



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY  
13<sup>TH</sup> NILA HANSARD – 9 NOVEMBER 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, anybody wishing to remove their coats, please feel free to do so, and ensure your mobile phones are switched off.

**WELCOME TO THE PUBLIC GALLERY – NICS STUDENTS**

This morning Honourable Members we enjoy the presence of Year 5 and 6 students who are currently studying their stage 3 unit on public speaking and debating. I understand that as a class of 54 students you will be joining us in two separate groups. I hope you enjoy the parliamentary process this morning, and we welcome you to the Chamber.

**CONDOLENCES**

**SPEAKER** We move now to Condolences. Mr Snell.

**MR SNELL** Madam Speaker it is deep regret that I have to announce that there are six condolences this morning:

**John Nunn Scott** was born in West Ham, London in 1924. John never met his birth father, as he died a few months before John was born. Almost two years later in 1925, John, his mother Florence and older sister Iris left England bound for New Zealand on the "SS Ruahine". From an early age John had a love for the ocean, and when he wasn't attending school he spent much of his time fishing, netting whitebait and collecting shellfish. In 1939 he lied about his age and was recruited in the Royal New Zealand Navy at age 15. He was posted aboard the battleship HMNZS Philomel as an Able Seaman and served a total of 13 years on various destroyers, cruisers and personnel carriers, manning the ak-ak guns, 6 inch guns and firing torpedoes. After the war ended he stayed on as an Electricians mate until he was discharged in 1952. He could never stay away from the sea and soon owned a small fishing boat. He sold fish from the beach near his home and serviced the Tiri Tiri Lighthouse delivering fresh supplies each week. In 1950 he married Ruby Ward and they lived in Torbay with their three children, John, Judy, and Paul. Cooking became a passion for Scotty and he went on to cook at Wesley Boys College, the Puhoi Hotel and the Northern Wairoa Hotel in Dargaville. In the 70's he met Barbara, and they moved to Norfolk Island where she worked as a receptionist and Scotty as head chef at The South Pacific Resort Hotel. His intention was to work for six months but he stayed for eight years and many locals remember the amazing buffets. Scotty and Barbara were married in 1979 and in 1980 they welcomed their son, Mark, and then in 1984 their daughter, Michelle. At that time Scotty cooked at the Hotel Norfolk, then at the Garrison Restaurant with Dick Cavill and also down at

Government House. He owned Scotty's Fish Shop and later sold seafood from the back of his truck in the day when East West Airlines were flying here. In the early 90's he cooked at the Bowling Club and the R.S.L. Whether it was a BBQ, formal dinner or home style dining, Scotty would always impress. To Barbara, Mark, Michelle and Rueben, to his grandchildren Daniel, Melanie, Christopher and Samantha, and to his many friends this House extends its deepest sympathy.

**Milton John Hayes** was born in Cobar, N.S.W. As a lad he was fascinated with the growing of vegetables and this passion stayed with him throughout his life. At 14 he left school and worked in a grocery store. He then moved on to the ACI glass works and it was here that he was involved in an industrial accident that left him permanently deaf in one ear. With the war looming, Jack started work in a local market garden and was eventually made a quarter share partner in the business. In Jack's younger years he was involved with the St. George Athletics Club where he was club champion for five consecutive years. He held many club records for long distance running, often competing under a handicap system, a type of competition which he loved. Jack also competed in State championships. After marriage, time would not permit the long training regimes of athletics so Jack took up amateur boxing, fighting under the title Jack "Feathers" Hayes - "The Fighting Farmer". He ran out of opponents in his lightweight division so he took on all comers and in his 21 amateur fights he lost only one. During this time Jack grew extensive gardens at his 40 acre property which he had purchased in Menai. In 1946 Jack met and married Edna May Boxsell and they established their family home at Menai and had four children - Dennis, Stephen, Ralda and Mark. Sadly Dennis and Ralda predeceased them. Around 1948 he took a job with the Australian Paper Mills and stayed there for twenty years. In late 1967 Jack and Edna sold their Sydney property and planned to move to Norfolk Island. Early 1968 saw the family settled here and Jack started a new phase of his life growing and supplying vegetables for the island's needs. Jack enjoyed reading and the movies and he started a movie hire business in association with Amy Bathie and a hire television and video business that he successfully ran for many years. Edna predeceased Jack in 1977 and he concentrated on his garden and hire business as well as building two new apartments at 'Pacific Palms', making all the blocks himself. Jack suffered ill health in later years and although he lost both his legs, his determination and will power made him an outstanding patient. Jack would have been 93 last week. To his son Mark and granddaughter Rebecca, great granddaughters Ivy and Charlie Annie, to his son Stephen and his family in Australia, and to Jack's many friends this House extends its deepest sympathy.

**Dorothy May Pearce** passed away on Thursday 20th October at her home in Marsden, Queensland. Dot was born in Newcastle in 1941. She left as a teenager, with her sister Marlene and travelled, working at Callan Park Mental Hospital then to Lord Howe Island. From there they moved to New Zealand where Marlene settled. Dot saw an advertisement for Norfolk Island and moved here working at the Paradise Hotel at Kingston. She met and married Alex Nobbs and they had four children who were deeply loved and in time this all encompassing caring extended to her sons-in-law and grand children. Dot was renowned and will be remembered for her cooking and her intricate cake decorating skills. In later years Dot moved to Brisbane where she lived with Pidge and Jerry and grew a wide variety of plants, fruits and beautiful frangipani, the surplus of which she potted and struck and gave to a lady who sold them for fund raising for the Cancer Council. Dot enjoyed Rugby League and was an avid fan of the Brisbane Broncos and the Indigenous All-stars. She had an ability to make all feel at ease and she could talk to anyone on any subject. Dot donated her body to the University of Brisbane for Medical Research hoping that it would result in finding a solution to her extremely rare tumours which did not respond to chemotherapy or radiation. Dot hoped such research would save others. To Cheryl, Louise, Pidge and Danny, her sons-in-law Paul, Jimbo and Jerry, grand children Jeht, Lexi, Bradley, Arki, Sophie and Brianna, and to her many friends this House extends its deepest sympathy

**Marli Elizabeth Ralston** was the baby daughter of Sophie O'Connor and Mitch Ralston was born at 10.49 in the morning of Friday the 21st October 2011. Sophie and Marli had earlier been flown down to the Royal Brisbane Women's Hospital from Rockhampton by the Royal Flying Doctor Service on October 9th after complications with the pregnancy at 24 weeks. Marli passed away at 7.55 in the evening. To Sophie and Mitch, to Ollie, their family and friends this House extends its deepest sympathy

**Eleanor Brenda Reed** a former well known and respected resident of Norfolk Island, Eleanor Brenda Reed, passed away last Monday in Tasmania. She moved to Tasmania in 2003 to be closer to her son, David and his family. Brenda Reed came to Norfolk Island in 1970 with her husband Bill and settled in their family home at Longridge. In 1983 Bill having predeceased her, Brenda was successful in becoming a Member of the Legislative Assembly. She was elected by her colleagues as Deputy President and as Minister for Community Services. To her family and friends this House extends its deepest sympathy

**Dorothy Eunice Wolferstan**, nee Salt was born on Norfolk Island in 1933. Dot left Norfolk Island with her family sailing on "MV Maetsuycker" to New Zealand in August 1937. She returned briefly to Norfolk in 1946, to live with her Grandmother "Dot Whisker" at the property now known as Greenways and attended the local School. Dot used to take the horse to fetch the butter from the butter factory and conveniently the horse would detour to Dots favourite fishing spot. After a short period of time, Dot had to return to New Zealand, due to the deteriorating health of her grandmother. Dot attended Manuakau Intermediate but missed her home on Norfolk. In 1951 she married Alan Noel McConnell, now deceased, and they had four children. Ruth, Mervyn, Shirley and Allan. Dot, Alan and family farmed for many years before finally settling for city life in Henderson, New Zealand. Returning to Norfolk in 1974 for a two week holiday, increased Dot's longing to come home. She finally returned on the 7<sup>th</sup> of the 7<sup>th</sup> 1977. Dot worked at Castaway, Hibiscus, Aunt Em's, Hillcrest and the Norfolk Island Hospital, finally retiring to enjoy her home, which she had worked so hard to build. Dot married Jim Wolferstan on Norfolk in 1992, they had a short and happy marriage, but sadly Jim passed away in 2001. Dot enjoyed a full life and was renowned for her beautifully hand knitted garments. To Dot's four children, seven grandchildren and 15 great grandchildren, to her numerous extended family through her marriage to Jim, to her siblings, nieces, nephews and many friends this House extends its deepest sympathy.

SPEAKER As a mark of respect to the memory of the deceased I would ask that we all stand in silence.

## PETITIONS

Thank you Honourable Members. We move now to Presentation of Petitions, are there any Petitions please this morning? There being no Petitions I move now to Giving of Notices.

## GIVING OF NOTICES

Are there any Notices to be given this morning? Being no giving of notices, we move to Questions without Notice.

## QUESTIONS WITHOUT NOTICE

Are there any Questions without Notice this morning Honourable Members?

MRS GRIFFITHS Thank you madam Speaker I direct my question to the Minister with responsibility for Industry and Development. At the last meeting a response to a question on your progress on alternate energy arrangements you referred to mutual legal documentation required to make sure everyone was covered. What specific legal documentation are you referring to and what do you mean by ensuring everyone is covered.

MR NOBBS Thank you Madam Speaker Thank you Mrs Griffiths for the question. Specifically what we put in place and continue to work to put in place is a legal framework that protects the Administration's infrastructure and provides an understanding on a legal basis of how the equipment would be installed and operated on Norfolk Island

MRS GRIFFITHS Thank you Madam Speaker. I also asked what did he mean by ensuring everyone is covered.

MR NOBBS Thank you Madam Speaker, thank you Mrs Griffiths. Precisely what I've just said there. In effect it's a legal framework that establishes how the equipment is to be installed and how the networks are to be protected and in the discussions no doubt how the alternative energy systems are to be handled and managed.

MRS GRIFFITHS Thank you Madam Speaker. I have a question for the Minister with responsibility for Culture. Chief Minister at the last meeting in response to a question regarding any steps you may have taken regarding preservation of the historic engine at Anson Bay and the Whaling Station at Cascades currently rusting away you replied you had not personally taken any steps in this area but were happy to do so. Have you taken any steps since making this remark

MR BUFFETT Thank you Madam Speaker. There haven't been any steps about those 2 particular items which I acknowledge do have historical interest on the island. The matter of funding is a difficulty in terms of both of those 2, they are large items but they are obviously rusting items. That doesn't necessarily reduce their importance however.

MRS GRIFFITHS Thank you Madam Speaker. My question is for the Minister with responsibility for Legal Services. Chief Minister at the last meeting you admitted that there was a deficit in regard to accessing legal services on the island. Will you be making efforts such as allocating funds to address this fundamental insufficiency in our community?

MR BUFFETT Madam Speaker there is a matter about access to justice on Questions on Notice. When I respond to that I think it will give some insight to where we currently are with that particular matter.

MR KING Thank you Madam Speaker. I am a little stuffed up so you may have to bear with me and given the eminence of our present company I have had to moderate some of my questions and perhaps delete some. Could I ask the Minister with responsibility for Power reticulation whether he can offer some explanation in simple terms for the recent prolonged island wide power outage and advise the House if the difficulties have been corrected?

MR NOBBS Thank you Madam Speaker. Although this is an operational area I will provide this insight and that is that Norfolk stands in perhaps one of the enviable positions with our concentration of photovoltaic rays and solar power. As a result of that at time the input to the grid from the photovoltaic arrays is in excess of

what is being consumed by the grid. What occurred 2 weeks ago I think it was on a weekend was that we had a particularly bright sunny day the photovoltaic achieved their full potential, consumption wasn't particularly high on the Saturday and Sunday and so instead of the power generation system providing some power to the grid and thereby providing a synchronizing 50 hertz pulse the generator was induced with power as in power from the photovoltaics was forced into the generator. This in effect turned the generator into an engine and causes some issue with the connection to the diesel generator that is there to power that. As a result of that a number of methodologies were put in place through Electricity to ensure that we could continue to provide generated power and that there was either the capacity of a what's termed a dummy load to absorb some of the excess from the photovoltaics or a number of switching methodologies that they could use to ensure that we could maintain the power supply given that over supply of photovoltaics. It is worth noting that if the generators cease to operate all photovoltaics cease to operate. They require the synchronizing pulse from the generator. Thank you.

MR KING Thank you Minister for that interesting answer but do I glean from that that similar outages for similar reasons are not expected to continue.

MR NOBBS Certainly by use of the dummy load system that should eliminate this problem. However I will expand on that and say that I sent a Paper through to the Public Service to evaluate a number of methodologies to sort this issue out and in effect get use out of the available power rather than merely just put it into a dummy load.

MR KING Thank you Madam Speaker. I wonder if the Minister with responsibility for the Liquor Bond can explain the reason for the recent sad event of running out of draught beer and whether for the forthcoming festive season there might be similar shortages experienced and whether people the likes of myself and perhaps Mr Sheridan ought to be changing our drinking habits for Christmas.

MR NOBBS Thank you Madam Speaker. A question with the tear in the eye. In effect with the limitations on the held stock or the inventory held within the Liquor Bond there have been some difficulties. However in sorting out this issue as well as stock issues that affects for example those holders of wines and the like at Restaurants I've asked the Service through the CEO to re-evaluate the formula for the stock held and to provide me that feedback as soon as possible.

MRS WARD A supplementary on that, thank you for clarity for the community. Is it a fact that this half million dollar stock limitation has been, I don't want to use the words forced upon us, part of the funding agreement.

MR NOBBS Thank you Madam Speaker. Yes it is an element of the funding agreement.

MR KING Thank you Madam Speaker. I wonder if the Minister for Tourism can tell me whether any credence can be attached industry reports of failed tourism bookings for the forthcoming holiday season or reduced bookings, and if there is any substance to the reports what measures or initiatives are planned in the short term to address that situation.

MR NOBBS Thank you Madam Speaker. Thank you Mr King for the question. I'm certainly unaware of any reports coming through that there are difficulties for Agencies making bookings. However I will investigate that. However with regard to forward bookings I can provide some information with regards to a comparison versus last year looking forward to February at this stage and that is that for November

bookings and this was a snap shot that was taken 2 weeks ago to see how we were performing versus last year. For November we are 3% down versus the passenger carriage for the same time last year. December is up 2%, January at this stage is down 15% and February is up 9%.

MR KING I wonder whether the Chief Minister might advise the House whether the Government is obliged to act under the Referendum Act on the results of a Referendum

MR BUFFETT Madam Speaker the first thing to say is the Government would not want to pre-empt the outcome of any Referendum and the Referendum in any context is an expression of opinion from the community and that obviously needs to be assessed by any Government

MR KING Just a supplementary. Is it a fact that the Referendum Ordinance does not oblige the Government to act on the result of the Referendum?

MR BUFFETT .?? oblige the Government with this or any other.

MR KING May I ask the Chief Minister whether the Government has considered whether it would act to repeal recent amendments in relation to the Road Traffic Act as a result of an up coming Referendum.

MR BUFFETT The Government is not in a position at this stage to assess any position. The referendum will need to have its say about the matter and whatever that brings will need to be assessed in the context of it.

MR KING I have a question to Mr Nobbs if I may. Can the Minister advise whether or not the Telecom New Zealand debt has been repaid and if not whether the agreed repayment terms are being observed?

MR NOBBS Thank you Madam Speaker. As far as I'm aware all agreements are being observed.

### QUESTIONS ON NOTICE

DEPUTY SPEAKER The first question on notice, Honourable Members is Question on Notice number 261, stands in the name of Mr King to the Chief Minister. Chief Minister.

MR BUFFETT Mr Deputy Speaker 261 is a question to me and the question is, will the Chief Minister detail in percentage terms, the changes that have taken place in the principal levels of police activity over the past 5 years and advise whether the government has adopted a policy position in relation to significant changes and concerns? I have some percentage indicators Mr Deputy Speaker in response to this question. There have been significant increases in policing activity over the past 5 years in percentage terms and I list these. Total responses have risen from 594 incidents in 2006 to 1,370, that is in this year but not the totality of the year, it's the year to date. And in a percentage terms increase that's an increase of 141%. Total responses for the financial year 2006/07 were 658 compared with 2010/11 which has risen to 1,612. a percentage increase of 145%. So you will see in terms of the financial year and a calendar year the difference of that is 141% and 145%. Specifically looking at criminal offence reports these have risen from 26 in 2006 to 110 again in the year 2011 to date. In percentage terms an increase of 323%. Specifically looking at financial years for criminal offence reports in 2006/07 were 27 compared with the last financial year 2010/11 we were at 103 reports or a percentage increase of 281%. Looking at



a neighbouring or surrounding property. As such, any proposal that involves an adjustment to a road boundary whereby an area currently zoned as Road is to be taken away from the road reserve and made part of a private property would require a rezoning of that land from Road to whichever zone is applicable in the area. This rezoning proposal constitutes a draft amendment to the NI Plan. A Development Application would also be required, and its classification as either a Permitted or permissible with Consent will depend on whether it satisfies the definition of either a Minor Subdivision or a Major Subdivision. It is impossible to say exactly how an application would be classified without knowing the details and location of the proposal. What is certain however, that an application to amend the NI Plan would be required, and this would include gazettal, public consultation and consideration by this House?

DEPUTY SPEAKER Thank you Minister we move on to Question 272. Ms Adams to ask the Chief Minister

MR BUFFETT Will the Chief Minister please 1) Table for parliamentary records a copy of the letter he wrote to Minister Crean following the passage of the motion in the House on 5 September 2011 encouraging Minister Crean to ascertain the impact of the extension of Commonwealth legislation proposed to be extended to Norfolk Island under the road map and funding agreements; 2) Advise whether he has received a response from Minister Crean; and if not 3) Confirm his intention to personally contact Minister Crean to discuss the motion of the House with him so that this community can be assured that the wishes of its parliament are respected. Mr Deputy Speaker I table the letter the first bit, secondly I have not had a reply at this stage and thirdly I can confirm and intent to follow the matter up with Minister Crean.

DEPUTY SPEAKER Thank you Chief Minister. We move to **273**. Mr King to ask the Minister for Community Services

MR SHERIDAN Thank you Mr Deputy Speaker the question reads; Can the Minister update the House on healthcare staffing arrangements at the hospital and healthcare services generally? The answer Mr Deputy Speaker is this. The arrangements for the provision of staff for doctors are continuing to be provided by Locum arrangements, arrangements are in place until January with further arrangements being processed. The position of permanent full-time doctors will be satisfied around mid February, when Dr Wally Metcalfe, who is currently upgrading his obstetrics and anaesthetics qualifications, will be available. The Hospital Director is also finalising arrangements for another permanent GP/Surgeon/Obstetrics qualified doctor to commence work around that same time. This will ensure that the Hospital is fully staffed by qualified doctors with the program for specialists continuing. The provision of healthcare services generally will be greatly enhanced by the agreement between the South Eastern Sydney Local Health District and the NI Hospital Enterprise of which is in its final stages for agreement. Of note is that the Hospital Director & the Director of Nursing were guests of the South Eastern Sydney Local Health District on Monday and Tuesday of this week, visiting their facilities which included the Royal Hospital for Women, Prince of Wales Hospital Emergency Departments, ICU, CCU, Wards, Sydney's Children's Hospital, Eastern Sydney Mental Health Services, St George Hospital including Emergency departments, ICU, CCU, Wards and Mental Health Unit. This MOU will allow for support with medical services including referrals and patient transfers, bed availability, video conferencing facilities, medical, nursing and allied health support and education with ties to community services, visiting specialists and locum support. Other support will include pharmacy and provision/loan of medical equipment, psychiatric services, drug and alcohol services, radiology together with medical equipment servicing. It is envisaged that by this agreement that costs can be reduced

by having a one-stop shop and the ability to refer patients to a service with whom we have a contract without the extra costs incurred in other states.

DEPUTY SPEAKER Thank you Minister. Honourable Members we know that in the gallery there are students who are about to leave at this time so if we can pause for a few moments. Thank you for coming and I hope you enjoyed Assembly this morning. The next question is from Mrs Ward to the Minister for Community Services

MR SHERIDAN Thank you Mr Deputy Speaker. The question reads; Given that the Minister publically over-rode the Conservator's objective to fence the Ball Bay Reserve until a Review of the Plans of Management for the Public Reserves is complete; will the Minister provide the House with a completion date of the Review? Mr Deputy Speaker . the review of the plans of management of the public reserves was notified in the gazette on the 5<sup>th</sup> August 2011, with a six week period allowed for submissions from the public. Some 14 submissions were received and I am expecting the Conservator to provide a report on the collated public submissions by the middle of December. Draft plans of management for all the reserves, including Ball Bay will be developed taking account of the public submissions, advice from the Conservator, the Commonwealth, Legal Services Unit and members of the Assembly. Once completed the draft plans will be subject to public consultation and on completion of this final draft plans will be prepared for consideration by the Assembly and the Commonwealth for formal approval. The time to complete these actions is difficult to forecast due to the involvement of a variety of parties, but it is envisaged that the new plans of management should be approved by April next year.

MRS GRIFFITHS A supplementary if I may Mr Deputy Speaker. Can I ask the Minister for Community Services whether these 14 submissions being considered are written submissions only. I ask this particularly in light at a Public Meeting many of the people at this Public Meeting asked that they could give their submissions and other forms other than ?

MR SHERIDAN Thank you Mr Deputy Speaker unfortunately I'm unable to answer that at this time because I haven't seen these submissions they are with the Conservator for collation and advice to myself but I will take that On Notice and get some advice back to the Member.

DEPUTY SPEAKER We pause again for a few moments to welcome the remaining part of the students visitation to the Assembly and we welcome the students. We will continue with a question from Mrs Ward to the Chief Minister

MR BUFFETT Mr Deputy Speaker I thought I had some details in response to the Question on Notice but I don't at this time. I'll move on to 276

MR BUFFETT Mr Deputy Speaker Mrs Ward asks, how will the Norfolk Island Government monitor both the positive and adverse effects of change to the island's immigration policy under the latest funding agreement; and, how will the Government determine what a sustainable population is on an island which is economically, environmentally and socially fragile? Mr Deputy Speaker I've asked the Acting CEO to erect a monitoring scheme to measure both benefits and adverse calls within the community given the most recent changes that are referred to in the Immigration policy in this particular question here. The most recent one to refresh memories are the self funded retirees and the business invested arrangements and should further adjustments be made these too will be monitored in the process. The Governments consideration of a sustainable population has commenced with 2 reports, reports 1 and 2 and they have been shared with Members at this stage and being

prepared by the Planning Officer. Further assessments are being made based upon those two reports. Question 277 is also to me Mr Deputy Speaker.

MR BUFFETT Ms Adams asks, can the Chief Minister clarify for the community that the signatories to the various Funding Agreements have the authority to bind the Territory of Norfolk Island to the requirements contained in these Agreements. Mr Deputy Speaker there are 2 parties to a Funding Agreement in this particular case and that is the Commonwealth Government and the Norfolk Island Government and in all cases to date at least the Funding Agreements have been signed by Officers of the respective services of each of those Governments. On the part of the Commonwealth the most recent one has been the Deputy Secretary of the Department, the previous one if I remember correctly was the First Assistant Secretary of the Department. The proof of their capacity is probably demonstrated in that they have arising from that Funding Agreement delivered to Norfolk Island Commonwealth cash in the processes. On Norfolk Island's part the CEO of the Service has signed the document and this has been on written authority of the Chief Minister of the Norfolk Island Government and the Norfolk Island Minister's Authority of course is drawn from the Executive Authority pursuant to provisions of the Norfolk Island Act.

DEPUTY SPEAKER Thank you Chief Minister. The next question is from Mr King and is directed to the Minister for Tourism, Industry & Development

MR NOBBS Thank you Mr Deputy Speaker. The question reads does the Minister stand by his position that the Government of the day properly assessed disembarkation risks before inviting the Community to participate and invest in a risky cruise ship industry? Mr Deputy Speaker my answer is yes. on the information that was available to the responsible Minister and Government of the day

DEPUTY SPEAKER Thank you Mr Nobbs. The next question is from Ms Adams and is directed to the Chief Minister

MR BUFFETT Mr Deputy Speaker the question is this. The recent advertisement for the KAVHA Site Manager states that KAVHA "is a Norfolk Island tourist icon and is owned by the Commonwealth". Clearly this is incorrect in view of the fact that nearly 20% of the land in KAVHA is owned by parties other than the Commonwealth, including many significant portions such as the land owned by the Church of England. Could the Minister please give landowners in KAVHA an assurance that the Norfolk Island Government will take prompt action to correct this ongoing misunderstanding by the relevant Australian Government departments so that the rights of the landowners in KAVHA are clearly understood by the prospective KAVHA Site Manager? Mr Deputy Speaker. I'm pausing because of an earlier question there was a significant visitation and now there is no question raised on this matter. So I will continue. I drew this matter Mr Deputy Speaker to the attention to the Secretary to the Department whilst visiting this island pointing out that this had been mentioned in the advertisement, it did not have the correct description. That may be because of 2 factors, 1 there may be just a misunderstanding about the process, maybe their was intent in the process, I'm no trying to draw a conclusion about that but I wanted it to be made known that the totality of the KAVHA are while it certainly is a tourist icon does not have total ownership by the Commonwealth.

DEPUTY SPEAKER Thank you Chief Minister. The next question is also to you as the Minister with responsibility for Museums

MR BUFFETT Mr Deputy Speaker the question is this The *Sirius* wreck site was listed on the Australian National Heritage List on Tuesday 25 October 2011. Could the Minister please advise – a) through what channels he became aware

of this important activity; and b) whether or not an opportunity was offered to the Norfolk Island community, and in particular to those in the community who have actively worked on the recovery of the Sirius artefacts from the site and their subsequent conservation and preservation, to be present at the event that marked the occasion on the Island; and c) can the Minister please assure the community that he shares their concern that the planning and coordination of the recent heritage listing announcement would appear to demonstrate that in areas where Norfolk Island and the Commonwealth have a joint vested interest that Norfolk Island's vested interest is not given the prominence that it deserves. Mr Deputy Speaker in response to that I make it known that awareness of the nomination of the HMS Sirius site to the National Heritage List and the Commonwealth Heritage list was first received when a notice was placed by the Australian Heritage Council in the Government Gazette on the 6<sup>th</sup> August 2010. I'm just illustrating that therefore this matter has been an assessment process for some one year 3 months and that assessment after that notice has gone through a number of processes. The event to which this event occurs which is the formal decision by the Australian Minister took place on the 25<sup>th</sup> October just past. That was an Australian Government activity that was not a matter for the Norfolk Island Government to be so involved; it required a decision of the Australian Minister to inscribe the Sirius site on 2 Registers, one the National Register and the Commonwealth Register. In terms of that we had little notice but we were included. The signing ceremony was conducted at the Australian National Maritime Museum in Sydney all organised by the Commonwealth. They did invite the KAVHA site Manager and the Museum Director to be present at the activity. I'm advised that it wasn't feasible for their attendance at that site. However the inscription ceremony that I've just referred to was also designed so that there would be children from the Norfolk Island School that might participate by a teleconference link from the School here in Norfolk Island and those people who had been invited to go to Sydney and were not able to do so, that is the KAVHA site Manager and the Museum Director were present at the School and participated in that particular link. I too was invited to be present at the video link arrangement and spoke to the Minister by video link at the inscription ceremony. He signed the instrument that is Minister Tony Burke and so the instrument of inscription has now been made and we will get a copy of that instrument. I again stress that all of those arrangements have been in the hands of the Commonwealth which is the normal process for inscribing National and Commonwealth Heritage List Items. I do recall that upon inscription of KAVHA that is the totality of KAVHA which in a sense is separate from that which we are addressing here now but when KAVHA was inscribed on the World Heritage List we invited the Commonwealth to celebrate the occasion here in Norfolk Island. It was one of a number of sites of course but we invited the Commonwealth here but we didn't have a successful outcome about that. So when these sorts of activities do happen we have put in a bid for it to occur here. I've not had the opportunity this morning but I am willing to discuss with the Museum Director whether given listing now whether there might be an opportunity to draw together those local people who were involved in a number of ways from diving on site, conserving of the material raised from the site and a range of other things but also recognising those who currently live on Norfolk Island who are descendants from occupation of the first European Settlers in Norfolk Island which of course is the period in Norfolk Island to which the wreck of HMS Sirius refers.

MS ADAMS I would just like to thank the Chief Minister for that comprehensive response to the Question on Notice and for replying to those people who have been emailing us for the last couple of days.

DEPUTY SPEAKER The next question is from Mr King

MR BUFFETT Mr Deputy Speaker Question 281 is this. What insurance arrangements exist for the protection of Members of Statutory Boards and Committees against loss or damage from the performance of their duties. The second

part is can the Chief Minister assure this House that community members of all Boards and Committees are provided with appropriate plain English guidelines of the performance of their duties to safeguard their interests and those of the community which they serve. Mr Deputy Speaker I do draw attention to the fact that an earlier question in June 2010 was asked of me on this matter. It really asked whether such people that are Boards and Committees are indemnified against personal loss or damage arising from their official duties. I responded to that question at the next Sitting of the 28<sup>th</sup> July and I tabled a document at that time entitled Indemnity for persons acting in an official capacity and that document remains current and I think Mr King at that time who raised the question then acknowledged that that happened. This question however is I just point out asking whether there are insurance arrangements. Indemnity is one thing that the Administration offer this is asking whether insurance arrangements exist for similar protection. There isn't an insurance arrangement in place, there is an indemnity arrangement but not necessarily an insurance policy that we take out to specifically cover that situation. However I do point out that there is volunteer insurance maintained by the Administration for protection from loss or damage for volunteers including unpaid Board or Committee members arising from personal injury occurring during the performance of their duties or on a volunteer Board or Committee member arrangements.

MR KING Mr Deputy Speaker did I hear a response to Part 2 of that question about plain English guidelines.

MR BUFFETT Mr Deputy Speaker my apologies. In terms of an all embracing plain English guideline arrangement that doesn't exist at this moment to my knowledge. However when incoming Boards pick up their duties they are as a matter of course provided with the legislative detail that cover the duties that they are required to perform as a matter of course. I can see the merit of that that you speak but that doesn't actually happen at this moment.

DEPUTY SPEAKER Chief Minister the next question is also addressed to you from Ms Adams as the Minister with responsibility for KAVHA

MR BUFFETT The question is this; Would the Minister report to the House on the outcome of discussions at the most recent KAVHA Board meeting in respect of future management arrangements for KAVHA and what actions have been, or will be, taken, as a consequence of Board discussion and decisions; and b) advise whether participation in discussion of the proposed future management arrangements in KAVHA now includes representation from the private landholders, and if so by whom? Mr Deputy Speaker at the last Board meeting of KAVHA there was generally approved by the Board a way forward about adjusting or bringing up to date is probably a better terminology of the Management arrangements for KAVHA. There is a working group that is now working upon that to bring forward recommendations to give effect to that. The matter of private landholders had not been given any further examination but what I can say is; that if we examining a management arrangement of a totality of the area in which there are landholders and their interests are being part of the area then there is obviously room for their participation in the processes and it would be the Norfolk Island Governments wish to ensure that their voice is able to be heard and that will need to be endeavoured to be woven in, it needs to be the 2 Governments arrangement woven into the processes that are now taking place.

DEPUTY SPEAKER Thank you Chief Minister. The next question is from Mr King and is directed to the Minister for Tourism, Industry & Development

MR NOBBS Thank you Mr Deputy Speaker. The question reads; why when requested to do so has the Minister not been able to give unequivocal

assurances that lighterage equipment and the operation generally were in good working order and free of any unacceptable OH&S risks. Mr Deputy speaker I refer Mr King to my responses to previous Question on Notice Numbers **207** and **264** where I advised that in this high risk occupation undertaken in hazardous working environment OH&S risks are minimized through the work of the Administrative Officer, Risk Management and OH&S Officer through the purchase and use of protective clothing and equipment, through the training of staff and ongoing maintenance programme. I'll also advise by the Acting CEO that the lighterage equipment is subject to a regular maintenance programme. Items such as cargo nets are repaired or replaced as required.

MR KING A supplementary Mr Deputy Speaker. Is the Minister saying that he cannot give an unequivocal assurance nor is he simply refusing to?

MR NOBBS Thank you Mr Deputy Speaker. Again this comes under operational parameters. What I have provided is the programme as indicated to me by the Service of how they attend to it and I provide you with a response.

MR KING Ok I take it that you're not able to give that assurance.

MR NOBBS Thank you Mr Deputy Speaker. The answer clarifies further onwards from as I say the Question 207 and 264 and that is an operational matter.

DEPUTY SPEAKER Thank you Mr Nobbs. The next question is from MR King and is directed to the Chief Minister

MR BUFFETT Given the prospective relaxation in immigration laws and the new policy of expanded competition, how is it intended to protect the community against the arrival into Norfolk Island of unqualified and disreputable operators? I'm not too sure that I can give total assurance that there is an arrangement in place at present that give guarantees against that. However, however let me point out this in terms of how we are moving ahead. We have reference to competition and consumer affairs legislation that there is an undertaking to introduce into this place which contains protective arrangements for consumers. These provisions have been extracted from the Trade Practices Act and these are the expressions that are given in the present Funding Agreement. So you can see in terms of moving forward and adjustments being made there are equally pieces of legislation that are designed to give consumer protection in the environment that we are moving forward into.

DEPUTY SPEAKER Thank you Chief Minister. The next question is from Mr King and is directed to the Minister for Tourism, Industry & Development

MR NOBBS Thank you Mr Deputy Speaker. The question reads; what policy position has been taken by the government in relation to the preservation of local jobs in the airline industry and how has the government attempted to implement their objectives? Mr Deputy Speaker the Norfolk Island Government has recognised and promoted the on island expertise employed within the Airline industry and it's specifically promoted the relevant Officers of the Commonwealth Department which is conducting the tender process currently.

DEPUTY SPEAKER Thank you. The next question is also to you from Mr King

MR NOBBS Mr Deputy Speaker In the light of emerging policies to attract outside investment what strategies will the government follow, if any, to

promote and support local investment in primary industry? Mr Deputy Speaker the relevant Minister has commenced the process already to amend the Norfolk Island Plan to assist our primary producer. In addition the Norfolk Island Government subsidised a BVD programme which resulted in as far as I'm aware a declaration that Norfolk Island cattle are BVD free which will enhance any future export meat proposals. Within the GST legislation its support for locally manufactured items for export and just to quite from that Schedule 1 "Goods exported from Norfolk Island that are a) wholly produced in or manufactured from materials that originate in Norfolk Island and b) are exported as freight for purposes of resale become GST free supply.

DEPUTY SPEAKER

Mr King to ask the Minister for Community Services

MR SHERIDAN

Thank you Mr Deputy Speaker. The question raised is; what is the government's position in relation to the use of jet-skis in Emily and Slaughter Bays and how does the government intend to regulate their use to protect other users or these areas? Currently the Government's position in relation to the use of water craft (not just jet skis) in the enclosed waters of Emily and Slaughter Bays is provided by a Code of Conduct of which all operators abide by. This Code of Conduct provides that all craft must give way to swimmers, in busy times no craft allowed between the pontoon and the beach, no operating of jet skis inside the reef in busy times, jet skis to move in and out of the bay at idling speed, no jet skis within the vicinity of swimmers, including outside the reef, in no-busy times jet skis and windsurfers and to check for swimmers at slow speed prior to operating inside the bays. Currently these provisions are being examined as part of the bigger picture in the Marine Bill of which will deal with licensing, areas of operations etc. The ability to regulate this Code of Conduct is difficult as it is what it states a Code of Conduct of which the community expects these operators to abide by. Unfortunately, if misconduct does occur, then there is no ability under current legislation to enforce this conduct. Complaints from the public have made it necessary to consider legislation to protect them from these water crafts, and this will be examined as mentioned under the Marine Bill. This House and the public will be kept informed on movement in this area.

MR KING

Can I ask a supplementary and ask at what stage the development this Bill is at.

MR SHERIDAN

Thank you Mr Deputy Speaker. If I could refer that question to Mr Nobbs who has carriage of that Bill and he can give an update as to where he is with the Marine Bill.

MR NOBBS

Thank you Mr Deputy Speaker and thank you Mr Sheridan. As a result of the work carried out on the MOU with regards to the Fisheries the feedback from the Norfolk Island Fishing Association as well as numerous feedback with regard to safety of marine vessels I formed a group some time ago that includes a representative from the Norfolk Island Police, Registry, Legal Services and the Norfolk Island Fishing Association to assemble that documentation. At this point in time it is in its construction phase with all of the parameters perhaps on the table for evaluation. So it still may well be another I would imagine 2 months before we have a draft that I'm able to share.

MR KING

So what your really saying is that It's really only in policy development stage and that there is no draft instructions been issued and therefore there is no Bill.

MR NOBBS

Thank you Mr Deputy Speaker. That's exactly what I'm saying. We're forming the legislation.

DEPUTY SPEAKER  
from Mr Anderson

Thank you. The next question is to the Chief Minister

MR BUFFETT Thank you Mr Deputy Speaker. The next 1,2,3,4,5,6,7,8,9, questions are to me. They are inter-related to a certain extent. I'm going to respond to them in a different order than that because I think it will give some clarity as to how the information is presented. So if I may Mr Deputy Speaker I'd like to respond to **295** in the first instance and that question is this. In the Chief Minister's press release of 30 September 2011 reporting the outcome of funding negotiations a "Norfolk Island Reform Taskforce" is referred to. When was the Taskforce established? What role does the Taskforce play? Who does it comprise and how is it resourced? Who has overall responsibility for the Taskforce and determining its functions and priorities? What role does Norfolk Island play if any? Mr Deputy Speaker this particular task force is established by the Commonwealth Government. It's established as we understand it within the Department of Regional arrangements that we have dealing with. It is headed by Jillian Savage who has visited this island in recent times on 3 occasions in this particular role. The role is to move forward with the task force provisions especially draw together the information that is required by the Commonwealth in terms of that Department on its own account, and in terms of bringing into play various other Government Departments in the Australian sphere. Other Government Departments such as Treasury, Finance, Health, Immigration, Customs, Quarantine, Education and Training, Employment and Industrial Relations. I'm just being selective in terms of giving a range of other Departmental liaison arrangements that are required to bring together those things that are mentioned in the Roadmap. And there are timelines in terms of Roadmap arrangements so there needs to be a co-ordination on the part of the Commonwealth and on Norfolk Island's part to ensure that we move along and assess things well in advance if we are able of those decision taking times. In addition to this task force there is an Interdepartmental grouping headed by the Deputy Secretary of the Department, equally he has paid a recent visit to Norfolk Island to endeavour to co-ordinate with other Government Departments for needs of the Norfolk Island Roadmap. That as I referred to in that task force is the responsibility of the Commonwealth and they determine the functions and the priorities. However in that context there is a weekly telephone link between their Officers and our Officers so that we continue to talk with each other as to how those tasks need to be moved forward. So the task force is principally theirs that I have referred to but Norfolk Island plays a role in terms of continuing liaison with it in terms of deliver. Now I'd like to commence going through the questions that commence at **289** which is this. The "Norfolk Island Road Map" was intended to be a consultative document prepared by the Department of Regional Australia and accepted as a "direction" document for discussion and development. Has the Norfolk Island Government been advised that the Road Map has been accepted by the Federal Cabinet as Commonwealth Government Policy? If not what is the Norfolk Island Government doing to clarify which matters, other than supplying emergency funding and taking control of the provision of air services, are supported by any Federal Minister or by the Federal Cabinet? Mr Deputy Speaker the Norfolk Island Roadmap is accepted by Minister Crean in the context of the Australian Government a Senior Minister for the Australian Government, he has been to Cabinet on a number of occasions to pursue things pursuant to that particular Roadmap. I have mentioned that the Department, that is Minister Crean's Department has erected this task force in which it has a responsibility to then liaise with other Government Departments to progressively bring them aboard in terms of the provisions of the Roadmap and that is continuing to happen in the context that I earlier described. It is one of the reasons why I took that later question and endeavoured to answer it at the very beginning so you will see the context of it. Without a doubt Minister Crean has indicated that he will need to go to the Australian Cabinet for further decisions in the Commonwealth's participation and we are now working through a budgetary programme to provide the Commonwealth with our Budget for the year 12/13 so that it may be part of the Commonwealths arrangement

and to be assessed accordingly. Question **290** Has the Department of Regional Australia advised the Norfolk Island Government of the Commonwealth departments, if any, that are currently being consulted regarding matters within their areas of responsibility that will impact on changes being proposed for Norfolk Island under the Road Map? If so which Departments are they and what matters are they being consulted over? I think you will see that I've responded to that when I described the role of the task force and gave some indicative Departments that were being so consulted. **291** What has the Norfolk Island Government done to facilitate discussions between the Norfolk Island Administration and the Department of Immigration and Ethnic Affairs given the changes to immigration practices and the tight deadline of 1 January 2012 agreed in clause 11(a)(ii) of the Funding Agreement signed in September this year? What restrictions has the Norfolk Island Government identified that will require removal and have any possible detrimental impacts been identified arising from their removal?

MR ANDERSON Just a supplementary I was going to ask in relation to **290**. The answer gave an indication that certain Departments have given indications that those areas that were being contacted and which is a matter of course would need to be included. Is there any indication that any of them have actually been contacted and if so is there any indication over what matters are they dealing with now? It was a question attempting to update the community that something is happening in some areas. Is there any indication from the task force precisely which matters that are now before them which are being actioned?

MR BUFFETT I can endeavour to get a list if that would be useful. The Reports to me are covered by those that I exemplified and that means that in terms of Health matters, we are talking about Medicare or related arrangements, they are in the discussion process. The community helpfulness about that will be reached we hope when those discussions have reached a stage where the Commonwealth can position people here on the island to be able to talk to people face to face about the range of matters, that is the aim. I've got to say it's been an aim for some time on the part of the Norfolk Island Government and whilst there has been willingness on the Regional Department that has not always been totally met by the Department itself who might have responsibility for that matter. I'm just trying to illustrate where we're trying to move towards, and the real benefit will be to the community where we are able to position somebody here or a range of people over a range of time, not necessarily the same people, and that has been acknowledged by Regional Australia as a wish, hopefully it will come to pass. Hopefully it will come to pass promptly. Is that adequate.

MR ANDERSON Yes it's an attempt to advise the community that something is moving forward. Thank you. I was at **291** if you are comfortable that I move on with that thank you, and this is about discussions Immigration and Ethnic Affairs. I do mention to Members and I have reported this on an earlier occasion on a previous visit to Canberra. I endeavoured to contact a number of Departments including this with the co-operation of Regional Australia and there were interim discussions about what processes they saw were necessary in their Departments and how would we relate that to Norfolk Island. They were meant to be opening discussions and indeed they were. They have not delivered detail yet but we might be able to utilise in implementing that particular clause. That particular clause I might say 11 is talking about removing immigration restrictions on Australian citizens or permanent residents arriving as tourists, that is a visitor population, we're not talking about people coming to live at this time, and that means trying to facilitate less passport needs prospectively. The likes of maybe moving from a domestic destination which has an airfare reduction, hopefully airfare reduction component and I've got to acknowledge that the Commonwealth have not been able to advise us conclusively about those at this moment. **292** We've done that – moving on. The Funding arrangements between the Commonwealth and Norfolk Island for 2012/13 will require input to the Commonwealth Government in time for the Federal

Budget submissions early in 2012. What methodology will be used if no decision has been made on the appropriate Governance Model? Does the Norfolk Island have the resources to properly provide the detail required within the timeframe and what assistance is the Commonwealth providing with that preparation? The Commonwealth Mr Deputy Speaker has identified to the Norfolk Island Government timelines if we are to meet budgetary arrangements in the Commonwealth scene. We need to tidy our particular budget for this particular year by the 15<sup>th</sup> of this month. We have gone through the calling of bids for that budgetary period. In the main I think there are 2 or 3 maybe yet to be tidied. The Manager's have made their bids; Members have been offered the opportunity to be present whilst that has happened. So that has been a process that Members may participate in if they so wish. That is on track although it is very tight. The question here also asks about some things that may not yet be decided, that's a fair question, not always able to be answered in the categorical sense but the bid is for 2012/13 but in terms of the Commonwealth Finance Minister's arrangements now that we are moving towards we not only need to budget for that year but for the 3 years beyond that and obviously if we're looking in the 3 years beyond that things are not crystal clear, and we need to understand that, but that doesn't mean that we don't do the best we are able to project figures for that period and that's what we're doing, and we're endeavouring to do them, we will do them in terms with meeting the Commonwealth's deadlines.

MR ANDERSON Just, so we are continuing to draft information necessary for the Commonwealth based on our current governance model for the next 4 years.

MR BUFFETT Yes but we recognise that there may be adjustments there. **294** Mr Deputy Speaker. As the extension of Federal taxation is an essential ingredient of the reforms provided for under the Road Map when will the Australian Taxation Office commence the education program that will be necessary to familiarise those persons on the island who have had no prior involvement with the Australian taxation system? What support will the Commonwealth Government and/or the Norfolk Island Government provide to local businesses to enable them to make changes to record keeping to allow the preparation of financial reports that will satisfy the legal obligation to keep proper books and records? This is partly answered by some of the things that I mentioned earlier, in other words there has been encouragement on the part of the Norfolk Island Government and in turn the Department of Regional Australia for various Australian other Departments including the Tax Office to be active here in Norfolk Island to demonstrate and show how things may be. That is equally part of the wish that they station people here for a time to be able to respond. We continue to press for that. You will know that under the Roadmap arrangement that there was the projection that by the 1<sup>st</sup> July 2011 the Commonwealth Government will have met that and once that is done then there can be proper encouragement for Norfolk Island people to be so enrolled, but the Commonwealth need to deliver on their information provisions so that the Norfolk Island community may then know where they stand and how they go about the task. We are now at **296** Deloitte's Access Economics reported in April 2011 they had identified higher measures of financial stress on Norfolk Island than elsewhere in Australia. Norfolk Island businesses are struggling and individuals are having difficulties meeting their commitments and feeding their families. Does the Norfolk Island Government consider it is sufficient to merely maintain basic Government services while not providing stimulation to the Norfolk Island economy in 2011/12? What stimulation, if any, is proposed and when will it be available? Has the Commonwealth been asked to consider bringing forward any infrastructure projects that are anticipated under the Road Map and which would provide an immediate stimulus? In response Mr Deputy Speaker I think I'd like to say this in the first instance. That to the description, merely maintaining. I think it rather belittles the essential nature of the services that are provided. That is the Hospital, Welfare payments and the services, Education and the like. They are really





dedicated meals to a small number of people choosing to travel Premium. That's the answer thank you Mr Deputy Speaker.

DEPUTY SPEAKER

Mr Anderson to ask the Chief Minister

MR BUFFETT

Can the Minister please update the House on the progress he has made in ensuring rental car operators are supplying full comprehensive insurance coverage to renters when charging a visitor a daily insurance rate.

MR ANDERSON

If I could interrupt Mr Deputy Speaker this was originally directed to the Minister for Community Services but the Notice Paper changed it to the Chief Minister. I think both are ready to answer.

MR SHERIDAN

Thank you for the question.. I won't repeat it because the Chief Minister has just read it out. Just the advice that we received from the Service. As the member will be aware, any persons who have reason to believe that rental car operators are not actually supplying insurance to renters when charging a daily insurance rate should provide evidence of their reason for such a belief to the Police who are by law authorised fair trading investigation officers under section 30(2) of the Fair Trading Act 1995. In response to the question back in August I indicated that regulations were being drafted to nominate the amount of insurance cover that must be taken. Under section 9 (3) of the Traffic Act 2010 the Registrar shall refuse to register a motor vehicle under section 8 for public or private hire unless he is satisfied that the applicant has taken out third party personal injury insurance that will insure the owner and the driver of the vehicle and that the amount of damage so covered is at least that prescribed by regulation. The amount specified under Regulations were made on the 16 August 2011, the amounts specified in respect of motor vehicles including minibuses is \$1million and in respect of buses \$5million. Mr Deputy Speaker the difference between comprehensive and third party injury insurance is that comprehensive insurance generally covers both loss and damage from injuries or death occurring in an accident as well as loss and damage arising from property damage to the hire vehicle itself and to any other vehicles or property. Comprehensive insurance is generally more costly than third party injury coverage only and if such higher cost is actually factored into the daily hire charge, then such more costly type of insurance should be provided. Contracts between private hire car operators and their customers are matters for them but if private hire car operators are not doing the right thing by their customers (especially when Norfolk Island depends on continuing goodwill and satisfaction of such customers for future tourism) then any evidence of deceptive or misleading conduct or fraud in the course of trading by hire car operators will be very quickly forwarded for official investigation and will if necessary be put before the courts. If the honourable member has any evidence in his possession that the insurance cover promised as part of the daily hire rate charged is not actually being provided, I encourage the member to immediately forward such evidence to the Norfolk Island police for investigation. I certainly encourage hire vehicles operators on Norfolk Island to properly and fully cover themselves their businesses and their customers with the right type of insurance for the activities which their customers are undertaking in their hire vehicles.

## **PRESENTATION OF PAPERS**

SPEAKER

Thank you Honourable Members that concludes answers to questions on notice, and we now move to Presentation of Papers.

MR BUFFETT

Thank you Madam Speaker I have a couple if I may. I table the upgraded consolidated Immigration Policy and Guidelines. They are updated in terms of self funded retirees and the business sector arrangement that we have referred to on a couple of occasions and I table those. I table the budgeted financial

statements for the Norfolk Island Hospital Enterprise. These are part of the budgetary arrangements for the year to 30<sup>th</sup> June 2012. The requirement is that upon the processes of presentation I progressively provide those instrumentalities in Norfolk Island that are covered by the Financial Minister's orders, one is the Tourist Bureau and another is the Hospital and whilst I didn't have these documents at the last Sitting I have them now and I so table them. There are Virement processes provided by the Public Monies legislation Madam Speaker and we will know that there is a requirement for the Minister to table those and I do so at each sitting. I table the Virement of funds that have been in the past period since our last sitting. Thank you.

MR SHERIDAN Thank you Madam Speaker Under the Norfolk Island Hospital Act 1985 s38 an Annual Performance Report must be prepared. Under s40 of the Act the accounts of the Hospital Enterprise must be audited and this report tabled in this House. I so Table both of these reports as one document.

SPEAKER Thank you Mr Sheridan. Further Papers for Presentation.

MR SHERIDAN Madam Speaker could I just note those Papers please. I'd just like to say a few words on these Reports and I don't intend to go into any great detail, but I will comment on a couple of statistics that is provided in the documents. The total number of outpatients that presented at the Hospital was 8,557, up 177 on the previous year. Off-shore referrals were 238 up slightly by 13 on the previous year. Visiting specialists saw 263 patients, down 15 on the previous year. The financial result for the Hospital Enterprise was income of \$4,633,210 which included a subsidy from general revenue of \$1,414,350 plus an additional supplementation of \$165,000 so that the Enterprise could meet its financial obligations to the end of July 2011. Of note is the support from the community organisations and community members whose donations amounted to \$309,670 for the Financial Year. Expenses totalled \$4,837,189 which included salaries \$3,119,707, cost of goods \$573,274, supplies and services \$409,781, other expenses of \$496,435 with depreciation some \$237,992. The financial position of the Hospital Enterprise is compounded by the state of the debts of outstanding accounts which was approx \$403,655 at the end of the financial year, with some \$294,217 of this debt over 90 days old. The position of debt at the Hospital hampers the ability for the Hospital to fully operate efficiently and effectively for the good of the community. This is an area that the Hospital Enterprise is actively attempting to reduce.

SPEAKER Further debate Honourable Members.

MR KING Well I can do it formally but perhaps Mr Sheridan might consider amending his Motion to read move that the Papers be noted and printed.

SPEAKER Mr Sheridan are you comfortable with that. The question before the House is that the Paper be noted. Debate. No debate.

QUESTION PUT  
AGREED

MR SHERIDAN Thank you Madam Speaker. Under the Traffic Act 2010 Section 52 B 4 the Road Safety Committee is required to prepare an Annual Report. The Traffic Road Safety Committee Regulations 2005 Section 5 (4) requires the Annual Report to be tabled in this House and Madam Speaker I so Table the Report and make that that be noted as well Madam Speaker.

SPEAKER The question before the House is that that Paper be noted and printed thank you. Debate.

MR SHERIDAN Thank you Madam Speaker. The Road Safety Committee comprises of the OIC Police, the Manager of Public Works, the Minister responsible for Roads, the Registrar and two members of the community of which are Kevin Coulter and currently a vacancy occurs due to the resignation of Ms. Shelly LeCren. I would like to take this opportunity to thank all these persons, past and present who have given their time and advice freely for the betterment of road safety here on Norfolk Island. At times the Government decisions that the committee is asked to make comment on and support are unpopular within the community and at times these people receive adverse flack which can prove to be disheartening. I can only assure these people that their opinions and comments are welcomed and are all taken into consideration when forming Government policy. The past 12 months have seen the committee actively involved in the changes to the Road Traffic Act 1982 which included the introduction of road safety initiatives such as the compulsory wearing of seatbelts, how persons must drive or travel in or on a motor vehicle, together with the introduction of Learners and Provisional drivers licences, as well as other related safety matters. The Committee have also been proactive in recommendations in regard to the categories of licenses and provisions attached to these licences, the compulsory wearing of cycle and motor cycle helmets, standards for seat restraints for a child and amending the fees schedule. Issues currently being discussed are the closing or roads for special events, proposed changes to the Middlegate intersection, improvements to Channers Corner intersection, Road Traffic Regulations, appointment of members together with other road safety initiatives such as the introduction of safety ramps in selected areas. The Road Safety Committee has also been active in supporting media which promote safe driving in Norfolk Island, in particular the Police radio program. If any person would like to be involved in the Committee, I would ask them to contact the Registrar or myself for consideration.

SPEAKER Thank you Minister Sheridan. Further debate. There being no further debate I put the question.

QUESTION PUT  
AGREED

MR SHERIDAN The Disaster and Emergency Management Act 2001 Section 8 requires the Disaster and Emergency Committee to prepare a Disaster and Emergency Plan and to keep this plan under review and amend as necessary. Section 8(7) of the Act deems the Plan to be a disallowable instrument in accordance with Section 41A of the Interpretation Act 1979, and requires the Plan to be tabled in the House. I so table the revised Plan being a complete review and rewrite of the original Plan as tabled back in 2001 and I ask that it be noted and printed Madam Speaker.

SPEAKER The question before the House is that that Paper be noted and printed. Debate.

MR SHERIDAN Many people have made this review of the Disaster and Emergency Plan possible and in saying this I would like to read out the Acknowledgements as detailed in the Plan. "We wish to record our sincere appreciation for the work of all those involved in the development of this new edition of the Norfolk Island Disaster and Emergency Plan and the accompanying Sub Plans and Response plans. To all our colleagues, past and present, on the Emergency Management Norfolk Island Committee, to the Functional Service Co-ordinators and to the many other emergency services personnel who contributed, go both our thanks and those of the local community in whose interest this Plan has been revised and updated. In particular,

we would like to acknowledge the expert advice, assistance and support provided to EMNI by Emergency Management Australia and its officers, Mr. Peter Willet and Ms. Robin Death, who contributed so willingly to this significant update of our Plan. The entire community of Norfolk Island is all the safer for the diligence and skills of all those involved in the development of this Plan". Signed by the Chairperson, Adon Butterfield and the Controller Milton Bradley. I would like to add to this by stating that the commitment and dedication shown by Adon and Milton, together with the Deputy Controller, Gary Robinson (all voluntary) has ensured that this document will be in place in time for the commencement of the cyclone season, which last year showed can impact on Norfolk Island. Other people of note who assisted in this review were the other members of the Emergency Management Norfolk Island Committee, together with the Administrators Office, in particular Mr Bruce Kelly and officers of the Government. I sincerely thank all those who participated in the review, and acknowledge that the Emergency services that can be provided to Norfolk Island in case of an emergency will be better off by this review, coupled with the desk-top exercises that have been currently undertaken to ensure that the Plan is operational. The operational relationship that has been built upon with emergency Management Australia personnel and the Norfolk Island Emergency Management Committee will ensure that if an emergency situation requires outside assistance then this assistance will be forthcoming from Emergency Management Australia and that this assistance is mandated within the Plans. The Norfolk Island community can only benefit from these peoples commitment to our safety and I thank them all.

SPEAKER Thank you Minister Sheridan. Further debate.

MRS WARD Thank you Madam Speaker I would just like to second the words of Minister Sheridan, Adon and Milton and the voluntary members of the Emergency Management when we gave a presentation to Members of the Assembly and special mention was made of the very co-operative relationship with the Emergency Management Australia so I'd like to acknowledge and thank everybody involved for that. Thank you.

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

QUESTION PUT  
AGREED

SPEAKER Further Papers for Presentation this morning? Honourable Members I think there are some regulations to table.

MR SHERIDAN I do have Regulations Madam Speaker. In accordance with Section of the Interpretation Act 1979 I table the Traffic (Amendment No. 3) Regulations 2011. Also Madam Speaker in accordance with Section 41 of the Interpretation Act 1979 I table the Employment (No 3) Regulations 2011.

SPEAKER Thank you Minister Sheridan. Before I move on Honourable Members to Statements it was flagged to you yesterday at MLA's Meeting I would table the letter written to His Honour the Administrator by myself as Speaker on the 13<sup>th</sup> October conveying a Motion of the House in respect of a matter titled Impact of Extension Commerce? Laws to Norfolk Island. That was copied to Members on the 14<sup>th</sup> October. That Paper is so tabled.

MRS WARD Thank you. I move that the House take note of the Paper Madam Speaker.

SPEAKER Certainly. The question before the House is that the House take note of the Paper.

MRS WARD Thank you Mr Deputy Speaker. I in no way intend to allude to the previous debate or reflect upon the debate of the House in relation to this Paper noted by Madam Speaker. I will address the Paper which is a letter to the Administrator from the Office of the Speaker and the letter refers to a Motion which was brought before this House in October by Ms Adams who is of course also the Speaker. The Motion was carried by 3 Members of this House. I would like to highlight that they were the 3 lowest polling Members of this House although we all sit as equals currently, However I make the point that the 3 Members that carried the Motion including Madam Speaker or Ms Adams represents 14.4% of the vote. The Motion was put on the table when the Members of this House, there were 3 of them who would have undoubtedly voted against the Motion were off the island, and to vote on such a significant matter without those Members is unfortunate in my opinion. This is a democracy

MR BUFFETT Point of Order Mr Deputy Speaker. Comments such as that do start to reflect upon the vote of the House.

MRS WARD I withdraw that if I can just

DEPUTY SPEAKER Chief Minister what Point of Order are you referring to.

MR BUFFETT I'm sure you have it immediately in your hands Mr Deputy Speaker

MRS WARD Standing Order 57.

DEPUTY SPEAKER Are you going to continue Mrs Ward.

MR KING I seek your ruling on that Mr Deputy Speaker

DEPUTY SPEAKER Well the Point of Order is upheld.

MR KING Mr Deputy Speaker could I move then that Standing Orders 57, 58 and 59 be suspended in their application to the debate currently being undertaken in the House.

DEPUTY SPEAKER You're asking that Standing Orders be set aside 57, 58, and 59

CHIEF MINISTER Perhaps you can read them to us so that there is clarity as to what we're voting on Mr Deputy Speaker please.

DEPUTY SPEAKER Thank you Honourable Members. We move to Standing Orders 57 – No Member may speak to any question after the same has been put by the President and the voices have been given in the affirmative and negative thereon. 58 – No Member may allude to any debate or proceedings of the same year unless such allusion irrelevant to the matter under discussion. 59 – No Member may reflect upon any vote of the House except upon a Motion that such vote be rescinded. You Mr King are requesting that those Standing Orders 57, 58, and 59 be set aside.

MR KING That the operation of 57, 58 and 59 be suspended in the application to the debate currently being undertaken in the House.

MR BUFFETT There is no good reason why that should occur.

MR KING Is that your contribution to the debate or is that an interjection.

DEPUTY SPEAKER I put the question Honourable Members that 57, 58 and 59 be set aside. Any debate Honourable Members.

MR NOBBS Mr Deputy Speaker as I see it what opportunity is on the table is for those Members who weren't present to comment on the document. Not to comment on the progression of the process. I don't see the need to set aside those Standing Orders.

MR KING Mr Deputy Speaker in normal circumstances I would not move such suspension of Standing Orders in relation to these matters. These are not normal circumstances in relation to these Motions. They were Motions of great significance at an important time in the political development and democratic development of Norfolk Island, significant events, they allude to significant events of such significance that they could be up there in the top 2 significant events in the history of the Pitcairn Islanders. These were not matters of normal circumstances they were very, very significant matters and for that reason that I'm moving the suspension of Standing Orders so that this debate can occur.

MR BUFFETT Mr Deputy Speaker I have no difficulty if Members want to bring this matter to the House. My point would be that they should follow appropriate processes to bring this matter to the House. This has been brought to the House in a way that we want to note something, when something is tabled. If in fact you want to give people an opportunity to say something on the matter that has already been talked about then bring it on by giving formal Motion so that all of the Members know that it's coming, so all of the Members can properly prepare to participate in it if they want to. I would say that a number of Members would not have had notice that somebody wanted to take note of this particular document and raise the matter in debate today. I don't know about that but I would guess that would be the case.

MR KING Well we poor backbenchers are never informed in relation to documents and papers that you lay on us at any particular meeting, never ever informed so that's hardly any given notice. So let's be fair about this thing.

MR NOBBS While the Member is going on perhaps attendance at MLA's meetings might better inform Mr King on those matters.

MR KING Why can't you put information in my box.

DEPUTY SPEAKER Honourable Members we have a question before the House order please. Any further debate.

MRS WARD Thank you Mr Deputy Speaker and I'll make this very simple. I recognise this is a democracy that has happened has happened but I would like to record the fact in terms of 3 people not being a majority, and I also have to say that I have not read the letter that has been tabled now by the Chief Minister by way of Question 272 and I will do that with interest. Thank you.

MR SHERIDAN Thank you Mr Deputy Speaker I understand Ms Ward intent of allowing the 3 Members who weren't here to comment and I understand Mr Kings concern that maybe that the debate or the discussion may not go as the way of the vote as it did at the last sitting and there 59 No 59 there may be invoked where the Motion that such a Motion may be raised at the vote of that time be rescinded. I can

understand both of those arguments but I wouldn't support of standing aside of 57, 58 and 59 just to protect the debate. Now if we're going to have that full debate then they have to realise that that debate may result in a vote, result in a Motion that the vote be rescinded. So that's the danger of bringing these things back into the House Mr Deputy Speaker.

DEPUTY SPEAKER Any further debate Honourable Members. No further debate., I put the question before the House that Standing Order 57, 58 and 59 be set aside and I put that question.

#### QUESTION PUT

DEPUTY SPEAKER Could the Clerk please call the House?

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

Results of voting the Aye's 3 the No's 6 the Motion is lost. Any further debate Honourable Members.

MRS WARD Thank you Mr Deputy Speaker. I should highlight that I do know how to put a substantive Motion on the table even though I've just voted in the way I did. It wasn't my intention it was just to highlight because this is a letter to Minister Crean through the Administrator that it was carried by 3 Members of this Assembly. Thank you.

MR KING Thank you Mr Deputy Speaker. Understanding and respecting your ruling as I do I simply make no other contribution but to say to give notice that at the next meeting of the House I will bring forward a Motion to rescind the Motions agreed by the House on the 5<sup>th</sup> October referred to in the tabled letter.

DEPUTY SPEAKER Any further debate. I put the question that the Motion be agreed to.

#### QUESTION PUT AGREED

SPEAKER Honourable Members are there any further Papers for presentation this morning.

We move to Messages from the Office of the Administrator and Honourable Members whilst this is not strictly a formal Message pur say we did discuss this yesterday and were in agreement that I would this morning read the letter from His Honour the Administrator addressed to me as the Speaker dated 31 October 2011 and I will read it. Dear Madam Speaker I write to notify you that on 8 September 2011 I received e Petition of electors under the Referendum Act 1964 (NI) to direct that a Referendum be held on a question related to recent amendments to the Traffic laws in respect of seatbelts, "L" and "P" plates and the wearing of cycle helmets. The Act requires that one third of the persons on the electoral Role must have signed

the Petition before such a Referendum can be held. The Returning Officer confirmed on the 27<sup>th</sup> October 2011 that not less than one third of the electors on the current role have signed the Petition and I am therefore required to direct that a Referendum be held on the question. "Do you agree with the Norfolk Island Legislative Assembly's changes to the Motor Traffic Act 1982 (now consolidated as Traffic Act 2010) namely 1) Compulsory wearing of seatbelts – yes or no. 2) "L" and "P" plates – yes or no 3) The provisions applicable to "L" and "P" plates – yes or no. 4) Compulsory wearing of cycle helmets – yes or no " Advice has now been sought from the Returning Officer on possible dates for the conduct of the Referendum and when that is to hand a direction will be issued requiring that the Referendum be held. I have written in similar terms to the Chief Minister and the responsible Minister. Yours sincerely, Owen Walsh Administrator.

### **MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR - NO 23**

**SPEAKER** The Message is accompanied by a letter dated 14 October 2011 from his Honour the Administrator. I look to Members do you wish me to read that letter or your comfortable if I just read the actual message. Thank you. Message Number 23 Norfolk Island Act 1979 Section 24 Reasons for Withholding Assent to a proposed law. I Owen Walsh Administrator of Norfolk Island furnish the following Message in accordance with Section 24 of the Norfolk Island Act 1979 with the Commonwealth. The Honourable Simon Crean MP Minister for Regional Australia, Regional Development and Local Government had instructed that assent be withheld from the proposed law of the Norfolk Island Legislative Assembly namely the Customs (Amendment) Bill 2011 The reasons why the Commonwealth Minister has instructed that assent be withheld are as follows; the Customs (Amendment) Bill 2011 involves a proposal in respect of increasing the permissible width of imported passenger buses. The Legislative Assembly passed the Bill with a drafting error in it. As the Norfolk Island Act 1979 of the Commonwealth does not provide a mechanism for withdrawing a defective proposal the Commonwealth Minister has instructed me to withhold assent to the proposed law. That Message is dated 14 October 2011 and signed by Owen Walsh Administrator.

### **MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR - NO 24**

**SPEAKER** On 18 October 2011 acting pursuant to Section 21 of the Norfolk Island Act of 1979 I declared my assent to the following proposed laws passed by the Legislative Assembly Social Services (Amendment) Act 2011 (Act No 13 of 2011), the Electricity Supply (Amendment) Act 2011 (Act No 14 of 2011), the Customs (Amendment) Act 2011 (Act No 15 of 2011 and the Customs (Amendment No 2) Act 2011 (Act No 16 of 2011) and the message is dated 18 October 2011, signed by Owen Walsh, Administrator.

### **PRESENTATION OF REPORTS OF STANDING COMMITTEES**

**SPEAKER** I take it there are no Reports from Standing Committees. We move now to the substantive matters on the Notice Paper

### **NOTICES**

### **PUBLIC SECTOR MANAGEMENT ACT 2000 - RE-APPOINTMENT OF PRESIDING MEMBER OF THE PUBLIC SERVICE BOARD**

**SPEAKER** We move to the substantive matters on the Notice Paper and the first is under the Public Sector Management Act 2000 and Chief Minister you have the call

MR BUFFETT Madam Speaker, I move that this House, in accordance with paragraph 10(1)(a) of the *Public Sector Management Act 2000*, recommends that the responsible minister re-appoint Nadia Lozzi-Cuthbertson as presiding member of the Public Service Board for the period 18 November 2011 to 17 November 2013.

SPEAKER The question is that the motion be agreed to.  
Debate Honourable Members.

MR BUFFETT Thank you Madam Speaker. You can see that this is a re-appointment of Mrs Lozzi Cuthbertson and the first thing I should say is appreciative words of the time that she has already spent as the presiding member and member of the Public Service Board. She and her colleagues have had to move through difficult times on a number of occasions and she has had the willingness to do so and I offer the Governments thanks. Not only in that context but she has shown a willingness to move forward again for another period. I have explained to Mrs Cuthbertson and also in terms of the next Motion also Mr Martinez that we are moving through some prospectively different times in terms of the Public Service. It may mean but I don't know whether it will because we are yet to receive the Review of the Public Service, but it may mean some adjustments in how the Board operates its business at this moment and whilst this is for a period from 2011 to 2013 it may not have that currency attached to it and they understand that situation, but are nevertheless willing to serve and again I thank them. I commend this Motion.

SPEAKER Further debate. I put the question.

QUESTION PUT  
AGREED

That motion is so agreed to. We move now to Notice No 2 to which you have just referred to Chief Minister

### **PUBLIC SECTOR MANAGEMENT ACT 2000 - RE-APPOINTMENT OF DEPUTY PRESIDING MEMBER OF THE PUBLIC SERVICE BOARD**

MR BUFFETT Madam Speaker I move that this House, in accordance with section 11(1) of the Public Sector Management Act 2000, recommends that the responsible Minister re-appoint Aristides Alexis Martinez as Deputy Presiding Member of the Public Service Board for the period 20 November 2011 to 19 November 2013.

SPEAKER The question is that the motion be agreed to.  
Debate Honourable Members.

CHIEF MINISTER Thank you Madam Speaker. Again may I make appreciative words to Mr Martinez for his earlier participation and his willingness to continue to participate and be a contributor to the Public Service Board? Again he too has been through times when Board factors are difficult and I appreciate the time that he has spent on our behalf. I commend this Motion.

SPEAKER No further debate I put the question.

QUESTION PUT  
AGREED

That motion is so agreed to.

***PLANNING ACT 2002 - INDUSTRY - NOXIOUS, HAZARDOUS OR OFFENSIVE***

MR SHERIDAN Thank you Madam Speaker I move that in accordance with subsection 12(4) of the Planning Act 2002, this House resolve to make a determination to approve the draft plan laid before this House being a proposed amendment to Schedule 2 of the Norfolk Island Plan (as amended), and that, if the decision is to approve the draft plan, for the purposes of subsection 13(1) of the Planning Act 2002, the date of commencement of the approved plan be 18 November 2011. The aim and intent of this Plan is to allow for an "Industry - Noxious, Hazardous or Offensive" at Portion 85, specifically a proposed shed to be used for the processing of carcasses for meat and by-products as described in Development Application (DA) 0041/11, which may be determined subject to approval of this draft plan. The inclusion of the reference to Development Application A 0041/11 in Schedule 2 of the Norfolk Island Plan would have the effect of overriding the Table of Use or Development for the Rural zone, which classifies "Industry - Noxious, Hazardous or Offensive" as a Prohibited use or development and changing it to a permissible (with consent) use or development. This variation relates solely to Portion 85, and to the processing of carcasses for meat and by-products as described in Development Application 0041/11 (determination pending).

SPEAKER

Mr Sheridan.

MR SHERIDAN Thank you Madam Speaker This application to vary the NI Plan has been initiated by the owners of Portion 85, Paul & Robyn Menghetti. As part of the requirements under the Planning Act 2002 s12 a copy of the draft plan and the report about the public consultation are required to be tabled in this House, I so do now. As stated this variation to the NI Plan is come about by a request of Paul & Robyn Menghetti. Under the Planning Act there is a statutory process of which needs to be completed prior to the request coming before this House for approval to vary the NI Plan. The Planning Act stipulates that prior to the consideration of the motion, that the Minister shall invite public submissions about the draft plan, by notice published in the gazette indicating where and when the draft plan is available for inspection, the notice shall also include the aim and intent of the draft plan, and for a draft plan proposing a variation to accommodate a proposed use or development of land, state the details of the proposal and reasons for the variation. This is detailed in the report. After the draft plan is laid before the House, the Legislative Assembly, by resolution may approve the plan, approve the plan subject to its being altered in a specified manner or reject the draft plan. The tabled report on public consultation for the proposed variation to the NI Plan is provided so that the members are able to form a decision based on fact as to whether or not they should agree to amend the NI Plan to facilitate the proposed activity (this is the first part of the motion). If the members are of the notion to agree to amend the NI Plan by this draft proposal, then the Development Application accompanying the draft plan may be fully assessed and signed off by the Minister (this is the second part of the motion). If the members reject the draft plan then the Development Application would no longer be considered. Members are not agreeing to the Development Application being approved or rejected but for the ability for the NI Plan to be varied so that the Development Application may be processed to its completion. As it currently stands now the full assessment cannot be undertaken of the Development Application of which this motion refers, because under the NI Plan it is a prohibited activity in that zone, the rural zone. If this motion is successful, then the NI Plan would be varied to allow for the prohibited use to be altered to permissible with consent, thus allowing for the processing of carcasses for meat and by-products. This would only be applicable to Portion 85 (the portion identified in the Development Application). Madam Speaker I don't intend to go

into the Development Application at great depth, but can advise the public that this application refers to the proposal to establish a slaughter house on Portion 85. Portion 85 is in the Rural zone and is currently being utilised as pasture for the grazing of cattle of which are sub sequentially slaughtered for use in their restaurant of which is on the same property. The intent is for the owners of this business to be fully independent by the goal of that all meat that is consumed at the restaurant will be produced and processed on site at Hundred Acre Farm. It is also intended that during this beef production that by-products by the way of soap are made. During the public assessment process, only one submission was received from the public in regard to the Development Application of which the Planning Officer and the Planning and Environment Board have considered as part of their deliberations. Both the Planning Officer and the Planning and Environment Board have recommended approval. Of note, there are six slaughterhouses currently on NI, with 3 of these in the rural zone, one rural residential and the other two in the light industry zone. The establishment of this proposed slaughterhouse in the rural zone would be consistent with the aims of the NI Plan and a good use of the rural zone.

**SPEAKER** Thank you Minister Sheridan. Further debate Honourable Members.

**MRS WARD** Thank you Madam Speaker. I certainly intent to support this variation to the Plan and I think it goes some way to answering the question that Mr King asked to the Minister of Tourism Industry and Development in what this Government was doing to support primary industry and that's what's before us today, is something that this Government can actually do in its power today, it doesn't take any money, to encourage the growth of primary industry business. The activity as the Minister has just pointed out is prohibited under the Plan although it currently exists so its pre-existing. In other words there is a slaughter house over the valley and up the way in the same rural area. Amendments like these will need to be made occasionally because even though when we review a Plan we think we have everything covered and it only happened 2 years ago which is why I make mention of this. But new ideas will form and I think that this Assembly will make every accommodation to make sensible change and to support local business, development by removing this planning barrier. I think I'll just make note that small local businesses who branch out into other activities at this time, where there is perceived lack of confidence need to indeed be encouraged. They are having courage to grow their business the least we can do is support that move. I will note also that I have read the detail of the submission that raised concerns over the effects of the activity of the Development Application and trust the Minister's ability to place conditions on the applicant and that will address the concerns of the one submission. Thank you Madam Speaker.

**MR NOBBS** Thank you Madam Speaker I intend to support this Motion as it stands. Certainly it looks at enhancing an existing industry by providing the restaurant cuisine, the branching out of that to potentially using some of the bi-products of the area for fertiliser, soap and even potentially in their some tanned hides using a non toxic product. So I certainly welcome it. I similarly have read some of the responses with regard to any impacts and from what I see in the Planning Officers response to those they have been taken into consideration. I suppose the only question for me that comes out of this particularly given that it refers to some monitoring of noise, odour, insects and the like whether we have appropriate templates for that or whether we need equipment for anything along that path. But that's something for a future day, but otherwise I think it's a good piece of work and I intend to support it.

**MRS GRIFFITHS** I have no problem with supporting this Bill. I understand that by agreeing we're enabling the Board to make a determination on this application. I support the Bill but I also support the application. It's particularly relevant

that this Government has undertaken to reduce barriers for business and this is one way we can do that. After all Madam Speaker today is about how we can do things, not how we can't.

MR SHERIDAN Thank you Madam Speaker if I could just respond to a query Minister Nobbs had. In regards to concerns with regards to public health in regards to smell and flies etc whatever. Madam Speaker these are catered for by we have a Health Officer in the Administration who's responsibility is to inspect like premises, food like premises and also under the Stock Inspectors role he is also has responsibility for the inspection of slaughter houses in particular. So there are a couple of people that we do already have on the books that if there are concerns from any person then those concerns can be accommodated from within existing resources.

MR ANDERSON Thank you Madam Speaker. I'll just add my comments. I intend to support it as well. I've read the Report of the Planning Officer and I found it most helpful. I note I think there was only one objection and objectors concerns appear to have been considered in the Report. Based on the information that's available I think it's appropriate in the circumstances that we amend the Norfolk Island Plan. The Planning Board will be able to impose approval conditions sufficient to ensure any problems that arise will be dealt with by the applicant I would have thought. So whilst we have an Officer to inspect we also have the ability to impose conditions to control it anyway so I intend to support the Motion.

MR SNELL Thank you Madam Speaker. I'm certainly not going to be the fly in the ointment I certainly will approve this application as well and support the application. I congratulate those people involved in putting this initiative together and I wish them the best of luck.

SPEAKER Further debate Honourable Members. I put the question.

QUESTION PUT  
AGREED

### **OFFICIAL SURVEY (AMENDMENT) BILL 2011**

MR SHERIDAN Thank you Madam Speaker I present the Official Survey (Amendment) Bill 2011 and move that the Bill be agreed to in principle

SPEAKER The question is that the Bill be agreed to in principle. Debate.

MR SHERIDAN The purpose of this Bill is to empower the Surveyor-General to delegate powers under the Act to facilitate the efficient carrying out of the Surveyor's duties. The Bill consists of 4 clauses of which the first three provide for the short title of the Act, its commencement and the name of the principal Act being amended. Clause 4 of the Bill inserts into section 3 of the principal Act, a provision empowering the Surveyor-General to delegate his or her powers and functions, as set out in the Act, to another person and requires that the delegation be done in writing and that it be produced for inspection if requested by any person affected by the use of the delegated powers. This amendment has been requested by the Surveyor-General. I table the Explanatory memo and is dated 17<sup>th</sup> October 2011 Madam Speaker.

SPEAKER The question is that the motion be agreed to. Debate Honourable Members.

MR SHERIDAN Madam Speaker I just say a few words in general debate and it's just an email that I have received from the Registrar in regards to this matter and I have forwarded this email to all Members and its just an explanation as to why this is required and it says this. Under the Official Survey Act 1978 the Surveyor General is appointed by the Administrator to redraw the official survey from time to time or whole or in part. The Surveyor General of NSW is a person who is currently appointed. Survey information is sent to the Surveyor General by this office for inclusion in the official survey in respect of subdivisions which includes adjustments or boundaries. As the official survey consists of 98 sheets there are usually multiple sheets that require amendment from time to time and the updates are gazetted each time the official survey is amended. Following a recent query by the Office of the Survey General it was identified that where there was no delegation of authority for the Surveyor General to assist in his duties and this office was requested to make the necessary amendment to the Act. They have requested to be advised when the amendments to the Act have been made so they may progress the current amendments. The former Surveyor General Bill Hearst who was with the Canberra based ?Aus did not require the delegation as he did the checking of the data and signed off on the amendments. Madam Speaker it's for these above reasons that the delegation is required for the NSW based Surveyor General. Madam Speaker I commend it to the House.

MADAM SPEAKER Thank you Minister Sheridan. Debate Honourable Members. I look to you for a Motion of adjournment please Minister Sheridan.

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

QUESTION PUT  
AGREED

SPEAKER Honourable Members. I am mindful of the time and I'm proposing to you a lunching break. I look to you when you would like to resume. Could I have a show of hands please now who would like to break for lunch? It looks as though we are continuing Chief Minister.

MR KING I think we should break for lunch Madam Speaker. There is some contention surrounding some of the Orders of the Day.

SPEAKER I'll take that as a done deal. I'm proposing to you we suspend now and return at 2.00pm. Are we comfortable with 2.00pm? This House stands suspended until 2.00pm Honourable Members.

#### **PAPER TABLED TITLED "04/05 BUDGET ADJUSTMENT: AIRPORT FIRE SERVICE"**

SPEAKER We resume this afternoon at Order of the Day No 1. There were a series of papers that were tabled at an earlier Sitting by Minister Nobbs and which Mr King at the time moved that they be noted.

MR KING Thank you Madam Speaker. I apologise that this Motion has sat on the table for a couple of months but with a little luck and a fair wind it will be the last we will hear of the matter today. I imagine that some Members around the table would be very thankful, they would be somewhat sick and tired perhaps of my hammering away at the issues of Airport expenditure over the past recent years, but there may just be a number of Members around the table who share my disquiet and dissatisfaction over responses to certain questions that I've asked in relation to the matter, and there might also be a few Members who because perhaps their own

involvement in the poor decision taken at that time and the what I regard as being waste of public monies and it might be because of their own embarrassment just wished that the matter would go away. Hopefully it will go away today. In fact let me state right now Madam Speaker that beyond this debate you will not get another word out of me about this issue. Madam Speaker in April this year Mr Nobbs told the House that the Regulatory Authority CASA had commanded the purchase of 2 Rosen Bauer fire engines ultimately for their purchase and for their accommodation costing the community some \$5.2/\$5.3m. In August this year Madam Speaker Mr Nobbs told this House that a much less costly rescue Fire Fighting Service at Category 5 level was not possible and that CASA had advised that a Category 6 requirement was effective from early 2005. He repeated this assertion that a requirement for 2 fire vehicles was a Category 6 requirement. Mr Nobbs said "that the community was properly informed on the issue through media releases and discussion in the Assembly". Madam Speaker whether by deliberate design or confusion or perhaps just plain incompetence these assertions were and are

**SPEAKER** In invite your attention to Standing Order 62, personal reflections on a Member are highly disorderly. I just ask you to be mindful.

**MR KING** Thank you Madam Speaker. To help me through this debate perhaps you could point me to the words I've used which you find offensive. Shall I repeat them? Well I'm confused Madam Speaker. I simply say they were untrue. Is there something wrong with saying they are untrue.

**SPEAKER** You are aware of the words that you used and I'm saying to you please be mindful of Standing Order 62. that's all I'm saying at this stage.

**MR KING** Yes Madam Speaker. These assertions were not true and no attempt was made what so ever to conduct a proper debate or discussion in this House or to inform the community in any considered way. In September Mr Nobbs tabled in this House a number of media releases and documents in an attempt to demonstrate that his Government admittedly the previous Government that he was Chief Minister had conducted itself in to use his own words "good faith" and that they had fully considered and discussed the issue and the options relating to the adoption of a Category 6 Rescue Fire Fighting Service at the Airport. Now Madam Speaker why did I ask those questions in the first place and on subsequent occasions? Well Madam Speaker the answer to that relatively simple. Despite what has been put to me as for example Mr Sheridan's opinion that I have a personal grudge against Mr Nobbs, that is not the case. Like most or some members of the community I imagine most of the members of the community I have a genuine interest in how my tax dollars are spent. It's all well and good that Members sit down here in Cabinet and in that dare I say it dreadful unstructured MLA's all behind closed doors and discuss and decide these important matters but what about the community Madam Speaker. I am cognisant of the need to move ahead but it worries me about the sort of baggage that we are taking with us. If the community cannot be confident that our Government our Government of the day will be open, honest, professional and accountable. I've said on a number of occasions that we cannot move on until we recognise and accept where we have been and how we got there. Only after that recognition and acceptance can we expect to take a confident and trusting community along with us on a new journey and indeed we are on a new journey. Whether we like it or not the decisions relating to the upgrading of the Fire Fighting equipment, the purchase of the fire engines \$2.6m or thereabouts the attendant expenditure of somewhere in the similar regions to accommodate them in a somewhat grand style and even perhaps the \$2m approximately associated with the RESA Project which is understood by most to be poorly costed and implemented were all of huge significance to the community and it will be argued by many for many years to come that the combined Airport expenditure, not fully explained or disclosed to the

community literally bought us to our knees. The decisions broke the back of the Government finances and left us with no capacity to address a failing economy. It could be said Madam Speaker that of all the poor quality and ill considered decisions of former Governments that these particular decisions delivered to coup du grace to Norfolk's self government. Madam Speaker as much as this present Government may wish it I will not be a party to simply letting bygones be bygones. I have very very strong views about my role as a community representative and it troubles me immensely that some of the same people involved in the poor decisions of the past remain in important decision making positions today, positions in which will be made which have a long standing affect on the lives of all of us in this community, because it would suit those Members to hide from the past. With Mr Nobbs' dismissive words at the October Meeting when he said very arrogantly when relating to issues of this nature that that was a decision of the last Government and there is nothing more to be said about it full stop, gone, finitio finished. Well I don't see it as my job Madam Speaker to help them bury their past sins, that is not what is expected of me by my constituents and further Madam Speaker I have a reasonable expectation that my efforts in this House to uncover the facts of a particular issue should be met with helpful hones and complete responses from the Government. I will not be simply fobbed off and dismissed by Mr Nobbs or any member of the Government. Madam Speaker in August when asked if Mr Nobbs could show the house where in the Parliament a full discussion had taken place on why the Government of the day opted for the more expensive Category 6 Service rather than the Category 5 he could not do that. What he did was quite arrogantly say that it's all in Hansard, that I can beat him off and go and read it for myself. I coloured those words a little bit they weren't exactly his words but he told me to go and read it in Hansard. The reality is Madam Speaker that I had already been there, I'd already searched Hansard because that's where it was more likely that I would find that full disclosure had taken place but it wasn't there, and there was no full disclosure or debate. Mr Nobbs went on to table 8 media releases in a continuing attempt to shut me up but again Madam Speaker I had already read all those Press Releases and none of them contained full disclosure or discussion. A little later on in the same meeting in August Mr Nobbs having said at an earlier meeting that the Regulatory Authority CASA had advised that a Category 6 was required for Norfolk Island tabled a chain of communications between the Administration and Commonwealth Regulatory Authorities including an email exchange on the 24<sup>th</sup> of May 2006 which Mr Nobbs held out as a definitive advice from the Commonwealth that a Category 6 Service was essential. We now know of course the Regulatory Authority CASA did not require a Category 6 Service and that the decision to go to the hugely expensive Category 6 level was made by the Norfolk Island Government, obviously behind closed doors because we can find no record of public disclosure, but nevertheless in August Madam Speaker Mr Nobbs was still hanging on to his misguided belief I almost said fantasy but I may not get that past you, that the Norfolk Island Government was forced into the huge expenditure at the Airport, that was simply not so. If there is anything that can be said in defence of the information Mr Nobbs has placed before this House it is that the documentation provided by him reveals that the whole issue of Aviation, Rescue, Fire Fighting Service categorisation was awash with muddled misunderstanding. The Finance Minister in earlier 2005 Ron Nobbs was troubled about conflicting advice he was receiving about the required Category of the Service. Federal Government advice in early 2006 was specific in that international standards which extended concessions for small Airports such as Norfolk Island had not changed. Interestingly that same advice extended an invitation to Norfolk Island to discuss our concerns with CASA who to quote said "there were several solutions available to address our concerns". The results of those discussions if they ever took place Madam Speaker have never seen the public light of day; they certainly weren't tabled by Mr Nobbs in response to my question so one would have to naturally assume that the discussions despite the invitation never took place. Despite that exchange local personnel Madam Speaker remain confused and sought clarification from a Mr Wallace an aviation RFFS specialist with CASA with whom there appear to be a working

relationship and some frequent contact. It is the reply from Mr Wallace dated the 24<sup>th</sup> May that Mr Nobbs holds out the authoritative advice from CASA that Category 6 was required. Referring to that advice he said Minister Nobbs and I quote "that the requirement for Category 6 too affect as of the 1<sup>st</sup> January 05 that a much less costly service at Category 5 level was not possible" and that on 24<sup>th</sup> May 2006 CASA said "Category 6 took affect from the 1<sup>st</sup> January 2005". Mr Nobbs said that I didn't say that and sadly Madam Speaker it didn't say those things at all, and in fact it actually contained a clear caution that the email should not be relied upon. This is what it said and I quote " the email 24<sup>th</sup> May 2006, the last correspondence that I have states that the removal of the remission factor, that is small Airports concession took affect as of the 1<sup>st</sup> January 05". This is the factor on which the definitive advice had already been received from the Federal Department only 3 months prior. The 24<sup>th</sup> email went on to say quite significantly and I quote "However Mr Nobbs didn't advise the Parliament in relation to this, however if you have in writing a different opinion from Kim Jones then I suggest you can use that advice as Kim is an Acting Manager with CASA". It closes with a further caution, this is in the email. "I am sorry that I cannot be more definitive". Madam Speaker what Mr Nobbs did not refer to perhaps because he didn't understand and he remain somewhat befuddled was the ongoing email exchange that same day which confessed to confusion on the part of both correspondents or to the email from the CASA Manager Kim Jones of the same day which contained advice in clear terms totally at odds with the very tentative advice given by Mr Wallace and of which as I mentioned Mr Nobbs seizes upon to justify his Governments conduct. Madam Speaker I am not suggesting for a moment that the Government of the day were convinced by the 24<sup>th</sup> May 06 email exchange but I hope that Mr Nobbs doesn't think that we are stupid enough to swallow that suggestion. Surely the Government could not have relied on that material to justify its huge expenditure. What I suggest has occurred Madam Speaker is that the Government and the Assembly of the day were misled into thinking that there was a lawful requirement for a Category 6 Service. What I cannot say is whether it was deliberate. I would like to think not Madam Speaker. It is far easier that the confusion that existed within the Public Service and at certain levels of CASA was contagious and was passed onto the Government which in turn passed it onto the Assembly of the day. What ever happened Madam Speaker it did not happen professionally, responsibly or in an open and accountable manner? Nothing in the answers provided by Mr Nobbs or the documentation that he has tabled has explained or justified his Governments actions.

SPEAKER I'm just going to ask you to pause there. I just want to make quite sure I've got the right documentation on which I'm relying. Are we relying on a series of Papers that are dated 2004/2005/2006 that's the bundle of information there is nothing more recent? They are the bundles of paper that we are noting

MR KING Well I don't now what's in front of you Madam Speaker, the dates are familiar to me though the documents that you refer to were immediately before I commenced my contribution.

SPEAKER Emails from Terry Wallace, I just need to be absolutely sure that where we are, are the Papers that we are debating on. I'm just mindful and I'm not in any way entering into the debate I'm just mindful that this is talking about time that affected other Members of this Assembly who don't have the right of reply and I just ask that you be mindful.

MR KING I should be mute?

MADAM SPEAKER No not at all. I'm just asking....

MR KING May I ask why Madam is interrupting me

SPEAKER I just wanted to make absolutely sure I had the right Papers that we were talking about and I'm comfortable and you're comfortable. Thank you please proceed.

MR KING I'm glad your comfortable. Madam Speaker I'm nearing the end. The reality is that like a number of issues in which Mr Nobbs was involved with previously had he answered questions asked much earlier in the term of this Assembly frankly, fully and without reservation and with the respect for the expectations of the community and the role of the backbencher then these matters would have long ago been consigned to the pages of history. Instead they linger like a bad smell enveloping this Government and underscoring our refusal to accept and learn from our mistakes. These Madam Speaker are my final words, these are the lamentable facts, there is and never was a requirement to operate a Category 6 Aviation Rescue Fire fighting Service in Norfolk Island. The decision to operate a Category 6 was taken by the Norfolk Island government alone and was not taken at the behest of CASA or any other external body. Thirdly it was not necessary to acquire 2 new fire engines and therefore not necessary to construct a huge shed. Fourthly there never was a debate conducted or statement made in this House about relevant options and the associated expenditure which in the end totalled some \$5.2/3m. In fact the options were not even presented to the Assembly. Fifth the community was never fully or honestly informed in relation to these matter and finally Madam Speaker and I can see the look of relief on your face the documents tabled in this House of which you are now clear and which the House is noting today do absolutely nothing to justify, explain, or condone the irresponsible and opaque conduct of the previous Government led by my Nobbs. Thank you. That is my final contribution.

SPEAKER Thank you Mr King. The question before the House is that the Paper be noted.

MRS WARD Thank you Madam Speaker. The reason that I have quite independently from Mr King trawled through these papers which have been tabled is because I also want the community to have confidence in the current Government. I don't agree with Mr King that the reason for where we are at today in terms of our financial situation is a result of what happened. I think we also need to remember that this House rejected Mr Kings Motion to have the Public Accounts and Estimates Committee fully investigate this money, this matter because rightly or wrongly people wanted to get on with it. This new Assembly wanted to get on with it and I agree to the amended Motion which promised optimum accountability and transparency in the public finances as was moved by was then Minister Anderson. But as a responsible Member I have to look at the facts and so I've been through them and very briefly, in 2004 and it's just to clarify the situation and to appreciate the confusion and the reason for the confusion. That in 2004 the responsible Executive Director of the Norfolk Island Public Service advised the then Minister that the Norfolk Island Rescue Fire Fighting Service must comply with CASA Category 6 requirements from the 1<sup>st</sup> January 2005. So that was a Public Service, Norfolk Island Public Service advice to the Minister. In 2005 the then Minister who was Ron Nobbs wrote to Canberra because he was concerned about the running costs of the Airport especially the Fire Service bearing in mind that he had now been informed by one of his senior Public Servants that we were to be Category 6. He believed that the rules may have changed and as a result was worried about the costs and needing particularly new fire engines. He also said in his letter that he had received conflicting advice on whether he needed or the island needed Category 6 to domestic flights, remember that we are domestic to and from Australia not international and a letter went on to point out that New Zealand only required Category 4. So the confusion over whether we were Category 5 or 6 was there in black and white and that was at an Officer level and continued through 2005. Almost a year later in January 2006 the then Minister got a response, the Regulation that is based on the number of flights in

and out, this is the remission factor was being looked at and there was a recommendation at that time by the International Civil Aviation Organization to CASA that the relevant remission factor was to be changed, with a recommendation and that recommendation was that the remission factor cease by the 1<sup>st</sup> January 2005. So Minister Ron Nobbs had been advised by his Administration but his letter to DOTARS admitted there was still some uncertainty at a Ministerial level, and in May the same year there was still obvious confusion by looking at the emails between both CASA and the Norfolk Island Fire Service and that was with senior Management Officers in both areas. They were insisting that the changes for the recommendation had been acted on but it hadn't been, and that was finally confirmed in late May by a Senior CASA Official who is a General Manager. The following year which was the 12<sup>th</sup> Assembly and I'm not going into recent history like my colleague Mr King has done that over many many meetings, we all know what happened. But it is worth noting when reading the media statements of that time was that the second fire engine was not to comply with Category 6 but was and I'll quote from Minister Neville Christian at the time "to ensure that there was a backup during periods of servicing or technical periods with one vehicle". If you fast track now Madam Speaker to 2011 and this Assembly when Mr King as the Chair of the Public Accounts and Estimates Committee wrote to CASA seeking clarification on what became the current Minister Nobbs' statements that CASA had required Category 6 for Aviation and Fire Service. The reply was that the Aviation Rescue and Fire Fighting Service is not certified and that the minimum Category for Norfolk Island is 5 and that only one fire engine is needed. The letter states that the previous Norfolk Island Government wish to voluntarily meet a higher Category 6 standard for vehicles. Category 6 of course means 2 fire vehicles, other than one which is a far more expensive option. It was not and is not needed but that is where we stand today. Whether they were, no I won't go into what I think that they might have been. I understand the confusion around 2005 but beyond that it is very clear, there is no obligation to be Category 6 and I have to agree it's reading from Hansard is that when Mr King asked in August this year whether Norfolk Island had been required to be Cat 6 and buy 2 fire engines, Minister Nobbs did sit here as he sits beside me here today and said and I'll quote "on the 24<sup>th</sup> May 2006 CASA responded to the effect that the requirement for Category 6 took effect on 1<sup>st</sup> January 2005". But of course it never did it had only been a recommendation. Minister? King asked 2 more questions and the Minister chose not to base his answers on what I can clearly see are the facts and then he did, he fobbed off more questions by suggesting that any more were a waste of the community's time, and we all agreed when a Motion was bought to the House – guilty. Anywhere else in the world Madam Speaker maybe the media would have put pressure on the Head of Government to sack his Minister perhaps but we are silent, we were silent, our media were silent. But what we're doing is we are getting on with it but we shouldn't forget and I think this is why the research that I've done and the story is worth telling is because we should never assume that a recommendation will be a regulation until it does and always go to the top for the accurate information, as when I read through the information I see the Airport Manager Gerri Downie did to his credit the then Minister Executive Member Ron Nobbs did to his credit and as Mr King has also done to his credit. That is the last that I intend to say on the matter in this House Madam Speaker but I do thank you for the opportunity in the House and Mr King to clarify that situation as I see it. Thank you.

MR SNELL

Thank you Madam Speaker. The circumstances surrounding all of this is very confusing as has been pointed out. There's innuendos flying here there and everywhere and some of the comments that have been made are unkind I think. You know just referring to the dreadful construed MLA's, I presume Mr King is referring to the Tuesday meetings for which he attends very few of, and his role as a community representative past sins. But getting back to the situation of the purchase of the Rosen Bauer fire tenders, it is my understanding as a past Member of the 12<sup>th</sup> Assembly that we were informed quite adequately and it was also my impression

that the public was informed quite adequately on the necessity for the purchase of new equipment. Regardless of whether it was desirable to upgrade it from Category 4 to Category 6 which in our advice at the time it was because we were moving onto larger and more affordable, more desirable jet aircraft the engines that were in place at the time were well over 30 years old, they were for days of DC4's and piston engine aircraft and not suitable for the newer types of aircraft that were operating to Norfolk Island. They were past their used by date, they were hard to get parts for and we had to upgrade it was as simple as that. I know from conversations and what has been presented to this House whether it be in this forum or in the forum of the dreadfully construed MLA's meetings on a Tuesday or constructed any way you'd like to put it but the principle is the same that you know information was getting to us and as I understand it proper information was given to the public. It's been pointed out here that that may not be so. It was always under my impression that they had. The 30 year old engines that were in use had to be replaced. It is my understanding that certain tenders were put out for the possibility of replacing these engines, I know we did look in New Zealand for proper replacements or some suitable replacements, none were available. Terry Wallace who used to supply us with these types of equipment couldn't obtain any under the circumstances. So internationally when we were told that the Commonwealth Government was purchasing these machines from I believe Austria we were invited to jump on the bandwagon, they would assist us with delivery etc and of course that happened. It was a considered necessary opinion as I see it that this was a proper way to go forward. Madam Speaker the CASA involvement is obviously confusing. I had been informed that CASA had instructed us that we had to upgrade the Fire Service equipment, that it was preferable to upgrade it to a future need for probably Category 6 if we were going to further our tourism to the numbers that were required a sustainable situation here that we needed on Norfolk Island. I'm surprised that no documentation has been put forward to confirm that. It is without doubt I still without doubt believe that the decisions that were taken in the 12<sup>th</sup> Assembly were the right decisions and it is surprising that there are still complaints within the community that we wasted all that money. What we have here now today is one of the best services provided in Fire Fighting and Equipment in the Pacific. It is something that will stand us in good stead for the next 30 years, it is something that can control any incident, hopefully it will never happen. It will help to contain that incident. It was a necessary step and if we look at the insurance assessors that come over here they confirm that it is one of the best assets that this Administration of Norfolk Island has in its present time and they congratulate us on the purchase and the construction. So may it be the most expensive but it is a great asset to this community and I thank those ensured that we have that and I thank those men up at that Airport for putting up with all the innuendos that have been plastered around about them and what service they were providing and were they worthwhile etc etc, and I hope that none of them take any of this as being a personal slight against their services. We need them, they are essential for the island, not only in aviation but also in the domestic fire service as well. Thank you Madam Speaker.

SPEAKER Thank you Mr Snell. Further debate Honourable Members on the question that the Paper be noted.

MRS WARD Thank you Madam Speaker. Just a clarification for Mr Snell under community. There is absolutely no question that the in any of this documentation that I have read that the fire engines do not need to be upgraded absolutely. There was concern by CASA regarding the age of the vehicles. There was with regard to the age of the vehicles CASA has reconsidered the situation and has advised that there are several options available to address your concerns, this is from the General Manager of CASA in 2006. That is never the question whether it was to be 1 under Category 5 or 2 under Category 6. I think it's very much the point of particularly Mr King was the expense; the need to upgrade was never a question. That was absolutely recognised. I should also note that it was probably due to having one of the

qualities, the high quality power of the new fire engine that we still see the southern side of Burnt Pine as it stands today. So that's not the question and I would like to certainly make that very clear for the community. This is not about the men who maintain or use the fire engines as part of their role in providing a service for the Public Service. The question in this debate is the current is confidence, is the community to have confidence in the current Government and Ministers responses to Questions on Notice and in particular. Thank you Madam Speaker.

SPEAKER

Thank you. Further debate.

MR KING

Thank you Madam Speaker. I know I said you weren't going to hear from me again and I like others around this House who are very experienced I misled the House so I have something to say. I appreciate the debate that's been raised and I'm a little bit worried about this apparent innuendo which Mr Snell says has been included in my remarks, that certainly wasn't the case at all. This isn't about the actual decisions that were made that have no bearing on it. We're not discussing whether decisions were the right decisions or the wrong decisions what we are discussing is whether there was open, frank discussion about the options when the options were laid out, and my attempt to ascertain whether that was the case. That's what we have been discussing here, that's what my questions were about because I was unable to find it; I was unable to satisfy my constituents about the legitimacy or the justification for the expenditure. I set out to find it, I used my position here quite rightly to try and find that out and I was thrown dummy passes, that's what we're talking about here, not about the quality of the decisions, not about whether we should be Category 5 or Category 6, not about whether the guys up there are great and doing a wonderful job, sure they are. It's not about whether the Rosen Bauer fire engines are a wonderful asset you know. I acknowledge all those things, we're talking about whether there was open disclosure and my attempt to ascertain whether there was or there was not. I have nothing further thanks you.

MR BUFFETT

I want to just briefly say this Madam Speaker. We have spent a lot of time debating a matter that happened some years ago, it happened outside the context of this particular Assembly and you can hear the various views about it that have been expressed around this table. Whether one view is correct or another view is correct to be quite frank we're past that stage because what we have now is the arrangements whether people like it or no at the Airport and that's what it is and that's what it was when we commenced this Assembly, and therefore that's what we live with. People might have various views about it but there is really in my view very little purpose in raking the coals about that. We have huge difficulties in front of us about survival today and we've got to address those matters. The reality is that at the conclusion of the last Assembly Mr Nobbs, Andre Nobbs for example has been re-elected by the community and is a participant in this Assembly and has every right to be given his election in that process and plays the role that he does play, and I continue to have confidence in that. There people who do not share my view and they may wish to draw upon examples that you have drawn upon today, well I say that they are of another era and what we have is what we have and we need to move forward. I move that this question be put.

SPEAKER

Thank you Chief Minister. The question before the House is that the question be put.

QUESTION PUT  
AGREED

I now put that the question that the Paper be noted.

QUESTION PUT  
AGREED**HEALTHCARE LEVY ACT 1980 – INCREASE TO LEVY**

**SPEAKER** Honourable Members we resume debate on the question that the Bill be agreed to in principle and Mr Sheridan you have the call to resume

**MR SHERIDAN** Thank you Madam Speaker. Just to refresh the memories of all here and also the listening public. The purpose of this Motion is to increase the Healthcare Levy to \$162-50 per levy period commencing from 1 December 2011. The effect of this Motion is that the Healthcare Levy would be increased from \$132-50 by \$30 per levy period. So that in effect the total levy for any one year would be \$650 per person. This has come about by a review taken on the Healthcare Scheme and with the final report one of the recommendations that the levy has not been keeping up with the cost of medical costs over the years. It is interesting to note that if the scheme had been addressed in line with the RPI yearly of which the approximate RPI movement over the last 20 odd years was some 3.8% whilst Australia's average inflation rate for the same period was some 3.05%, then the annual levy would have been around the \$550 in 2011. One wonders if this had been undertaken would the Scheme be in difficulties at this time. Madam Speaker we can't dwell on the past and must look to the future. Madam Speaker under the Healthcare Levy Act I'm advised to review the levy on or before the 1<sup>st</sup> August each year. The past 2 years review has been by the external report completed by NORMAN of which was received a few months ago. This report recommended a variety of things to be done so that the healthcare Scheme can operate within its funds raised. At this time the Healthcare Scheme is budgeted for a loss of some \$415,000 that is without any changes to the Scheme. This Motion is in response to that report but essentially because of the requirements to review the levy annually. The other recommendations in the report are being assessed by the Administration at this time and I'm awaiting further recommendations on how the Service can alter the Scheme for the benefit of its members. Some changes that may occur is that the levy payable may change, the prescribed amount for the threshold may change, there may be split levels of insurance available, reinsurance of the Scheme will also be assessed. Other changes may be made at the level of payments allowed in line with the Medicare Schedule Item fee, process of offshore referrals as well as other measures. As one can expect this will take some time to be delivered, assessed, considered and legislation brought to this House. I was attempting to bring a further change to the income threshold to exempt persons from the levy by this meeting but I have been unable to fully assess the threshold and this will be addressed along with the other items just mentioned. This Motion is only part of the longer term option to make the Scheme more effective and with a more effective Scheme it will deliver better outcome for the community. Madam Speaker concerns have been raised as to the affordability for persons within the community to pay this extra levy, especially the persons who are on the lower wage. Madam Speaker I believe that it is in these peoples interest that the island has a Healthcare Scheme system that will not cost these people more than necessary when they need the service. Unfortunately the Scheme cannot keep operating at a loss and steps need to be completed to ensure that this Scheme is viable. One comment that I will make in response to the debate at the September Sitting Madam Speaker is that this Government is not attempting to balance the budget with this increase, the only thing that's being attempted is to lessen the loss that the Scheme or the Revenue Fund will have to absorb this year. So Madam Speaker just with those few words I just commend the Motion to the House.

**SPEAKER**

Thank you Minister Sheridan. Further debate.

MRS GRIFFITHS Thank you Madam Speaker. I cannot support this Bill. I will not be responsible for placing additional burden on this community, particularly when I've seen no specific initiatives for this community which stimulate the private sector of the economy, particularly when the Wellbeing Report already tells us that over 1/4 of the population have missed and electricity, gas or telephone bill in the last 12 months due to the shortage of money. When introducing this Bill the Minister for Health made some claims. I can appreciate that the Healthcare Levy has not been increased for some time, I accept that this rise would result in reducing losses from over \$400k to just under \$190k. I acknowledge the Minister's claims that if the Levy had kept up with the RPI or inflation that for 2011 it should be around the \$650 mark for the year for the Levy. However I don't entirely trust our RPI, it needs urgent review and updating. A discussion on conducting a household and expenditure survey should be undertaken with the Commonwealth as a priority. Nevertheless while there is nothing happening in this community which will ease the burden I will not be part of increasing it. I will not be part of burdening this community and possibly causing them to come before the Courts, particularly where there is such a lack of access to justice and legal services. Thank you Madam Speaker.

MRS WARD Thank you Madam Speaker. I don't intend to support this Motion today but I haven't taken or made that decision lightly. The Motion has already been described as the Minister a short term fix and unfortunately that's exactly what it is and for me until the Minister presents a package which contains all of the points of which has already just mentioned, assessing the threshold etc then I can't make a decision that is crucial as the future of the Healthcare Scheme or the people who pay into it. We have a Wellbeing Report that shows the medium individual income on Norfolk Island is \$600 but it doesn't mention the cost of living and it states that 51% of people are just getting by compared to 28% of Mainland Australia saying the same thing. We know that there are already 10's of thousands of dollars in unpaid debt to Health areas within the Government. The Minister referred to today to \$403k worth of unpaid debt to the Hospital and we know that people end up in Court routinely for not being able to pay their Healthcare Levy debt. We all appreciate that Minister Sheridan must by law review the Levy annually and we appreciate that as part of the process the Minister commissioned a Report into both the Workers Compensation Scheme and the Healthcare Scheme, and quite simply the Millikan Report which Mr Snell quoted quite a bit from at the last meeting when we discussed this was that the Healthcare area needed to increase the Levy, review the deductibles and what benefits should be covered by the Scheme, and look further than this Report in making decisions, and the Minister is today by way of this Motion and the Bill later addressing the levy and the benefits paid but I haven't seen, well he has, he's just stated, the Minister has just stated that he's made attempt through the Service to have a big picture solution to the Healthcare Scheme problem but that hasn't been delivered to him to date. The Scheme obviously has some big problems, one is the viability of 1400 paying into a medical insurance scheme, the claims handling area its self insured and there is no cover limit. That's very risky business for a Healthcare Fund and a recommendation of the Report, the Millikan Report was that the Scheme actually not be self insured but be insured off island and most importantly that the claims handling be done off island. I think the major difficulty for me with this Levy and the Bill that will come is that I don't have all the answers in front of me, that's the problem, how any of us can be expected to make a decision when we don't fully understand the impacts of our decisions is the problem. I understand the financial implications of the broken Fund but I don't see the impact on the people laid out clearly enough in front of me or some solutions to help people who are already struggling to pay into this Scheme. We all understand that if the Motion doesn't pass today I think it will miss the December quarter, and that the money to fund the Scheme will have to come from other revenue areas or its services would need to be reduced. As I've said before the money doesn't come out of the sky it's got to come from somewhere to pay for this fund. Some people want exactly that more austerity



as best it can and at this present time the only way forward is this increase. I support the Motion.

MR SHERIDAN

Thank you Madam Speaker. If I could just respond to a couple of comments that have been made and I just work down my page. A comment was made in regards the RPI and that it was couldn't be relied upon for a suitable index you might say for the increase of the levy. Yesterday afternoon after we had our Members meeting I discussed the RPI with the Officer who manages it within the Administration and whilst she agreed yes there is need for the RPI to be reassessed and updated she is still of the opinion that the RPI is still a good indicator for the Retail Price Index on Norfolk Island. She stated that approximately 80% of the basket of goods is still being reviewed quarterly and items that have dropped off have either been flatlined and what I mean by flatlining is that at the last time they were reviewed that price remains the same if they can't supply a product that's equal to. So she believes it still gives a very good indication and she referred to the other indicator that we do have and that is the BAF, the BAF that is applicable to the Social Services venture. Now in essence it's the same thing as the basket of goods but the basket of goods is slightly different because its more in line with the pensioners you might say and not of a Retail Price Index like they don't assess school fees or things in the BAF but they may assess medication because they tend to use medications more, and the comment was made that the BAF has held up very well against the Australian Indexes that they use to adjust the Social Services. So I'd just like to say that in regard t the RPI. Madam Speaker this is not a short term fix it is a fix, well not a fix, it's not a short term fix, it's a change for, well it's not mandated by the Act but I have to review it annually and this is one of the recommendations out of the review, the Milliman Review that the levy has not kept up and this is the problem that this Government, well not this Government all Governments have faced over the years that the fees haven't kept up with the cost of living etc or the cost of health so now we are stuck with a realisation that we have to increase the levy by a large amount to maintain the scheme. It's a fix you might say that on applying because that's what I'm required to do under the Act. The rest of the review is virtually a review of the whole Scheme and yes the levy will be part of it but the Scheme as a whole will be reviewed. This is just one part of it that I'm obliged to review and that's what I'm doing. It seems Madam Speaker that here on Norfolk Island I know nobody likes increases and I'm the last one that likes increases in anything but it seems that we want to have a scheme that we pay minimal amount of levy for but our output is extreme. Now I've got another matter on the Order of business today Madam Speaker where we deal with another avenue of the Healthcare Scheme and it will be interesting to see how people feel about that as well because they don't want t have the levy increased and they don't want to have restrictions on the Scheme it's just sem as awa on Norfolk we want everything for nothing. One of the alternatives Madam Speaker is that the Healthcare Scheme is a statutory scheme it's a part outside of the Administration accounts you might say so the monies to keep it going have been loaned to the Scheme over the last 2 years. Now there is a real danger that the Administrations Revenue Fund may not be able to balance the Schemes books for ever and a day and that would mean then that the scheme would close down. Now if that was to happen Madam Speaker what would happen to the health provision for people on Norfolk Island? They would then be responsible for the full cost of their medical treatment 100%. It's a very scary thought but technically the Scheme is insolvent, technically its insolvent it's being propped up by loans from the Revenue Fund. But that is a very scary thought. Again it was mentioned about the Scheme being sustainable and viable this is what I'm attempting to do, to make it sustainable for the community members, the community members who rely on the Healthcare Scheme as the healthcare Scheme say it's a scheme to provide for catastrophic medical expenses for the community of Norfolk Island, catastrophic. Now we know of people that have gone away that have been medivaced off for injuries etc and if you go to the right places where we've got agreements through NSW Health and into the public health system there you are not out

of pocket much more than the mandatory requirement of the \$2,500. It's a very good scheme in that regard. It's when you really go to private hospitals and other State public hospitals that we don't have agreement with is where it costs the Scheme a lot of money. Now should the Revenue Fund which is made up of taxes and monies accumulated throughout the community from business alike from local community members should they be responsible for maintaining a Health Scheme that is provisioned for members only and those members are the community of Norfolk Island. It's really up to the members to balance the books in that Scheme and we have to try and do it effectively. This is one of the aims that I'm trying to achieve today is to lessen the loss of that Scheme and I will acknowledge that the Scheme does need a review and that is being done, we're looking at everything how we can trim down the expenses, limit the amount of levy that has to be paid by the community members and provide a very good Scheme for our community members, and just in final words Madam Speaker it is not a bandaid solution. It is not a bandaid solution. This is a requirement for me to assess this every year, the requirement there, the Scheme is not providing the funds that it needs to sustain itself, so this is one option that is available to me to attempt to lessen the expense. The review will cover the rest of it, the rest of the expense that we aren't covering. Like I said this \$30 levy period will not cover the expended outgoings of the Scheme this year. Thank you.

MR NOBBS Thank you Madam Speaker. I certainly empathise with the Minister because it is a difficult time at the moment to be bringing increases. However it is worth keeping in mind that in the proposals and recommendations that have come out of the review that Minister Sheridan certainly did a compromise arrangement to provide the best outcomes while not necessarily having the major negative impact on cost of living in any way that is possible. One of the difficulties with the Healthcare Scheme for Norfolk Island I think has been over the years that it's not an exact science, there is, there may be several years where the Scheme isn't taxed to its full potential by people needing emergency medical treatments or long term medical treatments, however there are also years where we have had a significant proportion above and beyond the previous years in terms of those people who have created an excessive demand through no fault of their own of course, on the system. The system is as good a balance as can be met in the current formula. Minister Sheridan is still carrying out a further review of other options with the Scheme. The levy period and the fact that we are more often than not asked whether we are charging appropriately for service delivery. I'm supportive of what's been brought forward today. Thank you.

MS ADAMS Thank you Mr Deputy Speaker. I had had no intention of coming down on the floor today, In fact I had clearly made up my mind that I was going to vote no on the Motion, and as I've been listening to debate every comment made around the table is a valid comment. I've had many people say to me please don't vote for it. I had to look at it for the overall good of the community and that's not without saying that one of the reasons I wasn't going to vote for it is because I'm angry about the self funded retirees coming into our system and inflating our already, but the potential to already inflate our burden, I'm angry with the past haven taken away reinsurance by earlier Government and that could very well have saved us from having this huge bills that we have had to meet in recent years on the Healthcare Fund. I'm a single person; I'm in that category where I'm equally more disadvantaged than a family is by the increase. But at the end of the day we've got a great scheme. I've had it said to me by Offices of the Public Service and Officers at the Hospital that we did our best to hang onto this Scheme and we move into Medicare. So this is probably one of the hardest decisions that I'm going to make and I'm going to change my mind because for the greater good of Norfolk Island I have to go with the increase because we've got to keep it, we've got to keep our scheme, but that's not to say Minister Sheridan that I'm in any way condoning any laxity on the part of anybody in bringing the system up to date to the best of its ability, but any warts that are in there, fix them. The Service owes it to us to

bring to us and as I said to the Service if you think this is the case that Healthcare, our Healthcare Scheme is the best scheme for us in the longer term, bring us the facts, because at the moment I cannot support the Healthcare Amendment Bill for these same reasons and I'll put that on the table right now because I don't want to come back down again, because the reasoning's are the same. We don't have enough information in front of us but that's no excuse for me saying no. I've said as much as I'm planning to say. Thank you.

MR KING

Thank you Mr Deputy Speaker. It is a good scheme to a very great extent there is not question about that, you only need to talk to people as Mr Sheridan observed, people who have been away for catastrophic medical events, it does, but my greatest concern with this Scheme, when you compare it to Schemes which like the Medicare Scheme and the attended access to the PBS Schemes and things like that, to me those Schemes have a far more favourable impact on the lower income workers. There is not doubt in my mind about that, but I acknowledge very very quickly that for catastrophic events it is a good Scheme, there is no question about that. I'm troubled by the fact that this is not, the proposed increase in levy is not part of the overall review. What is happening today and the contention now around the table is the result of many many years of poor or mismanagement of the Scheme, and I don't mean that to reflect on the Minister or be personal, probably more reflective of the conduct in the parliamentary area or in the political area. I think we all note with that that despite the fact that there is a mandatory statutory requirement for reviewing it once a year that that hasn't happened, it hasn't happened, it simply hasn't happened. A Scheme like this has a number of benchmarks and not only the levy but the income threshold and the amount of the excess and I don't believe that you can adjust one without adjusting the others. In fact it's impossible I just can't be convinced that this provides an answer, this provides nothing but a solution to a budget, it does nothing to fix the Scheme as it were. I'm really really troubled by that, I think an increase in the levy is distasteful at this point in time and I wonder about the impact of this on the lower level income earners and I'm betting pounds to peanuts that there has not been a review undertaken of Healthcare debtors to ascertain whether there has been any change or deterioration in the payment rates, in other words a lengthening of the age of the debtors or how old they are in years but in relation to how many the 30 days plus getters have expanded into 60 days etc etc and I would suggest that if those statistics were available it would point out to you clearly, unless you can show them to me now that that exercise has been undertaken I would say that that would have had to have been an essential part in the examination for this matter to determine whether there has been any change in the rate of payment of existing levies, and that's available I'm sure, most computer systems do that. At one stage Mr Sheridan offered it as a long term option, I thought we were in the process of examining a new form of governance which I know the end result is somewhat obscure and uncertain for us but I thought that part of the roadmap process was the consideration of extending certain medical schemes to the island, Medicare and access to PBS, to me that's the more appropriate long term solution. This is a short term solution it is a bandaid solution without an examination of all those other essential elements and thresholds, there is no question in my mind. I subscribe also to the view that Norfolk Islanders want in a large sense don't want to pay too much, they want other people to pay. Mr Sheridan has given us some forceful strong arguments to go along with him on this ride and at the end of the section I don't believe that I can do that. I believe that it's far more sensible to say to the Minister – find the funds from the Reserve Fund to prop it up for another 6 months, let's have a look at what the long term solution is going to be in respect of joining arrangements on the Mainland. Let's conduct at the same time a proper review of all the thresholds in the Scheme so that it's done on a more equitable basis. Those things could occur over the next 6 months and things will become clearer over the next 6 months. I urge the Minister to adjourn the matter for today.

MR SHERIDAN Thank you Mr Deputy Speaker. Hopefully this will be my final word on this; we can go around in circles all day you might say. I take on board Mr Kings comments with regards to he thought we were going down the road of assessing a new scheme whether for Medicare or PBS and under the Roadmap that is purely the intention. The trouble is we haven't had detailed discussions with the Commonwealth as yet with regards to Medicare and PBS so it's an unknown for us at this time. So we have to go down the road that we're going down still, we can't turn off and divert to something that we don't know about. So what I'm saying is this is the Scheme that we have, we have to operate this Scheme and we have to try and operate it effectively, efficiently until that day comes that maybe we can have access to Medicare and PBS and I acknowledge Mr King saying that those Schemes will most probably have a better initial outcome for people on lower incomes because bulk of the payments come from elsewhere, they pay minimal percentage 15% or something of the account, and they only pay the levy or our their Medicare Levy is 1.5% of the income, yes your exempt if you don't earn \$18,000 per year or around about that mark, something like that. So there are some? in there but until we have those discussions and we can nut out an introduction date we have to operate this Scheme efficiently. The trouble is with funding it for the next 6 months under our budget we've factored in an increase of \$30 where the Service wanted something like a \$70 or \$80 increase per levy, we settle on a \$30 and we factored in the increase from the 1<sup>st</sup> December. The deficit to the Revenue Fund, the Commonwealth Government has provided assurances and provided under a funding agreement around the \$3m \$2.9m to cover our expected losses. If this increase was not applied and it's up to this House then that \$415,000 deficit will still remain but without the increase we would have to find something like \$232,000 extra to plug that hole for the year to the end of the financial year. So we have to find nearly \$250,000. Now it's doubtful whether or not the Commonwealth will top up that \$250,000 we've already got a funding agreement for our expected shortfall, what we've said will be our deficit, they funded that. They will be expecting us to find those funds from elsewhere within the budget. So that means another service will suffer, that we've identified to undertake, if we have to find \$250,000 \$232,000 to make sure that the Healthcare Scheme operates effectively for the community another service will suffer somewhere, something will not get done. It affects the whole community; the community is going to be suffering in that regard. It is a hard question, it is. No one likes putting up taxes but at the end of the day Mr Deputy Speaker it's a necessary evil and it's something that Members should consider and I can't defer it for another month because the Motion will be pointless in another month we'd just bring another one to the table, so we'll vote on that today and if it doesn't come up well we'll have to walk through the issues and try and bring another Motion to the House that will satisfy this House and ensure that the Scheme operates effectively. I se dun Mr Deputy Speaker.

MRS WARD Thank you Mr Deputy Speaker. Just one final note is that my not supporting this Motion today has nothing to do with wanting something for nothing. It has to do with equity. 2 months ago I asked the Minister to address the income threshold issue. If the Service cannot provide that advice or alternate measure to the Minister that's unfortunate, he misses out on my support today. Thank you.

DEPUTY SPEAKER Honourable Members there being no further debate I put the question that the Motion be agreed to.

#### QUESTION PUT

Madam Clerk could you please call the House

MS ADAMS	AYE
MR SNELL	AYE
MR SHERIDAN	AYE

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

The result of voting Honourable Members, the Ayes five, the no's four therefore the motion agreed.

SPEAKER Honourable Members we move now to Order of the Day No 3.

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

MR SHERIDAN Thank you Madam Speaker. Madam Speaker I believe that this discussion on the ability to set the minimum wage on a yearly basis as is the intent of this Bill has larger range ramifications that just a flow on effect as was indicated during debate at the September Sitting. The basic intent of the Bill is to enable regular rises in the minimum wage so as to offset the impact of rises in the cost of living on Norfolk Island. I'm positive that all around this table today we would agree that the cost of living on Norfolk Island is somewhat more substantial than that say in Australia. I compare Norfolk Island to Australia as this is where the majority of the comparisons were made for a variety of things whether it is service delivery, cost of goods or whatever. In Australia the minimum wage is \$15.51 at present and here on Norfolk Island it is \$10.70 some \$4.80 difference or approximately 45% less. The minimum wage on Norfolk Island has increased only 3 times in the past 18 years, Australia on the other hand has increased its minimum wage in 19 of the past 20 years. Australia's economy at present is one is not the best performing economy in the world today and much of this has to do and one of the reasons that the benefits that the Australian workforce have enjoyed in regard to regular wage increases is because of this factor. If a person has money in their pocket then they are able to afford to spend this money and at the end of the day this is what keeps the economies going or buoyant the money goes around. Here on Norfolk Island Madam Speaker the lower wages that are paid as recorded in various documents the Norfolk Island weekly wage is around 70% of the Australian wage. The difference is that here on Norfolk Island the cost of living is higher, higher freight costs, higher food costs, higher fuel costs, higher electricity costs, mortgage interest rates are the same as in Australia etc but we still have to pay the same rate for our mortgages, same returns. Madam Speaker does this mean that we should expect that we have to have a lower standard of living, second hand vehicles, limitation on services, lesser housing standards, in attempting to pay a mortgage of which of those who do have a mortgage Madam Speaker some 50% have a monthly housing loan repayment greater than \$1600 and compared to Australia just 36%. All this because the family's here on Norfolk Island are attempting to achieve a level of standard of living that's comparable to Australia on a pay packet of which is 40% less, it just doesn't add up. Lower wages, higher prices and we wonder why the downturn in the economy has hit Norfolk Island as hard. One reason is that the wage that the working public is taking home doesn't just go as far as it did some years ago and yet the wages haven't changed. I realise that it is a catch 20/20 situation and that the employers are the ones who have the factor in any wage increase but the employees must be able to have some comforting knowing that they are able to cover their expenses in relation to the cost of living and mortgage repayments. This comfort will come from knowing that the minimum wage will be reviewed on a regular basis i.e. yearly. It's easy to argue that the employers just can't afford a regular increase but as it has been pointed out not many employers would be paying the minimum wage at this time. This is fine, the employers would not necessarily have to have a yearly increase if they are paying above

the minimum wage, then but if they are then it's comfort to these people that their wage will keep up with the cost of living on Norfolk Island. Actually when you put all the factors in the melting pot Madam Speaker it would seem that the minimum wage should actually be above that of the Australian minimum wage and it is interesting to note Madam Speaker and just doing a review of past attempts to increase the minimum wage here on Norfolk Island and it was some time ago some 15/20 years ago when a review completed by a committee, the applicable of the Retail Price Index to wages and they say here, this is one of the Committees recommendations that the retail Price Index was not designed and should not be used as a wage fixing vehicle but is a suitable mechanism for wage adjustment and they go on to say that they recommend that the minimum wage be adjusted on an annual basis at 75% of the RPI movement. Now that's just from an old report. I was looking at some changes just today and actually I thought that this had never been attempted before but back in 2000 there was an Employment Amendment go through the House that actually determined how the minimum rate would be decided. Section 14 of the Act and it had a formula the whole lot and this is when the wage was \$7.70 and it worked on the RPI and it says that the amount will be calculated as at 30<sup>th</sup> June and 31<sup>st</sup> December in accordance with the following formula blah blah blah and it would be increased annually, but some 3 years later that Section when the minimum rate went up to \$8.50 an hour the rest of that Section got removed. So it has been attempted it was in place for a couple of years but the Government of the day did remove it. So it has got a history Madam Speaker you might say of the minimum wage being attempted to be put in line with really our only index that we do have to measure you might say inflation, the Retail Price Index different to inflation I know but it's the only index that we do have and really it's interesting to see that it has been attempted before but not followed through and as a result there's been 4 increases in 18 months. Is that fair to the low earners of the island oh 18 years not months, I don't believe so. Madam Speaker I do have an Amendment to the Bill which I have passed around to the Members and at the appropriate time I'll move those and discuss the changes then. Thank you.

SPEAKER Thank you Mr Sheridan. The question is that the Bill be agreed to, further debate.

MR SNELL Thank you Madam Speaker. I have difficulty in supporting this Motion on the principle that we are setting a precedent in tying a wage structure regardless of whether it be minimum wage or not to mandatory review. I appreciate that the review may recommend that there be no increase but it appears that it would automatically be the RPI would automatically apply and it would be surprising if the minimum wage was not increased with the RPI every time the review takes place. There are many other wage earners on this island Madam Speaker who don't have an automatic salary review at any given time. I do also appreciate that whilst the legislation is for \$10.70 per hour within increments I do believe that the minimum wage rises to about \$12.20 per hour with increments which is a good basic minimum wage for this island. I appreciate also that very few employers here pay the minimum wage. I have great concern though as I mentioned a little earlier is that we are subjecting a extension of mandatory wage review to paid salary here on the island. I don't agree with that and I don't support the Motion.

MRS GRIFFITHS Thank you Madam Speaker. I too had some difficulties with this basically because of my concerns for the RPI which I raised in the former order on the table. However I do support the Motion now because those people who are on the minimum wage would have to pay an increase to the Healthcare Levy so therefore I support the Motion.

SPEAKER Further debate Honourable Member on the question that the Bill be agreed to in principle.

MR KING Thank you Madam Speaker. I wish I had of heard more of this style of debate in relation to looking after the workers over the past 30 odd years. I applaud Mr Sheridan for his efforts and his understanding of those things I just wish that we'd had more of it over the years because the working class have missed out on in my view the proper protections of law, not only in respect of minimum wages, we have allowed conduct exploited in conduct in the community to go unchecked when we could of a matter of legislation using plenary powers to implement some check and balances in relation to that. It's probably a harmless Bill and it's pretty difficult to say your going to vote against it but oh you know I don't know I said it in MLA's the other day one of the very few that I attend but such a remark for the purposes of ?? and the community that I do go occasionally. I did say at that forum the other day that you know I had some concerns that this is a peace meal approach to legislation and I stand by that you know, there have been lots of attempts made by Governments over the years to review I think Mr Nobbs' former Government to their credit, they tried to conduct an in depth review in respect of the Employment Act, lack of resources I guess intruded and it just never came to fruition. Many submissions have been made not only by me but by others in the community about deficiencies in the Act, important deficiencies, deficiencies which if corrected would enhance the protection of the worker against certain exploitations that occur like being able to sack your worker without giving any pay in lieu of notice or perhaps addressing the formula for overtime which is linked to the minimum wage which is important too I guess in this debate. The law doesn't provide for overtime to be paid at the rate of 1.5 a persons normal hourly earnings, it says that it's capped at 1.5 times the minimum wage, that doesn't happen elsewhere. There's a fairness or equity issue in that which perhaps should be addressed. On top of that there was a number of recommendations made by the Impact of Bills Committee which conducted itself over a long period of time produced an extensive report making recommendations about amendments to the Act including adjustments to errors in the existing Act you know and I have to ask myself why aren't they being included in this legislative endeavour. So maybe I should just lodge a protest vote and knock it on the head. The current minimum wage has been in place for going on 3 ½ years, I wonder why there is not concurrently a review of that taking place if there is genuine concern for the working class on the island. Why is there not a concurrent review and that be undertaken as part of this exercise. The Bill provides for mechanisms and refers to some unknown bodies of independent authorities and I don't want to add too much to the Retail Price Index debate but I don't believe it's adequate in fact I have very little confidence in it whatsoever. Mrs Griffiths put up a good argument that the House has just agreed to up the anti on the Healthcare Scheme which is if you put up in wages now to pay for it. I should observe to the House as well that when you think there are very few employers out there paying the minimum wage there is not an award wage I must remind the House it is a minimum wage, there may not be many employers but there are a number of large employers on the island who pay the minimum wage and regard it as being an award or they pay 30c above it and regard themselves as being generous in paying above the minimum wage. So people do have regard to it on the island there is no doubt about that. Some employers use it as a crotch for their own activities. Am I going to support it or not? I think I have to.

MRS WARD Thank you Madam Speaker. I just listen with interest to the preamble that Minister Sheridan gave and I'd be interested to look at that because I think what it really highlights is that the low economic structure that the island has held up for so long as is a saving grace has failed has failed miserably. The low economic structure for those I'm sure everybody is aware here it's low wages, low taxes and low regulations. I am inclined to support the Bill because it is just a minimum wage. I'll reserve my final vote until completion of debate thank you.

MR SHERIDAN Madam Speaker just before you do put the question I just want to remind everybody that we're not voting on an increase to the minimum wage it's just the ability to increase it on a regular basis. Now the next step of increasing it will be another matter for this House all together. I'm just trying to set up some system, a standard that we can apply to ensure that it is at least reviewed on a regular basis.

MR BUFFETT Madam Speaker the Minister who has responsibility for this matter has indicated that he's endeavouring to set into place a mechanism which will give adequate review for the minimum wage in Norfolk Island and we've all made comments about how it has travelled or not travelled over a long period of time and there needs to be certainty that its keeping pace with what has happened and therefore I just made a comment earlier that that is to be applauded and applauding it obviously that means supporting the proposal that is in front of us.

SPEAKER I think that concludes debate Honourable Members. I'll out the question that the Bill

MR ANDERSON I'll be very brief. I have an ongoing concern about automatic increases in anything. I'm concerned from the economic view which I'll expand on later depending on where we go next, of the effect of any increase in a minimum wage and the resulting wage price spiral that occurs. I'm more comfortable with the detail stage amendments which we will come to in due course even though I have some drawbacks but at this stage I would have to say I couldn't support it.

SPEAKER Are we concluded? I'll put the question that the Bill be agreed to in principle.

#### QUESTION PUT

I'll ask the Clerk to call the House

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

SPEAKER The Aye's 7 the No's 2 the Motion is so agreed. We move now to the detail stage and Minister Sheridan you have foreshadowed detail stage amendments dated 28<sup>th</sup> October

MR SHERIDAN Thank you Madam Speaker. I'd like to move that the Bill be amended as follows: That for Item 2 there be substituted "2. Section 108 – Regulations repealed and amended (1) Repeal paragraph (2) (e). (2) Insert— (3) Regulations for the purpose of section 14 may provide— (a) that the minimum rate be determined as an amount payable as an hourly rate or in respect of a working week, or both. (b) that the minimum rate remain unchanged or be increased (but not reduced) annually in accordance with— (i) annual variations in the RPI; or, (ii) the determination of an independent authority; or (iii) a prescribed methodology having reference to matters other than only the RPI. (c) that if a determination of the minimum rate is to be effected by an independent authority, the authority must conduct an annual review and determination

having regard to— (i) variations in the RPI; or (ii) a prescribed methodology; and (iii) submissions from interested parties; and (iv) the prevailing social and economic circumstances of Norfolk Island; and (v) such other relevant matters as may be prescribed.’.

MR SHERIDAN Madam Speaker I do have an amended Explanatory Memo which I will table to go with the Bill if so successful.

SPEAKER And that is dated 28<sup>th</sup> October?

MR SHERIDAN Dated 28<sup>th</sup> October Madam Speaker.

SPEAKER Thank you Mr Sheridan debate Honourable Members on the question that the Amendments be agreed to.

MR SHERIDAN Thank you Madam Speaker. I undertook to forward this Bill to the Commonwealth for comment as this is a Schedule 3 matter and would have been forwarded to them for assent in any case. Advice has been received which has resulted in the proposed amendments to the Bill of which I have just moved. The Commonwealth's concerns related to the ability for the minimum wage to be reduced if the RPI movement was reduced for a period. This was never the intent and the amendment at Section 108 sub paragraph 3 (b) were to accommodate that i.e. that the minimum rate remain unchanged or be increased (but not reduced) annually in accordance with etc. It also comments on that the Bill used to provide for minimum wage variations to be made by regulation but no problem was foreseen because regulations made under the Employment Act 1988 are subject to being disallowed by Motion notifying the Norfolk Island Assembly within 65 days of the regulation being introduced as per Section 41 (3) of the Interpretation Act 1979 this allows for it. The Commonwealth also commented on that under the Fair Work Act 2009 the Commonwealth minimum wage must be reviewed annually by specialist wages panel or an independent statutory authority such as over there Fair Work Australia. The Commonwealth also made comment on the ability for the Minister to set the minimum wage from time to time through Regulations without considering any other factors. This concern has been picked up in the Amendment where as at Section 108 sub paragraph 3 indicates that Regulations may provide for the minimum rate be increased annually in accordance with annual variations in the RPI the determination of an independent authority or a prescribed methodology having reference to matter other than only the RPI and that if determination of the minimum rate is to be affected by an independent authority the authority must conduct an annual review and determination having regard to certain things, variations in the RPI, or prescribed methodology and submissions from interested parties and the prevailing social and economic circumstance of Norfolk Island and such other relevant matters that may be prescribed. Madam Speaker the Commonwealth also made comment in relation to international obligations under the ILO conventions that Australia has ratified and may have satisfied that the proposed legislation is largely consistent with Australia's international obligations with respect to labour standards except for the ability to decrease the rate. This has been reflected in this amendment. This is particularly so that Convention 131 Article 4 of the ILO convention provides that; and I quote “each member which ratifies this Convention shall create and/or maintain machinery adapted to national conditions and requirements whereby minimum wages for groups of wage earners covered in pursuant of Article 1 therefore can be fixed and adjusted from time to time.” In consultation with representative organisations of employers and workers. It was pointed out to me that in its 2011 report the ILO's Committee on the application of Conventions and recommendations requested that “ the Government Norfolk Island keep this office informed of any concrete steps taken or envisaged towards the creation of a?? Tripartite consultative body or similar institutional framework responsible for reviewing and

adjusting from time to time minimum wage rates as prescribed by these articles of the Convention". Madam Speaker these amendments would ensure that Norfolk Island are able to comply with this request and ensure that our legislation is consistent with Australia's international obligations under the ILO Convention. Madam Speaker it would be my intent to ascertain whether or not an organisation such as Fair Work Australia would be able to advise on our minimum wage rate at this time with recommendations on how an annual review could be conducted. Thank you Madam Speaker

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

MR ANDERSON Thank you Madam Speaker. I'll try to be brief once again. The detail stage amendments go some way to addressing my concerns if there is to be a regular or annual review. The drawback for me is the fact that the single criteria remains in the proposed Section 108 (2) b (i) that reference may be made and solely to the annual variation in the RPI and yes I'm going to talk about the RPI. So under that Sub section there can be solely and/or variations in the RPI or there is alternatives. The alternatives are then determined by an independent authority or a prescribed methodology having reference to matters other than only the RPI but including the RPI which is just me putting the sections into plain English which probably confuses you all. The independent authority that might determine any variations once again can have sole regard to variations in the RPI or another methodology plus public submissions and other relevant factors that are prescribed which might be increases in the RPI. The RPI continues to be a significant factor. So small brackets (b) and small brackets (c) permit reference solely to changes in the RPI. I have stated before the RPI in my view is out of date and its statistical assumptions and its weights make its calculations somewhat inaccurate. It frightens me that such things as commercial rents are annually adjusted in accordance with its movements. The Minister just mentioned in the last matter that matters that are no longer relevant in the RPI flatline well if that means that that flatline will actually have the effect of reducing the RPI over time because there is no increasing factor occurring from those items, they have been eliminated. So by flatlining items the long term effect is to reduce the true value of the RPI. I understand we cannot ourselves produce a meaningful Consumer Price Index and that the Australian Bureau of Statistics has previously agreed to assist in the production of a CPI but only for an outrageous fee. I think just because we have an Index does not make it appropriate or acceptable for us to utilise it if it is unreliable, near enough should not be good enough. I note there are no specific references to productivity or the ability of the economy to absorb any increases from flow on effects and I'll come back to flow on effects shortly. When the independent authority assesses a change and providing the authority does not solely determine adjustments based on the RPI then they may consider those other matters. So the RPI continues to be an issue and the other matter such as productivity, flow on effects will become an issue if they not only refer to the RPI but there is no guarantee that will occur. There's a recurrence of the RPI being acceptable as the only matter which needs to be considered. I appreciate that productivity can be included in the methodology which is yet to be prescribed and public submissions can address productivity if it gets to that stage. These matters only become relevant if the determination gets past that adjustment being solely on the movement in the RPI. You can see that I am concerned that there is an ability on an ongoing basis for an annual adjustment just on the RPI. So what about the flow on effects and this is where if we end up with an annual adjustment based solely on RPI an inaccurate potentially dangerous figure. That minimum wage that is set is a consideration in any increases in wages generally. If the Public Service takes a matter for review of their wages to the Remuneration Tribunal the first thing they will say on their submission is the minimum wage has gone up. So a regular rise will lead to some extent to wage price inflation and always does. If those increases are based solely or even partly on a flawed index that is significant. Wage price inflation is the dog chasing its tail, that put simply prices rise, so the minimum wage rises if we rely purely

on the RPI. That adds to pressures on wages generally because the consideration of an increase in the minimum wage flows through to those wages. So wages generally rise because the minimum wage has risen and been taken into account in determining any subsequent rise in general wages. This leads to price increases to allow employers to pay those general wage rises it's what happens, which you guessed it leads to an eventual rise in the minimum wage because prices have risen and the whole cycle starts again. We just need to be cognisant of the fact that an automatic rise that's potentially going to be linked for simplicity continually to an index and if it was a CPI I might be more comfortable, can lead to wage price inflation and we could potentially get to the point where the wages chase themselves to the point that once again the economy can't afford it irrespective of the productivity and if the economy hasn't got the ability to pay what have we achieved. I cannot therefore support the amendments while there remains any emphasis on changes in the current RPI and in particular while the rises can be made solely on the basis on changes in the RPI. I'm prepared to concede that if it wasn't just the RPI that if the methodology that is suggested or the authority which is an alternative had the obligation always to look at other issues like productivity and like the ability of the economy to sustain a rise then I would be more comfortable. I just have that one problem that the RPI recurs as a potential only issue to be taken into consideration and it has flow on effects which we won't see until they become a problem. Thank you Madam Speaker.

MR KING Thank you Madam Speaker. I've heard those arguments before about the dog chasing its tail in this same Chamber over the past 20 or 30 years. To some extent there is some validity attached to it but there never seems to be from these people who oppose this thing to the RPI for wages that is any alternatives. I didn't think that this Bill proposed a direct link to the RPI or a direct increase I think it's just a factor for it to be taken into account along with economic and social circumstances which are exactly what Mr Anderson has just proposed out not be ignored. I can understand why Mr Anderson unlike someone close to him is not a member of the Labour Party. I go along with his thinking in relation to the matter. I think there should be some greater effort taken here to adjust minimum wages for the working class and once again I say to the House, I remind the House that very little has been done over the 23 year? to the Employment Act for working class people. That's all thanks Madam Speaker.

SPEAKER Thank you Mr King.

MRS GRIFFITHS Thank you Madam Speaker. Just an observation. I congratulate the Minister for seeking the Commonwealth's advice on it and I note with some regret the Commonwealth's comments are in relation to their international obligations under ILO Conventions and I regret to see that they haven't looked at their obligations under CEDOR or the Convention of Elimination against Discrimination Against Women which does have employment obligations as well and it is a regret and an oversight on their part.

MR SHERIDAN Thank you Madam Speaker. Just in response to Mr Andersons comment in regards to wages inflation. If you have an annual increase in wages then your costs of course go up because employers have to pay more and the never ending story of chasing your tail. Id just like to ask Mr Anderson what do you call it when prices rise on an annual basis but your minimum wage remains stagnant, what's that called. Is that taking advantage of the lower workers, I don't know.

MR ANDERSON I obviously need to defend myself. I'm not, now that we have an automatic review I haven't got a problem with the review going forward. I just have a problem with and if I look at it carefully each of the ways that the review shall proceed can take into relation to 2 (b) (l) annual variations to the RPI or other matters.

So they can restrict themselves just to RPI. In relation to C determination having regard to variations in the RPI or other matters. So they can restrict themselves to just the RPI. I'm saying that yes the system is there but there is also, well beyond this Assembly if they do not change it, it can be simply someone saying annual adjustment RPI bang, gone because that is one of the options as provided for. I just think it should be broader than that so if you look at the RPI and say yep sure an increase is necessary, warranted, but take into consideration productivity, the downturn in the economy that that full RPI increase perhaps should not be passed on. I only have a problem with the fact that each of the mechanisms provided here by a methodology or by an independent authority do have the opportunity under that amendment to only have regard to the RPI, that's my only concern.

MR SHERIDAN Thank you Madam Speaker. I understand Mr Anderson's concerns in that area in regards to the RPI as I have indicated today that it is the Officer who manages that has informed me that she's concerned that it does need to be reviewed but until we come up with a Consumer Price Index or something similar I believe that reference to the RPI must be made. Now as I said in my discussions it's not my intent to bring to the House next month an increase in the minimum wage based on the RPI. What I intend to do is have some regulations drawn up that will nominate an authority to undertake a review of the circumstances here on Norfolk Island taking into account all these sub paragraphs so that we can come up with some firm basis on what the minimum wage here should be and a methodology to annually review that process or that minimum wage. So that's my intent.

MR KING Thank you Madam Speaker. I'm just concerned that that intent is not clearly expressed in the law. I'm taking Mr Anderson's point that the law reads the Act the mechanism would allow only the RPI to be taken into account. I thought that it was the Minister's intention and he just seems to have confirmed that that it was the intention that all these various things be taken into account, social economic services, other relevant matters, submissions, prescribed methodology, RPI, I thought that was the intention. The law in my view clearly reads that a whoever it is the independent authority can have if they wish only regard to the RPI. That seems to be how the Bill reads and if that's not consistent with the Minister's intent then perhaps he better adjourn the Bill.

MR SHERIDAN Madam Speaker if I could make a further change to that detail stage amendment, is that possible.

SPEAKER It's not policy normally to make changes from the floor in case there are other further implications flowing out of what we do here. It's just a cautionary warning; it's certainly not something that I can refuse.

MR SHERIDAN Thank you Madam Speaker. What I was thinking Madam Speaker having heard the concerns of Mr Anderson and Mr King which I take on board that yes how it reads that you could take it in its sole entirety and just review the minimum wage in accordance with the RPI. After B (1) there if the "or" was changed to an "and" and in C (1) that you delete the "or" at the end of the sentence completely then it would really indicate that the RPI is only a vehicle that has to be considered when the determination by an independent authority it taken place, but it might be better if I do adjourn it Madam Speaker and I can get some further advice on that to see whether or not that is really the way to go. I think that would satisfy Mr King and Mr Anderson concerns and I take it on board because in 15 months time Madam Speaker when I'm not here well the Minister of the day could just review it under the RPI.

SPEAKER Before I look to Minister Sheridan to move a Motion of adjournment is there any other Member wishing at this point in time to enter the debate.

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

MADAM SPEAKER The question before the House is debate on the amendments by Mr Sheridan be adjourned and 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 se moosa dun last one. Madam Speaker just to recap on the purpose of this Bill. It's been a couple of months since we discussed this. The intent is to ensure that the reimbursement of medical expenses in accordance with the Act this is the Healthcare Act does not exceed the schedule fee payable under the Medicare Benefit Schedule of the Commonwealth for that particular service. Also to clarify that a person accommodated in a hospital for the purposes of respite care is not entitled to medical benefits in respect of that care. Madam Speaker currently under the Healthcare Act and cover under Healthcare Scheme eligible members are entitled to the reimbursement of charges paid in respect of the person for free medical services provided by the Norfolk Island Hospital to the reimbursement to the person of charges paid in respect of the person for free medical services provided in accordance with a referral by a member of the Hospitals Medical Staff, by person or body other than the Hospital and to the reimbursement in accordance with Section 21 self referrals of costs incurred by the person in respect of the provision of medical services that are regarded to be free medical services. Madam Speaker the Schedule to the Act defines free medical services apart from other items as medical services other than medical services that are not covered by the Medicare Schedule of the Commonwealth of Australia and also defines medical services of which are claimable. The definition does not define as to the extent of the liability in regard to the items under the Medicare Schedule but the Healthcare Scheme is liable to pay out on a claim made against it. Currently this has meant that the provision of a service against the Medicare item has had the full cost of service payable under a claim against the Healthcare Scheme whether the service was provided by a public or private health provider. The Healthcare Scheme cannot obviously continue to operate under such open ended definitions and it is the intent of this change to limit the reimbursement for services to members for treatment in a medical facility outside the Norfolk Island Enterprise to that of 100% of the Medicare item fee. Whilst concern has been raised as to the ability for the members for the Healthcare Scheme to access private health professionals and other hospitals of which charge above the Medicare item fee I believe that it is the wish of these people to access these services then they must be prepared to pay the difference. The Norfolk Island Hospital has a very good agreement with NSW Health whereas if a person was accessing NSW health system and there is an agreed rate for the provision of this service. The person must enter the NSW health service and there is an agreed rate for the provision of this service. The person must enter the NSW health system then outside of the \$2,500 excess of which would be payable the majority of the costs would be borne by the Healthcare Scheme. This is the health system that the Norfolk Island Government recommends to all its Healthcare members. A NSW system of whom its provision of services are currently being revised and enhanced. Madam Speaker the Healthcare Scheme cannot currently sustain the open ended claims that are currently being addressed without a substantial increase in the levy and other

changes to ensure that the Scheme can provide some insurance to its members against basic medical costs. The other changes that to clarify that a person has placed in a hospital for respite care and this care is not claimable against the Healthcare Scheme. As advised in the September meeting the Hospital can provide the respite care but at a cost. This change will clarify within the definition of medical services and define respite care to mean that such respite care are not deemed to be medical services or patient accommodation and nursing care for the purpose of providing short term temporary relief for family members or usual carers. Madam Speaker and this is exactly how the Scheme defines it at the moment but this is just to add to clarity because there has been some discrepancy or some discussion in regards to that. This may seem a bit harsh but the purpose of the Healthcare Scheme is to establish a fund for any catastrophic medical costs in respect of persons who are members of the community. Madam Speaker the temporary respite care would not satisfy this requirement. The Bill does not and is not intended to deny the provisions of or reimbursement for medical services that are required by respite patients by way of the provision of medicines, medical attention and treatment, pharmaceuticals and the like but applies only to the provision of the cost of the accommodation and care provided by the Hospital in the place of a normal carer. I commend the Bill to the House Madam Speaker.

MADAM SPEAKER Thank you Mr Sheridan. The question before the House is that the Bill be agreed to in principle. Further debate.

MRS WARD Thank you Madam Speaker. I have a similar issue with this. There is clearly no doubt that a cover limit needs to be placed on this Scheme. The word that keeps being bandied about is the word catastrophic and that the Scheme was only ever to cover catastrophic medical costs. I have the original proposal which was put on the table by Ms Alice Buffett in 1989 and it talked about the proposal and this followed through into the current Act that a Scheme would cover local treatment at or from the Hospital overseas treatment would be covered upon referral by the local Medical Staff not including airfares but including ambulance for ground level. There would be no upper limit on cover and no waiting periods on pre-existing conditions. Now that probably referred to the fact that it was a new Scheme which when Medicare was pulled out had to be put in place for the protection of the community. So catastrophic = anything over \$2,500 and I guess the point is it doesn't take long for costs to become catastrophic but where that word came from I have no idea, the Scheme was always to cover local treatment and overseas treatment when referred and there was to be no upper limit on that cover. I question with the Minister as he knows yesterday that the transitional provisions within the Bill because I don't know how many people are currently receiving treatment, this is only information that the Minister can glean because I want to know who's going to be caught in the middle of this while we're shifting the goal posts. So that's why I cannot support the Bill today. I would certainly support an adjournment because I absolutely understand the need, although again as I said in the Motion we are not dealing with the body of the issue, we're not dealing with the fact that its uninsured, that it's administered in a way which the Report claims is not the best, not in the best interest of the community. And so when people say you know it's a good Scheme and it's an affordable Scheme it's been a wonderful Scheme there's no doubt about that, it's served the community well for 15 years but it's no longer sustainable, and most of this was discussed in the Motion that it is a fact that the levy hasn't increased to cover the costs but I did want to point out the catastrophic word. Originally of course the cover limit was \$2,000. The other point to remember is that while the fees and charges at the Hospital are increasing as they are you know it takes less and less time to push those people over the limit which is another reason I was asking the Minister to address that threshold as well. The Minister has pointed out that the fund is dry it is being propped up by subsidies from the Revenue Fund and earlier this year the Commonwealth was making contribution to the fund as well. So again acknowledgement to Regional Department for taking funds from their area to support our

area. I have no problem with helping ourselves until we do understand the arrangements that will come from the Roadmap and the extension of Social Service benefits to Norfolk Island. I'm fully aware of the need to hold ourselves up in the meantime. I just hope that time comes sooner rather than later for the people who do have difficulty. The second objective of the Bill is to address respite care and again the Minister has explained the Bill would mean that persons who use accommodation at the Hospital for the purpose of respite care will not be covered by the Healthcare Act because the accommodation is not considered to be a medical matter and when I look back to the original intent of the Bill it never was intended that people were covered under this Act. So it's been used to cover people for many years but that was never the original intention. Medical expenses of course are still covered by just not accommodation. The result of course by removing that ability for people to use the Healthcare Act is that respite care will cost \$179 per night and I'm acutely aware of the need of carers and although the Minister or other Members perhaps don't find that cost excessive and this Bill is not the relevant place to debate that absolutely I do have concerns about that cost and the long term cost to the people who require respite care, and a particular concern for their carers. The reason why we became so isolated from the Mainland Healthcare system is history and this is what we have today is what was set up to replace it. Yes it has worked well but it's no longer sustainable. I still stand my ground that the Minister is proposing a short term solutions to provide cover, it still only a short term solution in my opinion although I support the need. I guess a single piece of legislation being Healthcare and the whole issue of our Healthcare system and being so isolated from the Mainland, although the Minister has just spoken recently of better pathways back to the Eastern, South Eastern Sydney health district, rebuilding those networks is all to be applauded. I think I'll leave it at that thank you Madam Speaker.

MR ANDERSON Thank you Madam Speaker. Not wanting to rain on Mr Sheridan's parade I think that it's necessary to revisit the exact wording of the amendment and in the interest of clarity it might be wise to reconsider it. If you read 1.2.2 insert the new subsection 2 it says and I'm just going to read from the end of the first line. "In respect of charges paid for medical services provided in Norfolk Island or elsewhere, by a person or body other than the enterprise". Does that mean a person or body other than the enterprise that pay for the charges or provide the medical services. It would probably read better "In respect of charges paid by a person or body other than the enterprise for medical services provided in Norfolk Island or elsewhere". It's just the order of the words in my view leaves some ambiguity as to exactly what's intended.

MR SHERIDAN Thank you Madam Speaker. I don't really see that. No person shall in respect of charges pay for medical services provided in Norfolk Island or elsewhere, by a person or body other than, it's saying no person shall in respect of charges paid for medical services be reimbursed an amount that exceeds the Schedule fee payable. I don't see anything wrong with that Madam Speaker.

MR ANDERSON I was just giving the opportunity for ambiguity in what's intended, that's just my comment. Person or body other than the enterprise the person who paid the charges or the person who provided the medical services.

MR SHERIDAN We're talking about the provision of the medical services by a person or body other than the enterprise. So if it's a private health clinic here on Norfolk Island that the charges were applicable to well then they would be capped at the Medicare Schedule rate 100% of the fee. But just continuing on I can't see a problem with that Madam Speaker, just continuing on with regards to Mrs Wards concerns, catastrophic medical, that comes straight out of the objectives of the Healthcare Act in the Act itself, that couple of lines, that's where that's laid down, that's why I refer to it. And the reason for the respite care like I say it only refers to accommodation costs and care is because under the Healthcare Scheme

accommodation costs at the Hospital is a deductible amount, accommodation costs in itself. If you were in there for an injury if you were only there for an illness of course your accommodation costs which is a claim against the Healthcare Scheme. What we're trying to identify here and that's how it's been portrayed in the Act in the Scheme since its inception is that the accommodation costs or respite care have not been paid but we've come to that legal technicality where accommodation costs are payable under the Scheme and it was never ever the intent that respite care had because it's not a medical condition. Whilst it may relieve the carer or the person from the strain of the everyday care unless they were ill in some way well then it's just caring for the person so unfortunately. I've written down here short term solution no it's not a short term solution but I do find in bringing to the House amendments of 1 or 2 at a time you tend to get you either knock them out or they go through. If I was to review say and we will, we will review the whole Act but it's like the Social Services Act that we reviewed and there was changes put in I think in the last Assembly there were bits and pieces in there that the Commonwealth agreed to but there was some parts in there that they didn't so they knocked the whole lot out completely which to me is a whole waste of time. So you might say it's a bandaid solution stop short term solution but I see it as a more effective way of getting changes through this House you might say than having a whole review and you have 40/50 items to consider and then if you don't agree with one of them you knock out the other 49. I see it as a waste of time but that's just in saying it's not a short term solution. This is a solution ok so it's been identified in the Milliman Report that we're exposed, the Scheme is very much exposed because we have an open end limit you might say, open ended, no limitation on the claims and there was a recommendation that's one of the things that we should try and stop immediately. So this is in response to that. The other areas in regards to the limits of \$2,500 or \$3,500 earned per six months and everything like that, that's going to be the part of the longer term and the reinsurance and everything like that, that will come back to this House but this is to try and get the Scheme back into the operating parameters so that we can provide the care to the community as it should. And Madam Speaker just picking up on the retrospectivity of it you might say the commencement of it I do have a detail stage amendment here that by leave if the House wishes I can table that. I only just received it but that will provide for and I'll hand it around while the next person talks it will provide for Mrs Wards concerns but I'll talk to that if I get the chance to.

MR SNELL Thank you Madam Speaker. It is my intention to abstain from voting on this matter but I would certainly support an adjournment. Madam Speaker I take some umbrage at the Minister's comments that respite care is not a medical condition and I take some concern at the comments "care to the community as it should". I appreciate that in conversations with the Minister he intends to put the responsibility of respite care to another section to another area but that hasn't been to me adequately determined as to how we are going to adequately cover those that require what is classified under here as respite care, it concerns me greatly obviously for personal reasons which I declare at this time. This amendment No 3 Bill I believe and as pointed out by Mr Anderson deserves a little bit more consideration and I would certainly move Madam Speaker that the Healthcare Amendment No 3 Bill 2011 be adjourned to a later date.

SPEAKER Are you proposing that now Mr Snell.

MR SNELL Yes Madam Speaker I am.

SPEAKER I think the opportunity has been offered to members to speak and nobody is being disadvantaged if I was to put that question now. The question before the House moved by Mr Snell that debate be adjourned on the question that the Bill be agreed to in principle.

QUESTION PUT  
AGREED

SPEAKER Just for clarity Minister Sheridan you will give notice to the Clerk and it will appear for the next Sitting.

MR SHERIDAN I've already given it Madam Speaker right now. Or I should say I just gave it.

**MARRIED PERSONS (EQUALITY OF STATUS) BILL 2011**

MR BUFFETT Thank you Madam Speaker. This was a Bill earlier introduced. As the circulated Explanatory Memorandum sets out its an amendment to the legislation that relates to married women, it's a proposal to adjust an earlier piece of legislation in Norfolk Island The Married Women's Property Act 1931 so you can see its of some vintage. The Explanatory Memorandum shows that there are earlier pieces of legislation dated 1882, 1893, 1901, and the like all of which now in other jurisdictions have been superseded and this is an effort to bring ourselves up to date to provide equality for married women in terms well equality of their status for married persons. It gives for some examples where there is equality to be maintained, it talks about women having right in terms of the making of wills and the like and they dispose of their property. It talks about how spouses may take action, Court action in respect of each other or in respect of their property; it talks about pledging credit in terms of spouse and the like. So there are a range of things in which women have equality that they would not have under the earlier legislation. It's not a huge piece of legislation and it's not something that's just been brought to our door, it's something that has progressively considered as to requiring some adjustment and it is now brought to us in this context. I commend the Bill

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

MRS GRIFFITHS Thank you Madam Speaker. It's my intention to support this Bill. At the last meeting I indicated my support and congratulated the Chief Minister on this initiative. I also gave some statistics on women are in our community at this time and the news is not all good. I'm not going to go through those because again accept to say that as we move forward human or social and cultural development is without a doubt as important as economic development. What is the point of affluence if 50% of our community is denied fundamental rights? What is the point of prosperity if more than half our population is discriminated against. What is the point of wealth if we have no identity? I say again to move forward we have to equally consider the social and cultural facets of our development. Thank you Madam Speaker.

MADAM SPEAKER Thank you. Further debate. If there is no further debate I put the question that the Bill be agreed to in principle.

QUESTION PUT  
AGREED

The ayes have it. We move now to the detail stage and I ask is it the wish of the House to dispense with the detail stage. Thank you. The detail stage is so dispensed with and I look now to you Chief Minister to conclude the Bill.

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

SPEAKER Debate on the question that the Bill be agreed to. I put the question.

QUESTION PUT  
QUESTION AGREED

That concludes the substantive matters for today Honourable Members it leaves us with Fixing of the next Sitting Day.

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

MRS GRIFFITHS Thank you Madam Speaker. I move that this House at its rising adjourn until Wednesday 7 December 2011 at 10 am

SPEAKER Honourable Members if there's no debate I'll put the question.

QUESTION PUT  
AGREED

#### **ADJOURNMENT**

MR ANDERSON Madam Speaker thank you I move that the House do now adjourn.

SPEAKER Is there any adjournment debate.

MR KING Thank you Madam Speaker. I wish to take just a few moments to speak about how I believe the Office of a Speaker in a Westminster type parliament might reasonably be expected to conduct itself but I do so in an effort to stimulate discussion or whether Norfolk Island is doing sufficient to embrace the essential traditions of Westminster and the supporting principles set down in the late House guidelines. Madam Speaker I'm sure that you be fully aware of the late House principles which were overwhelmingly supported by the Commonwealth Parliamentary Association of which you are a proud supporter, some 10 years ago and subsequently adopted by CHOGUM the Commonwealth Heads of Government meeting in 2003 and Madam Speaker you may also be aware that those principles reflect a set of fundamental values which are expected to underscore the parliamentary procedures of Members States of which we are one. Now I understand of course that it is likely Madam Speaker that my views will not be shared all of this House but nevertheless you may Madam Speaker and some Members may have observed from my past comments on more than one occasion that I have some disquiet about whether Norfolk Island is adhering to the basic expected ? Madam Speaker I'm sure there will be no argument that the Norfolk Island Legislative Assembly is a parliament in the style of Westminster or if you like a constitutional monarch system which means of course in simple terms that we have a House of Assembly that is elected by the people, we have an Executive elected by the Parliament and importantly to the Westminster system. We embrace the notion of legislative sovereignty and of particular importance we hold to the doctrine of separation of powers, well separation that acknowledges or supposed to acknowledge and be understood in any event that the Executive Government operates separately from the Assembly. There are lots of little components in the Westminster system that we tick the big boxes and important common denominator in Westminster is the acceptance of the Office of Speaker as a high Office, one commanding respect which is accorded of course in many different ways. Here in Norfolk Island we acknowledge the Speaker on entry to the Chamber, we do not depart the Chamber before the Speaker. Common to other places we can't criticise the Speaker unless by substantive Motion, a

Motion of no confidence or a Motion to remove the Speaker. That's a trade off of course Madam Speaker, we don't criticise on the floor and in Westminster the Speaker reciprocates by treating Members of the House evenly and fairly and that's how it basically works. Respect of the Office of the Speaker is of course immutable whilst across all jurisdictions respect of the occupant of the Office will vary depending on how that individual is viewed. What is of course extremely important is that the Speaker must retain the respect of Members otherwise the confidence of the House will be lost. Madam Speaker there are various tasks performed by Members in the Westminster Parliament. It is understood for example that whilst in the House all Members are equal and will rightly look to the Speaker to ensure that they are able to carry out their different duties. The Government will account for itself in the House, backbenchers will mount challenge and criticism as an essential part of a democratic parliamentary process. The Speaker's task is to direct the procedures of the House and enforce the rules as these often conflicting tasks are carried out. Speaker Sneddon of the House of Representatives said in 1978 and I quote "The Speaker is an integral part of our Parliamentary system. The Speaker represents in a very real sense the right of freedom of speech in the Parliament which was hard won from a Monarchical Executive centuries ago. The Parliament must constantly be prepared to maintain its right of freedom of speech without fear or favour". A Members whether Executive or non Executive must in the performance of his or her task be necessarily free from any improper pressures and that would include of course any perception that the Speaker has an agenda separate to his own which may give rise to a fear of bias on the part of the Speaker. Madam Speaker will be familiar with Erskine May the authority and publication on Parliamentary procedures which says and I quote "confidence in the impartiality of the Speaker is an indispensable condition of the successful working of procedure and many conventions exist which have as their object not only to ensure the impartiality of the Speaker but also to ensure that his impartiality is genuinely recognised". Erskine and May finishes by saying "he takes no part in debate either in the House or in Committees". That doesn't refer to here and I make no particular point of that at this stage. Of course Madam Speaker there is nothing illegal as it were in a Speaker participating in debate just as there is nothing in law to prevent a Speaker placing questions or substantive Motions on the Notice Paper. There is nothing illegal either about a Minister failing to answer a question nor is there any legal requirement to respond, for a Minister to respond to any serious charge, and there is no illegality either Madam Speaker in my taking 5 or 6 or 7 hours to deliver a speech in this House or walking out of the Chamber in protest. No illegality. The point is Madam Speaker that the behaviour of Members in their representative Chamber is not determined by what the law does not prevent us doing but by expectations based on traditions, guidelines, conventions and customs all designed to preserve the functionality of the House and protect the rights and privileges of its Members. As a general observation the rights and expectations of Members cannot be preserved if a Speaker openly reflects a personal agenda certainly if that agenda is in conflict with the Government of the day or a particular Member. If that happens then confidence in that Speaker must as a consequence diminish. The word impartiality as it applies to expectations of a Speaker must be given its ordinary meaning. You cannot attach to it some self serving special meaning, its means free from favouritism or bias, that is it leans neither one way nor the other, it means disinterest, disconnected, detached, dispassionate. These are not words for example Madam Speaker that can be used to describe a person who initiates substantive Motions to change the directions and policy of Government or who expresses opinions in debate designed to influence others to a favoured view or to a person who asks questions which by the very nature in a Parliamentary setting are interrogative and amount to an examination and challenge of Government. In defence Madam Speaker that a Speaker becomes an ordinary member when on the floor of the House does not and indeed cannot hold water. How can a person express a view or opinion and expect to then be accepted as an unbiased umpire. I think that that expectation might require a generosity of spirit that is not normally reserved for a Parliament. A parliament Madam Speaker

especially a Westminster type are continually troubled by a perceived lack of independence in the Speakers Chair and in the large part these perceptions arise because the Speaker is normally a member of the dominant political party, that doesn't exist here. Sometimes like in the ACT Assembly the Office of Speaker is still by ?? bound under minority government agreement, that doesn't exist here. That has not been without its difficulties of course in the ACT setting and that's acknowledged. One principle thing that the discussion in various places centres upon is finding the balance between the need to retain respect and dignity for the Office of Speaker and the unrestrained requirement for the House to perform its functions efficiently in an atmosphere free of fear or favour. Where that balance does not exist it is in my view the duty of a Parliament to take whatever actions necessary to reinstate the fundamental values. Thank you Madam Speaker.

MRS WARD Thank You Madam Speaker. I don't really intend to enter the debate that Mr King has presented to day but I must say it is confronting to challenge a Members view who is also the Speaker and I'll just put that on the table and acknowledge that there are members of the community that are concerned about how we operate ourselves, but that's the way we operate ourselves until we the House decide to do it differently or that's what the community commands. So I'll leave that there for the moment. Just briefly to thank Minister Sheridan catastrophic is right there in my face. Thank you for highlighting that, in the healthcare Act. More seriously my choice of words which I used in debate this morning have offended my colleague Mrs Griffiths and I have apologised, now I publicly apologise as it was not my intention to demean the Members nor the electorate. Neither was it my intention to call into question the vote of the House. I understand that a quorum in this House is 5 Members and that 3 of them voting in favour is a majority. My aim was merely to highlight that we are 9 Members representing this community and that the 3 represented 14% of the electorate. Another interesting note if I want to just put another percentage on the table that the 9 of us represent 57.3% and for the record I did give notice of my intention to move a Motion that the Paper be noted this morning. I will take on board the Chief Minister's comment and next time use the telephone rather than the email. Thank you.

SPEAKER Is there any further debate. There being no further debate I put the question that this House do now adjourn.

QUESTION PUT  
AGREED

This House stands adjourned until Wednesday the 7<sup>th</sup> December 2011 at 10.00am.