for the Member's and perhaps we can refer to that, and if there is any further questions out of that, certainly I welcome anyone to come and see me and we'll walk through it.

MRS WARD My question is to the Minister for Community Services. Is the Minister aware of a study having been done to ascertain the Island's capacity to sustain a larger population, particularly in an ecological sense and if not, how is the Assembly to reach an informed view on what a sustainable population might be?

MR SHERIDAN Thank you Madam Speaker and thank you Mrs Ward, yes I believe Mrs Ward is referring to the report done some years ago by Mrs Jodie Brown if I remember rightly, I can't say that I've cast my eye over it recently Madam Speaker. I understand that the Planning Officer has done a paper on that issue that Mrs Ward refers to, and when we do get some information with regards to that issue I will ensure the Members are fully informed about it, so the discussion can then take place.

MR KING A supplementary Minister, isn't it a fact that the recent document received from the Planning Officer contains no recommendations at all in respect of those issues?

MR SHERIDAN Thank you Madam Speaker, I can't respond to that as I haven't seen the paper. I've just seen it alluded to in correspondence between Mrs Ward and the Planning Officer, I haven't seen it as yet.

MR KING I'm confused, I don't understand why I have seen it and you not.

MRS WARD So is it a fact that the Minister has not requested any information from the Service to ascertain the Island's capacity to carry a greater population?

MR SHERIDAN Thank you Madam Speaker, no I haven't specifically requested information like that, the Planning Officer has completed these papers on his own, in his own role as the Planning Officer, I haven't specifically requested information such as that no.

MR KING Just in an attempt to clarify my recent, my immediate past question, is it a fact that the most recent paper prepared by the Planning Officer in respect to this issue, contains no recommendations?

MR SHERIDAN I haven't seen the most recent paper, so I can't say. Madam Speaker I'm just trying to reflect my mind back to the other paper with regard to population.

MR KING It's only recent.

MR SHERIDAN No, it's a few months ago, and I circulated that paper to everybody and I'm just trying to cast my mind back whether or not there were

recommendations. I believe there were, but I would have to look at the paper again to advise Mr King of what they were.

**MRS GRIFFITHS** Thank you Madam Speaker, my question is again to the Minister for Education. Can the Minister explain how the counselling needs of students and staff are currently being addressed at the School?

**MR BUFFETT** Yes, in terms of counselling needs, the counselling needs of students and staff are currently met by the community Counsellor. Appointments can be made directly with that person or through the Principal. I do make comment that there are additional services, but they are not on Island services, for example staff at the School have access to an employment assistance program, which has a 24 hour hotline, and students also have access to mainland hotlines. We do have at the School at this moment, a Teacher who has been engaged, not in a Counsellor capacity, but in a face to face classroom capacity, who does have qualifications as a Counsellor, in real needs within the School those services may well be called upon by the Headmaster if there is a need. If that is to be ongoing in anyway, there needs to be some readjustment to cost attached to it to provide such services. The Headmaster does explain to me Madam Speaker, that the bulk of need within the School is in the welfare arrangement, there are needs occasionally for counselling services, but the bulk relates to welfare services, not necessarily counselling services.

**MRS WARD** Thank you Madam Speaker, a question to Minister Sheridan and I'm happy for him to take this one on Notice, it is in his capacity for planning. Would a Development Application involving an attempt to acquire a section of public road reserve be a matter for the Public Service or the Administrator and would such an application be gazetted and open to the public submission and consultation process.

**MR SHERIDAN** Thank you Madam Speaker, thank you Mrs Ward for the question, I will take that on notice, because I will just have to get some advice as to exactly what the process is of excising a commonwealth road into private hands, so I will just have to find out what the correct process there is.

**MR KING** Perhaps this is an appropriate time for me to ask a question of Minister Sheridan in relation to another planning issue. May I ask in what basis did the Minister disregard the vast majority wish of this House and proceed to refuse to approve the recently proposed subdivision of portion 34j1 of Martins Road?

**MR SHERIDAN** Thank you Madam Speaker, yes the debate in the House in regard to that, it related to a proposal, a Development Application, to subdivide a portion of land out at Bucks Point, the discretion in the House was to give the ability for the Planning and Environment Board, for the Planning Officer for myself to actually assess the application, that application was prohibited under the Norfolk Island Plan. This House wasn't deciding on whether or not that application should be approved, all we were voting on then, was whether or not that application should be considered as permissible with consent and moved it from the prohibited column to the permissible with consent column and therefore able to be assessed. That was the only action that this House decided at the last meeting. Whether or not the Development Application therefore, after we were given the ability to assess it, was approved or not approved, goes through the normal process of the Planning Officer's recommendation, Planning and Environment Board recommendation and then coming to me for final sign off. And yes Madam Speaker I didn't approve that actual Development Application, the Planning Officer didn't support it and neither did the Planning and Environment Board and I confirmed their recommendation.

MR KING I have got a supplementary Madam Speaker to the Minister. Since when Minister were the words, and I'm about to quote, given a meaning other than that ordinarily conveyed by them? The House resolves to make a determination to approve the draft plan laid before this House, being a proposed amendment to Schedule 2 of the Plan and that if the decision is to approve the draft plan, I note the if, for the purposes of the Planning Act, date of commencement shall be the 12<sup>th</sup> of August, and concluded, in the motion, the aim and intent of this plan is to allow for a subdivision of portion 34j1 Martins Road into two portions. Since when were those words given a meaning other than that ordinarily conveyed by them and why was the discussion not opened up to include the explanation you have just given in relation to my first question?

MR SHERIDAN Thank you Madam Speaker, you have just read out the motion, and the motion was given the ability, and I don't have the authority to alter the Norfolk Island Plan and that was what we were doing and then the second part of it was just giving some further explanation as to what the change was all about you might say. But the motion was to give us the ability or give the Planning Officer the ability to assess the application, that was all that motion meant.

SPEAKER Honourable Members we are moving into an area where we are starting to debate this issue and questions aren't open to debate, so if we could just temper them in such a way that we are asking a question, not debating.

MR KING Is that directed at myself or Mr Sheridan?

SPEAKER To both.

MR KING I thought my questions were fairly succinct.

SPEAKER No, to both.

MR KING May I ask another supplementary, mindful of your warning Madam Speaker.

SPEAKER Mr King.

MR KING Is it then your intention to, on future occasions, waste the time of this House in discussing these matters, was this simply a matter of fut'bohda, why the blazes did we waste our time?

MR SHERIDAN Thank you Madam Speaker, it's just a process Mr King, it's a process under the Norfolk Island Plan, that if a development is prohibited, to allow it to be considered, that is the process that we have to go too. It has to come to this House. If people want that to change, I suppose we have to consider the legislation and alter it so that those things don't come to the House and we leave it up to the Planning Officer and the Planning and Environment Board.

MR KING I have a supplementary. Do you then Minister do you consider that you adequately explained what we were in fact doing and why were we not, as a collective, or individually as it were, given the courtesy of some subsequent explanation following your disapproval or refusal of this application. Why were we left to wallow in your obvious contempt?

SPEAKER Mr King, I ask you to temper your language please.

MR KING Which particular word Madam Speaker?



does appear to be some limiting factors in the services that are available. Whether the Government is in a position to solve all of those, I'm not trying to make a claim at this moment, people have their own capacity to look too in terms of seeking to practice within the Norfolk Island environment.

MR KING Thank you Madam Speaker, a question for Minister for Tourism, Mr Nobbs. What responsibility does the Minister take for the proper and efficient functionality of the Tourist Bureau Board, and what assurances can he give that the inefficiencies and the lack of productivity and the dysfunction evident in recent times will not manifest in the Board going forward?

MR NOBBS Thank you Madam Speaker, this is an operational matter for the Chairman and the GM, however I take umbrage on behalf of those Board Members who have successfully launched some tactical advertising in a partnership methodology, that has been part of the contributors to increased sales for travel to Norfolk Island.

SPEAKER Minister Nobbs I think this is clearly in the area of 72A.

MR NOBBS Absolutely.

SPEAKER The Members of the Bureau are holders of statutory authority

MR KING Really?

SPEAKER Yes.

MR KING Well perhaps the Minister could ask of Madam Speaker..

SPEAKER No perhaps. If you would like for this discussion to continue, the role for you to pave is to move suspension of broadcasting.

MR KING I am very well aware of standing order 72 in relation to that question. My task as a Member of this House in enquiring of the Government in relation to his level, his level of his executive responsibility given that he is the Minister. I would ask him to explain his level of responsibility for any, for any lack of productivity that may be evident, for any inefficiencies that may be evident and for any dysfunction that may be evident within the Board. What responsibility do you take for that? Now if that contravenes section 72 Madam Speaker, I shall do something odd.

SPEAKER There is an inference there, the Board is identifiable, if we keep it within generalities, that is correct, Minister Nobbs.

MR NOBBS Thank you Madam Speaker. Quite obviously at a political level my role is to ensure the availability of assistance at a Government level where appropriate to the Board and the Bureau. My role is to ensure that within the strategies that are operated within the Board, that are endorsed by the Government and has been for the five year Tourism Strategic Plan endorsed by the entire Assembly, that they move appropriately. At the end of the day Madam Speaker the buck does stop with the Minister, it is very interesting however to hear this from Mr King who is also on many occasions made attacks for micro management, it would seem that he is having a bob each way.

MR KING Thank you Madam Speaker, I will treat this as a separate substantive question to the Minister for Tourism. Is the Minister aware of any guidelines, if any, have been provided in the past to Members of the Norfolk Island Government Tourist Bureau upon appointment in relation to the requirements of the statute and the manner and performance of their powers and functions. What guidelines, published, hardcopy have been provided about which you are aware?

MR NOBBS Madam Speaker the first that come to mind of course are the Act and the regulations. As they guide the operation of the Bureau. In terms of code of conduct operating parameters if that is the line that Mr King is heading down, certainly there is work ongoing at the moment to finalise code of conduct parameters across all statutory boards and committees.

MR KING A supplementary if I may Madam Speaker? Did the Minister say in his answer to my question, did he say that he is not aware of any, is that what his answer meant, that there were no guidelines, published guidelines, given to these people upon appointment or there were? Yes or no? It's an easy question, it may explain this dysfunctionality.

MR NOBBS Aside from the two documents that I mentioned Madam Speaker I'm aware of no other specific guideline.

MR KING Thank you. (claps).

SPEAKER Mr King I ask for you to refrain from applause

MRS WARD Thank you Madam Speaker my question is to the Minister for Community Services, has the Minister directed the Hospital Advisory Board to set out a strategic plan relating to the activities of the enterprise, that he may under Section 17 of the Hospital Act?

MR SHERIDAN Thank you Madam Speaker, no I haven't.

MRS WARD A supplementary to that question, thank you. Is the Minister aware of the existence a strategic plan for the Hospital and if so, assuming there is one, would he advise whether or not the plan caters for the provisions for respite care and the costs involved and the long term objectives for aged care in general within the Hospital.

MR SHERIDAN Thank you Madam Speaker I will have to take that on notice to review the documentation that Mrs Ward is referring too.

SPEAKER Further questions without notice Honourable Members? It seems we have exhausted questions without notice. No, I look to Mr Anderson then.

MR ANDERSON I'm just sitting back here waiting for everyone else to finish Madam Speaker. Thank you Madam Speaker, in further to Mrs Griffiths question to the Chief Minister, is the Government satisfied that there is satisfactory access to justice given the extreme shortage of practicing legal practitioners and the ability of those practitioners to provide pro-bono services, with the lack of a Government funded duty solicitor service. What I am suggesting is, someone goes to court, there is no one there to assist them. Is the Government satisfied that there is satisfactory access to justice?



advise them that there are, basically it is time to review the methodologies of the Gaming Act and their operation to ensure accountability.

MR KING Just a supplementary if I may. Is the Minister saying there is no accountability at present?

MR NOBBS No, I'm not saying that there is no accountability at the moment.

MR ANDERSON Thank you Madam Speaker to the Chief Minister and perhaps I should preface it by saying, that this perhaps should have been put on notice. The Personal Properties and Securities Act 2009 (Commonwealth) which extends expressly to Norfolk Island commences to operate on the 31<sup>st</sup> of October 2011, unless its introduction is further delayed by the Commonwealth, which is possible. The Act makes a significant change to security interests in property other than real estate, can the Minister please advise what action the Government has taken to assess the impact of the new Act on Norfolk Island and whether any action will be required by the Government or private sector to ensure compliance?

MR BUFFETT Madam Speaker, thank you, there hasn't been an assessment done by Government at this time, I thank you for drawing attention to it in the context that you have, I'm not too sure that we have the resources to conduct such an impact assessment at this time, but I'll examine it to the best we are able at this moment. And indeed I will have some discussions with the Commonwealth about some of its impact. Thank you.

MR KING Thank you, a question for the Minister with responsibility for lighterage. Is the Minister aware that arrangements for the maintenance of lighterage equipment are currently in the hands of two minor level staff following staff upheavals in vacancies and there is expressed concern in relation to the condition, the condition of lighterage equipment, that is my first question, is the Minister aware of that. And will he undertake to give this matter urgent attention given the OHS implications?

MR NOBBS Thank you Madam Speaker, thank you Mr King for the question, as I understand it, within the maintenance arrangements for lighterage, the former lighterage Manager put out an expression of interest to those with the professional capacity for repairs to express an interest so that professionals within the field could provide those repairs to safety issues such as Mr King has highlighted. However I will endeavour to ensure that all things are working as they should, Thank you Madam Speaker.

MR KING Madam Speaker, in the manner of a supplementary, whether the Minister would provide some written assurance to Members within a short time, not necessarily waiting until the next meeting of this House, that he is, after checking, that he is 100% satisfied that the maintenance schedules are being properly followed and all resources, in terms of equipment and staff, that are necessary to ensure the maintenance schedules are being adhered too, or all complied with, whatever all those words meant, I'm sure he understood my question there. I am deeply concerned about this matter, given the apparent state of lighterage equipment, and I would like that assurance sooner rather than later.

MR NOBBS Thank you Madam Speaker, as I've said earlier, this operational issue I'll discuss it with the CEO of the Public Service and gain written response that I'll circulate to Members.

MR KING A question for the Chief Minister if I may, Chief Minister I am aware that in recent days there has been circulated an email which indicates that an executive colleague of yours, Mr Sheridan, has advised that the published Immigration Policy has been altered by the Commonwealth, in respect to the access to insurance of self-funded retirees, my question is, a) given that the Norfolk Island Government had already accepted difficulties in that area, why were those amendments to the Immigration Policy not initiated by our Government?

MR BUFFETT Madam Speaker I'm not aware of the Commonwealth have changed our policies.

MR KING Can the Minister, in terms of a supplementary, if I may? Can the Chief Minister then confirm that a further published document, or published Immigration Policy will be shortly available.

MR BUFFETT I can confirm that, I can confirm that, yes.

MR SHERIDAN Can I please ask Mr King to repeat his inference of my correspondence to somebody? Where you referred I did something?

MR KING Well there was no inference, it's no blight on you Mr Sheridan, I can assure you.

MR SHERIDAN I would like to hear the question again.

MR KING I received an email from a member of the community, which was offering thanks I think, to members of the House, or members of the Government for the information received from yourself in relation to alterations to the Immigration Policy, whether that was correct or not.

MR SHERIDAN No, that is correct, it was just inference to the Commonwealth thing that I was confused about.

MR BUFFETT Madam Speaker further responding to that, if in fact there are inferences that are incorrect, that other people are making about the Commonwealth doing something in our bailiwick which seems inappropriate then I think those people who are making such inferences should ensure that they're telling the right story, and they should be told so, and Mr King may assist in that process.

MR KING Is this a debate Madam Speaker?

SPEAKER That was a further response to a question that you had asked. Further questions with notice before time for questions without notice expires. Mr King.

MR KING Madam Speaker could I ask the Chief Minister whether he can provide some advice on any final outcome of discussions between Deloitte's on behalf of the Norfolk Island Government and Our Airline and the Commonwealth and whoever else might have been involved in these discussions regarding contractual obligations, is there any final outcome that the Chief Minister can advise the House of?

MR BUFFETT Madam Speaker I hope, before we come to the end of today's discussions, I may have an announcement that may give some answers in that context, whether we do reach that stage, I'm not able to guarantee, but maybe we could pause until an opportunity comes.

MR KING Can I fit two in before time expires? Depends upon answers Madam Speaker, short succinct answer would allow me to fit 10 questions in before the time. A question to the Chief Minister, what arrangements are in hand to ensure continuity at the head of the Public Service beyond the expiration of the incumbents term of appointment.

MR BUFFETT Madam Speaker both the Government and to some extent the CEO obviously, are engaged in discussions about that process at this time. You wanted it short.

SPEAKER One minute.

MR KING I have a supplementary Madam Speaker. I don't know what the supplementary is quite frankly! The Chief Minister responded that there were some arrangements, but he didn't answer the question and say what arrangements are in hand, I would hope that there are arrangements on foot, I would be interested in an assurance that we will continue to have a head of a the Public Service beyond the expiration of the current incumbents appointment, that would be really important to me.

MR BUFFETT Yes, the Government is certainly aiming to have continuity Madam Speaker.

SPEAKER Thank you Chief Minister, time for questions without notice, has expired.

MR KING I would like to request it be extended Madam Speaker.

MR BUFFETT I'm going to oppose that.

SPEAKER Mr King you are proposing that time for questions without notice be extended, would you like to give a time so I can put that to the House please?

MR KING Five, what about I read all my questions and they answer as many as they can in a short period.

SPEAKER Five minutes. The question before the House Honourable Members is that question time be extended by five minutes.

QUESTION PUT  
AGREED

MR KING Thank you Madam Speaker, I only have two or three questions, question of Mr Nobbs, given the Minister's recent confirmation that Norfolk Island is no longer involved in the original SPIN proposal, can the Minister now confirm, two things, short answers, five minutes, a) that the financial obligation for Norfolk Island's upfront contribution of some \$1 million is now expunged; and b) that no further financial obligations of this nature will be entered into by the Norfolk Island Government without detailed discussion in this House? Clocks on!

MR NOBBS Yes and b) obviously on the consideration for these matters, they occur at a Government level first and foremost, it may well end up, that it is discussed in the House.

MR KING May I repeat the question Madam Speaker, now this is cheating and gobbling up all the time by not giving proper answers. Has the financial obligation, the original financial obligation, for the upfront contribution for some \$1 million been expunged, has it gone forever? Was it the word he didn't understand?

MR NOBBS Madam Speaker.

SPEAKER I do believe the question was answered Mr King. Yes.

MR NOBBS Yes.

MR KING It must be my hearing.

MR KING Is it a fact that Air New Zealand were, a question for Mr Nobbs if I may, is it a fact that Air New Zealand were initially excluded from the new reduced airport taxes and charges that were applied to Air Norfolk and if so why and what was the outcome of them being excluded.

MR NOBBS No.

MR KING Madam Speaker, a question of Mr Sheridan, not a great moment I can assure the House, would the Minister undertake to consider any review, if necessary, the practice of placement of stones and rocks along walkways and reserves, tracks, etc, with which are frequented by visitors to the Island, in which may pose an unacceptable peril?

MR SHERIDAN Short yes, I can speak to the Conservator about the reserves that the Norfolk Island Government controls, as for the National Park, I can ask that of Coral, the Manager of the National Park, but yes, if it is an obvious O&H danger well then maybe they shouldn't be there, but it would be depending on each circumstance I suppose. If Mr King would like to give us some example of where this is occurring, well then we can certainly look at those instances in the first instance.

MR KING Thank you for your indulgence Madam Speaker. Nothing further.

SPEAKER The time for questions without notice having again expired we move now to answers to questions on notice.

#### **QUESTIONS ON NOTICE**

SPEAKER The first question today is the question that has stood over from an earlier time, question 239, Mr King to the Chief Minister.

MR BUFFETT Thank you Madam Speaker is the Chief Minister able to advise if there has been a notable variation in the aging of Administration debtors? Madam Speaker I'm advised that our accounting people that the age of debtors are not a factor that is taken in terms of the processes that we are involved in.

MR KING A supplementary in clarification. I don't want to drag this out unnecessarily, but does the Chief Minister understand that my use of the term debtors is used in a financial sense, in given that precise meaning, that I am not referring to how old in years those people that owe money to the Administration might be. I'm using the term in the normal financial sense.

MR BUFFETT Madam Speaker, I endeavoured to gain, this matter was raised at the last Sitting, I endeavoured to address that particular matter and Mr King quite clearly said to me that he was after the age of the debtors.

MR KING I didn't. I didn't. Madam Speaker I just wonder the Chief Minister might explain to me, how it is that I might be concerned about how old people were in relation to what they owed?

MR BUFFETT Madam Speaker I am at an entire loss as to why Mr King would want to have that information, but that wouldn't prevent him necessarily from raising the question, however, if what Mr King is about, is to enquire about the age of the debt, as opposed to the debtor, then I can provide that information to him of course.

MR KING Do you have that information at hand? Having been asked for two months Chief Minister?

MR BUFFETT I had it last time, but you in fact wanted to be sill about it!

MR KING I'm encouraged! They gave me the benefit of the doubt Madam Speaker that I may have been talking in financial terms, I'm impressed, fully.

SPEAKER Moving on, the next question on the notice paper, is question 243.

MR BUFFETT Don't you want the answer to that question as well Madam Speaker!

SPEAKER Oh you would like to answer the question! I thought the pause was too..

MR KING He did say he had it under his jacket!

SPEAKER The pause was too long, my apologies, Chief Minister please, we are still in your hands.

MR BUFFETT I'll get this file out again! Madam Speaker in terms of the age of debts, there are a couple of figures that I can draw upon which might be useful to Mr King and to other Members. These are published figures that I am referring to in part. The annual financial figures for the year ending 30 June 2010, provide figures in terms of debtors, the age of debts at that time and also the previous year, that is 2009, and it is interesting that the debtors figure doesn't change a great deal in its various categories, for example, debts that are in a category for up to 30 days, for the year 2009 and the year 2010 are pretty much the same, the figure is, in round figures, \$364,000, as opposed to \$389,000, it's not a great deal of difference. For debts that are in the category of 31 to 60 days again, the figure is pretty similar for the two years, 2010, 2009 and that is \$105,000 and \$104,000, rounding the figures again. Beyond that, that is beyond 60 days, the figures are again reasonably similar, 2010, 2009, the figure being \$211,000 and \$209,000 in round figures again. The real interesting figure in terms of those, is that the debt totality has dropped, its \$5 million in round figures for 2009 but dropped to \$3.6 in 2010 and the total figure for 2011, that is the year that has just passed, it has dropped again to \$2.4 million, that is probably the most interesting factor about them.

MR KING Not the age of them!

MR BUFFETT Well I thought we had moved away from that, but if you want to labour that, I just need to repeat what I mentioned earlier!

SPEAKER Are you looking for a supplementary Mr King, as if not, I'll move along.

MR KING May I make a brief comment?

SPEAKER No you can't, you know that. Questions can not be debated. Moving right along the next question on notice is question number 243 which is addressed to the Chief Minister by myself as a Member of the Assembly. Thank you, Chief Minister.

MR BUFFETT Thank you Madam Speaker. Madam Speaker, the question 243, well this is in various parts and some of them I will combine, and some of them I will take in the part that is relevant, but the first part of this question asks this; Will the Chief Minister please 1) in acknowledgement, a) that an advertisement was published recently for the position of Director EL2 Norfolk Island Section Department of Regional Australia, Regional Development and Local Government; and b) that one of the duties to be performed by the successful applicant for this position is providing policy advice and managing the secretariat role for the Kingston and Arthur's Vale Historic Area, which is a World Heritage listed area, make inquiries and report on whether the role in the ad in respect of KAVHA has changed in any way from that which applied to the previous incumbent of this position? Madam Speaker I have enquired, and I understand that this ad has appeared so the answer to that is yes, and I've also checked with the Commonwealth and there appears to be no change in the job description however, it seems to be the same as last time, and is being repeated this time. The next three parts, first of all two, I'll read these three together because I'll combine these in terms of the answer; in acknowledgement that the March 2011 Road Map proposes in 2011-2012 to "implement an appropriate structure for the operation of the Kingston and Arthur's Vale Historic Area", confirm that the Norfolk Island Government is satisfied that the current management and partnership arrangements within KAVHA are appropriate? And the next part goes on; advise steps that have been, or are being taken, by the Norfolk Island Government to ensure that the partnership and management roles played by Norfolk Island and the Board of Management under the Intergovernmental Agreement known as the KAVHA MOU are strengthened, and not eroded, under the proposed structural reforms to be implemented under the Road Map? And the third part of this; provide a comprehensive update on future management arrangements for KAVHA that may be under consideration by the KAVHA Board at its next meeting. In terms of that bracket of questions Madam Speaker, I'll respond by saying that the current MOU is dated, it originated in 1989 and I think revised in 1994, the Commonwealth do have concerns about processes under that MOU, they have been asked to quantify those concerns I might say, and thoughts from both the Commonwealth and the Norfolk Island Government's are to be heard at the next Board Meeting, the Norfolk Island Government is content that a Norfolk Island Statutory Board may be erected with corporate authority to run conservation and interpretive programs, but sufficiently modest in scale to ensure that its bureaucracy doesn't absorb the major supply of funds, money allocated in that area, and that maximum dollars are invested in the actual conservation and the actual interpretive programs of the area. But having said all of that, it does also need to be emphasised that while those discussions may be held at the Board level, ultimately what results will be a decision for the two Governments, that is the Norfolk Island Government and Commonwealth Government to take. The next part, which is five, asks this; give an assurance that all private landowners who own nearly 20% of the land within the defined KAVHA boundary, have participated in the discussions and decisions to date related to future management of the asset called KAVHA, and if not, why not. I've got to say that

the peremptory term of if not, why not, rarely impresses me, whether it is to me or anyone else, but that is probably an aside at this moment Madam Speaker, in response to the question, the Norfolk Island Government will press the Commonwealth Government to enhance landowners participation because KAVHA is not just Commonwealth land, Commonwealth land may well be included in the area, but it provides, but it is covered by, the KAVHA area is covered by, yes Crown Lease Reserves, but Crown Leasehold held by private individuals and freehold property. The next part asks advise how and where ownership of KAVHA is defined and documented for the purpose of a), b) and c). A) the World Heritage Listing; b) the March 2011 Road Map; and c) all current and future management arrangements in KAVHA. Definition of ownership within KAVHA is really probably found within the land registry area, in which you will find definition of proprietors in those areas that I've mentioned, whether it be Crown Leasehold land, Freehold land or indeed Crown land and reserves, the definition itself of the KAVHA area, appears in a number of places, there is the memorandum of understanding Madam Speaker, which I referred to a moment ago, but there is also the CMP, the Conservation Management Plan for the Kingston and Arthurs Vale, which is a requirement under the EPBC Act, which is a Commonwealth piece of legislation. The KAVHA area is also defined, as I understand it, in the Norfolk Island land Plan, that is one of the probably major control elements within the process of KAVHA because that determines what can and can not be done within the Kingston area. The area will also be defined in the World Heritage Listing legislation, no legislation is not the right word there, the definition given by the World Heritage Listing, it also would appear under Norfolk Island's Heritage Register Legislation. It would appear also in the National Listing, that is a Commonwealth participation beyond Norfolk Island. So you will see that it has registration in quite a variety of areas. I'm not able to speak in terms of c) here, I'm not able to speak for all future management arrangements, or project things in that context, but that picture may well be useful. The last part of this asks; would I table the above questions, that we have just walked through now, and the responses at the next KAVHA Board Meeting, I am happy to do that Madam Speaker.

SPEAKER Right, thank you Chief Minister, moving further along, the next question on notice, is question on notice number 244, Mrs Griffiths to the Minister for Community Services. Mr Sheridan.

MR SHERIDAN Thank you Madam Speaker Madam Speaker the question reads; At the public meeting held on the 10th of August 2011 regarding the fencing off of the Ball Bay area, the Minister advised that nothing would be done until the Ball Bay Plans of Management had been reviewed. At the same meeting, many attendees requested that rather than only written submissions being accepted, alternate means of making contribution to the review be established. Can the Minister now advise, a) the time-line for the review; and b) what alternate methods have been devised for the cattle owners to make submissions and contributions on management of the reserve? The answer Madam Speaker, is a review of all the plans of management for the public reserves was notified in the Gazette on the 5<sup>th</sup> August 2011, with initial public submissions being sought over a six week period to the 19<sup>th</sup> September 2011. As notified in that Gazette, I will consider all submissions received and have draft plans of management prepared for further public consultation in accordance with Part 3 of the Public Reserves Act 1997. The time required to complete the review initially will be dependent on the number and type of public submissions. The greater the number and more complex the submissions, the longer it will take. The draft plan for Ball Bay reserve and for that matter all of the reserves will be developed taking into account public submissions, not only from cattle owners, but from the community as a whole and advice from the Conservator, legal services, the Commonwealth and the views of this House. Once the proposed draft plans are agreed to by me and the Commonwealth there will be further opportunity from the public for further comment. A final draft of the plan will then be considered by the Assembly and the Commonwealth

before proceeding through the formal process as required by the Act. Madam Speaker as can be appreciated this could take some months. Madam Speaker the methods for the submissions of the community can be made by letter, either posted, faxed or emailed, with the comments from the public meeting, that Mrs Griffiths has just referred too, they will be taken into account. If persons don't wish to put pen to paper or send in an electronic copy of their comments, arrangements can be made with me or the Conservator for a private meeting so that their comments can be recorded. As I have a meeting next week and I have already had one such meeting. The Conservator is also available to meet with any concerned persons in the reserves if they so wish.

**SPEAKER** The next question on notice is number 245, Mrs Ward to the Minister for Community Services. Minister for Community Services.

**MR SHERIDAN** Thank you Madam Speaker the question reads, is it a fact that the development of a air curtain incinerator to dispose of waste at the Waste Management Centre has been stopped due to an independent assessment of public submissions made within the development application process? What was the primary reason behind the recommendation to halt the project and what options remain available to the Minister in relation to the burning and disposal of waste? The answer Madam Speaker, it is not entirely correct the supposition from the question, but the development application for the installation of an air curtain incinerator at the Waste Management Centre has been going through the process for assessment as required under the Planning Act. The application was notified in the Gazette, and public submissions have been received in response to that exhibition. To avoid any real or perceived conflicts of interest with the Administration being the applicant as well as the assessing authority, a consultant was engaged to carry out an assessment of the Development Application on behalf of the Administration. This assessment reviewed the application by the Administration together with the public submissions. The consultant has completed this assessment, without any influence by Administration officers, and the recommendation by the consultant is that without further information, the Administration cannot make a recommendation that the proposed application be approved. The Development Application and assessment were then considered by the Planning and Environment Board, and the Board has raised some issues with the application and has not yet finalized its recommendation to me on this proposal. Madam Speaker the Development Application has faltered by these various issues having been raised in the assessment and in public submissions, and these issues need to be seriously examined before I make a decision on this Development Application. The main issue that has resulted from the assessment is that there is a potential for the operation of the proposed Air Curtain Incinerator to generate toxic by-products that would be released to both the atmosphere and the ocean at new locations on portion 183, and the potential health and environmental impacts that may arise from this. It is envisaged that prior to consideration for approval, a comprehensive air quality assessment be prepared by a suitably qualified specialist and a comprehensive health and environmental risk assessment be prepared by a suitably qualified specialist. Madam Speaker I am considering all the issues and options, and I am looking into how the Boards concerns and the concerns raised in public submissions can be addressed. Until these matters are attended too, waste will still be burnt down at Headstone, and the concerns in regard to the management of the Islands waste is identified to be discussed with the Commonwealth during this financial year, in accordance with the Roadmap Madam Speaker.

**SPEAKER** Thank you Minister Sheridan, moving along to question on notice 246, Mrs Ward to the Chief Minister. Chief Minister.

**MR BUFFETT** Thank you Madam Speaker. The question asks, now that the Norfolk Island Government has amended immigration guidelines to allow self-

funded retirees and business investors to come and live on Norfolk Island, what steps, if any, have been taken to promote Norfolk Island on the mainland to prospective new residents? Madam Speaker, there's really been no Government promotion in this context, I think there may have been some promotion in some private sector areas, for example with land agents and the like, I probably find it useful to make mention this, that an amenable entry policy and a successful promotional program are probably different things. The later would require more than an amendment to the Immigration Policy, it would also need to include things such as a range of elements including economic outlooks and assured facilities and services. And of course we are working towards sustainability in that context, I doubt whether you would call them promotional quality at this very minute, but bear with us, we will get there.

**SPEAKER** Thank you Chief Minister, the next question on notice Honourable Members is 247, Mrs Ward to ask the Minister for Tourism, Industry & Development. Minister Nobbs.

**MR NOBBS** Thank you Madam Speaker, the question reads, what was the budgeted average Norfolk Air fare per sector and what was the actual average fare per sector for the month of July with the 50% sale? Madam Speaker I have to respond to this question by saying that that data is commercial and in confidence.

**SPEAKER** Thank you Minister Nobbs, Mrs Ward a supplementary.

**MRS WARD** Thank you and I appreciate the Minister's response, but I'm really getting at, has the sale worked, has there been a loss minimisation and if it has been so successful, will the reduced fare policy continue through the summer period?

**MR NOBBS** Thank you Madam Speaker, to a degree I can certainly answer that one. To give you some indication, the average fare is marginally reduced from the budgeted amount, but this is offset by a certainly well above budget movement of passenger numbers, so to some degree, although, as we have alluded to earlier, this isn't a sustainable fare arrangement to be put as our permanent base fare, it certainly has shown some results, so in line with the cost benefit analysis, I think it has been a success.

**MRS WARD** Will it continue?

**MR NOBBS** Thank you Madam Speaker, thank you Mrs Ward for the question. Certainly we, at a Board level, we are evaluating ongoing sales.

**SPEAKER** The next question on notice Honourable Members is Mrs Ward to ask the Minister for Tourism, Industry & Development, question 248. Minister Nobbs.

**MR NOBBS** Thank you Madam Speaker, the question reads, if the past Tourism General Manager was unsuccessful in gaining access to Tourism Australia promotional arrangements for Norfolk Island would the Minister describe the barriers to Norfolk Island participating in Tourism Australia programs? Madam Speaker I certainly refer Mrs Ward back to the Hansard of the last Sitting where I referred to the General Manager's work in this area, however I will say that initiatives are being discussed through the Department of Regional Australia, Regional Development and Local Government, with whom we are currently working closely to identify the opportunities available to us.

MRS WARD So is it a fact that the past General Manager was unsuccessful, Hansard says that there was mutual awareness and linkages, I'm asking for secure, solid, programmed arrangements, if there are none, I don't believe there are any, if there are none, what are the barriers that preclude us from being included in those programs at this stage?

MR NOBBS Thank you Madam Speaker, these are the things that are being worked through at the moment, to identify any barriers, and identify the opportunities, and that is being done through the discussions with the Department of Regional Australia, Regional Development and Local Government.

MR KING I ask the Minister how much longer than 18 months are these things going to take to work through?

MR NOBBS Thank you Madam Speaker, in many of these cases it's not a time frame we can give, if they rely on other departmental areas, as in with the Commonwealth.

SPEAKER The next question on notice is question number 249, and that is Mr King to myself as the Speaker, and I'll read the question. Can the Speaker advise the House how and on whose authority the document entitled 'An Alternative Roadmap' was accorded the status of incorporation into the Hansard of the Assembly without the document having been read into Hansard or authorised by the House to be incorporated into Hansard? Mr King in response, it was clearly my interpretation at the time that the Alternative Roadmap was under discussion that the House had endorsed its incorporation as read into Hansard. If the House was not of that view, it was at liberty at that time to say so. In the absence of instruction from the House to the contrary, the document was included in Hansard.

MR KING Would I be in order asking a supplementary question of Madam Speaker?

SPEAKER Whether or not I answer it now or take it on notice, yes.

MR KING I am particularly interested to know what it was that gave you the impression that the House had endorsed its incorporation, when there is nothing, to my view, in the Hansard that would give rise to any such impression?

SPEAKER Mr King, I think I would have to refer you to the text of the Hansard, from which I at the time drew my conclusion, and Mr Snell had asked that he wished to table the document, the Alternative Roadmap for the recording into Hansard and Madam Speaker I wish to speak on it, the document addresses, I then asked as the Speaker, are you asking that it be included into Hansard for debating, yes, thank you, just for clarity, I relied on that, that that was the question that was being asked of me and so it was so.

SPEAKER Moving along to question on notice 250, Mr King to the Minister for Tourism, Industry & Development. Minister Nobbs.

MR NOBBS Thank you Madam Speaker the question reads, at the last meeting of the House the Minister undertook to identify the reports published by the Tourist Bureau to meet the key objective of the 2006 Tourism Strategy to monitor and report on visitor expenditure patterns and occupancy levels? Can the Minister now do so? Madam Speaker as per action item 1.2.1 from the Strategy, visitor expenditure pattern questions have been included in the visitor feedback survey cards, a copy of this

collated data information is available to Industry through their respective representatives, that is specifically ATA and Chamber of Commerce Presidents on the Norfolk Island Government Tourist Bureau Board. Occupancy data information and a range of other data is disseminated to interested tourism operators monthly through the inbound passenger statistics from the Tourism Bureau and sourced from the Immigration Department. Madam Speaker I will just table one of those passenger statistics documents, as it covers not only the accommodation nights, it covers the destination that tourists have arrived from, it compares years against other years for visitation, there are a number of valuable data within that document. Thank you.

SPEAKER That document is so tabled Minister Nobbs. A supplementary Mr King?

MR KING Yes Madam Speaker. Minister do I deduce from that that you have been unable to identify any reports that have been published, published to meet that objective for monitoring and recording on expenditure patterns and occupancy level? I fully appreciate the individual sheets are available if you go digging for them, but have there been any published reports, particularly in relation to visitor expenditure patterns, I didn't set the Tourism Strategy Objective.

MR NOBBS Thank you Madam Speaker, we could go well into the terminology of published here I believe, in the way that these things are distributed, they are the collection of data that is available to the Industry, full stop.

SPEAKER Thank you Minister Nobbs, the next question on notice is question number 251, Mr King to the Chief Minister, Chief Minister.

MR BUFFETT Thank you Madam Speaker. The question asks, can the Chief Minister give the community an assurance that firearms are not worn by the local police force in the course of their normal day-to-day activities? Madam Speaker, firearms are worn by the police as operationally required. Police in their day to day duties wear belt, and police equipment, including a firearm holster. The holster equipment does not equal the wearing of side arms and I've got to say that casual observation may give the impression of an armed police officer, however, except as operationally required, this may not be the case.

SPEAKER Thank you Chief Minister, the next question is number 252, Mr King to the Minister for Community Services.

MR SHERIDAN Thank you Madam Speaker, the question, at the August meeting of this House the Minister advised that regular monitoring and recording was carried out in relation to water contamination. Can he now give the assurance that was sought at that time, that he is confident that the overall level of monitoring is satisfactory and that findings are being properly recorded and analysed? Why has the Minister not been able to supply to Members a short paper detailing monitoring by site, by regularity and by results over some representative period, as he undertook to do so? Madam Speaker in the answer, I am satisfied that the monitoring of water catchments around Norfolk Island are being monitored on a regular basis and findings are being recorded and analysed where necessary. Also reports of water testings since April 2011 to date have been distributed to all Members.

MR KING A supplementary. Is there some difficulty in providing to Members a collation, perhaps in tabular form of data over a representative period, having regard to the fact that, and I appreciate that you have recently provided a static picture, a static picture, which have some results which are of great concern to me and others in the community, how difficult is it to provide in tabular form, over a

representative period, so that we can be assured, we are representatives of the community, not just your officers who give you an assurance, you assure me and others in this community that there are no difficulties, some of those reports, the static information that you have given us, had counts of several thousands in respect of e.coli, that match the most toxic of polluted places in the world, like Hong Kong Harbour, why is it so difficult to give us an assurance in written form, showing tabulation over a period of time of analysis and monitoring, recording and analysis, how difficult?

MR SHERIDAN Thank you Madam Speaker, I suppose I can request the Service to see whether they have the resources to undertake exactly what Mr King has asked for. I supplied the Members with the recorded data as requested from Mr King since April this year. And that is what he requested, if he wants a full blown analysis of the data, I don't believe that we are fully resourced in the Department to undertake such a task, but I will ask the Department whether or not they can provide such, as Mr King has requested.

MR KING Can I ask if the Minister has read the Walkerton Report which I produced for him, which determined that the loss of life through bovine e.coli contamination was caused by a failure in monitoring, recording analysis and lack of funds, exactly the situation that we have here. And which caused some seven deaths and the sickness of some several hundreds of people, are we waiting for these things to happen here or are we going to be put off by the same difficulties and the shortage of funds and resources?

MR SHERIDAN Thank you Madam Speaker, I don't want to be an alarmist like Mr King is, and I have read the Walkerton Report that he has provided to me, the difference between the Walkerton Report which is a report of that incident up in Canada, is that the water source that Mr King referred to, or the report referred to, was reticulated through the community, through treatment plants, it was the lack of treatment through these plants, which enabled the e.coli that Mr King refers to, to contaminate the towns supply and therefore the occupants of that town. The difference here is that we do not have reticulated water supply through to our community, we monitor areas of water that come from the ground that people use for potable purposes, we assess that, and where there is e.coli identified, recommendations are given to those owners of those properties to treat their water in their holding tanks. It's a completely different picture, and Mr King is just trying to be an alarmist here, by referring to that report, where there were some deaths, but it was through a town supplied reticulated system through a various numbers of wells that had treatment plants, and it was a lack of the processes through those treatment plants as to why those people got sick, and yes died, it is a completely different situation here on Norfolk Island. I'm not denying that our water does have the e.coli content in it, no I'm not, but we mitigate the circumstances where that water is utilised for potable purposes and that is the next question Madam Speaker and if I can go onto that, I know it is later on in the piece, but if I could jump to 258 Madam Speaker, where Mr King has asked, what progress has been made in developing a plan for the monitoring of e. coli contaminants in Island aquifers? The answer there Madam Speaker is the fact that we actually have scant knowledge of the extent and interconnection of the Island underground reserves and the surface water makes the monitoring of aquifers fairly difficult. Samples of water are taken from selective bores to monitor the quality of the water being used or supplied for potable purposes around the Island. Some of these are the Airport bore, the Hospital bore, hotels that take their water from bores, bores from which water is sold, the School bore, etc. All these bores where potable water is extracted, monitored on a regular basis, and I'm satisfied, that assessment is being done regularly and proper advice and assessment of those tests are being given. Madam Speaker if it is found that water is below acceptable standards, further investigations are undertaken to ascertain the source of the contamination and what treatment or abatement options there are and these are advised to these owners of

these water areas. Currently, advice is given to treat tanks, where bore water comes into if an e.coli reading is positive. It is important that monitoring and responding to situations where water, whether it be from a rainwater source or underground and surface water is of unsuitable standard it is not used for potable purposes without being treated to reduce the risks. As a result of this ongoing monitoring a progressive picture will emerge of the general quality of the underground water aquifers.

MR KING A supplementary?

SPEAKER As long as we are not continuing debate?

MR KING I wish to seek leave to move a motion that the House take note of the answers supplied by Mr Sheridan in respect of questions 252 and 258 and that debate be set down on that question for a later Sitting of the House?

SPEAKER Mr King, just for clarity, I understood you to say you were giving notice with intention to move a motion...

MR KING No, I seek leave to move such a motion..

SPEAKER At a later Sitting? A later sitting of the House?

MR KING No I seek leave to move the motion now, and that the question be set down for discussion at a later Sitting, at the next Sitting.

MR BUFFETT There is a normal process of giving notice for that.

SPEAKER The question before us at the moment is that Mr King is seeking leave...

MR KING Madam Speaker are you conducting this Sitting of the House or is the Chief Minister?

SPEAKER Mr King, order please.

MR KING What that... Mr Buffett...

SPEAKER Mr King, I am asking the House as you have requested me to do, to seek leave, is leave granted Honourable Members?

QUESTION PUT  
NEGATIVED ON THE VOICES

SPEAKER Leave is not granted at this time Mr King. The option is open to you, and I take it that you have given notice and it is proper under Standing Orders that you do so, you have given notice that at a next Sitting of the House that this matter will be on the notice paper, that notice is so taken.

Moving along Honourable Members to question on notice number 253 Mr King to the Minister for Tourism, Industry & Development. Minister Nobbs.

MR NOBBS Thank you Madam Speaker, the question reads, at the last meeting of the House the Minister indicated that the community was properly informed through media releases and parliamentary discussion, of the reasons why his Government under the 12<sup>th</sup> Assembly chose to spend millions of dollars of taxpayers' money on upgrading airport fire fighting equipment instead of opting for a modest less

expensive category 5 service. Will the Minister now direct the House to the media release and the discussion where this disclosure took place? Madam Speaker quite simply the discussion is available through Hansard, Mr King is able to access that very easily, but I do table some eight media releases that relate specifically to the fire engines.

**SPEAKER** Those papers are so tabled. Thank you. The next question on notice Honourable Members is 254, Mr King to the Minister for Tourism, Industry & Development, Minister Nobbs.

**MR NOBBS** Thank you Madam Speaker, the question reads, can the Minister advise what, if any, professional advice has been sought in recent time in relation to the earth works comprising the runway end safety area works presently under way, and table such advice in an effort to allay community concerns? Madam Speaker the short answer is none, however I am advised that the works are still in line with the original engineering specifications and I also point out that if someone has a concern, including a Member of this House, that the Airport Manager has offered to provide them with information and access to the area if they have an interest to see how it is being performed.

**SPEAKER** Thank you Minister Nobbs, the next question on notice, is question number 255, Mr King to the Minister for Tourism, Industry & Development, Minister Nobbs.

**MR NOBBS** Thank you Madam Speaker, the question reads, what are the costs to date, including internal costs, of the current RESA works and what is the expected completion cost? Costs to date equals \$98 thousand, Madam Speaker I'll round this figure off, just for clarity, some \$98,000 costs to date which includes internal costs of \$36,868.31 with regard to the completion cost Madam Speaker, I'm awaiting some advice from the CEO.

**SPEAKER** Thank you Minister. The next question is 256, Mr King to the Chief Minister.

**MR BUFFETT** Madam Speaker, the question asks, given the current practice of calculating import duty on the Commonwealth GST component of an imported item, can the Chief Minister confirm that it is a considered Government policy that double taxation occur or will the Chief Minister take appropriate steps to that where clearly identifiable as Commonwealth GST, that component is ignored in the calculation of import duty? Madam Speaker Australian GST does not apply to goods exported to Norfolk Island, the Australian Tax Office, as I understand, issued an interpretive decision, that is ATO ID2002/295, titled GST and the Supply of Goods to Norfolk Island. Therefore local importers are presently able to take steps to ensure that Australian GST is not imposed on goods that are exported to Norfolk Island. And this Australian GST component, not subject to, or included in the Norfolk Island Customs Duty. However, if a local importer does not take steps to ensure Australian GST is not imposed, and that is the importers responsibility, or their initiative therefore, then the Norfolk Island Customs Act of 1913 does not allow for exemption or credit for any taxes paid in the country of export, whether that be Australia or any other country. The basis upon which the value of goods for customs purposes is determined is set out in Section 2C of the Customs Act of 1913, that is our legislation, and that statutory formula is essentially the higher of actual money price paid or payable for the goods or the current domestic value of the goods, plus charges payable in placing the goods on board at the point of export.

**SPEAKER** Question on notice 257, Mr King to the Minister for Tourism, Industry & Development, Minister Nobbs.

MR NOBBS Thank you Madam Speaker. The questions read, how and to what extent was the Minister involved in the approval of a final payment of \$20,000 to the retiring General manager of the Tourist Bureau? Can the Minister confirm that all or a majority of members of the Tourist Bureau Board were involved in the consideration and authorisation of the payment? Can the Minister advise who authorised the payment if in fact it was not authorised by a majority of the Bureau's Board, and where the legal authority for authorising payment can be found? Additionally I've got, can the Minister advise if the payment was a discretionary payment requiring the consideration of Key Performance Indicators and whether he was personally involved in the assessment of KPI's. Thank you Madam Speaker, payment was an operational matter, as per the General Manager's contract, which was, and will remain confidential, as Minister I sought advice from the Legal Services Unit regarding validity of some clauses which after clarification reaffirmed the payment made. The payment of monies under contracts such as retainers or upon delivery of specific milestones do not require Board authority, this is an operational and contractual matter and was signed off by the Chairman as signatory to the Bureau's accounts and finances.

SPEAKER Thank you Minister Nobbs. Our final question today is question 259, Mr King to the Minister...

MR KING A supplementary Madam Speaker. The question asked for confirmation that all or the majority of the Tourist Board members were involved in the consideration and authorisation of the payment, part four of the question asked whether the Minister could advise whether the, if the payment was a discretionary payment requiring the consideration of key performance indicators, and whether he was personally involved. I'm not sure if he answered those parts of the question, but like an earlier instance I may have not heard it.

MR NOBBS Certainly did Madam Speaker, that formed the first part of my answer. Where I sought the Legal Services Unit advice regarding clarification and that reaffirmed the payment made and I also specified that the payment of such monies under contracts such as retainers or upon delivery of specific milestones do not require the full Board authority.

SPEAKER The final question today Honourable Members is 259, Mr King again to the Minister for Tourism, Industry & Development. Minister Nobbs.

MR NOBBS Madam Speaker the question reads, at the last sitting the Minister advised that on the 24th of May 2006 the regulatory authority CASA advised that a category 6 RFFS service for Norfolk Island was required from 1st of January 2005. Why has the Minister not supplied this advising to members as he undertook at the Sitting? Madam Speaker there are many documents upon which the Administration and the Government of the day appeared to have acted in good faith in providing category 6 aviation rescue fire fighting services at the Norfolk Island International Airport, I now table some of those documents, including the email of 24<sup>th</sup> May 2006.

SPEAKER Thank you Minister Nobbs, those papers are so tabled. Mr King.

MR KING I move that those papers be noted Madam Speaker.

SPEAKER Question before the House is that the papers be noted Honourable Members. Debate Honourable Members. Mr King.

MR KING Thank you Madam Speaker, the practice of supplying, of simply tabling documents in the Parliament, and not providing, prior to that tabling any copies to Members precludes and limits scrutiny and challenge and examination of those documents, I would like the opportunity to look at those things and discuss them further and for that purpose at an appropriate time in the debate I would move that debate be adjourned and resumed at a later time in this Sitting.

SPEAKER Thank you Mr King, is there further debate Honourable Members on the question that those papers be noted? No further debate, I look to Mr King.

MR KING I would so move Madam Speaker.

SPEAKER Mr King has moved that debate be adjourned and resumption of debate be made an order of the day for a subsequent day of Sitting.

MR KING No Madam Speaker...

SPEAKER No, at a later time.

MR KING A later time in this Sitting.

SPEAKER I misheard you, a later time in this Sitting. The question before the House, that debate be adjourned to a later time in this Sitting. Minister Nobbs you are looking too..

MR NOBBS Just for clarification Madam Speaker, are we adjourning debate on the question on notice or the tabled papers?

SPEAKER That the tabled papers be noted yes. I put that question.

QUESTION PUT  
AGREED

SPEAKER Debate is so adjourned on the papers tabled and the question that the papers be noted to a later hour in this Sitting, is that quite clear? Thank you.

MR SNELL ...object to that question as that is whether, the motion will be to a later time in this Sitting.

SPEAKER Correct.

MR SNELL That hasn't been voted on, I don't believe.

SPEAKER Well that was the question that I put, I said it again. What we have before us is, the principle motion was that papers be noted, and we debated briefly on that. Then Mr King moved that debate be adjourned until a later hour in this Sitting, that is the question that I put to the House, and that was what was agreed. Now, Mr King.

MR KING I simply wanted to ask you Madam Speaker if you could make arrangements for copies of the documents.

SPEAKER For the documents to be made available, that is no problem, we could do that over the luncheon break. At such time. Mr Snell?

MR SNELL I'm sorry Madam Speaker I was under the impression that we noted the paper, not voted on the extension to a later time within this Sitting.

SPEAKER The motion that was proposed was, that the House take note of the papers and that was moved by Mr King and we debated that and it was brought to my attention that when Mr King proposed that debate be adjourned, that he was proposing to a later Sitting, I corrected myself, after it having been brought to my attention that he was actually asking for later in the Sitting, that became the question before the House, that we have adjourned on the question that the papers be noted, to a later hour of the Sitting. Are we comfortable there? Thank you. Honourable Members we move along now to the next matter in the programme, presentation of papers.

### PRESENTATION OF PAPERS

SPEAKER Are there any papers for presentation today? Chief Minister.

MR BUFFETT Thank you Madam Speaker, Madam Speaker in accordance with Section 41 of the Interpretation Act 1979 I table the **Sentencing Regulations 2011**.

SPEAKER Thank you Chief Minister, those papers are so tabled. Further papers, Chief Minister.

MR BUFFETT Madam Speaker, the Public Sector Management Act provides that the **Public Service Board**, respective each year, furnish a report and they have done so, and in accordance with the legislation I table their report.

SPEAKER Paper so tabled thank you Chief Minister. Further papers, Chief Minister.

MR BUFFETT Thank you. Madam Speaker as Members will recall at each Sitting, there is a requirement also that I table the list of funds that have been attended to by way of **virement** under the Public Monies arrangements, and I table that document also.

SPEAKER Paper so tabled Chief Minister.

MR BUFFETT Madam Speaker I also table the **financial indicators for July 2011**, which I have earlier circulated to Members but I table here in the formality of this Sitting.

SPEAKER Thank you Chief Minister. Further papers? Chief Minister.

MR BUFFETT Thank you Madam Speaker.

MR SHERIDAN Thank you Madam Speaker. Madam Speaker in accordance with Section 41 of the Interpretation Act 1979 I table the **Traffic (Amendment No.2) Regulations 2011**.

SPEAKER Thank you Minister Sheridan, further papers for tabling this morning Honourable Members? It would seem that there are no further papers for tabling, we move now to Statements



does not identify the BVDV antibodies, the fact that no cattle had been found with antigens present in their system is not bad news, as if any such cattle had been identified, it would mean continued and ongoing surveillance of large numbers of cattle over the next few years with additional costs. Madam Speaker Norfolk Island can now be considered BVDV free, this is a major achievement for any country, state or territory and could not have been done without the co-operation of all cattle owners. In Australia, nearly 90% of herds show evidence of past BVDV infection, Scandinavian countries have been working to control BVDV for the past 15 years. Denmark and Sweden have nearly eradicated the virus and Norway is currently BVDV free. The United States and Germany have been implemented voluntary control programs and New Zealand now has a BVDV control plan underway, starting with the bulls used for breeding. Madam Speaker it is intended that further random tests will be conducted over the coming year and any cattle being transported to Norfolk Island will be checked and verified to be BVDV free prior to transportation. So Madam Speaker I table the report for Members perusal.

SPEAKER That report is so tabled, thank you Minister Sheridan.  
Chief Minister further statements.

MR BUFFETT Thank you Madam Speaker, Madam Speaker I wish to advise the House and the community of the **resignation of Mrs Elaine Sanders as a Magistrate**. Mrs Sanders was first appointed as a Magistrate under the Court of Petty Sessions Act 1960 on the 13<sup>th</sup> of July in 1981. At that time, Mr Hermes was the Chief Magistrate of the Court of Petty Sessions. Mrs Sanders has served as a Magistrate under Chief Magistrate Ron Cahill, that was from 1985 to 2009, the Acting Chief Magistrate Peter Dingwall 2010 – 2011 and the present Chief Magistrate Warren Donald. Mrs Sanders has served in excess of 30 years as a Magistrate and a Justice of the Peace in the Island and I'm pleased to advise that Mrs Sanders will continue her employment as a Justice of the Peace and I wanted to say, on behalf of us all and the Administrator joins me in saying this, that we appreciate her considerable contribution to Norfolk Island in her role on the Magistrates bench.

MEMBERS Here here.

SPEAKER Thank you Chief Minister, further statements. Chief Minister.

MR BUFFETT Madam Speaker, this is a more delicate matter, Members will be aware that a scurrilous **email was in circulation in Norfolk Island** last week from Mr Derek Gore. It came to me via an email to which I was copied, that the Finance Manager, Mr Barry Wilson, quite properly forwarded to the CEO Mr Plant, subsequently I was approached by the Norfolk Islander, on Friday last, and I made the following statement for Saturday the 3<sup>rd</sup> of September edition of the paper, I quote "The original email is scurrilous and untrue and Mr Gore has been invited to substantiate or withdraw to correct the record". I noted after the publication of the newspaper that the actual email didn't appear, and I'm not trying to comment upon that. I do quote the email however Madam Speaker and I do this hesitantly because for those who haven't had this detail to date, it will mean further expansion of it, and I regret that part of it, however for the large number of people to whom it has already been broadcast, it will quite properly correct the record. The email says this "It's all happening at Kingston now, the FEDS have moved in, Commonwealth Police at Kingston insuring that people go peacefully, Forensic Accountants arrived late last week from Canberra. Steve Matthews stood escorted out of Admin buildings on Friday, Steve Matthews stood down today. Peter French stood down today. Mitchell Evans stood down with two weeks pay. FEDS to introduce legislation into the Parliament by Christmas to remove the Norfolk Island Immigration in its entirety. Barry Wilson is fighting to keep his job amongst assertions



Act 1979, and he has received advised that on 1 September 2011 her Excellency assented to part of the proposed law, namely clauses 1, 2, 3, 4 and that she has withheld her assent to the remainder of the Bill. And in these circumstances the Administrator is required to furnish to the Speaker a message, stating the reasons for the withholding of the assent and I will now give you those reasons, message number 19. Reasons for withholding assent to a proposed law under section 24 Norfolk Island Act 1979. I, Owen Walsh, Administrator of Norfolk Island, furnish the following message in accordance with section 24 of the Norfolk Island Act 1979 of the Commonwealth. Her Excellency the Governor-General, acting on the advice of the Federal Executive Council, declared on 1 September 2011 that she: assented to clauses 1, 2, 3 and 4 of the Healthcare (Amendment) Bill 2010, Norfolk Island, hereafter referred to as the Bill; and withheld her assent to the remainder of the Bill. The reasons why Her Excellency withheld assent to the remainder of the Bill are as follows: The Healthcare (Amendment) Bill 2010 was passed by the Legislative Assembly on 27 January 2010. At the meeting of the Executive Council of Norfolk Island on 10 March 2010, the Administrator declared that he reserved the proposed law for the Governor-General's pleasure. However, it was later discovered that the certified copy contained errors and was not the 'proposed law passed by the Legislative Assembly'. The Administrator's declaration of 10 March 2010 was therefore of no legal effect. The Norfolk Island Government then considered legal advice and reviewed its statutory options for giving effect to the January 2010 decision of the Legislative Assembly. On 22 March 2011 the Executive Council of Norfolk Island presented a correct certified copy of the proposed law to the Administrator. The Administrator validly declared that he reserved the proposed law for the Governor-General's pleasure. Under Item 67 of Schedule 2 of the Act the Norfolk Island Government has legislative and executive authority for "Public health (other than dangerous drugs, within the meaning of the Dangerous Drugs Ordinance 1927 of the Territory; psychotropic substances; quarantine)". The proposed law encompasses both Schedule 2 and Commonwealth retained (non-Schedule) public health matters. These relate to the eligibility criteria for medical evacuations and the control of (including access to) restricted drugs respectively. Clauses 1, 2 and 3 of the proposed law are title and commencement provisions. Clause 4 would amend section 9 of the Healthcare Act 1989 of Norfolk Island to remove the current requirement for payment by an "eligible person" of the first \$2500 of the cost of a medical evacuation from Norfolk Island. This proposal would benefit the Norfolk Island community and remove a potentially significant financial burden. No reason has been identified that would justify the withholding of assent from these provisions of the proposed law. The remainder of the proposed law contains provisions which would amend the Healthcare Act 1989 of Norfolk Island, the Pharmacy Act 1956 Norfolk Island and the Medical Practitioners Registration Act 1983 Norfolk Island to allow optometrists to access and issue "restricted substances" – "dangerous drugs" within the meaning of the Act. Clauses 5 to 15 would therefore affect the Commonwealth retained responsibility for the control of access to "dangerous drugs". Consistent with the usual practice for handling referred legislation on matters of national interest, advice on the provisions affecting the management of dangerous drugs was sought from the relevant Australian Government authority, the Department of Health and Ageing. The Department of Health and Ageing noted that the Dangerous Drugs Act 1927 Norfolk Island currently omits 29 drugs subject to international control and does not control 13 substances classified as precursors that may be diverted into illicit drug manufacture (for example, pseudoephedrine, phenylacetic acid). The Dangerous Drugs Act 1927 Norfolk Island also omits an additional 40 drugs that are controlled under Australian Customs Import Regulations. As a consequence, Australia, of which Norfolk Island is part, could be considered as not meeting international drug treaty obligations. Also, the control of drugs once imported into Norfolk Island is not controlled to the same extent as other Australian jurisdictions. There is also the issue of whether persons on Norfolk Island are being placed at risk of harm if exposed to these restricted substances. The Department of Health and Ageing has therefore recommended a comprehensive review of Norfolk Island drug legislation to ensure compliance with international drug

treaties and consistency with national drug control standards, legislation and policy. The review would provide an opportunity for input to the current proposal to allow optometrists access to "restricted drugs". Given the deficiencies in the current legal regime for controlling access to dangerous drugs and the acknowledged need for review, it would be inappropriate to endorse provisions in the proposed law which would broaden access to restricted substances before that review is undertaken. And that message is dated 2 September 2011 and signed by Owen Walsh, Administrator. Honourable Members I am looking at the clock, and it's 12.30pm, would you like to suspend for lunch and would you like to return at 2pm? Can I take that as your view? This House is therefore suspended.

SPEAKER We recommence the Sitting and we are at the stage of my asking, are there any reports from standing committees?

### **REPORTS FROM STANDING COMMITTEES**

I don't believe there are, in that case, we will move to the substantive matters on today's programme.

### **NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ACT 1980, REVOCATION AND APPOINTMENT OF MEMBERS**

SPEAKER The first being Notice No. 1, Norfolk Island Government Tourist Bureau Act 1980, revocation and appointment of members in the name of Minister Nobbs.

MR NOBBS Thank you Madam Speaker, I move that this House resolve for the purposes of section 4 of the Norfolk Island Government Tourist Bureau Act 1980 that the Minister revoke current appointments under the Act; and appoint, David Bell, Duncan Harvey Evans and Morgan Borry Evans as members of the Norfolk Island Government Tourist Bureau for 18 months; and appoint Michael Perkins, Glen Albert Buffett and Alexis Louise Tavener as members of the Norfolk Island Government Tourist Bureau for two years.

SPEAKER Thank you Minister Nobbs the question is that the motion be agreed too. Debate Honourable Members, Minister Nobbs.

MR NOBBS Thank you Madam Speaker, this effectively installs the new Board under the new legislation, operating as an Advisory Board, I have provided information and discussion to MLA's prior to meeting in the House today, obviously we all want to produce effective outboards out of the Boards and certainly from the perspective of the Minister responsible for the operation of the Board for the Norfolk Island Government Tourist Bureau, I see the membership here as having the potential to be very productive for us.

SPEAKER Further debate Honourable Members? Chief Minister.

MR BUFFETT Madam Speaker I certainly endorse the motion that the Minister has put in front of us. I would like to pick up a couple of words that were said earlier in debate, not necessarily addressing this matter, but we can bring it to address this matter and add some additional words and they related to the likes of code of conduct, and this is a very important Board for Norfolk Island's principle industry and I would like to think that those who are so appointed, if that is the result of this motion, that they do understand that they represent a Government authority and that they do understand that their actions and their words, especially in public places, can both have

positive and negative effects, and that they need to give counsel to themselves and their colleagues about that component and that there is certainly an expectation from the Government's point of view and I'm sure that Members will share this, that if they take up this task that they put aside their own interests and work for the good of all who are in the industry and within the community. And also to recognise that there are professionals who are engaged in this particular industry, that they will need to respectfully interact with to gain the best in all of the contexts that they are being appointed, I just wanted to add those words Madam Speaker.

MR KING Thank you Madam Speaker, I want to extend my own thanks to people who put themselves forward for statutory appointment to Boards, it is a thankless task. The reference to code of conduct was made in the context of my enquiry regarding whether guidelines were available to new appointees under the Norfolk Island Government Tourist Bureau Act, part of Mr Nobbs response was that that particular issue was being dealt with in respect of all statutory boards and I would have to say it is not before time Madam Speaker, in fact 32 years late. There is, I would think, a reasonable expectation on the part of anyone who takes up these appointments, to have put in front of them, some guidelines as to how they might exercise the functions and powers of their office, that is not too much to ask. That is a simple task and how anyone could possibly want to take on such a task without being given some guidance, in lay terms, not just having the statute thrust at them, and say here, get that into you. Lay terms Madam Speaker on how one might conduct themselves and what is expected of them. I hope it can be done in this case, I will support the motion.

SPEAKER Further debate around the table Honourable Members? Minister Nobbs before I put the question? No? Debate having been concluded, I put the question that the motion be agreed too.

QUESTON PUT  
AGREED

That motion is so agreed

### **HEALTHCARE LEVY ACT 1990 - INCREASE TO LEVY**

Moving along now to Notice No.2, Healthcare Levy Act 1990, increase to levy, this motion stands in your name Minister Sheridan.

MR SHERIDAN Thank you Madam Speaker, Madam Speaker I move that this house in accordance with subsection 6(3) of the Healthcare Levy Act 1990, on the recommendation of the Minister for Community Services, resolve that the healthcare levy payable under paragraph 6(1)(a) of that Act be increased to \$162.50 with effect from 1 December 2011.

SPEAKER Thank you Minister Sheridan, the question before the House is that the motion be agreed too, debate Honourable Members? Minister Sheridan.

MR SHERIDAN Thank you Madam Speaker, the discussion on the increase to the healthcare levy has been ongoing for quite some time, under the Act I'm obliged, in August each year, to review the levy to see whether it is, to see if the levy fees are levied are applicable and enable the healthcare scheme to operate effectively. Unfortunately over the years the Healthcare Levy has not been increased for quite some time and we commissioned a review of the Healthcare Scheme and the Workers Comp Scheme, it would have been August last year, and unfortunately it's only in the recent month, in the last six weeks that we have received the final report, on their

recommendations. Whilst the recommendations under that report Madam Speaker are many and varied and I have requested the Administration Service to review the recommendations and to give me some advice as to what recommendations they can implement in the longer term to enable the Healthcare Scheme to operate more efficiently and within the dollars that are raised by the levies. Of immediate concern, and this is supported by the documentation from that review, is that the levy has not kept up with health costs over the years and one of the recommendations in the review, was that in the year 2011 if the levy had kept up with our RPI or inflation that for 2011 it should be around the \$650 mark per year for the levy, Madam Speaker, that is the effect of this motion today, \$162.50, each levy period is an increase of \$30, \$120 per year, and in effect it would be \$650 per year per person, per eligible person. Madam Speaker it has become necessary to increase these costs and whilst I understand the effects on the community, nobody likes increasing taxes or fees, but looking at the budget for this year, the Healthcare Scheme is currently projected for a loss of \$415,000. With this increase for three quarters of the year, it would reduce the loss down to something like \$183,000. So it still won't wipe out the expected loss that the Scheme will have. To do so, and the paperwork I have provided to the Members, is some paperwork from the Administration Service, is that the fee would have to go up to \$790 per person per annum to make the scheme operate on an even keel. Madam Speaker I thought that that was too much of an ask for the community to handle in one step, it is the fault of Government you might say for not reviewing and increasing the levy as it should have over the years, past and gone. So hand in hand with that Madam Speaker is another recommendation in the report, is to limit payments for claims, and that will be discussed later in the programme under the Healthcare (Amendment No.3) Bill which we have listed for later on, so I won't go into that too much. But that is also a recommendation. But hand in hand with the Healthcare, is our Workers Compensation Madam Speaker and this financial year it is scheduled at this point in time to have a deficit of \$250,000. It is proposed and this should be in place by the 1<sup>st</sup> of December Madam Speaker, I am digressing a little bit, that the rate for the Workers Comp will be increased by ten cents per hour worked per employee up to thirty cents per hour and that will still not cover the expected loss, but it will reduce the excess down to \$125,000. And I say that because these two Schemes are operated out of the same office and that will leave us with a \$300,000 odd deficit for those two Schemes this current financial year, which the funds, if required, we will have to keep an eye on these two Schemes, if the funds are required, they will have to be sought from General Revenue, for this financial year. So it is just with those words Madam Speaker that I put the motion to the House and I hope that the Members will support it.

MRS WARD

Thank you Madam Speaker, this House understands that the Healthcare Scheme is losing money and that there's a deficit estimate in this financial year, as the Minister has said, of over \$400,000 and what the Minister is asking us to do, is vote for an increase that will go some way to closing the gap. To close the gap fully, as the Minister has pointed out, would be asking for a far larger increase, and I appreciate this sensitivity to the current economic situation and his reduced proposal. But in my opinion it doesn't go far enough. When considering that there are low income earners and families that are going to be affected by this increase, and until a more equitable method of charging is realised, then I am not comfortable to support the motion. I fully appreciate the need to keep our heads above water in a financial sense, but I do not want to see us continue down the line of bandaid solutions and not dealing with the real issue. It is not particularly a criticism of the Minister or the Government, when the Minister just stated, if costs continue to rise, or the gap widens, we'll just have to get it from General Revenue. I wonder when the Minister would stop? I know that we are in difficult and uncertain times and that every attempt is being made to enter the Federal System, but I would like the Minister to consider more fully the low income earners by raising the income threshold in conjunction with this increase, and if the Minister can give this House his guarantee to review that, then I'm perhaps more

comfortable to consider his proposal. What our small community can't be expected to, is play continual catch up to a Scheme that is covering local and mainland medical costs and is self-insured. When will it stop? Any move to place further burden on an already struggling community, by either choice or lack of choice, could be seen as heartless, and by lack of choice, I mean the Federal Government backing away from the agreed Roadmap. Particularly the extension of Private Health Insurance Act to Norfolk Island and the provision of Healthcare, Medicare, my apologies, Commonwealth Medicare. Having said that, if the motion were passed today, due to overwhelming support around this table for an increase, what would that mean? Every three months each of us would need to find an extra \$30, for a family that means \$60. That equals \$2.30 per week for a single or \$4.60 a week for a family – extra. Over and above what we already pay for Healthcare, within the Healthcare Scheme. \$2.30 each might not sound like a lot of money, so it may be acceptable to this House today to increase that burden. If it does the increased burden on a family would be \$240 per year, all I can say as a representative to assist those struggling in the community, who are of low income, is that the low income rebate is available to a single or family and the rebate for a family if claimed over 12 months is just over \$900. So if the increased burden, if the motion is passed and is supported, if the increased burden of \$240 comes about and is too much for a family and they are low income, then they should take advantage of what is available to them via the Social Welfare office at Kingston. If the Minister is supported today, then what I have pointed out, is the only assistance available and it will not be until a Federal Tax and Medicare Scheme extends to Norfolk, that people will be expected to pay in accordance with their means, it takes into consideration their ability to pay. But I still make the point, how far is this Government going to go in trying to balance the budget with the Healthcare Scheme?

MR SNELL Thank you Madam Speaker, Madam Speaker, the matter of the increase proposed here this afternoon to increase Healthcare Levy is difficult to object to taking into consideration the arguments that have been put forward by Minister Sheridan. My greatest concern is, that I share with Mrs Ward, is that this is going to be difficult and it's going to affect those most vulnerable at the lower end of the wages scale and the least able to afford an increase and I agree with Mrs Ward in that I hope we can bring some relief in raising the exemption level. But Healthcare is vitally necessary and in view of no other system, we are still extremely fortunate to have our own system, which when compared to other Schemes is still better and affordable. Even with Medicare, which is not free. One will also need to have private health cover, which far exceeds this cost that we pay now. Minister Sheridan Madam Speaker did make mention of a report, which I presume he is referring to the Milimen Report, which highlights recommendations and it comments on factors which govern this type of request from it and for an increase, both in Healthcare and Workers Compensation Levy. Madam Speaker for the listening public I quote, only part of it, and it's interesting, the risks faced by the Norfolk Island community are unique, typically these risks have been addressed in silos without significant attention being paid to the interconnectivity of these risks. Major risk areas in addition to Healthcare and Workers Compensation include energy production, tourism, food production and transport. While these may seem to be independent, change in one area have the potential to change other areas, for example, a reduction in tourism, is likely to result in a reduction in the proportion of a relatively healthy younger people on Island, resulting in an increase in the average cost per person for healthcare. Reduction in scheduled air transport as a result in a reduction in tourism is likely to increase the need for medivac flights for people that might otherwise have been able to transported on a regular flight. On Island food production may be impacted if tourism declines, resulting in less fresh food and the potential for the population to suffer some diet constraints. A brief discussion on the inter-connections can be provided in a separate report, our recommendations also reference this issue, although limited to these two schemes, for example, a reduction in tourism impacts not only the Airline, but also an indirect impact on Healthcare and Workers Compensation,

fewer temporary residents potentially change the demographic profile towards higher cost claimants, employees are required to carry out work that might have been done by better trained employees and results in injuries, base costs have to be spread across a diminished population of payers, such as fuel costs, and so on. This inter-connectivity between the major risks of the Island need to be considered when making decisions. In addition, the decision made around the two schemes have not apparently taken into account the potential impact of extreme events, such as major injuries and aggregation of expensive treatment under both schemes. Whilst budgeting process appear to have been consistent, they do not appear to have taken into account the infrequent, but expensive, outlier possibilities such as when major industrial accidents occur, financial protection against these extreme events is often available, and the decision process to obtain or discontinue the protection should be carefully considered. And this reflects on Madam Speaker, what Mrs Ward has again said, but it is an unfortunate reality that we have to look at the increase in the Healthcare and again of course the Workers Compensation Levy and regrettably Madam Speaker I support the motion.

MR SHERIDAN

Thank you Madam Speaker, if I can just respond to Mrs Wards couple of concerns there and it's in regards to, and I think I did mention it, the report, the Millen report that Mr Snell referred to, makes some recommendations and I've asked the service to provide me some advice on the longer term options you might say, how the Scheme can be changed to enable the Scheme to operate more effectively. And as part of that, there's suggestions that we offer a tiered level of cover, so that you could chose the type of cover that you would want and then pay for that, but this has to be investigated and just see how it would affect the Scheme, the levy per person, of course, yes, that is another area that really needs to be looked at, because I agree with Mrs Ward, the same levy for a single person compared to a family with two, three children at home, like myself, I did have five not so long ago, you pay the same monies to become eligible to claim under the Scheme, both have to pay \$2,500 whether you are a single person, or whether you are a married family, you still qualify at that same cut off point, so that is another thing that needs to be looked at. Mrs Ward mentioned the income threshold for people who would be deemed to be exempt income from the Healthcare Levy, and I have already requested the service, and I have already had a response in some way, of how this could be raised so that these people who are on minimum wage or who don't earn so much in a year would be exempt from the levy, if I could just refer to the Australia Scheme, Medicare, if you earn \$18,000 or less than \$18,000 I think it is, just under \$19,000, you're exempt from paying the Medicare Levy. And of course over there, if you are in a family situation, your salaries are looked at as a combined salary, so they look at it in regard to how much income is earned by the household, whether it is a single household or whether it is a married household, etc. These are the things that we need to look at in the longer term, but in regards to the income threshold, I have asked the Service for some advice so that I can raise that for the December 1<sup>st</sup> levy period, so that would mean that if it was raised, and I'm not going to quote any figures, but at that the moment it is \$3,500 income for a six month period, now of course, that is not very much and it hasn't changed since the inception of the Scheme I believe, so that is another factor that's overdue to be looked at, and it is being looked at, so that income threshold come 1 December, if I can get the research done, will be completed by then, and it will bring more people into that exempt category, at the moment, besides our Social Services recipients, there are only about 20 people who are exempt each period upon review, if we brought in another 100 people, to exempt them from the levy, at the new rate, it would cost the Scheme \$75,000 approximately per year, again this is money that we need to fund through the levy or through our looking at how and what we provide for services, so it is not something that can happen overnight, we have only just received this report and there are some longer term issues that really need to be fleshed out, but this increase is just the immediate one that really needs to be done, because it hasn't been looked at for many a year, recommendation is that it goes up on a yearly basis, which would limit the damage to the Scheme if the increases were

only apportioned every four to five years. And just one other thing there, the private health fund, that was mentioned by Mrs Ward, the inability now for the Australia Private Health funds to cover people here on Norfolk Island, when that was removed back in, I did get this, 2009, I think it was, 1<sup>st</sup> of January 2009, it was a couple of years ago, that brought in additional people into the Scheme, who otherwise were covered under private health, so again, it has been a lot of circumstances you might say, that has put extra strain onto the Healthcare Scheme that now, we, as a community, have to cover in our own right.

SPEAKER Thank you Minister Sheridan, further debate around the table, Mr King, and could I ask the Deputy Speaker to take the Chair please.

MR KING Thank you Madam Speaker, may I talk, is that what is happening now?

SPEAKER Please.

MR KING Look I respect the Minister in his desire to take some remedial action in respect to this issue, I don't have a difficulty with that, but I have to say, here and now emphatically that I won't support it, and there are a number of reasons why I won't support it, not the least of which is the impact on the struggling working class family, or middle income family. But the protracted use of a levy formula which impacts equally on the lower incomes and the higher incomes, I don't want a bar of that. I'm happy with the indications contained in the Roadmap process, or the Roadmap itself, which indicate that the system may have a short remaining life, a short shelf life, I'd be quite happy to see that, because I want a system which is linked to income, an equitable system. There are, Mr Sheridan has touched on the fault, he said, I think that the Government is at some respects at fault in relation to this, and that is quite true. Part of our difficulties that have been manifest right across the whole Government financial arrangements is that we've failed to adjust things for inflation and we have failed to account of constant dollar value, we have had more regard to current dollar value in our dealings, and these things have been clear over 30 odd years, and I agree, that is part of the reason why we find ourselves in this difficulty, I do not accept that the answer to this is to simply whack it up by \$30 odd dollars, which I think is about 20% odd percent, 22%, something like that, I think they have to be looked at in percentage terms these things, not in dollar terms, I know it comes down too, what did you say, \$2.30 a day, that is not the issue, that is not the issue, the issue is what comes next? We increased fees I think at the Hospital, by a significant amount from memory, an amount in excess of the recorded inflation over the past recent period. Took into account that we hadn't made an adjustment for some years, I may be wrong there, but there have been a number of areas where that has occurred and we are aware of that. Mr Sheridan says there are many things that need to be looked at, not only the income threshold, but you have touched on the excess as well, how could we possibly have thought that a system could maintain, a system such as this, could maintain integrity in the face of increasing medical costs, like keeping the excess at exactly the same place it's been for years. It was inevitable that we would arrive at a crash situation that we've arrived at. There are other areas that need to be addressed, that perhaps haven't been touched on, and maybe they are a little bit delicate and they bear on the overall question of our capacity to do things, the protracted delay in getting an actuarial report for unavailability of data, or administrative deficiencies, I'm not quite sure on how they were termed in the report, but it was quite pointed when it suggested that the system had not been administered properly or efficiently. Those are major difficulties, none of these things are going to be remedied by plonking another \$30 on top, and I'm afraid I won't be supporting it.

MR SHERIDAN Thank you Mr Deputy Speaker, just in response to Mr King, I would prefer to see the levy increase be supported today, because as I explained the ramifications are that the Scheme will be on budget \$415,000 in deficit, now we can try and close that gap by an increase in the levy period, and for those people that utilise the Scheme, fund part of that deficit. The alternative is, we can leave it how it is, and as Mr King said, it may have a limited shelf life this Healthcare Scheme, if Medicare comes into Norfolk Island as programmed on the Roadmap, now I can't say whether or not it will because those discussions haven't even begun to take place yet about the implementation of Medicare into Norfolk Island. It's been identified in the Roadmap for this year, I mean for the next financial year, but the discussions that we need to have in regard to the implementation has not been had as yet. The alternate to not increasing this, is that the deficit will just come out of general revenue, where, even though the increase will limit the exposure to some, we will still be short, together with the Workers Comp, some \$300,000. Which will have to be found through general revenue, if we have to find \$665,000, this is saying that we don't increase the Workers Comp and we don't increase the Healthcare Levy, that means that services that the revenue fund budget for, will have to be reduced to pay to ensure that there are funds available for the Healthcare Scheme, so either way the community will be paying for the Healthcare Scheme, one way or the other. Whether it is through a levy increase or whether it is through reduced services, that the general revenue fund will cater for, because at the end of the day, the Healthcare Scheme will be operational for the benefit of the community for those 1800 plus people that reside here, those people will be covered, it is up to the Government to find the funds to ensure that the Scheme remains operational, and as we are well aware the Healthcare Scheme and Workers Comp operate in a separate environment you might say, away from the general revenue fund, so it is a little bit different, it's its own little entity, so all I'm saying there is that if it is not increased, it will come out of this hand, if it is increased, it will be the people that utilise the service that will be paying for it directly as a fee for service you might say. So either way the end result will be the same, but this is to try and manage the Healthcare Scheme and to get it onto an even Scheme so it supports itself Mr Deputy Speaker.

MRS ADAMS Thank you Mr Deputy Speaker, it is not my intention to enter into the debate, the reason I came down was to ask whether the Minister would be prepared to entertain an adjournment until the next, until the October Sitting to allow a bit more behind the scenes discussion on this issue, bearing in mind that the levy is not intended to come into effect until 1 December, that is the reason that I came down, to see Minister whether we would be at great difficulties if we didn't do it today, and I don't believe that is the case and I think there are some other issues that could be explored and to give Members around the table a bit more information that helps them to look in a different direction on this. I'm not moving it, I'm just asking whether that would be a difficulty?

MR SHERIDAN Thank you Mr Deputy Speaker, I have no problem with that, I think agreed yesterday at MLA's that I would leave it on the table for a month, so the people that were here yesterday would understand that and I did intend to move that it be adjourned for a future Sitting day, so when debate is finished we can go down that path.

DEPUTY SPEAKER Thank you Minister, any further debate Honourable Members? There being no further debate Honourable Members, I put the question that debate be adjourned to a subsequent day of Sitting.

QUESTION PUT  
AGREED

That matter is so adjourned.

**DIRECTION TABLED RELATING TO NORFOLK ISLAND GOVERNMENT TOURIST BUREAU**

SPEAKER We move now to Notice No. 3 that stands in Mr King's name, the matter being direction tabled relating to Norfolk Island Government Tourist Bureau, Mr King.

MR KING Thank you Madam Speaker, Madam Speaker I mentioned a little earlier in the meeting, well I indicated at least that I'm troubled by the fact that documents tabled in this place as a requirement under particular statutes, or even for other reasons are not circulated beforehand, other reasons which include, matters of some significance which are not circulated beforehand. The upshot.. sorry Madam Speaker I have to move the motion, let me do that first. That this House take note of the instrument tabled by Minister Nobbs at the August 2011 Sitting purporting to be a direction issued under section 15 of the Norfolk Island Government Tourist Bureau Act 1980.

SPEAKER The question before the House is that motion be agreed too. Is there any debate? Mr King.

MR KING Thank you, sorry for being premature there. I mentioned I'm troubled by the fact that the non circulation of statutory instruments or other significant documents before tabling in this House tends to stifle and limit debate and most cases are next meeting is not until four or five weeks hence, often the matter loses impetus, Members lose interest, Members forget. And so there is an avoidance perhaps of a level of scrutiny or challenge which may be necessary in relation to a particular document or instrument, because a back bencher doesn't get to have a look at the document until after the meeting and then because of strange application of Standing Orders Madam Speaker can't make a copy of it. Obviously Madam Speaker there is good reason for the Parliament deciding in a law, in a statute, that a document be tabled in this House and that is a level of scrutiny desired by the Parliament can take place, that doesn't happen here when there is no prior circulation and perhaps one could be forgiven for thinking Madam Speaker that sneaking a document into the House without prior circulation deliberately avoids immediate scrutiny. I don't believe that it is good enough, in this particular case the section 15 instrument was clearly intended by the Parliament to act as a mechanism, a mechanism to ensure that the required separation between the Bureau and the Minister occurred. It didn't matter that at the time of the issue of this purported direction that this House had passed an amending law which had some bearing on the subject matter of the so called direction, I accept that. But one doesn't have to be a trained lawyer to understand that until the law has received assent and commenced then that law prevails in its existing form. Madam Speaker when I first examined this instrument, carefully guarded by the OMB Staff I might add, so I don't squirrel away a copy, it occurred to me that the direction was possibly beyond the powers of the Minister and that it was possibly invalid and unlawful and therefore of no effect. My view of course Madam Speaker is simply a lay view, so naturally I asked the Minister if he would supply me, and others, with a copy of the legal advice in which he based his so called direction. He didn't do that Madam Speaker, he simply wrote back to me saying that he did seek legal advice and that he did not act unlawfully so dars da and dars all I tullen. Obviously Madam Speaker this is a very serious matter, certainly it is serious to me, it has grave consequences of course if a Minister is conducting himself outside of the law, apparently though Madam Speaker Mr Nobbs did not share my concerns as he simply ignored me hoping that it would just go away. It's not clear to me Madam Speaker if any of his executive colleagues shared my concerns, but they were copied in, I have not heard anything back from them telling me to pull my head in Mike, or you don't know what you are talking about. So it's not clear to me if any of his

executive fellow Minister's shared those concerns. Of course, maybe I am expecting too much in that regard, but of course Madam Speaker, any conduct by any executive member or Minister which lacks judgement, reason or authority, all of which reflect unfavourably on the whole of the Government and particularly of course the Chief Minister who is empowered now after the passage of the Territories Law Reform Bill to consider and deal with executive conduct that falls short of what is expected and what is necessary. A failure Madam Speaker to do so simply diminishes us in the eyes of the community and in the eyes of those who have close oversight of how we conduct ourselves. Madam Speaker the purported section 15 direction apparently seeks to pre-empt the Norfolk Island Government Tourist Bureau (Amendment) Bill, which at that time, as mentioned, was awaiting assent and commencement. The Minister can not do that as I have explained. To some extent I can understand his desire to instruct and direct the Tourist Board that he purported to do because according to the exit report of the retiring General Manager and other understandings in the community, the Board was clearly dysfunctional. It would seem Madam Speaker that the majority of the Board was acting as it was required to act by the law itself as it stood at that time, as a Management Board. It didn't matter Madam Speaker, that the General Manager or the Minister didn't like what they were doing, they were doing what the law required them to do and three out of five is a majority. Clearly from his exit report the General Manager was frustrated and stressed by the activities of the majority of the Board and he cried out for early assent and commencement of the amendment bill, from recollection he gave about 15 of his 19 pages to the conduct of the Board, and the separateness of the so called mini-board of three. Madam Speaker there is a remedy if the Minister was unhappy about the conduct of Board of Members, he could remove them, he could replace them. Mr Nobbs however didn't take that course, he decided to short cut the legislative process and issue a direction that the Board act as though the Bill had received assent and had commenced. Wrong move Mr Deputy Speaker, for him doing so, and according to professional advice received by me, he acted outside the law. It seems to be me Mr Deputy Speaker that there is good reason why Mr Nobbs had not, in the face of a challenge as to his conduct produced either an early or subsequent legal opinion validating his preparation at issue of the particular instrument. That reason is likely to be none available. His failure to provide supporting legal opinion, prompted me Mr Deputy Speaker, as I mentioned, to seek professional opinion, and I have done that. In an advising date of the 31<sup>st</sup> of August from Wills & Bowring, Solicitors and Attorneys in respect of this matter, the conclusion reached in the opinion is that on the basis of the Act that it currently stands, as it stood of course, as it has now received assent and commenced, as it currently stands, the directions are wholly invalid for being irrational, illogical and unreasonable within the meaning of the decision in associated *Provisional Picture Houses versus Wednesbury Corporation*, known commonly as the *Wednesbury* decision. In the absence of any other legal opinion then I must accept the validity of that. That the Minister acted unlawfully, I submit Mr Deputy Speaker that Members, including Mr Nobbs' executive colleagues are left with no alternative but to accept that Mr Nobbs has likely acted outside the law in an invalid manner, unreasonably and whatever else that opinion said. Some Members might consider, Mr Deputy Speaker, that it is of no great consequence, no harm done, we had after all changed the Act, it just hadn't commenced then. Well Mr Deputy Speaker I caution Members from adopting that view, it is far too simplistic, far too dismissive, because at the end of the day it's not really about the particular circumstances, it is about whether you trust the Minister to observe the other laws this House has entrusted to him. Entrusted to him to administer, it's about confidence in the Minister to act with proper judgement, reason and with effectiveness, lawfully and in an executive manner as expected by the House. Mr Deputy Speaker, I have no such confidence in Mr Nobbs, I call on his executive colleagues, especially the Chief Minister to offer a defence of Mr Nobbs conduct and explain how he can possibly continue in an executive role with the confidence of the House and the community. Thank you.

DEPUTY SPEAKER Thank you Mr King. Any further debate Honourable Members?

MRS WARD Thank you Mr Deputy Speaker, I perhaps need to seek leave to move a motion to ask that Mr King table the document of professional advice which he is quoting from. Would you like me to repeat that Madam Speaker?

SPEAKER No.

MRS WARD I ask to move a motion that Mr King table the document, or the professional advice that he is quoting from.

SPEAKER Thank you, yes. So you are relying on 198 document quoted from by a Member may be ordered by the House to be laid before the table, I take that to be the motion. Mrs Ward is seeking leave, I don't believe leave is needed in this case, the motion before the House is that the document from which he is quoting be tabled, are we clear on that? I put that question, unless somebody wants to debate? The House is being asked to order the tabling of a document under Standing Order 198, I put the question.

QUESTION PUT  
AGREED

We look to you to table that document Mr King.

MR KING I do Madam Speaker.

SPEAKER Thank you.

MRS WARD I would like to enter debate.

SPEAKER We are continuing debate on the question that the motion be agreed too.

MRS WARD Thank you Madam Speaker, I've just sort of come in at this stage so that the Minister might respond to my questions and concerns at the same time, because I understand the intent of the Minister when he was advised, or felt that the Board was acting outside of where he wanted it to go, where we wanted the public purse to go, where money was budgeted, I think with previous experience all of us would be very cautious about past history, so I understand the concerns of the Minister, and I support the Minister in doing that, but of course listening to Mr King's debate I do need to ask, whether the Minister did carry out that action without legal authority? Because I would assume that, like any other Minister, he gains legal authority for an action and a directive, so the Minister might like to clarify that. I understand that the Minister can make direction in relation to conduct, that may cover that, these are statements and questions at the same time, as the Minister will appreciate, he has seen to intervene in the normal functions of the Board, I am absolutely with Mr King, and I would never assume that a Bill was an Act before it had reached assent and it was enacted, absolutely agree, that is dangerous ground, I don't imagine anybody goes there, so yes, my question is, did the Minister act outside his power under section 15(1), and I suppose it would be remiss not to ask the Minister to explain what his action or his directive was based on, thank you.

MR NOBBS Thank you Madam Speaker, lets begin by going through the direction, for those that are listening, it may all sound a bit obscure and particularly given perhaps Mr Kings interpretation, or misinterpretation. The direction

reads as this Madam Speaker, I Andre' Neville Nobbs, Minister for Tourism, Industry & Development pursuant to section 15(1) of the Norfolk Island Government Tourist Bureau Act 1980 hereby direct the Norfolk Island Government Tourist Bureau and the Board of the Norfolk Island Government Tourist Bureau as follows. (1) Not to expend any public monies without the prior written approval of the General Manager of the Norfolk Island Tourist Bureau. (2) Not to enter into any contract or commit the Norfolk Island Government Tourist Bureau to any commitment or liability without the prior written approval of the General Manager of the Norfolk Island Government Tourist Bureau. (3) At all times to work in conjunction with the General Manager of the Norfolk Island Government Tourist Bureau in an advisory capacity. I further direct that the above directions shall be effective immediately dated this 8<sup>th</sup> day of July 2011. Madam Speaker, section 15 empowers the Minister to give the Bureau directions as to a) the conduct of the business or affairs of the Bureau and b) the manner in which the Bureau carries out its functions or exercises its powers. In the exercise of its functions shall all times operate in accordance with any directions given to it by the Executive Member under section 15. In a nutshell Madam Speaker those directions were in accordance with the Act and made in the best interests of the community of Norfolk Island to improve accountability for expenditure and contractual commitments and to foster a more productive working relationship with the General Manager and keep him informed and apprised of the Bureau's actions. In assembling the direction Madam Speaker this was done in conjunction with a member of our Legal Services Unit, particularly mindful of the parameters that this needs to be assembled under.

MR KING

I won't prolong the agony of this to far Madam Speaker, but I do have to say a word in my defence, I reiterate, I reiterate that what I have said was not based on my own interpretation as Mr Nobbs suggested. Mr Nobbs understands very clearly what is being said and I don't propose to read out the entire legal opinion that I have received. I ask Members to be remindful of none of Mr Nobbs presentation just now would be necessary if there was a legal opinion to support or validate his acts. It wouldn't be necessary, he might like to, the Members might like to understand that the instrument did not contain a stamp indicating that it was cleared by Legal Counsel. It did not. That is not a statutory requirement, it's a usual requirement. And if there was a member of the Legal Counsel who endorsed that, then I would ask that person to bring forward his own professional legal opinion. Let me just reflect for a moment, the primary reason given by Solicitor Don Wright from Wills & Bowring as for the invalidity of the action. No one doubts that the Minister has the authority to issue a direction as Mr Nobbs has described. We can all read the Act, if looking at that instrument, the immediate impression that one feels is that Minister has asked the Board to do things in a way inconsistent with the Act, it jumps out. It jumps out at you. The overriding point of this particular legal opinion is that, did the directions exceed the authority given by the Act, it basically goes on to say that in the absence of any reference to the General Manager who is was not recognised in the statutory role by the Act, then the direction would have probably been okay, but the direction refers to a person who simply doesn't exist, doesn't exist under the statute, that in itself is illogical and unreasonable and in my respect any Legal Counsel who sat next to Mr Nobbs and prepared that document ought to be turfed out tomorrow quite frankly. I understand and accept that Mr Nobbs was endeavouring to act in what he saw was the best interests in the Island, I have no difficulty with that what so ever, I reiterate it wouldn't be necessary for him to say one single word if he was able to table a written legal opinion. He can not. Thank you.

Chief Minister

Madam Speaker without a doubt in this matter the Minister has seen a need to take appropriate action and has done so and done so in the law. I understand that Mr King has gone off and sought a legal view, he is entitled to do that, I'm not too sure that legal view has an overpowering standing within this Assembly, it is a legal view, you put ten lawyers in a room, you'll have 12 opinions, it is probably no

different here. The Minister has understood a number of things; he has understood the need for the action taken and whilst Mr King may be of another view and he has taken it according to offering directions provided by the statutes and he has tabled that. He has gone through a consultative process in doing that, with his own legal people. Ministers are not obliged to table legal advice they receive on every particular action they undertake and in this particular case there need not be. The pursuing of the matter by Mr King to compel the Minister to do so, if he is comfortable that he has acted appropriately and he has and I confirm my confidence that he has acted appropriately. I'm coming to the view that this is rather not so much a matter of doubting the process, but wanting to have a shot at the Minister, I could be wrong about that, but it is starting to get that appearance in my mind. Therefore I need to confirm that I consider that the Minister in all of the circumstances did have a need to take appropriate action, the action he has taken is appropriate and he has got on with the job. There is the consideration that there is legislation that is now being pursued that gives greater comfort as to how this matter can be managed in the future, that is what the legislation was about. But that does not mean that the Minister, if he felt a need to take some other action, he is at liberty to do so, and has done so.

SPEAKER Thank you Chief Minister, further debate Honourable Members, there being no further debate, I put the question that the motion... Mr King.

MR KING Well I perhaps have a final contribution, but maybe I will provoke some more nonsense from other Members around the table Madam Speaker. I'm not surprised at what Mr Buffett has said, he sees no need to admonish or deal with his Minister's conduct, I am first to agree that a room full of lawyers will produce a room full of opinions, I can readily accept that. Perhaps the next step in relation to this is to get a declaration from the Supreme Court that the Minister has acted invalid and unlawful and perhaps then Mr Buffett may do something that, he is willing to accept now and offer his undying support, 100% of Mr Nobbs, I wonder whether he might do so in the face of a declaration by the Court of invalid conduct. I understand that there is no need or obligation on the part of the Government or the Assembly to accept the legal opinion that I've tabled, but there is an obligation, at least a moral one, on the part of the Assembly and the Government to understand that there is no other supporting legal opinion. I accept, of course, Mr Chief Minister that there is no obligation on the part of your Minister's to fess up to us mere back benchers on challenges such as this, and I would think that if I were in your situation, that charges or allegations of such gravity ought to be defended with the production of a legal opinion, which validates your Minister's actions, that hasn't been done and I accept what you have said with that hallow final ring. Thank you.

SPEAKER Honourable Members I put the question that the motion be agreed too.

QUESTION PUT  
AGREED

That paper is so noted.

#### **PAPER TABLED AND TITLED ALTERNATIVE ROAD MAP.**

Honourable Members we move now to Notice No 4 and Mr Snell you have the call on the matter of another Paper tabled entitled Alternative Road Map.

MR SNELL Thank you Madam Speaker. I move that this House take note of the Paper titled An Alternative Roadmap tabled at the August 2011 sitting.

MADAM SPEAKER The question is that the Motion be agreed to. Debate.

MR SNELL Thank you Madam Speaker. As the Member who tabled the document An Alternative Roadmap at the August Sitting of the House I have moved a Motion to facilitate debate on the Alternative Roadmap at the request of Mrs Ward. It is not my intention to discuss the Alternative Roadmap at length however I ask Members to be aware that this document was prepared by long term residents and Norfolk Islanders of this community who do not believe that the March 2011 Roadmap as submitted by Officers of Regional Australia and Regional Development and Local Government is necessarily the best way forward and I share their views Madam Speaker. It is acknowledged that a Cabinet decision from the Australian Government has not been received as yet on the March 2011 Roadmap submission. Concerns have been expressed by the Federal Government Opposition Party in relation to some aspects of the 2011 Roadmap. I refer Madam Speaker to comments made at the last Joint Standing Committee held at the Parish Centre here on Norfolk several months ago. At that time they made reference to several Roadmap Fact Sheets relation to subjects of economic development on Norfolk Island, Commonwealth laws extending to Norfolk Island, Health and Age Care and Education extending to Norfolk Island. The preamble to all of these included the words "the details of the fact sheets ?are not necessarily what will be extended to Norfolk Island as a future governance model for Norfolk is yet to be decided. Madam Speaker this together with other matters which concern a great deal Norfolk residents prompted a response which as all of those who attended the public meetings held to invite comments will attest. A response to invitations from Minister Crean's office sought consultation. This Paper is a part of a response to that. However there is a lot more to consider and negotiate. Madam Speaker we are debating the greatest change to Norfolk's lifestyle in 32 years and it is the responsibility of all Members of this House to respect and consider the wishes of their constituents and I do so with pride. I leave it there Madam Speaker.

MR KING Thank you Madam Speaker. I'm happy that the content of this so called Alternative Roadmap is not laid out in fine detail and supported and upheld and debated by Mr Snell because I don't think that it warrants that. The way that this document has found it's way onto Hansard documents of this House in my view is highly questionable. It opens up the way for any unaccredited unsigned piece of ratbaggery to be placed on the Hansard of this House by any one of us members around the table. I leave it to Members

MADAM SPEAKER May I ask you that you not question the role that the Speaker play that we have discussed this morning

MR KING Oh Madam Speaker I make no pretence that I'm not happy about your answer. I do not think that this document warranted the elevation to be included in Hansard

MADAM SPEAKER and as it was pointed out to you Mr King at that time the House had the opportunity to say it should not happen

MR KING Well it was never suggested it happen Madam Speaker. In the normal course might I suggest that a Motion is moved that the even the document be incorporated into Hansard or read into Hansard by the Member who proposed it. That in fact was not bound by the House because we didn't want it read into Hansard. That is the normal procedure elsewhere Madam Speaker and that's why I question the matter in which this thing has received the elevated status that it has. The Government has adopted a view right or wrong, whether we like it or not we have to live with it, we have to move on with it, Governments are Governments they have an Executive authority to do these things, they are done so for a purpose in adopting and agreeing to the Roadmap as set out. The time for consultation on respect of submissions or Alternative

Roadmaps is long since passed and an unsigned unaccredited document does not deserve a debate in this House and I will not dignify it by offering any comment in relation to it's content. Thank you.

MRS WARD Thank you Madam Speaker, well I will. I hear what Mr King is saying but this is about great change and this is about respecting all views even though as Mr King has pointed out a decision has been made, and I understand that this document was not received by either Government as part of the Roadmap Submission process but that it has been accepted by Minister Crean's Department in Canberra and while the already agreed Roadmap sets out the boundaries for the path we are to travel there is still plenty of work to be done within those boundaries and obviously a vibrant local economy is essential, and I believe that Simon Crean is as he states all about local input. It is for that reason I am willing to take note and debate this document today. We should remember that part of the agreed process within the Roadmap is community consultation. We must continue to consult and keep the process open to all views within the boundaries. However this document will not displace the agreed Roadmap because it doesn't deal with the big picture. It covers economic development but it does not in my opinion adequately address governance reform, public sector management, immigration, health, welfare, education, environment, legislation or taxation reform which this community needs and deserves. There is nothing particularly new in this document or in the direction of the document, although it appears to recognise that we cannot maintain Commonwealth assets. It highlights age old problems such as the provision of air services, shipping freight costs and the price of rock. These are all major issues in terms of Norfolk's sustainability and we all recognise that and this is why the already agreed Roadmap deals with those issues. Under the heading Economic Development the immediate action states : A and B refer to Air Services and that is being currently dealt with and is with the Commonwealth as we speak. Point D is that the Australian Government will consider disregarding the Cascade Cliff loan in turn hopefully lowering the price of rock. Containerisation and improved harbour facilities are high on the infrastructure development agenda. These concerns are already on the list to be addressed by this Government and the Federal Government. This document the Alternative Roadmap offers a local solution to a local problem well so does the Norfolk Island Government but it is obvious that the solution is beyond our capacity and can only be achieved in cooperation with the Commonwealth. The document speaks of the Commonwealth paying for infrastructure or delivering an annual grant in return for an agreed contribution and as I read it, basically continuing to leave us alone. If we were to maintain that view to be basically left alone we are not seriously considering the challenges we face such as our aging population, spiraling healthcare costs and education costs, not to mention and inequitable taxation system, and if anyone believes that maintaining the status quo will ensure jobs remain in either the public or private sector they will be disappointed. Retaining the status quo is no longer an option fullstop, and I support reform, not for the economies sake alone but because fundamentally it is the right thing to do and it is the best way to create a long term sustainable future for our children and the community as a whole. As someone who appreciates that business drives the economy I will state the obvious, if nothing is done to restructure and invigorate the island's economy then we will become reliant on the Commonwealth and I haven't spoken to anyone who wants to see that, but without the Commonwealth's assistance over recent months the service provided by this Government, the Assembly, the Administration, the School and the Hospital would have been severely impacted and so we have gratefully accepted assistance but the Intergovernmental Roadmap aims to take us beyond that and this Assembly has created the Catalyst to allow that to happen. The Alternative document also supports a remodeling of the 1979 partnership agreement and I totally agree and that is where our energies have been focused. Last month this House debated the reallocation of functions and responsibilities to reflect what our small community can sustain and this will hopefully be realized by both Governments in the very near future. Under Point 54 of the document it is said that the

Commonwealth should fund all Commonwealth assets on Norfolk Island. I share the view that this needs to be addressed and that includes long term funding and management of KAVHA. It may also include National Parks taking on responsibility and funding for all Crown Reserves. It may include the extension of National Broadband Network to the island. These are areas that we must be willing to explore with an open mind because the days of what we want are over, it's more about what we can afford and what we have the proven capacity to deliver. Points 55-60 suggest that we are considered Australian in some areas and not in others, well we all share this frustration and I would hope that at the end of the process we will have an equal standing with other States and Territories, that they grey areas will be removed, and that we will learn to behave, develop and benefit as part of Regional and Remote Australia. Going back to Point 2, the beginning of the document it says that the Commonwealth demands placed upon this Assembly in order to gain funding will retrograde. I challenged that view in debate in this House recently when the funding agreement was discussed, we are not selling our soul by entering a realistic arrangement with the Commonwealth and it's very clear to me that a closer political and financial relationship with Australia is the way to sustain and to achieve a long term equitable result. There is no doubt that establishing a funding and service programme will be a challenging task but we must, not because we are forced to but because it is the right thing to do for the majority of the community. From the outset I supported the Territories Law Reform Act and therefore welcomed the 180 degree change of heart from the Chief Minister. Whether he likes it or not the Chief Minister faced the reality and has demonstrated true understanding of what is best for the island's long term future and I do not agree that the funding conditions were or are currently retrograde. Certainly there are areas that concern some people, me included and I'm very sensitive to the immigration and population concerns but those matters, I would have hoped were in the hands of the Service but as Minister Sheridan and the Chief Minister listened to contribution to debate there may be some further action in ascertaining what a sustainable population for Norfolk is actually going to be and how we as members are supposed to form a view, obviously at the moment we are following a view that was taken by the previous Assembly and the one before that a 2% increase in population was achievable and was desirable but I'd certainly like to see how any increase in population is going to impact, certainly on the ecology of the island, not to mention services. The document supports Medicare and Pharmaceutical Benefits Scheme being extended to Norfolk Island. Most Assembly Members agree and the decision to move forward with that has already been made. We understand the Governments financial position and that we cannot extract more money from an already struggling people nor can we tax an island into prosperity therefore we need to completely reform the taxation system and one of the first steps was to commit to entering the Federal Taxation System. The money that the island needs to redevelop infrastructure is in the millions and beyond any single or collective private sector capacity, that is why we've entered into a partnership agreement with the Commonwealth, to ensure that the island has the infrastructure and services it needs. I acknowledge the low economic structure concerns within the document and the community and that is why change must be transitional and allow time for adjustment both business and personal but the fact of the matter is we will in time be Norfolk Island residents paying Federal Tax. Of course superannuation and the affect it will have on island residents is high on the agenda and how changes to the economic structure will affect business will obviously be addressed. I have said this before and I will say it again because I'm referring to the fact that there appears to be a continuing rejection of the idea of entering the Federal Tax and Welfare system within the document. The suggestion that Norfolk Island will end up as another remote welfare dependent is offensive and an insult to the work ethic of our community. What a welfare system does is helps those in need in times of need. What a progressive taxation system does is help those families and people who are in small business. It will give back to sections of the community who have never before received assistance. I have no doubt that our community will continue to work hard and take advantage of opportunities as they are

enabled. What is vital is a working economy that provides plenty of job opportunity and that is why the economic development arm of the equation is so important because we need work. I have faith that our community will not fall into a black hole and this Assembly is working to ensure that the economy has every opportunity to grow. Realising change is not about having anything taken away it is about being treated fairly and accepting that we cannot manage everything alone as acknowledged in this document. The Chief Minister has spoken of a 5 year programme to rebuild our island's foundations and it will take that long but for those of us who are in this for the long haul it will go quickly and patience will be a virtue. Those seeking instant gratification will no doubt feel frustration. In closing Madam Speaker I understand that some people feel shell shocked by the need for change, some feel they are left without direction, these are uncertain times financially and politically, it seems to be the world over, but if we can envisage the future as being part of and treated as part of Regional and Remote Australia with all the security and assuredness that brings then how we face the hurdles along the way will be a lot easier. I should point out that since November we have seen the Chief Minister make 24 media statements and we have had 5 public meetings on the Roadmap process on issues such as the wellbeing report and future governance model and if people choose to participate in these processes then we will be far better off in the long run. I believe this document is highly relevant to our current situation and I would hope that the ideas contained within it will go some way to compliment the existing Roadmap and to allow us to rebuild Norfolk together in a fair and sustainable way. Thank you.

MRS GRIFFITHS                      Thank you Madam Speaker. I'd like to thank Mr Snell for putting this on the Table for us to talk about. For this community's sake there can't be enough debate in this House on our governance and Roadmaps are the vision for our future. I have to say though and I've said before in this House my introduction to the Roadmap was disappointing. The Chief Minister presented the... lets call it the Norfolk Roadmap shortly before it was presented to this community. We were given a few short weeks to comment and I know how difficult that was. It shows in the number of comments that have been integrated into the current version and how many to ?? and separate to the Norfolk Roadmap. In my view the key to being able to understand the Norfolk Roadmap was that you had to know Norfolk. In other parts you had to assume why certain decisions have been made and the major weakness of this Roadmap is the lack of background documentation. It's essential that in plans of this calibre and status are clear about why certain decisions have been made in response to what issues and be clear about how they are addressing that particular challenge. Having said that there is the same problem with the Alternate Roadmap. It's interesting to note that the shortfalls I talked about in the Norfolk Roadmap brought about the development of the Alternate Roadmap. In fact the authors say and I quote "aware that preparing a meaningful submission to what was being proposed in the Roadmap within the mandate or consultation phase was going to be impossible. We decided our efforts would be better served in developing a plausible alternative way forward for Norfolk Island". Unfortunately my introduction to this Roadmap was equally disappointing. It was tabled in this House at our last meeting and that's the first I've seen of it. What disappoints me about both Roadmaps is that these are exactly the kinds of plans and strategies that I and many others in this community, particularly like to take the time to contribute to. Having the widest possible contribution and diversity and views is what makes a community's own vision for the future, However I do recognise that in developing the Norfolk Roadmap there was no time as situation was critical. Nevertheless the Norfolk Roadmap is what both the Norfolk Island and the Commonwealth Government have agreed to and that's the fundamental point of difference. Naturally I particularly like that the Norfolk Roadmap recognises the special relationship that the descendants of Pitcairn have with Norfolk and our desire to preserve our traditions and culture. I like that it makes that point more than once. That to me is the foundation of any way forward. We can live with changes but our culture identity heritage and way of life must

be central to development. I don't mean using our culture as an impediment to change I mean integrating our culture into change. On the Roadmaps what I find interesting is that the Alternate Roadmap calls for access to cost effective air service with access to a dynamic marketing promotion network. The Norfolk Roadmap calls for tourism being focused on a high quality and higher value offer to attract tourists with the removal of barriers. It also calls for Norfolk to be a domestic destination for Australian tourists. The immediate actions are that the Commonwealth will provide resources to enable advice to be sourced by the Norfolk Island Government on the provision of air services. To look at the issue of our Airport becoming an Australian destination and context of our culture, it's up to us to make sure that the Airport eventually becomes and interpretive centre for Norfolk for arriving and departing visitors. It should be staffed by people trained to Commonwealth standards but sensitive to local issues. Ideally it should have island products available for sale with funds from proceeds from such sales preferably going towards the Airports upkeep. The alternate Roadmap calls for reducing the cost of basalt the raw ingredient for road construction and concrete. The Norfolk Roadmap calls for improving the tourism experience on Norfolk such as sealing selective roads, improving access to coast and walking trails, and in 2012-2015 a cause for continuing minor Capital Works and initiating approved major Capital Works. Without a doubt to achieve the Norfolk Roadmap goals we'll need to address our raw material needs. The Alternate Roadmap suggests a joint Government approach to upgrading the island's Waste Management system. The Norfolk Roadmap calls for both Governments to work together to implement the Waste Management Strategy. The Alternate Roadmap suggests the Norfolk Island Government give an agreed contribution of access to Medicare and Pharmaceutical Benefit Scheme. The Norfolk Roadmap in 2012/2013 will extend Commonwealth Health fund into Norfolk Island, this includes Medicare and the Pharmaceutical Benefits Scheme. Madam Speaker it seems to me the Norfolk Roadmap and the Alternate Roadmap are not too far apart on their visions for Norfolk, both have some good initiatives. What gives me heart is the capacity on this island to make worthwhile contributions to this island's future. It gives me heart that there is still the will in this community to work hard and contribute and to those people thank you and I urge you to stay the course, we still have a very long way to go. Thank you.

CHIEF MINISTER                      Madam Speaker are you departing Mr King. Madam Speaker the Roadmap that we've endorsed is a structure to progress change and it remains firm. There are seven components if I just briefly walk through them again just in the context of this brief debate. There is Governance reform, there is Economic Development to be attained, there is the Public Sector Management to be addressed, there is Immigration, Health and Welfare and Education factors to be significantly addressed. Taxation, the Environment and finally the extension of Commonwealth Laws to Norfolk Island are all part and parcel of the Roadmap. It's a broad Roadmap. There are many factors to be elaborated and a number of them are being progressively done so. The Wellbeing Report for example has been concluded which gives us a base line in terms of how things are on this island. We have just conducted our own Census, the Public Service Review is being undertaken and continues. The Economic Development Study equally is now to be embarked upon. They are a number of factors that are in the Roadmap but are clearly said yet to be developed. They too need to be knitted together as we move along and there will be other components yet to be developed and yet to be knitted together. It is a 5 year programme, it's a long task, things are not there at Day 1 but that has been said before, we know that. I just wanted to say that as a prelude to set the scene to say that the Roadmap is of substance and it does remain firm and it contains a broad range of things that are designed to equip us at the end of the day to move forward. In terms of the document that Mr Snell has brought forward I thank the authors of this document because it does have a number of suggestions that are really within the Roadmap, in other words it reinforces those things that are in the Norfolk Island Roadmap. The Roadmap that we have however is wider and it is broader and as I said it remains firm. It's designed to deliver long term sustainability for the island over a

period of 5 years. I know that there will be difficulty with some components, I know that there will be times when people will want to produce alternative ways, this may be one of them. But if you examine some of the things that are in this Report you will see that they are really addressing some of the factors that are to be developed within the Norfolk Island Roadmap for example it talks about the Airline, the Airline factor needs to be walked through, that is I think earlier mentioned by Mrs Ward that it is a factor that is being addressed at this moment, and there are other components that are like that that are being addressed at this moment.. So some of the things mentioned here do have extreme value, they shouldn't be discounted they it is good that they are brought forward but they do need to be seen in this bigger and wider picture that the Norfolk Island Roadmap has. So in terms of addressing this particular one I thank the suggestions for coming forward. I am taking them, especially in the main as the endorsement of where we are going with the Norfolk Island Roadmap. That doesn't mean all of the factors are the same that is the diversity of opinion that exists in the community but the important ones I think are ones that are already in the Roadmap and are being pursued and we need to get along that path to do so.

MRS ADAMS Thank you Mr Acting Deputy Speaker. I'm going to ? my remarks this afternoon by saying that when I was in London I was listening on my Notebook to an email that was messaged to me of an interview between or interview with Mr King, Chief Minister and Mr Fred Howe by a Melbourne Interviewer and because it was sent to me electronically in London I played it 3 times and it was very enlightening to me and this is important because it's the purpose into my debate this afternoon. I listened to what each of the 3 people were saying without any judgment around what they were saying and I came clearly to understand the diversity of our views, but each one of the views that were put forward each one of those people believed that their view was correct and I had grave understanding that the need for us to respect one another's views and so I will begin, to think that had to happen in London. All of us around this table I believe want the very best future for Norfolk Island and its people. Each of us around this table will have different aspiration as to what that outcome should be. We each have a different view of the past and how we wish to see the future of our island evolve. We each believe our view is right but if we acknowledge the truth of what has just been said comes the need for each of us to respect each others views and those of our constituents and to try and work together if we can to arrive at a conclusion on our future that suits the majority of the residents of this island. We have a Roadmap dated 2 March 2011 and today we are discussing a document entitled and Alternative Roadmap, compiled I understand by some respected members of this community as part of the consultation process that happened while I was away. The document was tabled at the August 2011 sitting. Both Roadmaps have a different focus but both Roadmaps address the same underlying problems currently facing our community. As Members are aware from my earlier debate in the House I have a difficulty with many aspects with the March Roadmap, my difficulty is that I do not believe it ?, and this is my view who we are, where we've come from and where in 1856 those who came to make Norfolk their home believed their island home was destined to go. Let me make my position clear, it is not my intention to disrupt the current discussions and negotiations with the Commonwealth just to record my ongoing concerns which stem from the fact that the world is in turmoil, monetary systems are collapsing, people are steeped in fear and sometimes fear prompts us to take a road that may not in the long term serve us well, and therefore it is my belief that our discussions with the Commonwealth need to be expanded not disrupted and whilst the Public Sector Review, the Wellbeing Study which has concluded, the Social Economic Impact Study is being undertaken and further Reviews conducted under the March Roadmap we owe it to the community to ensure that we have explored all possible options that may be open to us. The consultation to enable us to determine what future this community wishes for Norfolk Island. When it does then we the Members of the Legislative Assembly owe it to the Norfolk Island community to offer them the opportunity at Referendum to make the final decision on their future. It is

only through this democratic process that the silent majority can be heard. Mr Acting Deputy Speaker I have just asked the question have we and the Commonwealth explored all possible options that may be open to us before we finally commit to a future that may not honour us in the long term. The Alternative Roadmap I believe is offering another option for us to explore, that option is headed a jointly agreed settlement on our constitutional status to give our community confidence and certainty going forward and for the listening public I'll read not read in total but I will read from Paragraph 55 through to 60 of that document which is based around the constitutional challenge in 2006 when 6 out of 7 of the Chief Justices of the High Court of Australia in the Bennett versus it was the Commonwealth 2007 HD18 case said that the answer to the question whether that Norfolk Island is or is not part of the Commonwealth depends on the purpose for which the question is asked. For some purposes the island may be a part of the Commonwealth for other purposes it may not.. And the writers of this document go on to say that the confusion and uncertainty that exists surrounding our islands constitutional status and the ability of the Commonwealth for the Commonwealth to make changes gives rise to unrest and unnecessary suspicions. This uncertainty can be addressed, this uncertainty gives rise to serious lack of investor confidence in our island but they go on to say that as 2 mature democracies it is time to work toward an agreed settlement of this issue and it is on that I am speaking about expanding our associations with the Commonwealth. And the Alternative Roadmap concludes by saying "for this we look to a similar style of relationship that exists between Britain and the Channel Islands or the relationship between Territories such as Nuie or Tapalau with the New Zealand Government to ascertain what is possible when 2 Governments work together for the common good. And by way of interest, because having benefited this document obviously it was already in my mind because Honourable Members as you know I have recently visited the Isle of Man and I have one on one discussion in London with many of the delegates from small Commonwealth countries who are attending the CPA Conference there is July, and I particularly took time to chat with delegates from the UK, overseas territories and dependencies Jersey, Guernsey, Saint Helena, the Falklands and of course the Isle of Man as I was keen to learn about their respective constitutional relationship with their Sovereign Power the United Kingdom, the relationship which seemed to be very different to ours even though we were originally I believe a British Colony. And from those discussions it was obvious that the constitutional partnership between the UK and its overseas and dependent Territories had a positive financial outcome both with the Sovereign power and the dependency. In fact in discussions with the Falklands it became that the motivation behind the new constitutional relationship negotiated between the UK and the Falklands was a wish on the part of the UK that it note that the Falklands no longer be a contingent liability on the UK and that goal would seem to have been achieved. And so I propose to you Honourable members that there is an important element missing from our current discussions on our future relationship with our Sovereign power which of course is the Commonwealth of Australia and that issue is raised in the Alternative Roadmap from which I've just read, namely working towards a jointly agreed settlement on our constitutional status to give our community confidence and certainty going forward. So Honourable Members I propose to you that we, elected representatives of this community owe it to the Norfolk Island community to place our future constitutional status onto the negotiation table for discussion as part of the Roadmap with the Commonwealth as 2 mature democracies. As I have confidence that a great country like Australia where I was born respects the rights of people to self determination. In fact we are seeing the proof of that this past week with the Queensland Premier both providing stimulus funding to the Torres Strait Islanders while agreeing to honour their wish to negotiate greater autonomy in their affairs, in fact Norfolk Island got a mention in that respect in the media press. So Honourable Members let us ourselves ask ourselves whether without the aforementioned discussions proposed in the Alternative Roadmap on our relationship into the future taking place alongside the March 2011 Roadmap who knows what a wonderful potential

alternative partnership for this community with the Commonwealth of Australia may be being denied through our not having done so. Thank you.

MR SNELL Thank you Mr Acting Deputy Speaker. To finish up on this subject Acting Deputy Speaker it is of course pleasing and I'm sure to everyone out there listening that we have a very democratic system of government here on Norfolk Island and it reflects in the comments that have been made here this afternoon particularly by Mrs Ward, she has an enthusiasm to her cause and to what she considers to be the fair and just future for Norfolk Island and that is general and total integration within Australia and of course the Australian Taxation system. Now a lot of us already pay a lot of tax here on Norfolk Island myself included and its not unknown to us but we have to look at the impacts of the March 2011 Roadmap could have here on Norfolk Island and taxation is one of those. We haven't had any detail of how it's going to affect us here, so these submissions by the authors of this Alternative Roadmap is highly welcomed and I'm pleased that they have given us the time and their efforts in putting something of this nature together. It is unfortunate that the copy is unsigned and been labeled as a ratbag submission by Mr King who has now departed the Chamber and that is also unfortunate but they submitted this paper in good faith, the authors are also aware that it doesn't meet all the requirements and there will be changes and they will address issues on a more local scale than what was put forward by Minister Crean's Officers. I also go to the context just mentioned on by the previous speaker Ms Adams regarding self determination. It is very difficult as indicated by other correspondence that have been sent through to us particularly from the President of the Society of the Pitcairn Settlers where he mentioned it's very difficult for anyone to fight a battle with empty pockets and that is exactly what we have before us, but he acknowledges that Norfolk Island is legally a dependent Territory of the Commonwealth of Australia, we are not denying that fact. I also refer to other submissions, the Voice of Norfolk Group and they say that it is difficult for them to contribute to the Norfolk Island Roadmap without knowing the real impact of many of the proposed changes. This includes being fully appraised of their content and ramifications including both the positive and negative aspects and being provided appropriate forums for community concerns and feedback. They have attended the meetings that a lot of us also have attended and Acting Deputy Speaker without going on to too much other further talk about this matter I do appreciate again Mrs Ward in asking that this matter be raised, it keeps it on the forum and Mrs Griffiths indicated that she hadn't seen it before, now it's available to everybody and I thank you for that.

ACTING DEPUTY SPEAKER Further debate. There being no further debate I'll put the question that the Motion be agreed to

QUESTION PUT  
AGREED

### **EMPLOYMENT (AMENDMENT NO 2 BILL 2011)**

MR SHERIDAN I move that the Employment (Amendment No 2 Bill) 2011 and move that the Bill be agreed to in principle and I table the Explanatory Memo to the Bill.

MADAM SPEAKER Question is that the Motion be agreed to. Further debate.

MR SHERIDAN Thank you Madam Speaker. As is usual practice I will just read the Explanatory Memo into Hansard and then make a brief comment on the proposed changes to the Employment Act and it is my intention Madam Speaker that it be deferred for a subsequent sitting. Madam Speaker the Explanatory Memorandum reads that the intended effect of the Bill is to remove the setting of the minimum wage

from the Act to the Regulations. At present there is a difference between the amount specified within the Act and that set by Regulation which can only be confusing and is rectified by this Bill. The purpose of the Bill is for the Act to simply provide that the rate maybe set by Regulation. The intention of the change is to enable the provision of a regular annual increase in accordance with the RPI in the minimum wage rate for those employees covered by the Act. It is anticipated that these changes will be made to take effect each year on 1 October in line with the RPI of the previous year ending 30<sup>th</sup> June. The first 4 clauses of the Bill provide the short title commencement reference to the principle Act and a primary amendment provision making reference to the Schedule. Clause 5 of the Bill expresses the minimum rate as set by Regulation in 2008 and retains it until change in accordance with the Act following the amendments made by this Bill. Item 1 in this schedule provides for the removal of the minimum wage from the Act and for it be made from time to time by regulation. Item 2 amends the regulation making power to clarify that the regulations may express the minimum wage by reference to an hourly rate, a working week or both and for variation of the rate by reference to the RPI. Madam Speaker just a brief follow on from the Explanatory Memo. As mentioned in the Explanatory Memo this amending Bill is to allow a common sense approach to allow the minimum wage to be set by regulations and for the minimum wage to be reviewed on a regular basis in line with the RPI and if necessary increase the minimum wage. It would be my intention that the minimum wage be reviewed on an annual basis after the June RPI figure is known and if required then the minimum wage to be increased effective 1 October on an annual basis. Madam Speaker this would ensure that the yearly cost of living increases would in some way be counteracted by an annual increase in the minimum wage. Madam Speaker I don't want to get into discussion today as to how much the increase would be on an annual basis but concentrate on providing the resources to allow this to happen. Currently the way that increases to the minimum wage are affected is clearly on the whim of the Minister of the day as to when and how much the minimum wage would be increased. Since 1985 when the Government of the day had an inquiry into wages and working conditions of the minimum wage or called the minimum wage there were no minimum wage set and this Report recommended that legislation be introduced to set a minimum adult wage based on a needs basis. Once established the minimum wage shall be adjusted annually to reflect in the Norfolk Island RPI at the rate of 75% of that movement. The Committee recommended for a minimum wage as at December 1985 be for an adult \$140 per week or \$3-50 per week. It's doubtful whether the recommendation of annual increases have been undertaken and as far as I'm aware it has not happened. The history of the minimum wage is that in 1985 it was \$3-50 per hour it increased to \$5-40 an hour in December 1993, it increased to \$7 per hour in August 1995, it increased to \$8-50 an hour in September 2004 and increased to \$10-70 by a Motion in this House by myself back in July 2008. As can be seen the increases of the minimum wage have been very upsy-daisy with no consistency. I believe that employers and certainly the employees on the island would appreciate a small annual increase plus a large increase every 4-5 years. Looking at the RPI increase since 1993 and the possible increase that could have happened it would have been approximately 30c per hour that the minimum wage would have been increased. During this period the actual minimum wage has increased by \$1-60, \$1-50 and \$2-20 – 3 increases in 18 years. Madam Speaker the ability to set the minimum wage against the RPI for want of any other benchmark available in Norfolk Island would ensure for these people who work for this minimum wage that their wages would keep up in some way to the cost of living on Norfolk Island. It would also protect employers from a radical increase in the minimum wage not in line with the RPI. I'm aware that annual increase in line with the RPI may have an affect on the cost of living on Norfolk Island but until the other benchmarks available to us then I argue that it is the index that we have to increase the minimum wage with. Madam Speaker employees who are earning the minimum should be able to expect that their wage be increased in line with inflation on a yearly basis. This amendment would allow this to happen. This change as mentioned in

the Explanatory memo would also remove the confusion created by differing amounts in the Act as to those set by regulation. Madam Speaker I commend the Bill to the House.

MR SNELL Thank you Madam Speaker. I disagree with Minister Sheridan's recommendations strongly, I can't disagree enough. The minimum wage if it was to be tied to the RPI adjustments would in time I believe exceed the average wage. There is no compulsion on behalf of any employer here on the island to increase the average wage at any time unyet we are suggesting or proposing that the minimum wage be increased by legislation, I think that's dangerous. At the moment the average wage on Norfolk Island as I understand it is between \$12 and \$16 per hour or thereabouts. There is no provision in law that I'm aware of to enforce employers to adjust wages other than by effort and reward or performance based, so why should we legislate to regulate minimum wage to reward our purely out of a perceived necessity that it's not going to be enough, and lets put it another way Madam Speaker. The Retail Price Index for Norfolk Island I believe has not seen a review since about 1983 so perhaps we should start there and if we were to review the RPI and there is a substantial increase in its effect then what are we looking at. I doubt on Norfolk Island Madam Speaker if there would be many employers paying the minimum wage but if the minimum wage as again recommended should be tied to the RPI it wouldn't take very long for it to exceed the average wage. I won't go on too much more about that Madam Speaker but I will not support the Motion.

MR ANDERSON Thank you Madam Speaker. I also will not be supporting this Bill in its current form. I cannot agree to the minimum wage being linked in any way to the movement in prices and in any event the RPI would be totally unsuitable for such a purpose without a significant overhaul and updating. We only have movements in a small baskets of retail goods which are probably only partially represented in the movements in the cost of living. If any index were to be used the Consumer Price Index would be more appropriate but we do not have one. In my view near enough is not good enough or just because we have an RPI it does not make it acceptable. Productivity and the ability of employers to absorb rises are too features the proposed system ignores because increases in minimum wages have a flow on affect. The minimum wages are consideration in any increase of wages generally but regular rise will lead to wage price inflation, this is where the dog simply chases its tail. Prices rise so the minimum wage rises so prices rise to pay the flow through of wages generally which leads to a further minimum wage rise which leads to a flow through rise to wages generally etc etc until people start to lose jobs or businesses can no longer afford to employ workers. If general wages are not adjusted to take into consideration changes in the minimum wage that has just been pointed out there is no obligation to do it, an extreme example would be that we could end up with the lowest paid workers earning more than the Doctor simply because prices have risen. Any change of the minimum wage should be a matter for review and in the absence of an industrial tribunal to properly assess movements the Parliament should continue to deal with changes after consideration of relevant issues and submissions. I cannot see any transitional provisions in the Bill nor any date the proposed new system will commence even though I acknowledge that the Minister just mentioned a proposed date. In respect of the proposed Section 108 (2) F there is no precision in the words from time to time. I appreciate that the current Minister has an intention to do things but from time to time being the frequency of the adjustment, it has the affect of leaving it as an adhoc arrangement and if let flow to regulation without any further consultation this in my view could potentially be an adjustment every 3 months or at any whim of any future Minister, from time to time is just to imprecise. I have serious concern about any attempt to tie the minimum wage to any form of index related to pricing. I cannot support the Bill in its current form.

MRS WARD Thank you Madam Speaker very briefly I understand that the Minister has just introducing the Bill today and so it will be left on the table but I

certainly support the concerns of Mr Snell and Mr Anderson. The RPI basket of goods is certainly inadequate and needs to be dealt with. Once a fee or a cost or a rate goes from within the body of the Act to the regulations it brings this fluidity that bothers me, and the only other point is that there is a big difference between an annual review and an annual increase but I look forward into looking into the Bill further and provide more feedback at the next sitting or when debate continues on the Bill. Thank you Madam Speaker.

MR NOBBS Thank you Madam Speaker. I certainly welcome the work that Minister Sheridan has done in evaluating a better option to address minimum wage movements. In the past we've certainly not had any regularity or in many cases anything that the movement of the minimum wage is tied to in terms of events, in terms of consumer price indexing for example I would tend to agree that the RPI is not as accurate medium as we would certainly want for Norfolk Island on a number of levels, but I also note that Minister Sheridan in attaching it in the way that he has this does not insist that if there is a change in the RPI that there is a change in the minimum wage. This merely enables the highlighting of a change in the cost of living at any particular time so that it can be taken into consideration for that minimum wage. Certainly I welcome this being adjourned so that more discussion can be had but at the same time I recognise that there needs to be some form of linkage to ensure that we have an ongoing monitoring for these conditions.

MADAM SPEAKER Further debate Honourable Members. No further debate. I look to you Minister Sheridan for a Motion.

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

QUESTION PUT  
AGREED

### **ELECTRICITY SUPPLY AMENDMENT BILL 2011**

MR NOBBS Thank you Madam Speaker. Similarly this is an introduction of an Amendment Bill so I'll similarly be seeking to adjourn it at the end. Madam Speaker I present the Electricity Supply Amendment Bill 2011 and move that the Bill be agreed to in principle and I table the Explanatory Memorandum to the Bill.

MADAM SPEAKER Thank you Mr Nobbs. The question before the House is that the Bill be agreed to in principle. Debate

MR NOBBS Thank you Madam Speaker. The purpose of this Bill is to remove from the Electricity Supply Act 1985 provisions that place an onus on the owner of the property for the payment of electricity charges incurred by an occupier other than the owner. It is the intention of the Bill that it is the occupier of the land being the consumer of electricity who is to be responsible for the payment of the cost of electricity consumption. Thus where the owner is not also the occupier the owner is to have no responsibility for payment for electricity charges. A Landlord will no longer be liable for a consumer tenants electricity. To assist with credit management a person who has an unpaid debt for electricity charges alone or jointly with another may have an application for further connection refused or connection refused. The Bill provides in the first 3 clauses for the usual short title the commencement of the Bill upon gazettal of assent, and for the citation of the principle Act be amended. Clause 4 provides that the Amendments and the Schedules are to have affect, Item 1 in the Schedule provides for the removal from the definition of consumer reference to the owner of the land where the occupier is not the owner. Item 2 amends Section 11 to remove reference to the owner

where the owner is not also the occupier and inserts a new section to make it clear that Executive Member may refuse an application for supply if the applicant is in debt for electricity supply charges whether alone or jointly with another person. Item 3 amends Section 23 by deleting references again to the owner so that the owner is not liable where the owner is not also the occupier and delete Subsection 6 that provides for the liability of the owner for payment of electricity supply charges, thereby removing that liability where the owner is not the consumer. Thank you Madam Speaker.

MR SNELL Thank you Madam Speaker. Madam Speaker I congratulate the Minister on bringing this to the House, it's long overdue and without going into it he has explained it adequately in the Explanatory Memorandum and I intend to support the Motion,

MR ANDERSON Thank you Madam Speaker I appreciate that this Bill will lay on the table but I wish to indicate my support. Firstly with some dismay I note the drafting has reverted to the term of Executive Member, that's just no longer the appropriate title. It's unacceptable in my view that a non property owner can run up a bill for electricity, not pay and then move to new premises and do it all over again leaving the property owner responsible each time for their electricity charges. If Norfolk Island Electricity wants to operate as a real commercial enterprise it should take responsibility for collecting payment from the person to whom it sells its product, rather than relying on the property owner being responsible. If Electricity is to operate commercially it should collect deposits from property owners as security for supply of services and be responsible for its own credit management. If it cannot do that it should probably be sold to private enterprise and let them see if they can do a better job. The payment of a security deposit would be a matter for the Administration of the credit policy of Norfolk Electricity. In my view it should be a compulsory requirement as while ever the enterprise is a Government enterprise it is dealing with public money. I would prefer the requirement for a security deposit should be enshrined in legislation to invite any opportunity for preferential treatment. If the practice is allowed to continue why do we not make property owners responsible for their tenants unpaid Telecom bills, Hospital bills, Healthcare levies and Post Office Box rentals. Why stop at electricity merely because the expense is a connection to a property. The other bills are also related to the property because the person responsible lives at the property, makes calls from the property, gets sick at the property and reads their mail there. This is a move into commercial reality and is to be applauded. Thank you Madam Speaker.

MR NOBBS Thank you Madam Speaker. Just briefly with regard to the Executive Member within the Memorandum as identified by Mr Anderson. I had highlighted that to ;looking at fixing a number of issues to do with the Executive Member nomenclature on a broader scale so in this issue it may well end up that it remains in this format and it is more broadly fixed down the track.

MRS WARD Thank you Madam Speaker. Minister Anderson is obviously a landlord. It's unfortunate that tenants skip a property so to speak and don't pay their bill, it's a shame that under legislation the consumer is both the landlord and then the tenant by an agreement in place. What happens when you remove the responsibility from the consumer being the landlord is that when the tenant not only moves around Norfolk but skips the country, so to speak its Administration left with the bill, that's public money, that's no longer Minister Anderson's responsibility it becomes all of ours. If the Bill receives support, and I'm not wanting to oppose it, and I know it's sitting on the table but credit management within the Admin certainly becomes a big issue and security deposit, because it puts the onus back onto Administration, who is Administration? – the public purse, it's all of us. So the landlord gets off scott free, so he should – there you go. I'd just like to make those comments thank you.

MR NOBBS Thank you Madam Speaker. Just to respond to Mrs Wards notes there with regard to the debt collection, and the owner of the debt etc. At the outset before commencing the drafting I certainly had discussions with the Chief Executive Officer of the Public Service to ensure that there was comfort within the Accounts Section in the Public Service that this was not going to create a major financial issue for the Administration by changing this methodology. They came back and endorsed this process as well however, in doing so what we intend to do is finalise debt collection policies and the like as well. Thank you.

MR ANDERSON Thank you Madam Speaker and I just make one further comment and that's obviously if the as Mrs Ward suggests, we should leave the obligation with the owner of the property because the people leave that property or leave the island, they leave that obligation which is public money. Where's the difference between unpaid Telecom bills, unpaid Hospital bills, unpaid Healthcare levies, Post Office Box rental, it's just another obligation on an individual to pay their way and it should not be put onto a property owner purely and simply because that makes it easier to collect. Thank you Madam Speaker.

MR NOBBS I move that the debate be adjourned and the resumption of debate be made an Order of the Day for a subsequent day of sitting.

QUESTION PUT  
AGREED

### **HEALTHCARE AMENDMENT NO 3 BILL 2011**

MR SHERIDAN Thank you Madam Speaker. I present the Healthcare Amendment No 3 Bill 2011 and move that the Bill be agreed to in principle and I table the Explanatory Memo to the Bill.

MADAM SPEAKER Debate Honourable Members.

MR SHERIDAN Thank you Madam Speaker I'm mindful to the time so I'll read this 20 pages of the Explanatory Memo quickly. Madam Speaker this Bill has 2 objectives. The first is intended to ensure that reimbursement of medical expenses in accordance with Act does not exceed the scheduled fee payable under the Medicare Benefits Schedule of the Commonwealth for that particular service. While this limitation does not apply to services provided by the Norfolk Island Hospital Enterprise it does apply to all other services whether provided in Norfolk Island or in the Commonwealth or other place outside Norfolk Island and whether provided as a referral by the Hospital medical staff or as a self referral. The second objective is to make it clear that a person accommodation in the Hospital for the purpose of respite care is not entitled to medical benefits in respect of that care. In other words the cost of accommodation and normal supervision of the care patient is not considered to be a medical matter, as a carer is provided primarily to give short term or temporary relief to the carer of a person in a place where the carer can be secure in the knowledge that the person cared for will be well looked after. It is common and needed practice for a provision to be made for planned or short term and time limited breaks for families and other unpaid care givers of the elderly, the handicapped, and others in order to support and maintain the primary care giving relationship. The Bill does not and is not intended to deny the provision of or reimbursement for medical services that are required by respite patients by the way of provision of medicines, medical attention and treatment, pharmaceuticals and the like that applies only to the provision of the cost of accommodation and care provided by the Hospital in the place of a normal carer. The Bill provides in the first 3 sections for the usual short title and commencement and definition of the principle Act being amended. Clause 4 provides for the Amendments in the Schedule to be made. The Schedule sets

out 3 items amending 3 provisions and I just quickly run through these Madam Speaker. Item 1 restructures Section 18 by renumbering and inserting a new subsection that provides that a person cannot be reimbursed for medical services provided in Norfolk Island or elsewhere an amount that exceeds the schedule fee payable under the Medicare Benefits Scheme of the Commonwealth for that particular service. This provision does not apply to services provided by the Norfolk Island Enterprise but it does apply to other services in Norfolk Island and to services provided anywhere else in the world. Item 2 ensures that a person is only excluded from reimbursement of free medical care expenses in connection with the provision of in-patient accommodation and care if the Director is satisfied that the person is admitted as a respite care patient. A note to the new provision is intended to reinforce the position that a respite patient does not lose the right to reimbursement of other medical services. Item 3 further makes it clear that the respite care is an exclusion by adding it to the list of services that are excluded from the meaning of free medical services, also a new definition is inserted with respite care being defined. Madam Speaker as suggested in the Explanatory memo. The first part of this amendment is to ensure that reimbursement of medical expenses in accordance with the Act doesn't exceed the scheduled fee payable under the Medicare Benefit Schedule. Currently under the Healthcare Scheme fee medical services means medical services that are covered by the Medicare Schedule of the Commonwealth of Australia among other things. The difference is that Medicare has a fee schedule applicable to each item within the schedule of a maximum amount that will be paid for each service. Possible within Australia utilise this schedule of fees when charging for services. Norfolk Island has an agreement with NSW to utilise their Public Services. Madam Speaker private Doctors and Hospitals may charge above this scheduled fee and it is the responsibility of the patient to pay these charges above the Medicare schedule fee. As one would imagine it's very difficult to set a budget and allow for treatment costs if the reimbursement of medical expenses were open ended. This amendment will allow for the reimbursement for a service which is on the Medicare Benefits Schedule to be paid up to 100% of the scheduled fee. This will bring the Healthcare service Scheme in line with the Social Services who already adopt this principal. The other part of this amendment is to clarify that the accommodation costs of a person who is accommodated in the Hospital for the purpose of respite care is not entitled to claim under Healthcare or this care. This clarification is to ensure that it is clear that respite care is not considered a medical matter and therefore could not be able to be claimed under the Healthcare Scheme as has been the principle practice since the commencement of the Act. The Healthcare Act main objective is to establish a healthcare fund for meeting catastrophic medical costs in respect of persons who are members of the Norfolk Island community. Madam Speaker currently persons who are already utilise the Hospital for non medical purposes on a long term basis subsidise the accommodation with 80% of their income and it is planned with the introduction of home care for Norfolk Island Social Service recipients that they too will be able to utilise the Hospital accommodation for respite care needs and that will be limited to 28 days per year Madam Speaker and they will also be expected to subsidise their accommodation by 80% of their income for that period. These people cannot claim against the Healthcare for this accommodation costs. If other persons who may not be a Norfolk Island Social Services recipient or reside at the Hospital on a long term basis but reside in their homes with assistance from family or friends that there is the ability to spend time at the Hospital for respite care to ease the burden of their carers. The cost applied to this care is the same rate as applied to the long term residents or respite care for our Social Services recipients. Cost to date is \$179 per day or \$1253 per week, the same cost as applied to long term care residents and/or Social Service recipients. The difference between 80% of their income and the bed rate is picked up by Social Services. The normal bed rate for a shared ward is \$295 a day or a private room at \$436 per day. Madam Speaker unfortunately this cost cannot be claimed under the Healthcare Scheme as it is not deemed to be a medical matter. Madam Speaker the

definitions as I've mentioned in the Explanatory Memo have been amended by this Bill to ensure that the intent is clear.

**MRS WARD** Thank you Madam Speaker just briefly again this Bill will sit on the table as Minister Sheridan points out it deals with 2 issues, the capping of reimbursements in line with the Medicare which has my support. The other which concerns me and the Minister is very well aware and I do thank him for the details of costs that he's provided today, but it appears to be similar in that insurance cover for accommodation for respite care would increase if financial burden for some people, I think to reduce the cover, this is talking about people who are not covered by the Welfare system. It doesn't reduce the problem. As I said Minister Sheridan has given some figures, I'm just concerned that there is not a big picture being presented by the Government on how we're going to deal with what's already a vulnerable portion of our community. I do appreciate the homecare services coming in. I might leave it at that but it does concern me again that the homecare system is created or established by the Service to provide care and yet we get to budget time and it's removed. I guess I'd like to see the care of, particularly the carers, the people that care for people who need respite care occasional is given a higher priority. Thank you,

**MR SNELL** Thank you Madam Speaker. I too appreciate that this proposed amendment is in two parts or has two objectives and I refer to the matter of the capping or the limit to the extent of cover has to be addressed and I acknowledge that and will speak a little bit about that at a later time. But in regard to the respite care provisions of this tended post amendment I have some strong views on this and it is a difficult one. It's one that I think we need to look outside the square, we need to look at other alternatives to what is being suggested by the Minister Sheridan and I will be doing a little bit more homework on this as to come up with an alternative to what he has suggested. It appears that at this time that those vulnerable that need respite care have been discriminated against to some degree and that part of their relief will come from not Healthcare but Social Welfare and I need to have some more discussions with Minister Sheridan on that. So I'll leave my comments a little later but at the moment it does concern me greatly.

**MR SHERIDAN** If I could just say briefly there is a difference between the Healthcare Scheme which is our insurance, against health costs. Respite care in the sense of the facility to provide respite care is a Social Services issue, it's not a Healthcare issue, it's a separate issue. You have to separate the two. All we're trying to do is to clarify that respite care is not defined as a medical condition and therefore healthcare does not cover it. Now if we want to come up with a policy in the Social Services area which covers respite care, like we have for the intended home care for our Social Services recipients, that's governed under the Social Services area. That is the place for that argument, not today under the Healthcare Scheme. There's 2 discussions going on here but we have to reflect on the one that's on hand at this point in time. The other one is an issue for another day unfortunately.

**MADAM SPEAKER** Further debate Honourable Members.

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

QUESTION PUT  
AGREED

That matter is so adjourned

**ORDERS OF THE DAY**

**CUSTOMS (AMENDMENT NO 3) BILL 2011**

SPEAKER And we now move to Order of the day Number One, Chief Minister, this is in your hands, we are resuming on the question that the Bill be agreed to in principle, Chief Minister.

MR BUFFETT Yes, Thank you Madam Speaker, this is a simple Bill introduced at our list Sitting Madam Speaker, it's an amendment to the Customs Act, it's tidying figures, it's amending 2.35 metres to 2.5 metres, when we are talking about dimensions for vehicles for the carriage of passengers being imported into Norfolk Island, it doesn't change what the existing situation is, but it does tidy some earlier amending arrangements, whereby the right figure, or the correct figure was impaired.

SPEAKER Thank you Chief Minister, further debate Honourable Members, Minister Sheridan.

MR SHERIDAN Thank you Madam Speaker, I was just wondering if there's a possibility of an amendment to that to increase the width to maybe 3 metres or something!

SPEAKER Moving right along, is there any further debate Honourable Members? There seems to be no further debate, I put the question that the Bill be agreed to in principle.

QUESTION PUT  
AGREED

Is it the wish of the House to dispense of the detail stage. Aye. I look to you Chief Minister for a final motion.

MR BUFFETT The final motion is that the Bill be agreed to Madam Speaker.

SPEAKER Thank you, is there any debate Honourable Members on the question that the motion be agreed. No debate. I put the question.

QUESTON PUT  
AGREED

The Bill is so agreed too. Chief Minister.

**SUSPENSION OF SITTING TO 14 SEPTEMBER 2011**

MR BUFFETT I think we have come to the end of today's proceedings Madam Speaker. I have in my name a motion to conclude and therefore suspend, may I just say these brief words to approach that motion please Madam Speaker?

SPEAKER Yes.

MR BUFFETT Madam Speaker I advised the Members in June, upon introduction of a budget for the full year 2011-2012, that it had been necessary to continue to seek Commonwealth funding to meet operational service and essential needs in the Island, I understand in respect of that request to the Commonwealth that the Commonwealth in recent, I suppose almost hours or days, may well have given consideration to that request. But we do appear to be in the twilight zone at this very

minute, that is between the decision and advising us to what that decision. I do I say remain confident of the Commonwealth's goodwill in assisting us, we haven't got to the stage of actually knowing what they have decided and in that context, given that situation, I propose a suspension, now to come to the motion, of this Sitting until next Wednesday, or alternately at the Speaker's bidding when I have a Commonwealth response Madam Speaker. The latter part of that gives us some flexibility if there is a need to have flexibility.

SPEAKER Thank you Chief Minister, is there any debate Honourable Members on the question that this House stands suspended until 10am on Wednesday the 14<sup>th</sup> of September 2011, or alternatively at the Speakers bidding. Any debate? No debate. I put the question that the motion be agreed too.

QUESTION PUT  
AGREED

Honourable Members this House stands suspended... Mr Sheridan.

MR SHERIDAN Can we have some suspension debate please Madam Speaker? Instead of adjournment debate? Briefly.

SPEAKER Yes you may.

MR SHERIDAN Thank you Madam Speaker, I just like to put on my Minister for Sports hat, I would just like to acknowledge that the School Carnival has been run and won whilst we have been conducting this Sitting this afternoon, I don't know who has won it, I haven't had a text, I'm unaware, maybe someone else here does know, but I would just like to acknowledge the School, I went up there during the lunch break for an hour and there was some fierce competition, there was a lot of blue shirts coming in at the front, there was also a lot of red shirts coming in at the front! And I did hear a score update up there, and Nepean was in front by 20 points over Norfolk and Philip, but that was very early in the piece and they still had the marching and everything to go, but I think this is the culmination of the Sports Carnivals for this year, I think they have had the swimming, they have had the Cross Country, so we will know who is the ultimate House Champion after today's events and no doubt it has already been had and I will find out when I get home. But I would just like to wish them all well and just say that I enjoyed the hour that I spent up there today.

MEMBERS Here here.

SPEAKER Well done. I put the question again, the motion be agreed.

QUESTION PUT  
AGREED

This House stands suspended until 10am on Wednesday the 14<sup>th</sup> of September 2011 unless the Speaker has bid otherwise.

**RESUMPTION OF DEBATE ON THE 14TH SEPTEMBER 2011**

SPEAKER We resume Honourable Members from the Sitting on Wednesday the 7<sup>th</sup> September.

**MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR – NO 19**

We begin this mornings matters with a Message from the Office of the Administrator. That message is in relation to the Appropriation Bill 2011 – 2012. It's Message No 20 and it reads: In accordance with the requirements of Section 25 of the Norfolk Island Act 1979 I recommend to the Legislative Assembly the enactment of the Appropriation Bill 2011 -2012. That Message is dated 13 September 2011 and signed by Owen Walsh Administrator.

### **APPROPRIATION BILL – 2011-2012**

CHIEF MINISTER Thank you Madam Speaker. I present the Appropriation Bill 2011 – 2012 and seek leave for the Bill to be considered through all its stages at this sitting.

SPEAKER Is leave granted Honourable Members. Leave is so granted. Chief Minister

CHIEF MINISTER Thank you Madam Speaker. I move that the Bill be agreed to in principle and I present the Bill and with it I present a Statement of financial policies and objectives for the budget 2011 – 2012 which again is a requirement in the procedures that we follow.

SPEAKER And that is so tabled Chief Minister thank you. Question before the House Honourable Members is that Bill be agreed to in principle. Debate.

CHIEF MINISTER Madam Speaker I wonder if I might commence with a narrative hopefully not a long narrative but to just put it in perspective as to where we are at this moment. Members will recall that on the 1<sup>st</sup> of June some months ago now obviously we presented the Government presented an Appropriation Bill 2011 – 2012 and in that Bill we covered the normal range of activities within the community that would be required. We covered the expenditure in the 8 areas covered by the budgetary based processes, performance bases budgetary processes, salaries and wages, recurrent operational expenditure and very modest capital expenditure. We covered the essential areas of hospital, education, welfare, tourism and the like. The Appropriation also addressed those areas that we recognise as the Government Business Enterprises, Electricity, Norfolk Energy, Norfolk Telecom, Norfolk Air, the Liquor Bond and the like and so the budgetary arrangement overall was presented in that context. You will recall also that we were not able to meet all of that expenditure and we had foreshadowed at an earlier time and made a formal request at an earlier time, before presentation of that budget to the Commonwealth to meet what was at that time a deficit of \$8.9m. After that June sitting we were come together to finalise that budget and indeed we did so. The time that we came together we had not received a formal response from the Commonwealth in respect of that larger period. We then took the decision to introduce a budget for a more limited period a 3 month period and we did that on the basis that we would be able to modestly fund that period and that we expected that we would hear from the Commonwealth within that period in respect of the larger and balance of this financial year. We did that and that was put into operation and we have been running that 3 monthly period, it ends on the 30<sup>th</sup> September, the month that we are in at this moment. Madam Speaker last Thursday I did receive advice from the Commonwealth which indicated those matters that I have already announced in the public arena but again state for our information here that the Commonwealth had agreed for this financial year to provide \$14.1m to Norfolk Island to cover 2 basic areas, 1 one recurrent arrangements within the financial year and the other was t cover airline arrangements which is now being worked through a total of \$14.1m. So therefore we have now had a response from the Commonwealth and we now come to tidy the legislation and the bookwork so to speak in respect of all of that so that public account or the Bill that I have

just introduced the Appropriation Bill 2011 – 2012 does this, it withdraws the 3 monthly piece of legislation that we are now concluding and it puts into its place a Bill that will cover the entire year from the 1<sup>st</sup> of July through to the end of June next year. In other words it has taken away that interim arrangement and putting into place the full year, that's what this Bill is about. Now if I might just mention to you also to the House Madam Speaker that the Bill is therefore similar in most respects to the original piece of legislation. There are some adjustments but they are really minor in the scheme of things, they are really minor in terms of the \$56m which is the totality of the budget and I just run through some of those to give you some idea. In terms of income there are adjustments given the experience that we have had in this 3 monthly period which we are now coming to an end with in these areas, customs duty, that has been adjusted it's been reduced by some \$22,000. I'm giving you round figures Madam Speaker to just be indicative to how it runs. GST receipts have been increased by \$185,000, registration increased by \$20,000, gaming income increased by \$175,000, land titles reduced by \$105,000, interest income has very little to have interest on these days but \$60,000, Liquor Bond income increased by \$94,000 and a range of other smaller items increased by \$23,500. The net result of the income adjustments is \$230,000 that is not large in the parameters of a \$56m budget but I just share with you the adjustments that have been made to that earlier piece of paper that we considered. There are also adjustments ongoing adjustments in term of Norfolk Air. We do have some carried forward appropriation, \$153,000 in round figures from last year. We will need to address healthcare subsidy in this particular year in addition to Workers Compensation Scheme subsidy. There are some new expenditures but modest items in these, a quit smoking campaign, a management training programme, some increase in costs in terms of Commonwealth liaison and some other minor matters within the \$10,000 mark. They are not huge adjustments. I needed to just explain that to you in making an earlier statement that this paper is similar to that that we had earlier considered. Madam Speaker I have earlier circulated to Members the full budgetary arrangements with the line by line allocations so that they will see the total picture. Again I just state that it is a total income budget of \$56,655,900. The expenditure arrangements is \$56,619 (?) so you will see it's almost a balanced budget in that context. There is a small difference of \$90k between that figure and the Appropriation Bill figure. That accounts for minor interim arrangements that are conducted in the Service and therefore reflected in this paper but is not required for a budgetary allocation in this paper. I think in an overview sense Madam Speaker that's what I aim to present to the House this morning. I commend this Bill of course. It will now allow us to move forward with some certainty for this year, the allocation from the Commonwealth is for this year 2012. It will require us to be smart about our business, to have further discussions in terms of how we move forward with the Roadmap because this is an allocation for this year 2011-2012 and there is further and considerable work to be done to gain some vitality within the community and will know that one of the provisions here relates to the Airline which gives opportunity for that to happen in our principle industry of tourism but in terms of infrastructure in a wider range of things there continues to be much work to be done. I do comment this Bill Madam Speaker.

MRS GRIFFITHS                      Thank you Madam Speaker . It's my intention today to support this Bill and I am appreciative of the Chief Minister for moving it forward so quickly, appreciative that we have the money and I'm particularly appreciative to see that the management training programme has been given some teeth in terms of funding and I've talked about succession training and capacity building on the island for some time and I'm very pleased to be seeing that that's given some emphasis. I'm also particularly pleased to hear about the Quit Smoking campaign. I know how difficult it is for many smokers to stop and it does have a burden on our community particularly in terms of the healthcare and I'm very appreciative of that too. Thank you Madam Speaker.

MR SHERIDAN                      Thank you Madam Speaker. I, like the Chief Minister I won't be boring to listeners today because I think in the Sittings in June we went through this Bill quite comprehensively and most of the discussion took place back then and as the Chief Minister has stated the Bill in itself, or the Appropriation Bill is not affected in too many ways as there is only slight adjustments but what I will sort of narrow down on is just those areas within my portfolios that have been affected by those minor changes. First of all Madam Speaker is the Social Welfare area, that figure there has been adjusted down to reflect the actual expenditure from the last financial year, there is still \$1.2m allocated for Pensions in this area and that should be sufficient to see us through and I suppose in reflection having the ability to see the full 12 months of the last financial year enables us to set targets or a budgeted figure that more accurately reflects the coming year instead of trying to forecast it some 3, 4,, 5 months prior to the end of the financial year. So that's of a benefit there Madam Speaker. We've been able to narrow that down but we still have \$1.2m there for Social Services recipients. Also Madam Speaker in the areas as the Chief Minister has mentioned Healthcare and Workers Compensation the top up of those areas weren't considered in the initial budget you might say back in June and this was primarily because of we were waiting for the review of the 2 schemes to be finalised and that has now been done, and it was anticipated that those schemes will be fully funded from within themselves in other words increases would be affected within the Healthcare Scheme and the Workers Comp Scheme to enable them to be fully funded within themselves. Unfortunately suggested increases were quite large for the Healthcare. The recommendation was from \$530 a year up to \$790 which is some \$260 increase per year per person over the age of 18. This was felt to be to large of an increase to put onto the community and it was decided that a \$30 per levy period \$120 for the year would be the increase for this year. That of course is yet to be decided because it's still in the House Madam Speaker and at the next sitting hopefully that Motion will be agreed to so that the healthcare can go to a long way of standing on its own 2 feet, but the General Revenue Fund has had to top this up by some \$214,000 so this is the ramifications of not increasing to the full affect of the recommendations. Also in the Workers Comp area Madam Speaker it is intended to only increase the levy by 50% of the recommended increase and this again \$168,000 will have to be supplemented to the Workers Comp area to see it through for this next financial year. This of course comes out of our General Revenue and so we've had to adjust the budget to reflect those 2 areas you might say. Madam Speaker as Mrs Griffiths has mentioned and the Chief Minister we are working on a Quit Smoking campaign and this will be a subsidised programme through the Hospital for those people who wish to partake in it. Of course it is dependant upon the assent to our Customs legislation which increased the tobacco excise from 500% to 1000%. So that is still on the drawing board you might say. Once that assent is given that programme will take place. Madam Speaker a couple of other areas. I'm pleased to say that the Homecare Services is virtually up and running. We have commenced portions of it but with the \$80,000 that's been allocated in this budget it will enable those services to be rolled out in full you might say to our most of the elderly that are in the most need. The elderly of the Social Services recipients that are in the most need Madam Speaker, this will enable them to stay in their homes a little bit longer and be a bit more comfortable when these few little jobs and services are provided for them. Also as I just mentioned there Madam Speaker with the Quit Smoking campaign that money has been allocated to the Hospital budget so that budget is well over the \$2m now, the subsidy to the Norfolk Island Hospital and as you may have noticed I think in last weekends paper was the advertisement for Expressions of Interest to submit a White Paper on Strata Title for Norfolk Island. This money, some \$90,000 has been allocated in the budget to provide for this and that ground work has already been undertaken with the last of the Expressions going out last weekend, so it is hopefully expected that by this time next year we could have some legislation in place. There is also \$100,000 as been mentioned before Madam Speaker for our continued programme for Argentine ant eradication. This has been monitored over the cooler months but with the summer

dawning down upon us we've got some \$160,000 available to us to continue that programme for this year. Also the full amount for the Roads budget has been allocated and as has been mentioned there is well over \$200,000 in there to fix the washout at Marsh's Road down at Ball Bay. All this has been said before Madam Speaker but this is just to remind the public of how some of that monies will be spent. Of course there has been a lot of debate in the House recently in regards to water contamination you might say on Norfolk Island and there is funded in the budget, it is available so that we can assess our Water Assurance Scheme to ensure that the system is operating effectively and that no leakages is taking place. This is the first step Madam Speaker in trying to identify exactly how our underground aquifers, our water resources are being contaminated. We have to eliminate the Water Assurance Scheme first and then we will work our way downwards. So I don't think there is anything else there Madam Speaker that I really need to dwell on. So with just those few words Madam Speaker I'll be supporting the Bill today.

SPEAKER

Further debate Honourable Members.

MR NOBBS

Thank you Madam Speaker. I like Minister Sheridan will be quite brief, we provided quite a degree of input and comment with regards to our areas when the Appropriation was first commenced in early June but I would like to just touch on a few of the areas that were discussed at that time and they deal with the Norfolk Island Tourist Bureau and the Board and the Appropriation that deals with the \$1.6m for the full year available for the Bureau. As indicated earlier there are significant savings at the Bureau has been able to put in order by refining their operations and also indicated earlier that some 72% of the Bureau budget was dedicated to marketing, that's both direct and indirect marketing activities for 2010/11. So I'm sure for the operation of the Bureau now to have the remainder of the financial year budget firmly in place will certainly help them in their commitments and their analysis of how they move forward. Obviously for a better destination marketing and movement for us in terms of attracting tourists to Norfolk Island. As already in many cases debated and discussed the Departure Tax and Passenger Movement charge reductions and the removal all together of the Departure Tax has had a significantly positive impact on Norfolk for the sell ability of air tickets to Norfolk Island particularly evident through Air New Zealand advertising campaign and certainly evident to the Norfolk Island Norfolk Air Board in terms of the options that are available for promotion of competitive airfares in the marketplace. So that continues to be a sound decision that has good outcomes for Norfolk Island and in the longer term as we work through an air services arrangement for how we move forward, that also is an attracted in the process that we'll see other operators assess Norfolk Island as their air service operation into the future. Also it's worth re-mentioning that a significant amount of funding and emphasis has been put on Occupational Health and Safety issues and sorting out through for example the Electricity Undertaking. Some of the issues of pole replacement and safety within the reticulation system in capacity within that reticulation system. We would be aware around the table certainly many people would be aware in the private sector that the arrangements for the Liquor Bond have changed in some ways with our holding of stock is now set at a threshold of some \$500,000 which in many ways ensures that we keep a tighter reign and tighter management principle on the holdings within the Liquor Bond and there was as earlier discussed some pricing schedule changes within the Liquor Bond that also related to responsible sale of alcohol and the like. It's worth noting that one of the benefits of perhaps having a 3 month Appropriation though it has been difficult in many areas is that it has enabled us to gather a bit of data before this point in time in finalising the budget and hence as the Chief Minister spoke of there was some revisions of the areas of Customs Duty, GST, Registration, Gaming, and Liquor Bond and the like, and so with regard to Gaming it's interesting to note that there is a round \$175,000 adjustment to the Gaming budget and lastly Madam Speaker I guess it is worth noting that the budgets as they sit particularly in my areas set out on operating

under the current operating parameters so we obviously need to be mindful of any changes to those operating parameters that may also impact on the budget and we certainly will be watching them very closely. Thank you.

MRS WARD Thank you Madam Speaker. I'd like to start by thanking Simon Crean and his Federal Cabinet colleagues for their ongoing commitment to Norfolk Island because it's thanks to them that we're not staring down the barrel of more job losses, reduced hours, or services. Although the commitment from the Commonwealth Government is \$14.1m the vast majority of that is not for the Norfolk Island Government to use for extra operations of services or infrastructure, it relates to the Airline as the Chief Minister has clearly pointed out, and so what we are left with is to appropriate in the usual manner \$2.9m. From that \$2.9m is as Minister Sheridan has pointed out is ongoing subsidies to the Hospital, and including the Quit Smoking programme, to Healthcare and Workers Comp, and it's pleasing to see that the new items that Minister Sheridan was wanting to introduce, the Homecare Services will commence and the Strata Title research can now proceed. Financially we're going to continue to face difficult times in the year ahead, we cannot relax and the reform process will continue, but at least now we have some breathing space for both Governments to fully consider the Reports that flow through now from the Commonwealth. Worth noting is that we are slightly ahead of projection in the areas of GST and the Liquor Bond and others so that's good news but we need to bear in mind that this House set a very conservative budget in June. There is renewed confidence in the community Madam Speaker since Friday's announcement from the Chief Minister, there is excitement over the prospect of a new Airline and the opportunities or the benefits that it will hopefully bring. My concerns of course are for the Air Norfolk employees, sorry the Norfolk Air employees and their futures and I acknowledge their ongoing contribution. We have a long way to go as the Chief Minister has pointed out but this is another step, a positive step in the right direction and in the reform process. I'd like to thank the CEO George Plant and his staff for having this Bill ready today for the House. I thank the Chief Minister for presenting it, I intend to support its passage and I again thank the Chief Minister for his resolve to place Norfolk Island on the path to a more equitable future, one that provides long term security. Thank you Madam Speaker.

SPEAKER

Thank you Mrs Ward. Further debate.

MR SNELL

Thank you Madam Speaker. One can only agree with the comments that have been made around the table here this morning, we have really no option but to approve this Bill and Madam Speaker though just to reiterate a little on the revenue that has been revised under the summary of the budget and revenue from taxes appears to be holding its own course for 2011-2012 with the exception of revenue from other sources, but revenue from taxes and revenue from charges appear to be the same. The revenue from other source is down quite a substantial amount of around \$6m and we appreciate also that some expenditure items Madam Speaker Salaries and Wages are down and some of the expenditures are down as well but not enough to satisfy the budget process and I take on board what has been said by Mrs Ward again in her comments regarding the Airline and of the distribution of the funds that have been made available to us from the Commonwealth which all of us greatly appreciate, it's given us as quite rightly pointed out a bit of breathing space. Grant to the Hospital is a \$1.8m but the Airline termination costs as previously mentioned will take up the bulk of \$10.447m and the Electricity Powerhouse have allocated some \$1.77m. That's the Australian Governments support for 2011-12 Madam Speaker I presume that at a later time in the meeting that the Chief Minister will make some comment on the funding agreement which all of this is significantly tied to and I wish if time permits at that time to make some further comment. I support the Appropriation Bill.

SPEAKER The question is that the Bill be agreed to in principle. Chief Minister before I put that question I invite further debate.

CHIEF MINISTER Thank you Madam Speaker. If Members have had their opportunity I wonder if I could just say these concluding words in terms of this part of the debate. Thank you to all Members for your commentary and for your supporting words. Again it's a modest budget, it is designed to sustain us nevertheless in 2011-2012. There is a long way to go beyond this in a great range of ways for the longer term sustainability in Norfolk Island. We could not have reached this stage without the supporting areas of the Commonwealth Government and may I repeat the words that I used when I made this announcement last Friday. I do acknowledge with warm thanks and appreciation Minister Crean's advocacy on our behalf and his Ministerial colleagues and the Australian Government in providing what I have referred to as sustaining dollars for us here in Norfolk Island and I equally offer thanks to his Officers and staff who laboured to our benefit on this task. I'd like to broaden that because we have in the House today our own Officers who have worked hard and diligently to ensure that we are well supported in our advocacy and our negotiations and our liaison with the Commonwealth in achieving what we have in front of us today and on behalf of the House I offer them thanks. Thank you Madam Speaker.

SPEAKER Thank you Chief Minister. Further debate. There being no further debate I put the question that the Motion be agreed to.

QUESTION PUT  
AGREED

We move now to the detail stage and I'm looking to the House do we want to dispense with the detail stage. Is that the wish of the House? We so dispense with the detail stage

CHIEF MINISTER It's a final Motion Madam Speaker. I move that the Bill be agreed to.

SPEAKER The question before the House is that the Motion be agreed to. Debate Honourable Members. Seems there is no further debate then I put the question that the Bill be agreed to

QUESTION PUT  
AGREED

That Bill is so agreed

**NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ACT 1980 – APPOINTMENT OF DELEGATE TO BE A MEMBER OF THE NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ADVISORY BOARD**

We move along now to another matter on the programme which is requiring leave. Minister Nobbs is seeking leave to move the Motion that is on the Programme in his name. Is leave granted Honourable Members. Leave is so granted.

MR NOBBS Thank you Madam Speaker. I do seek leave to move the Motion standing in my name on the Programme and that Motion reads that this House in accordance with Section 6 of the Norfolk Island Government Tourist Bureau Act 1980 resolve that the Minister with responsibility for the Norfolk Island Government Tourist Bureau Advisory Board appoint Alistair John Unicomb to be a delegate member of the Norfolk Island Government Tourist Bureau Advisory Board for the appointed member Duncan Harvey Evans and to act as the member if that member is absent or unable to

discharge official duties during the term that member is appointed to the Norfolk Island Government Tourist Bureau Advisory Board.

SPEAKER Question before the House is that the Motion be agreed to. Debate Honourable Members.

MR NOBBS Thank you Madam Speaker. Just briefly this follows on from the amendments to the Norfolk Island Government Tourist Bureau Act that enables a delegate to be appointed by the recognised bodies or organisations and this is specifically to ensure that the bodies where possible can maintain representation around the board particularly in instances such as we have at the moment where the nominated representative for this Accommodation and Tourism organisation may have to be off island for a number of reasons. So I certainly endorse this and I certainly endorse the selection of Alistair John Unicomb.

SPEAKER Further debate Honourable Members on the question that the Motion be agreed to.

MR SNELL Thank you Madam Speaker. Could I please ask a question of the Minister regarding, IS this a recommendation not just from Mr Evans but also from the ATA.

MR NOBBS Thank you Madam Speaker. Thank you Mr Snell for the question. Certainly I've been advised by the ATA that they have met, discussed and from my recollection gave 100% endorsement to Mr Unicomb.

SPEAKER Further debate Honourable Members. I put the question,

QUESTION PUT  
AGREED

Honourable Members. I have an Order of the Day that is still on the Programme which is a paper that was tabled at the 7<sup>th</sup> September sitting titled - The 04/05 Budget Adjustment Airport Fire Service and it stands in Mr Kings name. I look to the House. It will stay an Order of the Day on the Programme for the next Sitting.

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

We move now to fixing of the next sitting day.

MRS WARD Thank you Madam Speaker. I move that this House at its rising adjourn until Wednesday the 5<sup>th</sup> October 2011 at 10.00am

SPEAKER Debate Honourable Members. No debate I put the question.

QUESTION PUT  
AGREED

The Motion is agreed. We move now to the adjournment.

#### **ADJOURNMENT**

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

SPEAKER Thank you Minister Sheridan. Question before the House is that the Motion be agreed to. Debate Honourable Members.

MR NOBBS Thank you Madam Speaker. Although I intend to take other opportunities to recognise the operations of Norfolk Air as we progress I did particularly want to comment within the adjournment debate today and thank the CEO, the Management staff, the employees and contractors both direct and indirectly involved in providing what has been a consistent and high quality air service product between Norfolk Island and the Australian gateways. I absolutely thank them for going above and beyond the call of duty in what has been carried out for Norfolk Island in Norfolk Air. In previous meetings I have outlined the huge range of sponsorship and support that Norfolk Air has provided across the island and outside of the island in areas to support events, family programmes that effectively equated to perhaps many 100's of thousands if not into the areas of millions in comparable media promotion opportunities and journalistic involvement in Norfolk Island as well as the training on the island for those operators for various wholesale agencies and the likes who sell Norfolk. So there has certainly been a number of opportunities that Norfolk Air has had available and has ensured that it provided. It has also been a very accessible front door for many people on the island who have wanted to perhaps gain access to opportunity or information about how the air service operates and how it might support them in whatever ways there may be. There has certainly been support from Norfolk Air in ways to analyse movement of those patients who need to travel from Norfolk Island to offshore for medical assistance. Our code share partners and our industry partners have certainly come to the fore with us and I again thank them for their involvement. In a nutshell Madam Speaker it's I suppose a double edged sword as we come to the end of Norfolk Air operations. Certainly Mrs Ward has outlined some of our major concerns is how we can best facilitate ongoing capacities and the like for those people who currently work within Norfolk Air and to a large degree that is out of our hands other than to do as we have done to strongly endorse their consideration in what moves forward for air services for Norfolk Island. So I can certainly say that I have done that and I think we have all done that. So in closing I'd just would like to put it on the record that I thank them from the bottom of my heart as I think the community does. It has been no easy job but it's been certainly one that they have taken to heart and delivered on. Thank you,

SPEAKER Thank you Mr Nobbs. Further debate. I ask the Deputy Speaker to take the Chair unless he wants to speak. I will stay down.

MR SNELL Thank you Madam Speaker. I also wish to reaffirm the Ministers comments on the importance and the great contribution that has been provided by Norfolk Air, its crew, its support staff at the Airport and of course the support of those within its office area. It is unfortunate I believe Madam Speaker that the previous Government did not support the proposed Airline Committee which was suggested to be implemented during the 12<sup>th</sup> Assembly. Had I believe that had happened we may not be in the precarious situation that we are today with no disrespect to any of the members of that Government at the time Madam Speaker. I just feel that things within the Airline could have happened, could have been handled a lot differently and we may have a different outcome that we see ourselves in today. But it's too late now, our backs are against the wall I appreciate of course the funding provided by the Commonwealth to enable the island to continue to operate. The consultation which is promised especially regarding the conditions imposed as part of the funding agreement Acting Deputy Speaker is acknowledged but these conditions when made public and I presume that will be in the near future will change our way of life here on Norfolk Island forever. Some will say well that's good – that is what is needed, I don't agree and I refer Acting Deputy Speaker to the loss of control of our Immigration into Norfolk Island in some areas. I don't believe that is going to be in our best interest. The proposal to tie Norfolk Island

Governance to other Australian systems of governance to commit us to some degree to introduce methods of raising revenue to the same as other systems within the Commonwealth and other pertinent parts of the agreement which will have a serious impact. But getting back to the Airline situation Acting Deputy Speaker the particular thrust of the Alternative Roadmap that I am a staunch supporter of is towards a recovery plan to reinvigorate Norfolk Island's flagging tourism industry and thus the economy generally. It was determined that the centrepiece of any recovery plan for Norfolk Island must be a new, aggressive but vibrant Airline service in synergy with a new and dynamic marketing and promotional approach in order to achieve the speediest and most effective industry revitalisation. Many as the authors of the Alternative Roadmap have agreed that the answer is to urgently replace our current Airline service provider with a cost effective commercial Airline that has access to a dynamic marketing and promotional network such as the Air New Zealand, Pacific Blue Alliance, Qantas or Jetstar. The advantages are many but importantly these Airlines operate across the Tasman Sea as well as domestic services in Australia and New Zealand both of which are believed to be vital in order to more efficiently flexibly and more cost effectively feed passenger traffic into the major Australian and New Zealand Airport gateways that service Norfolk Island. The cost of underwriting this fundamental change to the Airline Service are extensive in the short term and would include appropriate indemnity from the present operator as well as sufficient funding to cover any operational losses while a new carrier for the first few service development years. Acting Deputy Speaker I quote from a letter that has been sent to Mr Jim Kitchenside, Mr Kitchenside is quite openly requested consultation with members of Norfolk Island in the short time he was here, particularly with the Chamber of Commerce and I hope Mr Kitchenside will extend that offer to other members within the community and I'm sure he would, Mr Kitchenside indicated to me in a private conversation on Friday afternoon that he was certainly of that feeling and we certainly appreciate his openness and his commitment to providing what is we hope best for Norfolk Island, but again we take note of the funding agreement and its condition imposed on the Norfolk Island Government, not so much the Legislative Assembly, we weren't consulted, the Norfolk Island Legislative Assembly certainly the Government was and it really is quite disappointing to think that members of the Chamber of Commerce were afforded such a courtesy when members of the Norfolk Island Legislative Assembly were not. However that's gone by the board it's disappointing to me and we had to learn about these things from others within the community (tape missing words).....meet some of the .identified service provisions to reach the new objective and this an alternative Airline to Norfolk Air as a replacement small capacity airline would produce little improvement to the current and future difficulties I believe and so do others in the community. Secondly the notion that Norfolk should continue to manage its marketing and promotional activities through the Norfolk Island Tourist Bureau should be set aside in favour of this function being part of the operating Airlines function and responsibility. An advisory role of sorts should be maintained in a highly competitive environment unpaid unskilled but willing volunteers struggle to consistently meet objectives and that's quite obvious. In the terms of the operating gateways we do not subscribe to the view that future Airline services to and from Norfolk Island should be operated out of the domestic terminal. The consequential changes to barrier control, customs, immigration and quarantine would simply be too time consuming to effect and expedite outcome and an unnecessary overkill. It is apparently so that several years ago Jetstar when asked commented that they wouldn't want to utilise the Domestic Terminal if they were to operate to Norfolk Island. In the interim however Jetstar now operates from the International Terminal with flights to many overseas ports and perhaps this initial view about the Domestic Terminal is no longer relevant. I quote these Acting Deputy Speaker to ensure that in future when Mr Kitchenside and others debate the objectives of the Airline and its importance to Norfolk Island that a lot of things will be taken into account. I hope within the near future that a Committee of people will be organised within the island to put together a proposed business plan that we hope will be effective in assisting in the endeavours of Mr

Kitchenside and others to introduce the best possible Airline service and the future of Norfolk Island. Thank you Acting Deputy Speaker.

ACTING DEPUTY SPEAKER Thank you Mr Snell is there any further debate.

MS ADAMS Thank you Mr Acting Deputy Speaker I hadn't intended to step down to the floor today but Minister Nobbs has given an opening by bringing to the floor Norfolk Air. I'd like to take briefly the opportunity to add to the comments which he has made and to thank not only Norfolk Air but to take us back just a little bit further and to record into history my thanks to former member Mrs Jack former member Mr Gardner, and to Chief Minister today who had the courage at a time when we were very much in need of new Airline arrangements because of certain circumstances which are not relevant today. What is relevant today is that we stepped up to the mark, we took the plunge, we gambled and I want to record how well we've done, how well we've done. Up until the point where the world had a global meltdown and one of the major demographics that serviced our tourism industry self funded retirees and people of that age group who no longer had the disposable income because of their loss with the financial meltdown, no longer were our market as were used to and so we moved on a slide. I'm not saying that's the only reason, we've got the strong Australian dollar, we have many other forces all outside of our control which have contributed to the position we find ourselves in today. Let us not attach blame anywhere, it's time to stop the blame, it's time to acknowledge how well we have done, 1800 people this tiny little community, a dot in the Pacific Ocean and stand up with pride, pat ourselves on the back and say "well done Norfolk Island, well done former members, and our Chief Minister today". Have some pride in ourselves and our achievements, it's time to put aside the blame, other forces outside of our control have helped with the problems that we have here today. Thank you Mr Acting Deputy Speaker.

ACTING DEPUTY SPEAKER Thank you Ms Adams. Any further debate Members. May I suggest just before I do put the question I'd just like to advise Members that I will be seeking leave from the next Sitting because I'll be off island. I now put the question that Leave be granted.

CHIEF MINISTER I so move.

ACTING DEPUTY SPEAKER No further debate. I put the question that the House do now adjourn.

QUESTION PUT  
QUESTION AGREED

This House stands adjourned until Wednesday 5<sup>th</sup> October 2011 at 10.00am.