



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
13TH NILA HANSARD – 9 MAY 2012**

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.

DEPUTY SPEAKER 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 – MR IAN SILK

DEPUTY SPEAKER Honourable Members I would like to welcome to our public gallery Mr Ian Silk, a personal guest at Government House. Mr Silk is the Chief Executive of Australian Super and is responsible for the overall management of the Fund and the provision of advice to the Board. He is a Director of the Association of Superannuation Funds of Australia (ASFA) and is the Chair of ASFA's Policy Committee; a member of the Financial Services Advisory Council to the Federal Treasurer; a Member of the Federal Government's Financial Literacy Advisory Board; and a Director of Yooralla. On a more personal note he is a friend of our Administrator and was his adviser when His Honour was a Cabinet Minister. Welcome Mr Silk

LEAVE OF ABSENCE FOR MS ROBIN ADAMS JP MLA AND MRS GRIFFITH MLA

MR BUFFETT Mr Deputy Speaker I seek leave for the sitting for the Ms Robin Adams JP MLA and Mrs Griffith MLA who are currently off island

DEPUTY SPEAKER: Thank you Chief Minister. Honourable Members, is leave granted? Thank you. Leave is granted

CONDOLENCES

MR SHERIDAN Mr Deputy Speaker, it is with regret that this House records the passing of Leslie Quick Brown, Phyllis Trickey and Kenneth Ricky Quintal.

Leslie Quick Brown was born in Sydney in 1930. Les grew up in Westmead Boys Home for orphans and worked in a boot shop at the age of 14 or 15 years. Les attended reunions and kept in touch with the crew from the home. In later life Les worked in an Asbestos mine in what they called the suicide squad, being the first ones to enter the

mine. He arrived in Norfolk in 1966 to work as a bartender, or as he often referred to it a drunk's labourer, at the Kingfisher Airtel. Les worked there for some years, then worked alongside John Anderson at Hibiscus Radio & Rentals, He ventured into his own video rental business from his flat adjacent to the Leagues Club then in Grassy Road. Les worked in many clubs over the years ~ the Bowling Club alongside Spider, the Leagues Club (when it was known as the Ferny Lane Club and then the Leagues Club) and for his services to the club was made a Life Member. There are only seven Life Members. For many years Les worked at Government House for official functions and alongside Moochie for around 25 years. For many years Les was the caller at 'Housie", and with his little connotations on the selected numbers, he provided additional entertainment for those present. Memories abound Norfolk Island with the antics of Les, who had a wicked sense of humour. He delighted in playing word games with people and whilst working at the Bowling Club, when a motor vehicle drove out of Foodland's, straight across the road and through the front fence, Les advised the driver that there was a perfectly good driveway just further up the fence if he wanted to come in. Most people will remember Les on his faithful scooter, driving everywhere, rain or shine. Later in life Les conducted tours at music valley, with Bubby, where he was always fooling visitors with his sense of humour and demeanour, but was always so knowledgeable. Les devoted his life to history and research and for this Norfolk Island and her people are very grateful. Les's extensive knowledge of Norfolk and Australian convict history has assisted in the formation of a great history base for not only locals but visitors and historians near and far. Convict history was Les' passion however he also delved into bounty history and genealogy. Les had a great mind and could recall historical dates, people, places and buildings with ease. He always had a story or two to tell. Les never went on holidays as we know them. When Les went off Island it would be to research his love for Norfolk history and he spent all these periods in Libraries researching. In 2004 Les was awarded an Australia Day award for his services to the Norfolk Island community, an award that he humbly accepted but in his usual style wasn't too fussed on all the formalities and celebrations that surrounded it. Les was a very private person and strongly independent, right up to his last days. Les rarely spoke of his life and was ever so quick to change the subject when broached. It certainly makes it hard to give a comprehensive eulogy when one doesn't know too much about a person, but without a doubt everyone here today has their own story and memories of Les and he will be sadly missed in our community. To his many friends this House extends its deepest sympathy.

Phyllis Trickey was born on the 7th April, 1944 on Norfolk Island to Edie (nee Snell) and Sidney Cooper. She was sister to Coop, Wes, Bella, Chooma and Smudgie. Affectionately known as Kaiser, Phyllis was an Aunt and Great Aunt to many nieces and nephews. Phyl completed her education at the Norfolk Island school and in 1959 she travelled to New Zealand on a Girl Guide camp and stayed on in Auckland when she decided to take up nursing. She passed her entrance exam with flying colours then returned to Norfolk Island to work at the Hospital. On an outing to Emily Bay she met Norm Trickey and they were married in 1968 and enjoyed 44 years of wedded bliss. They were blessed with two sons, Darren and Michael and six grandchildren - Jess, Mitchell, Katelyn, Lachlan, Jasmine and Sophie whom she adored. Phyl had a passion for sport. This included netball, horse riding, bowling, especially tennis and cooking, especially exotic cakes and pies. With Norm conducting his Glass Bottom Boat tours, Phyl was for ever present and would skilfully cater her island treats to many tourists much to their delight. Phyl was always the life of the party. She was a connoisseur of spoons, a dynamic ukulele player and by far the noisiest person in the room. Many people have stories of being on the receiving end of Phyl's practical jokes. Phyl had not kept the best of health over the last ten years but her love for her children and

grandchildren was unceasing. She believed them to be her greatest achievement. When the hospital corridors rang with laughter you would know that Phyl was in residence. To Norm, Darren and Michael and their families, to her extended family and many friends, this House extends its deepest sympathy.

Kenneth Ricky Quintal was born on Norfolk Island on 23rd March 1939, the eldest son of the late Cam and May Quintal, brother to Clare, Robbi-Anne, Shorty, Rodney (deceased), Ruth and Larry. Ricky was married to the late Juliette Quintal to whom he had one daughter, April. They once again became parents when April gave birth to Carissa who was adopted by Julie and Ricky and she became the second daughter of the marriage. Ricky was grandfather to Britney and Dylan and more recently to Taj and Zya, who although young, were a major part of Ricky's life. For the past 14 years Ricky has been with his partner Fran. He grew up on Norfolk Island in the family home at New Cascade Road surrounded by his family and at an early age displayed a spirit of adventure and daring. Rick moved with the family to Sydney in the late 50's. He worked in various jobs until he finally joined the Army serving in the 8th battalion. 'Lofty' as he was known in the service, completed two years service and was then selected for the second intake of SAS – a hard earned reward for Ricky's dedication and persistence in his endeavours to succeed and be the best at what he did. Ricky was the first Norfolk Islander to be accepted into SAS. He was in the SAS in what was called the 'Company days' which began in 1957. When the company ended in 1964, they were requested to assist America in their pre-war efforts in Cambodia. However, by this time Ricky had met and married young Island beauty Julie Blucher and was on the way to becoming a father – being a man of honour and responsibility – he chose family over his career, and being a father to April and later Carissa was more important to Ricky than anything else in life. Following discharge from the SAS, Ricky and his new family returned to Norfolk Island to live. He built a small family home behind 'Grannies' in New Cascade Road and took up employment with the Administration as a linesman for Telephones/ Electricity. Ricky had a love for motorbikes and this saw him acquiring a Harley Davidson in his later years. Ricky's passion for discipline carried on from his days in the SAS and he later joined the Norfolk Island police as a special Constable. During this time he was involved in the first offshore arrest in relation to the 'Rainbow Warrior'. Ricky established the first recognised Norfolk Island Security Service providing security services to all international flights in and out of Norfolk. He was responsible for the formation of the Norfolk Island Cadets and his extensive involvement in the community over the years are too numerous to mention. He was a keen sportsman and excelled in Tennis, Judo and Karate. He was a passionate footballer playing for the 'Greens' and had a passion for ballroom dancing. More recently his passion extended to morning tea with family and friends at Latitude 29 in Foodland's Mal, at Emily Bay for his daily swim and he was a regular at the gym being extremely health conscious about his physique and stature. Some 14 years ago Ricky met Fran and they developed a very close relationship, which grew each day and which saw Fran and Ricky supporting each other during times of family and medical crisis. Ricky and Fran attended the 50th SAS reunion in Perth and had hoped to attend many more. Ricky held onto his religion and attended Church regularly. He was a devoted partner, father, grandfather, companion and brother and a friend to many. He will be sadly missed in our community. To Fran, April, Carissa, their families and his many friends this House extends its deepest sympathy.

DEPUTY SPEAKER

Thank you Mr Sheridan. Honourable Members as a mark of respect to the memory of the deceased, I ask that all members stand in silence please. Thank you Honourable members.

QUESTIONS WITHOUT NOTICE

MRS WARD Mr Deputy Speaker I'm referring to JSC transcript where the JSC held a forum on Lord Howe Island two weeks ago, the Small Islands Forum. Minister Sheridan attended and he made reference to all reports in the Roadmap process. Would the Minister just confirm whether or not the Child and Family Support Report has been received by the Government or not.

MR SHERIDAN Thank you Mrs Ward and Deputy Speaker. No that Report is the final one that hasn't been received as yet, it's the final one that is outstanding and its been envisaged that it would be available at this time but unfortunately it hasn't been presented to the Norfolk Island Government.

MRS WARD Thank you Deputy Speaker. In the same document Minister Sheridan refers to Norfolk Island having a 24 bed hospital and 3 Doctors. The question is what is the occupancy rate of those 24 hospital beds on an annual basis.

MR SHERIDAN Thank you Mr Deputy Speaker and thank you Mrs Ward for the question. I believe, and I'm just going off my memory here that the average occupancy over a given year is approximately 11 to 12 but it must be remembered that we have the age care which take up 10 to 12 of those beds so it's around at 11, 12 for the occupancy across

MRS WARD Is that % 11 to 12%. I don't understand the answer.

MR SHERIDAN No no 11 or 12 of the beds are occupied on a daily basis.

MR KING Thank you Mr Deputy Speaker. I also wish to ask Minister Sheridan a question relating to his contribution to that hearing in Lord Howe. I not that in discussing the progress of the Roadmap and referring specifically to Social Services you raised a distinction, an apparent distinction about Social Welfare expectations when you referred to the population being 50% Norfolk Islanders and 50% people from the Mainland. Could I ask why that distinction was necessary. Is there some difference in the expectations of those groups.

MR SHERIDAN Thank you Mr Deputy Speaker. I haven't read the transcript and you realize that when you say things and I have to see in what context but I believe myself that over the period of years when the decrease you might say in the permanent Norfolk Island population of the descendants from the Pitcairn descendants you might say have decreased and with the influx of the people from Australia and New Zealand and elsewhere around the world who are more attuned to better service provision specifically in health, social services that there is an expectation that they should be able to receive the same services on Norfolk Island. So I believe that over the years those expectations have risen and I think that's in the context that I was trying to put across at that committee hearing.

MRS WARD I'm not going to ask Minister Sheridan to define what he thinks is the difference between Norfolk Islanders and Mainlanders but I am interested in whether or not, I can't ask you, it's a question of opinion. Is it a fact that

Norfolk Islanders feel that they are not entitled to these services and that it is only Mainlanders who feel that they are entitled to these services.

MR SHERIDAN No I think what I'm trying to get across is that in the past Islanders have a large family network and they tend to look after their own you might say within a family circle, not saying that people from the Mainland don't but in the main when people come from outside and reside on Norfolk Island they don't have that family network to fall back on. So yes they may be seeking more assistance from the Government in social services, health and things like that. So I think that's what I was trying to get across. I'm not saying that Norfolk Islanders or the permanent Norfolk Islanders expect less than the people who arrive from Australia or New Zealand but I think in the past the expectation hasn't been there because of that support service that island families give. So if that explains it.

MR KING Thank you Mr Deputy Speaker. A question for Minister Nobbs if I may. Does the Minister intend to table the Report into the recent fuel crisis today and if so could I ask why it was not circulated before hand to enable proper consideration and discussion.

MR NOBBS Thank you Mr Deputy Speaker. The short answer is no I won't be tabling that response. At this point in time I don't have the full response from the Service. What I will do though is I'll table the Memorandum that I used to commence the inquiry and I will inform the House that as late as last night I know the Acting CEO was still working on that documentation for us so I'm sure that as soon as is possible he will have it. To make it clear I'll just actually read the contents of the Memorandum that I used to make the inquiry. So this was from myself to the Acting Chief Executive Office 21st February 2012 that's when I sent it and the subject was Norfolk Island Energy Fuel Shortage. The content reads "Would you please request the Internal Auditor to undertake an investigation of the management of Norfolk Island Energy, it's policies and procedures and the systems for recording and reporting fuel quantities. I would like a written brief advising the sequence of events so that I'm equipped with information to brief Members of the Legislative Assembly as to why fuel quantities were not monitored to ensure that relevant parties were advised in a timely manner to avoid, minimise or provide sufficient fuel quantity to implement management of the emergency situation which has occurred. Receiving advice that the fuel tanker could not unload and that a fuel emergency was looming because there was only 1,000 litres of ULP remaining at the bulk storage facility resulted in severely limiting the productive actions that could be implemented under the Fuel Emergency Act 2005 and has greatly inconvenienced all community sectors and has impacted negatively on our tourism. Please also include in the brief details of recommended policies and procedures to be adopted to establish a trigger level (I would suggest no less than 50,000 litres two week of normal consumption) of fuel at the bulk storage at ball Bay which would commence the mechanism to brief the Minister responsible and enable the implementation of a formula for effective control of fuel sales/ usage if necessary". Signed by myself. I table that document.

MR KING Given that it's about 2 and half months since you requested that of the Service can I ask whether you have no established a reasonable completion date for that report and ask if you would circulate it to Members prior or would you ensure that Members are circulated with the report without having to wait until the next sitting of the House.

MR NOBBS Thank you Mr Deputy Speaker. I am absolutely happy to commit to that. However as has been pointed out in the request for Questions On Notice and a number of other areas with some of the staffing arrangements in the Public Service some of these things are not being delivered in the timely manner that we would all like. I will certainly keep the pressure on to get it as soon as is humanly possible and as I've said it goes straight to members which was the intent of the Ministerial.

MRS WARD Mr Deputy Speaker I remember asking whether this report would be independent, the Minister has just said that the Internal Auditor would be doing it. Why is it in the hands of the Acting CEO?

MR NOBBS Thank you Mr Deputy Speaker. At this point in time I would imagine its in the hands of the Acting CEO because we have the Internal Auditor in the role of Acting Deputy CEO.

MRS WARD Thank you Mr Deputy Speaker. So how are we going to have an independent assessment of the fuel shortage without the staff to do it?

MR NOBBS Thank you Mr Deputy Speaker. As indicated right up until last evening up until about 10.00pm I know the Acting CEO was certainly gathering all the data and there will be I would imagine provision for all the areas involved to have their input into that document and at the end of the day if we are not suitably satisfied when its presented to all Members and we feel that it needs to go further and wider then that's a discussion we can have.

MR KING Thank you Mr Deputy Speaker. A question for the Chief Minister. Chief Minister in what way does the Norfolk Island Legal Aid system differ from Mainland jurisdictions in so far as requiring assisted persons to repay all or part of the amount of assistance that has been provided.

MR BUFFETT Mr Deputy Speaker I don't have details of the comparison of systems between Norfolk Island and various other states in Australia. I'm happy to do some research about that. I've got to say however that Mr Nobbs has just illustrated to us some of the difficulties in terms of resources but I understand what your about and I'll endeavour to make some inquiries about it.

MR KING Thank you Chief Minister I fully understand the difficulty with the resources but I nevertheless pose the questions. Can I ask is the Minister aware if other Mainland jurisdictions require in most cases the repayment of the full amount of assistance that has been provided.

MR BUFFETT I don't know that at this moment.

MR KING Could I ask also that recognising that Section 21 of the Legal Aid Act establishes a Ministerial discretion in relation to making a contribution. Could I ask you to inform the House or myself prior to the next Sitting what are the guidelines for the exercise for that discretion and where might the community find those guidelines.

MR BUFFETT I can include all of that.

MRS WARD Thank you Mr Deputy Speaker. Again to Minister Sheridan and his comments made on Lord Hose Island to the JSC, on the subject of waste burning incinerator, Minister Sheridan says that he thinks and I'll quote "I think we need a different method, we are still doing research" and he goes on. Does the Minister intend to inform Members of this House what other methods he's looking at or that the Service is researching into or is that something that he's just going to continue himself without letting anybody else know.

MR SHERIDAN There's nothing like a good secret there Mr Deputy Speaker. I'd have to read the full, what I said in contrast. Yes at the moment we are burning down at Headstone just open burning and pushing it in the ocean, of course we need a different method of incineration and yes that's what's being investigated and it's been ongoing for many a years. During the last 12 months as all Members we know we have attempted to get a high temperature put burner installed but that fell down during the development application due to the process and the information not being readily available in regards to the EIS and what emissions would be emitted through that. So that's you might say has been put onto the back burner. Now we have to identify and research a different method of burning or getting rid of our waste compared to how we are doing it now. So I think that's what the context of what the comments I would have said whilst in front of the Joint Standing Committee.

MR KING Thank you Mr Deputy Speaker. A question for Minister Sheridan in respect of his capacity for responsibility for public health. Can the Minister inform the House what level of discussions has taken place at Government level about the clearly escalating wasp problem and its imputations to public health and tourism.

MR SHERIDAN Thank you Mr Deputy Speaker and Mr King. Funny enough the wasp problem came up I think I answered a question in the House before about that and it was about actually 12 months ago, and I had advice from the Health Officer you might say or Quarantine Office at that time yes and it was May 11 and his response was yes there is increased activity over the last few weeks i.e this is going back 12 months, of course it's that time of the year again, it does happen most years as it's a life cycle when the queens and males are hatching from the nests. The males then congregate in sunny open areas awaiting a queen to arrive to so they can mate and then he goes on. The end result of that was that we put out a press release into the paper in the Norfolk Islander the following week but between that time no there's been no discussion as to methods of eradication of the problem. It's something that's been on Norfolk Island for many a year and its one of those areas that you know it's one of those invasive pests that we seem to have to live with. I've done no background work or research as to how or if we could eradicate these Asian paper wasps.

MR KING Well the obvious supplementary is that given the increased level of activity and given that there have been cases of tourists being bitten, I don't know whether its an increased number or not but clearly there is increased activity beyond last year. Can I seek from the Minister an acknowledgement of the difficulty and an intention from him that he will place the matter on the Agenda for Executive discussion, and secondly whether he intends to take a lead in establishing a plan, not for eradication but to address the problem

MR SHERIDAN Thank you Mr Deputy Speaker. I take on board Mr Kings comments and I don't know whether there is increased activity, I haven't seen any more than say at this time last year. Of course as I just stated this time of year there

appears to be more wasps flying around because they are hatching out of their nests and they are breeding, they are looking for a mate. So of course it seems to be, this is the same question that we had 12 months ago, identical but I will take on board. I will take on board Mr King's comments and I will do a little bit of research myself and I will ask the Administration Personnel who deals in these areas for some advice as to how they can be managed.

MRS WARD Thank you Mr Deputy Speaker. My question is to Minister Nobbs and it's really to seek a status report on the dredging of the Kingston Pier.

MR NOBBS Thank you Mr Deputy Speaker and thank you Mrs Ward for the questions. Although I don't have the documentation with me at the moment I'm aware that that has been a process that was commenced more than a year ago from my recollection and the latest stage was to request from the Administration a public evaluation report and at this stage that public evaluation report goes over a considerable time frame and has a cost from recollection around about \$100,000 so that's currently being discussed and assesses.

MRS WARD Is it a fact that the cost involved is because the dredging now has to go through an environmental impact statement process under the EPBC Act and is that something that is current now that wasn't say in the past 10 or 20 years.

MR NOBBS Thank you Mr Deputy Speaker. You've hit the nail on the head. The issue with the dredging is that previously has always been a maintenance action as far as I'm informed the sediment that builds up around the pier is washed down from Flagstaff and erosion from those areas, it's not a build up of corals and things like that that would normally be in that environment. However even though it has been a periodic maintenance arrangement to ensure that the boar operators and the lighterage and sea freight can continue to use the pier, at this point in time it seems that we do have to go through a full environmental impact study.

MR KING Thank you a question for Mr Nobbs Mr Deputy Speaker. At the last Sitting the Minister was asked certain questions relating to the arrangements for ongoing fuel supply for the island. Can the Minister update the House on the state of play in the existing contracted suppliers and the processes of procurement being undertaken to ensure best outcome.

MR NOBBS Thank you Mr Deputy Speaker and thank you Mr King for the question. At the last Sitting I provided a fair degree of this information with regard to the procurement processes and I've bought that information back up with me today just to re clarify that procurement will follow the Administration's Procurement and Policy Guidelines and adhere to Part 5 of the Commonwealth Finance Minister's (Norfolk Island Orders 2011). The current process as I understand it is that the Administration provided the documentation for existing arrangements and finalising arrangements to the Commonwealth and asked for their feedback as is required under the arrangements we have under the Funding Agreement and at this point in time we're advised that we will get that advice by the end of this week.

MRS WARD Thank you Mr Deputy Speaker. My question is to the Chief Minister as Minister responsible for Finance. There is a paper which has been publicly

distributed on revenue raising measures and one is GST and Norfolk Island's contribution to the Australian GST system through their normal methods, through the Australian Taxation system. Can I ask the Chief Minister what his understanding is of the process in how Norfolk Island would become eligible to enter the GST system.

MR BUFFETT Mr Deputy Speaker whist we have some idea there is not a great clear path at this very moment but consider these factors. The GST arrangement is a contribution from all of the States and Territories apart from Norfolk Island at this moment. They all make a contribution and the Grants Commission Report which is an annual updated arrangement then provides various formulas for distribution and the like. It would appear that not only would be need to convince the Commonwealth of the advisedness of Norfolk Island entering the GST system and we are making progress in that regard at this moment, but there appears also that there might need to be wider consultations with the other States and Territories. Whether that will be a role for Norfolk Island, whether that will be a role for the Commonwealth there is not great clarity in that. I'm endeavouring to just paint the picture in terms of the breadth of considerations that might need to be given to such a proposal but I do confirm that there is a proposal.

MR KING Thank you Mr Deputy Speaker. A question for Minister Nobbs. Minister given that many businesses in the community rely on official statistics for planning can you advise the House and the community what are the current visitor numbers and trends and what statistics can the Minister provide to the community in this regard.

MR NOBBS Thank you Mr Deputy Speaker. This has been an ongoing issue for some time. I've certainly taken it up both with the Acting CEO as well as the General Manager for Tourist Bureau. In the discussions I've had with the Tourist Bureau General Manager yesterday evening there is a need for us to perhaps sit down with the IT Department and spell out exactly the data that is going to be useful so that we can get on with the job of collecting that data and being able to provide it to the community. I tend to agree with Mr King and those in the Community who are quite anxious about knowing what some of those trends and figures are so that they can match their business to what's going on. I've certainly made it a priority at Cabinet Meetings however at this stage I can only advise that I'm meeting tomorrow morning with the General Manager for the Tourist Bureau to see whether we can come to some final arrangement to provide that documentation.

MR KING A supplementary to perhaps the Chief Minister in this regard. Chief Minister given that your Minister has just said that there are no official statistics or trends in relation to tourism visitation and given that on at least 3 of the questions that have been asked thus far the response has been that there is difficulty with resources and staffing, how long can we carry on in this fashion.

MR BUFFETT Mr Deputy Speaker. One of the things that we have been pursuing in the Roadmap is the Service itself. There has been a Public Sector Report that has been presented. One of the outcomes of that Report is a capacity building team to be fielded within Norfolk Island. I make mention of this when I make a Statement a bit later on, but what I'm trying to describe now is that there is recognition that in a wide range of areas there needs to be examination of the best way of delivering the product and it is recognised that we need to lift our game in Norfolk Island and maybe do things differently. I'm not trying to make excuses I'm just trying to map the way forward so that we can deliver a product that is better than the product that we've had before. It's

difficult in the financial times to be able to do that but we have engaged the cooperation of the Commonwealth to be able to make that particular step in terms of the public sector area and various reforms within it.

MR KING I have a supplementary thank Mr Deputy Speaker. Chief Minister I do respect and understand what you've just said to me. I have a number of questions that I think are particularly topical, reasonably intelligent I hope, they are certainly if interest to the community. They are in relation to a number of things about levels of monitoring about justification in certain areas, about the monitoring of public health and microbial contaminations and the like. Am I correct in assuming that I need not ask those questions because I know the answer will be we don't have the resources to do those things.

MR BUFFETT Mr Deputy Speaker it would depend upon the areas of course. Mr King has just mentioned 1 or 2. I'm happy to make some inquiries as to the extent of our resources in those particular areas. I'm not able to make a commitment in respect of them at this time.

MR ANDERSON Given that we only have a limited number of flights with up to 166 people, is there any reason why we're not compiling the tourism data manually on a daily basis straight off the incoming passenger cards

MR NOBBS Mr Deputy Speaker I don't disagree that there is a level of simplicity that should be available in all this. I have made it a priority to seek the Service to establish some figures that can be relied on and that is the issue that I will hope to finalise tomorrow morning when I speak to the GM.

MR KING We live in hope Mr Deputy Speaker. A question for Minister Sheridan. Despite my earlier utterings could I ask what level of monitoring is done to ensure that hydrocarbons do not leach into and impact the Ball Bay environment.

MR SHERIDAN Mr Deputy Speaker I'll have to take that On Notice because I'm not aware of what protocols go into ensuring that the environment down there is maintained a safe place. I do know that they have containment bunkers etc but I don't know what type of testing goes on to see whether or not there are actually any contaminations from the Ball Bay Fuel Depot so I'll take that On Notice and have a response for Mr King.

MRS WARD Thank you Mr Deputy Speaker. My question is to Minister Nobbs. In a media release last week he stated that the Minister has received responses to the Marine Safety Bill. Does the Minister intend to share that information with other Members and would the Minister remind Members of the House who the people on the Working Group are, the Marine Safety Bill Working Group.

MR NOBBS Thank you Mr Deputy Speaker. The members of the Working Group off the top of my head are Vince Parnell from the Norfolk Island Police the OIC of Police, 2 members from the Norfolk Island fishing Association Dennis Sterling is the President, and Steve Nuttley as the Secretary. A representative from the Legal Services Unit, the Chief of Staff attends as does Melissa Yates in her Risk Management and Insurance capacity and myself and I think that may be about all. There was also a question there about the submissions received and just out of interest

for everyone from memory I think. From recollection I think it was about 6 or so of the submissions were received in writing. We've had various consultation phases as well. Those submissions were discussed in quite some detail with the Working Group after the process closed and from those I can certainly advise everyone that some significant changes were made to the discussion paper and the proposals. Our next process form there is to tidy up those amendments and for the Working Group to hopefully engage in a radio talkback and information sessions whereby we will be inviting further comment from the community on the then revised position following the written feedback.

MRS WARD Thank you Mr Deputy Speaker. Would the Minister not agree that it would be prudent to follow the same line as Minister Sheridan did when we had the Road Traffic amendment Bill on the table where he shared with all Members all submissions that were received by the public so that we had a better understanding of what community concerns were.

MR NOBBS Thank you Mr Deputy Speaker. That is the intention. As we reach the point where I'm bringing the paper to the House, to the Membership and the MLA's meeting prior to coming to the House we'll certainly all be looking at all data that has been developed along the way.

MR KING Thank you. A question for Minister Sheridan, again a public health issue. Minister is there any evidence to suggest that water delivered at the Taylors Road stand pipe in Watermill Valley is contaminated and unfit for human use.

MR SHERIDAN Thank you Mr Deputy Speaker. I believe that all investigations that have been done down that particular point have indicated that the water is contaminated and that's why there is a sign there saying that it's not for human use. But just for further information for Mr King late last year the Administrators office undertook some detailed analysis of water particularly for Government House but they also in their assessment they did take some samples of water from around the island at various points and one of those points was the water point and they did detailed analysis to see whether it was human bacteria or animal bacteria which was contaminating the waterway. Mr Bruce Kelly the past Official Secretary just prior to him leaving did forward to me some data, some results, but he did indicate that there was a local person on the island who was preparing a report and that report will be provided to me after the Administrators Office received it. Now I haven't received that so I haven't disreputed any of the other data that I have received. But I can say, I did bring it up that down at the water point there that for human and animal bacteria that both indications were of a medium level. So they and I'll just run quickly through this report, that's on that community water point. They tested 12 sites which ranged from Fantasy Island, Fletcher Christian, Watermill House, a couple of creeks the dam, Lions Club, Emily Bay Creek, Duncan Sanderson's dam and for the 12 sites the contamination levels of human were 5 medium and 7 low and for animal they were 5 high, 6 medium and 1 low. But I haven't received the detailed report which analyses that data so until I get that Mr Deputy Speaker I won't provide that information to Members, I'll wait for the Report then I'll provide everything then.

MR KING Is that a confirmation that the Report and the findings will be made publically available.

MR SHERIDAN I have no problem with that.

MRS WARD Thank you Mr Deputy Speaker. My question is to Minister Sheridan. Does the Minister have an update in relation to the Healthcare Act Review.

MR SHERIDAN Yes I do Mr Deputy Speaker. I actually asked Legal Services Unit for an update on a few of my loading legislations and they were Mental Health, Dangerous Drugs and also the Child Welfare Act and as Crown Counsel has advise me Mental Health and Dangerous Drugs are well progressed but require further attention and he has carriage of those matter. The Child Welfare Act has Mr John Gross, that's in his area of responsibility and he is currently on leave. He must have taken some extended leave, I see he's on leave until mid June, but there were some other queries to do with that Child Welfare Act but yes they are all still being progressed through the Legal Services Unit.

MRS WARD It's not a question it's just a clarification Mr Deputy Speaker. I think I said healthcare Act but Mr Sheridan is absolutely correct I meant Mental Health Act thank you.

MR KING Thank you Mr Deputy Speaker. A question for the Chief Minister. Chief Minister what possible justification can there be for prominent historical headstones being in various states of disrepair and again is it a question of inadequate funding and resources. Tommy the banker is about to go face down,

MR BUFFETT Thank you Mr Deputy Speaker. The gravestones within the Cemetery I suppose you might say are broadly in 2 categories, one is the Pitcairn era and the other is the pre Pitcairn era and the headstones that relate to the Pitcairner era are basically in the hands of family members more than governmental attention although there has been assistance in some instances, especially in terms of some of the older headstones to give some assistance there to their maintenance. I'm assuming what you are talking about Mr King is really the older area that is more the penal settlement, convict settlement and the like. That in a broad sense is in the hands of the Kingston and Arthurs Vale Historic Area Board of Management and there have been various programmes to care for headstones in various ways. Some of them have related to the lettering, some have been more drastic in terms of re erecting, propping up the stonework itself. I'm not aware of the range that your talking about. If you would like to identify that to me I can talk with the people who have day to day responsibility in that area to see if they may be addressed, and if the area is of great significance to raise it at Board level.

MRS WARD Thank you Mr Deputy Speaker my question is to Minister Sheridan again in relation to his recent visit to Lord Howe Island to the Small Island Forum. One of the key speakers was Ann Prince who is a great supporter and promoter of waste minimisation. Did the Minister have any discussions with Ann Prince on that particular subject.

MR SHERIDAN Thank you Mr Deputy Speaker. Yes I had some very good discussions with Ms Ann Prince whilst at this Forum and the discussions ranged far, wide reaching discussions and we talked about our Waste Management Centre over here and of course just for background information if you will remember that the Waste Management Centre was built around an Ann Prince Report back in 2001 and most of the practices that are carried out up there are in some way related to her

recommendations, not all of here recommendations have been instigated at this point in time due to a lot of reasons. But yes we had some good discussions and we actually went to the Lord Howe facility which they've got a very good facility and they don't do, they do very little burning there if any at all. They re-export all their waste to the Mainland except for their household food waste, their green vegetation they chip, and they shred paper and cardboard which then they put into a composter and breaks it down. So they've got a very good system I also did talk Ann Prince about, there was a small island up in the Torres Strait, a small community and they had the same problem, they didn't have anywhere to put it and they wanted to re export their recyclables and things like this but the Australian Government denied it, but she worked through a solution with them and you know, instead of saying it can't be done she asked AQIS for what had to be done and then they worked around what they had to do and in the main all it was simple as they had to put all their recyclables into a container from the point of receiving it straight into the container, treating it before it went off island and then it went into cans I believe but it was in a sealed unit and unfortunately we don't have containerisation here so it would be a very simple solution for us too, but I intend to write directly to AQIS, the Director of AQIS and find out what we have to do to have our recyclable waste exported into Yamba because as we know we've done that once before but it's not an AQIS customs ports so there is some difficulties there, but I'd like to find out the reasons how, you know what the reasons are and how we can overcome them so that then yes we can start exporting a lot of our waste. But yes we did have some very good discussions and she's forwarding me some documentation in regard to this island up in Torres Strait and it just slips my mind what it was named, it was a very small place but yes there was some fruitful discussions and hopefully we will move on from there.

MRS WARD Thank you Mr Deputy speaker. As far as the Minister is aware have other small islands adopted Ann Princes' one of here main recommendations which is waste minimisation. So do other islands do that and is that something that the Minister is willing to pursue for Norfolk Island in the future.

MR SHERIDAN Yes recently at this Forum there was a map of Australia and a tag line you might say for all the reports that Ann Prince has done for various communities, islands etc and yes a lot of them have gone down the road of her reports and waste minimisation and I'm quite keen to do that and that's what I'm saying, we have the ability up there to minimise our waste and recycle, we just don't have the ability to get it out of the island at this point in time. That's the next step. Once we have that then we can start making sure that those items are recycled instead of burnt.

MR ANDERSON Thank you Mr Deputy Speaker. A question for the Chief Minister. Does the Chief Minister have an update on the availability of the Customs report into the small personal packages, duty exemption.

MR BUFFETT Thank you Mr Anderson. He did foreshadow this at an earlier time I think at the last Sitting asked me about that. I have asked the Customs people to let me have a Report, that is not available at this time. As soon as I have it I'll be able to share it. I think I did answer last time the methodology that was used in terms of applying that tax. This report is now to follow.

MR KING Thank you a question for the Chief Minister. Chief Minister is it a fact that the use of roundup in and around the waterways of the KAVHA

region has been resumed and has the impact of such activities on the eco systems and the swimming waters been adequately addresses.

MR BUFFETT Thank you for that question. I don't have any information about that but I'll promptly seek about it. I was unaware that there was an off or on in terms of the roundup situation. I'll enquire and let you know.

MR KING Thank you Mr Deputy Speaker. A question for the Chief Minister. Chief Minister the job advertisement for a Senior Government Advisor recently appearing in the Norfolk Islander contained neither a salary offer not expected deliverables or outcomes. How come this advertisement be regarded as a genuine attempt to attract the right applicant when these important elements were missing from the advertisement.

MR BUFFETT Mr Deputy Speaker I thank Mr King for the question. The phrasing for the advertisement is one that is normal in the processes. There are some adds that contained details of the exact dollar and some indicate that depending upon the skills that are to be offered there is room for negotiation. That's how this particular one is in this instance.

MR KING Chief Minister can you understand there maybe a level of community scepticism that this is simply an advertisement crafted to retain a person already engaged as an Advisor to Government.

MR BUFFETT Mr Deputy Speaker there are 2 things. Firstly the very apt of advertising this indicates that it's a merit selection process, that's how engagements are made at this time and that's the very reason that the job has been so advertised. It's an essential job for us to progress the Roadmap. A great deal of the communities difficulties and anxt can only be solved by mapping out a way forward which is what the Roadmap does and just as we have people attending to essential tasks in the community that range from directorship of the Hospital Enterprise to overseeing tourism activities, this is a hugely important task for us and we need somebody who's full time task is attending to it, and in a broad sense that's what this particular task is about, and on a merit selection basis we are seeking to have somebody suitable to be about the task.

MR KING Could I ask the Chief Minister whether the position has been advertised offshore.

MR BUFFETT I'd have to check. I assume so. Usually the appearance locally is one part of the process but I better be sure before I give you a conclusive response. In fact I can have a conclusive response before we've finished this Sitting.

MR KING Another question for the Chief Minister if I may Mr Deputy Speaker. Chief Minister what examination has taken place of what appears to be significant changes in mail carriage and delivery arrangements and what endeavours have been taken to improve the situation if it were found that there were shortcomings.

MR BUFFETT Mr Deputy Speaker I'll take that On Notice and make some inquiries as to how all of that sits.

MR KING Is the Chief Minister unaware of any complaints in relation to mail carriage and delivery.

MR BUFFETT Mr Deputy Speaker I do have people who have registered concern with me both in terms of ships mail, the regularity of air mail and the like. Whether all of those are solvable I don't know and to at this stage I don't know, and I will make some inquiries about them.

MR KING This is a substantive question. A question for the Chief Minister. Chief Minister does Norfolk Island have standards different from other jurisdictions in relation to the conduct of trust accounts by bankrupt Solicitors.

MR BUFFETT Mr Deputy Speaker this area has significant complexities. I'm not too sure that I can answer them off the cuff but I think it is fair to say that there does appear to be a difference in how it operates in Norfolk Island if you'd make comparison with States and Territories elsewhere.

MR KING Chief Minister why has there been a 19 year delay in commencing Section 16 (2) of the Legal Profession Act which if commenced would adopt the ACT standards for professional conduct.

MR BUFFETT I'm just trying to some calculations to see if Mr King was actually in the Chair during that period of time. I'm not trying to make jest of the whole situation. The whole situation has its difficulty and in fact there are continuing examinations as to how we might move forward about that. Whether these particular section being referred to is the total answer I'm not trying to claim, I rather doubt that it is but I will examine that one further.

MR KING Chief Minister did I hear correctly that the Government has considered the question in the light of local circumstances.

MR BUFFETT Yes but without necessarily having found an answer at this time.

MR KING But will proceed to consider the matter and adopt a position in relation to it.

MR BUFFETT Yes

MR ANDERSON Thank you Mr Deputy Speaker. A question for Minister Nobbs if I may. Can the Minister confirm whether additional band width was very recently made available at Telecom's internet service and why the very slow service currently being provided has been allowed to reach this stage existing businesses being impacted detrimentally. I give the example of bank queues that are occurring because the service is slowing transactions to a snails pace at no fault of the Banks.

MR NOBBS Thank you Mr Deputy Speaker. Thank you Mr Anderson for the question. As far as I'm aware the Banks have a dedicated band width that is theirs and theirs along so if there is a delay that's occurring within the Banks network then it may well be worth investigating within their technical equipment. With regards to our band width or any increases we some time ago went to an increase of 10

megabyte down 3 megabyte up and so there hasn't really been any significant changes that I'm aware of since that period.

MR ANDERSON So if the Banks are being advised that their services are flat lining as there was upgrades last weekend and its had no impact your not aware of that.

MR NOBBS Thank you Mr Deputy Speaker. Just to clarify are you asking that the Bank has informed me that they have

MR ANDERSON No if the Bank hasn't been informed by Telecom that the internet service is flat lining i.e. sitting at its maximum capacity and nothing can be done until additional capacity some of which was supposed to be introduced last weekend.

MR NOBBS Just to clarity. As far as I'm aware the Bank pays for its own pipe for want of way of describing it. That pipe is to enable their secure internet and their processes to go unimpeded by any change in the internet bandwidth. If they are using internet bandwidth for some other form of processing then yes that may well be impeded if we're getting flat line. What we are seeing and it was certainly a large part of the discussion at the Small Island Forum was the ballooning of requirements for bandwidth and each area where an increase is made up down capacity of the satellite or whatever other connectivity the other islands have it doesn't take long to reach the end of it, whether it's people watching television online or whether it's facebook and a range of other multimedia bandwidth hungry applications. So I know that Telecom has certainly put some research into what the costs are and the possibilities are in expanding the bandwidth so really it needs to move on if we're hitting this flat line on a regular basis and its impacting on businesses then we need to review it on a cost benefit analysis.

MRS WARD Thank you Mr Deputy Speaker. It's on the increased bandwidth capacity. I wasn't aware or was the Minister going to make Members aware that there was another increase. Has it been trialled. Can the Minister please inform the House of the situation.

MR NOBBS Thank you Mr Deputy Speaker. As I stated there hasn't been an increase that I'm aware of. I was talking about the increase from some time ago up to 10 meg down 3 meg up, that's been in place for quite some time.

MR ANDERSON Mr Deputy Speaker to the Chief Minister. Understanding the severe limitations that we have on capacity has any impact study been undertaken as yet in relation to the carbon tax and its impact on Norfolk Island and are we as usual excluded from the Commonwealth Governments compensation package.

MR NOBBS Thank you Mr Anderson for the question. Around about August last year I wrote to the Federal Minister highlighting that there was some issues that were likely to impact on cost of living for Norfolk Island and the cost of doing business on Norfolk Island. The response that I'd received and as a direct result of the carbon tax or change in climate policy depending on which way you want to reference it and the response I got from that acknowledged that we would be impacted as a result of those but didn't provide any solutions. I'm following this up yet again on the basis that there are a number of areas that have been given assistance within the Australian region

to accommodate families and businesses for the change in the carbon tax. So as I say from the 2nd August 2011 I've made communication and highlighted that we will be impacted and that we need to be consulted and considered as it goes forward.

DEPUTY SPEAKER Honourable Members we are reaching the 60 minutes time allocated for Questions Without Notice. Any further questions?

MR KING I move that we extend for 10 minutes.

DEPUTY SPEAKER QUESTION PUT
QUESTION AGREED

MR KING Thank you. A question for the Chief Minister Mr Deputy Speaker. Chief Minister is the Norfolk Island Government on track to comply with the Funding Agreement obligation to remove barriers to telecommunications competition on the 1st July and if not why not.

MR BUFFETT In terms of the Funding Agreements Norfolk Island is on track except where we have needed to for Commonwealth reasons seek some extensions and that includes the area that you have asked about and that's my answer.

MR NOBBS The Chief Minister has covered it because the Commonwealth has indicated that there is quite some expansive and technical issues to be assessed in that area so the Chief Minister has covered it.

MR BUFFETT I only wanted to respond to I'll see if I can find out some information about an earlier question and

MR KING I understood that the obligation to remove telecommunication barriers to competition was extended from end of March to July so the date that I'm referring to is in fact the extended date under a deemed amendment to the, which presumably has been signed off on. So given as I understand it from recent answers supplied by both the Chief Minister and the Portfolio Minister that the 1st July date cannot be guaranteed will the Chief Minister commit to allowing some sort of interim arrangement until the pricing advice is received from the relevant Australian Government Departments.

MR BUFFETT I'm not able to give any assurance about interim arrangements at this time.

MR KING Given that the portfolio Minister said almost 11 months ago and I quote "Norfolk Island Government policy is to allow competition in the telecommunications area. The issue under assessment by the Norfolk Island Government is not whether NIDS or any private operator or other private operator are permitted access to the infrastructure but the determination of fair and equitable access fees which at this end the Government and Norfolk Island Telecom are currently completing the process to evaluate operational replacement and maintenance costs associated with private operators utilising publically owned telecommunication infrastructure". Chief Minister firstly can you provide to Members the outcome of that operational evaluation and secondly Chief Minister how can the Norfolk Island Government possibly be serious in their stated policy objective when it has allowed the

implementation of the policy to be stalled for some 12 months. Where is the honesty and fairness in that behaviour Chief Minister.

MR BUFFETT Yes I understand that. Mr Nobbs who is the Portfolio Minister has the sort of detail that we are talking about and I'll give him an opportunity to respond there.

MR NOBBS Thank you for the question and the background there Mr King because the background is important. At the time of discussing that policy I had made it clear in the House at the time the intention of myself and the Government was to seek an equitable pricing scheme. We had gone to a working group arrangement with community members and professionals and members of the Norfolk Island Telecom to evaluate a pricing arrangement. They had advised me that it was far too complex for them I then put it out to a professional group who had the expertise in those areas to provide us a review of the competition on the network. That documentation highlighted to me and to the rest of the Members of Government that this was a far more complex issue and that there were some implications that could reflect negatively on pricing to the community and maintenance of infrastructure levels at that time. As a result of that professional advice it involved me having to do an about face and say – this is an issue that we cannot engage with at the moment, the policy had to be reversed.

MR KING I'm keen to understand when that announcement was made about a policy reversal, when and in what form.

MR NOBBS Thank you Mr Deputy Speaker. We had lengthy debate in this House at the time of that review document being placed. I do recall that Mr Kings debate was more about whether Mr Sheridan was a member of the Navy and whether the Chief Minister was a long standing member of the Norfolk Island Legislative Assembly and various other aspects that didn't particularly relate to the document. However the document was dealt with in some detail so that there was a good understanding of some of the parameters that were affected and could negatively impact broadly.

MR KING I'm none the wider in that respect but nevertheless does the answer supplied to the questions that I've asked mean that the jointly agreed, that is jointly agreed by both Governments policy objective of removing barriers to telecommunications is going to be renege on.

MR NOBBS That's not the intention. The intention is to work with the Commonwealth on assessing further involvement of private sector and telecommunications if at all possible. There are a number of areas that need to be put in consideration there to protect the consumers and the operators, they involve legislative change, they involve oversight bodies and management of those issues. It is certainly not a simple change.

MR KING Given that it is a clear stated joint position by both Governments can the Chief Minister seek from the Commonwealth Minister an explanation as to why the implementation of this joint policy objective, joint policy objective is stalled and give him a clear understanding that delay in implementation continues to deny the community competitive and better services and brings private operators close to financial ruin.

MR BUFFETT Mr Deputy Speaker I understand what Mr King is saying at this moment. I do reinforce that we have pressed the Commonwealth on many issues endeavouring to have answers so that Norfolk Island might be progressing and it may solve some of the difficulties that are on our plate including the one that Mr King is identifying now. Having said that I am very willing to reinforce on this particular matter explaining that it has been given this focus at a sitting of the House emphasising the difficulties that it is placing upon business and businesses in the community and I'm happy to do that.

MR KING Thank you Mr Deputy Speaker. A question for the Chief Minister. At the last Sitting you reported a 23% increase in the profits of the REO Café to a total of some \$41,000 brought about largely by sales of books, museum tickets and tour tickets. How can this level of profits in the stated increase of 23% possible be correct unless the Café was acquiring its retail products at no cost and was therefore able to apply all sale proceeds direct to its bottom line.

MR BUFFETT I don't have those figures in front of me now. Whilst I do remember the matter being raised I do remember providing some detail. I'm happy to re examine those figures and give Mr King a response. Mr Speaker if time is pressing so that I might just get within this 10 minutes could I just advise in response to an earlier question. This was about where a particular job might be advertise and I just wanted to be sure that in giving response I was on the ball about where. This position will be advertise on seek.com.au in other words a world wide net situation. There has been difficulty in getting it up in the time that it was advertised locally but I am assured now that it will be online at that site today. There had been earlier attempts to achieve that.

MR NOBBS Just if I could also add a clarification to one of my earlier responses. I listed the members of the Working Group and I neglected to mention that the Registrar Allen Bataille is also on there so just to clarify that as well.

MR KING I had a blank moment I'm sorry Mr Acting Deputy Speaker. Did you mention any people from the, this is in relation to the Maritime Working Group. Did you mention any people from the Lighterage area or the Stevedores area.

MR NOBBS Thank you Mr Deputy Speaker. At this point of the Working Group no they are not involved.

MR KING Would you not consider that such a person with that range of experience to be an essential part of that group.

MR NOBBS The Lighterage Act has a separate area of control along the consultation process that certainly there is some room to gather some further input from the lighterage area directly. I couldn't say that they haven't been approached through any of the other mechanisms but they certainly haven't been involved directly in the Working Group.

MR DEPUTY SPEAKER Members we could extend for 1 more minute. Any further Questions Without Notice.

QUESTIONS ON NOTICE:

We move to Question On Notice Honourable Members. Chief Minister.

MR BUFFETT Mr Deputy Speaker may I say at the outset I signaled earlier that there has been some significant activity in the Administration over the past week. I have been advised prior to this meeting that the CEO would not be able to offer resources in all areas to be able to respond to all of the questions given the time frame and that's the case with a number of mine at this moment. I'm happy to start at 379 which asks this question. At the last meeting the Chief Minister said that the onward travel requirements for entry permit holders other than Australians and New Zealanders was an area of contention and was being further examined. Isn't it a fact that published policy only requires such a person to guarantee means of travel to a place where entry will be allowed and not necessarily means of travel to their country of citizenship. Where and how does the stated contention arise. Mr Deputy Speaker the stated area of contention is basically this, that if we are talking about people who are not Australian and New Zealanders in Norfolk Island with a permit they will need to have a Visa arrangement to be negotiated with the Australian authorities before we given them some sort of long term arrangements or any arrangements within Norfolk Island. Part of that is a return ticket arrangement. The Visa varies from time to time. Sometimes it will provide for a visitation into the Australian scene but not to work or do those sorts of things and others it may be more extensive arrangement. You will see that if they don't have capacity to be in Australia for a long period of time then they may have to move on and may not have the capacity to move on if all their ticketing arrangement is only to Australia, and in that context we have been of recent times demanding that people have a return ticket to their country of citizenship. That process may well have some difficulties. This is the contention area because if we in fact send somebody off to Australia and they don't have permission to stay there for some reasonable time what happens to them then if they don't have the means to move on and it's not a matter of us trying to dump somebody in the Australian sphere, we would need to negotiate with the Australians and the fair arrangement and that's the area of contention that we are endeavouring to walk through.

MR KING Minister I fail to understand and you may be able to convince me otherwise but I fail to understand how it can be any of our concern if a person has a valid Visa or a documentation to enter a particular place what concern is it of ours whether they have the means or the ability to move beyond that place.

MR BUFFETT It depends what sort of relationship you want to have with the people to who's place your sending them to. Yes I know there are muttering and mutterings but that's the response. In our immigration processes we are not necessarily in the business of wanting to dump somebody and an area where they may not have capacity to be for a reasonable length of time and they are the contentious areas that we are endeavouring to walk through with the Australian Government.

DEPUTY SPEAKER Thank you Chief Minister. Just for the clarification of the listening public is it your intention to comment at all on 376, 377 and 378.

MR BUFFETT I gave you my explanation at the beginning Mr Deputy Speaker. When I have details about that I'll respond to those.

MR NOBBS Mr Deputy Speaker this is a response to questions t the last sitting. Will the Minister table in the House 1. the most recent documents form the Regulatory Authority purporting to grant approval and extensions of time for the Airport

runway 2/9 RESA project which remains incomplete, unattended and stalled Mr Deputy Speaker I'm advised that there have been no approvals received from the Regulatory authority regarding approval for an extension of time for RESA 2/9 which remains incomplete, unattended and stalled. There have in fact been no correspondence received from CASA at all concerning RESA in the term of the present Airport Manager notwithstanding the numerous contacts made with Frank Leonardo who is the CASA runway Engineer by the present Airport Manager concerning RESA 29 both by email and telephone. In addition the Aerodrome Inspector is aware of the situation concerning RESA 29 and has in fact been shown RESA 29 on his last visit. Part 2 of this question reads Mr Deputy Speaker. Will I table a short report detailing the original cost estimates including the expected cost of the in house resources, budget allocations and related expenditures over the term of the project. Mr Deputy Speaker the answer to this question has previously been provided within Questions On Notice Number 178 a,b,c,d and e on the 1st of June 2011 sitting of the Legislative Assembly. However I will also table a comprehensive report on RESA 29 prepared by the Airport Manager on the 3 October 2011 that provides significant detail on the costings, expenditures, budget allocations, soil quantities and timing for the RESA project as well as the difficulties that have challenged this project. I table that.

MR NOBBS Why has the Minister been unable to provide to Members as he undertook at the last meeting an indicative profit and loss statement for the Radio Station covering a period of 2 years and will he be doing so at this Sitting. Part 2 of the question reads if the Minister is unable to extract such data can he provide 2 years data of known costs versus known revenue. Mr Deputy Speaker on the 17th April this year I requested the Administration to provide profit and loss statements for a full 2 years period. The Administration has advised that due to staff shortages this request is only being filled this week, don't get too upset just yet.

MR KING I may as well not come to the meeting.

MR BUFFETT Well your not at many other meetings.

MR NOBBS In actual fact if Mr King had been of listening that I'm going to table it this morning even with the pressures on the staffing at the moment. So I table a statement of known costs versus know revenues for the full financial years 2007/8 to 2010/11 inclusive for the budget 11/12 and for the actual results for the 10 months to April 2012. I'm also acutely aware Mr Deputy Speaker that there may well be a Radio Station licence in the offing and I guess I am a little I suppose, wary of how much data we're putting out there but the community station in that regard. I just put that on the table for people to mull over.

MR NOBBS Thank you Mr Deputy Speaker. The question reads can the Minister advise the House and the community whether he will be conducting talkback community consultation on the Radio Station in relation to his Marine Safety legislation and if not why not. Mr Deputy Speaker yes we will. On the 27th April the working Group met to discuss in detail the written submissions. During that meeting I asked the Working Group to attend the Radio Station with me to provide further consultation opportunities.

MR NOBBS The question reads at the last meeting the Minister referred to legal work being undertaken in relation to his alternative energy initiative, part 1) Can the Minister confirm that the initiative he is referring to is the much acclaimed alternative low friction power generation plant which the Minister and Chief Minister have claimed as a notable government achievement. Mr Deputy Speaker the high efficiency generator

technology has achieved recognition through the testing and operating process. The Norfolk Island Government is not planning on taking the credit for the technology but has welcomed the installation of the equipment with the hope that this technology will result in saving the electricity consumer on Norfolk Island. Part 2 reads Can he explain to the House the nature and reasons for the legal documentation to which he has referred mutual protection of our investments Mr Deputy Speaker. I might just say that this piece of equipment has been worked on at the same timeline as the Ombudsman. It just demonstrates that some of these things come together in a brief time frame, some don't. It commenced at the same time. Part 3 of this reads Mr Deputy Speaker. Can he advise the House of the total cost to the public purse of Government and/or of Administration involvement in what is essentially a private sector initiative including the estimated costs of in house legal work and other time costs. Mr Deputy Speaker I'll have to take that part On Notice however I would say that we've also gained revenue from these discussions and the work that has been carried out because there has been numerous visitation from the designers and proponents. Part 4 – Can he advise the House whether it is intended that particular private sector investors are to be given access to the Administrations power plant and grid or other Administration places, plant or resources and whether a full written independent risk assessment and analysis has been undertake. Mr Deputy Speaker the equipment is to be connected to a load bank in a demonstration mode prior to connecting to the grid and will enable a comprehensive assessment prior to grid connection. Legal documentation has been prepared to ensure that the Administration bears no risk once equipment is connected to the network. No independent risk assessment analysis has yet been undertaken.

MR BUFFETT What time line has been established for identifying options for alternative legislative drafting services. Mr Deputy Speaker presently drafting services are outsourced by the Legal Services Unit. We have of recent times had informal discussions with NSW drafting arrangements. We have had interests from private legal institutions but more importantly we, as a result of the Public Sector Reform have had a capacity building team which has the legal Services Unit as one of the units where there will be a capacity building component and in that there is to be some review as to how we might go about services including the legal drafting arrangements. There therefore isn't a time at this moment to be able to tell you how all of that will pan out. What I do signal however is that within the next month we expect that the capacity building team will be in place.

MR NOBBS The question reads has the Minister used his power under Section 18 of the Gaming Act 1998 to direct the authority on any matter in the past 6 months. – no I have not, and if I had it is a disallowable instrument that I would have brought to the House.

MR NOBBS The question reads would the Minister – it's a 2 part question. Would the Minister agree that significant matters being considered by the Gaming Authority that impact the approved and appropriated Government budget fall within his Ministerial responsibility – yes Gaming is one of my portfolio responsibilities. Part 2 – Is it normal practice for the Gaming Authority to make decisions and take action which has the power to adversely affect an already appropriated Government budget without communication with the relevant Minister. Mr Deputy Speaker I'm advised that prior to the November 2011 sitting of the Norfolk Island Gaming Authority, the Authority was under considerable competitive pressure to review the Authorities fees and charges. The jurisdiction was thought not to be competitive with other areas. At that time the Authority sought legal advice and the Gaming Director has provided the following extract from that advice. "I've reviewed the Gaming Act 1988, Bookmakers and Betting Exchange Act 1998 and Gaming Supervision Act 1998. In my view the Authority has sole authority to determine

the nature and rate of any duty as part of the conditions of any licence issue". The Authority subsequently determined a new scale of fees and charges based on the prepared Fees and Charges Review document which I will table. Following the sitting of the Authority a meeting was requested by the Authority to discuss the budget projections. Two Officers of the Administration and 2 representatives from the Authority to discuss government budget projections. I'm informed by Director of Gaming that the Authority representatives had advised the Administration of the decision of the Authority and the effect the new duty rates would have on forward projections, the projections were based on the new rates. The Gaming Director states that "unfortunately the Administration did not convey the discussions or documents to the Government nor was an interim budget review requested of the Authority". If this and this is where I'm referring to myself in this answer. If this has been the normal practice in the past it is ceased now. I've made it very clear to the Gaming Director the difficult position that has been created whereby the Norfolk Island Government was only yesterday provided a business case from the Authority to support a rate change that was commenced in January 2012. Part 3 of the question reads – Would the Minister provide to Members an accurate set of minutes from the Gaming Authority meeting where a resolution was moved to reduce the duty rate on Gaming and – yes I will. I table those documents now.

MRS WARD Is the Minister saying Mr Deputy Speaker that although there is no legal obligation for the Gaming Authority to make the Minister the Government or Members of the Assembly aware of the decisions and actions, the Minister has requested that they now do so perhaps more as a moral obligation, is that correct.

MR NOBBS Thank you Mr Deputy Speaker, thank you Mrs Ward. Absolutely.

MR NOBBS The question reads would the Minister provide to Members the Gaming Authority's budget bid as presented for the financial years 2012/13 to 2015/16 and I table that as well Mr Deputy Speaker right here.

MR NOBBS Under Section 14 of the Bookmaker and Betting Exchange Act 1998 the Authority must promptly provide the relevant Minister with a copy of each licence or variation of a licence and the Minister must table a copy in the House. Why was there a 15 month delay in either process up to 7th December 2011. Mr Deputy Speaker the documents were tabled as soon as I received them from the Director. In fact I would have to say hours after I received them. Part 2 of that question reads: Under Section 48 of the Bookmakers and Betting Exchange Act 1998 the Authority must provide 6 monthly reports to the Minister and he in turn must table those reports. Why has that not occurred? Mr Deputy Speaker I tabled the Gaming Authority Report at the last Sitting prior to that I tabled the Gaming data and reports as they have been presented to me. The Gaming Director has advised that administrative arrangements have been strengthened to ensure this report is not overlooked.

MRS WARD Thank you Mr Deputy Speaker. Does the Minister know where the licences sat for 15 months. Did they sit on the desk of the presiding member of the Authority or did they sit on the Ministers, well obviously not the Ministers desk. Did they sit on the Gaming Directors desk. Where were the licences.

MR NOBBS Thank you Mr Deputy Speaker. There seems to be a process that the proposing operator goes through whereby they don't necessarily commence the licence until a late date as well. So I think within one of my answers here I actually provide some of that info. However ultimately what I've requested is that the moment they

are ready to be tabled they should be in my hand and ready to be put on the table in our parliament.

MRS WARD Thank you Mr Deputy Speaker. The Minister will be well aware that under the Betting and Bookmakers Act licences are to be tabled by the Authority, they must be promptly provided to the Executive Member or to the Minister with a copy of each licence or variation of a licence. Is the Minister trying to say that if there has been a licence created but not commenced that that might be a reason that the law has not been abided by.

MR NOBBS No I'm not saying a licence has been issued and then modified.

MRS WARD Then can the Minister answer why the law has not been respected.

MR NOBBS Mr Deputy Speaker I can only go on the advice given to me by the Gaming Director that he has provided the licences in accordance with the Act and the timing.

MRS WARD Mr Deputy Speaker under the Gaming Supervision Act the Authority may or must at the request of the Executive Member hold an inquiry into any matter relating to the operation administration or enforcement of any prescribed Act. Is it his intention to seek that inquiry from the Gaming Authority,

MR NOBBS Thank you Mr Deputy Speaker. I'm actually going through a significant review of the way the Authority works within that Act, in fact to the level of reviewing that Act at the same time. The Gaming Director Authority have been made aware that there are to be some new levels of accountability and scrutiny as part of that, including contracts of engagement and the like for those operating within that legislation such as the Gaming Director. In that process there may well be an advantage to commencing exactly what Mrs Ward has talked about there from the Gaming Act, to just assist any other issues that may have arisen over the perhaps the last 12 months.

MRS WARD One final if I may Mr Deputy Speaker. Under the Bookmaker and Betting Exchange Act there is also a Section where the Authority must report into their actions. What the Minister tabled most recently were terms under the Gaming Act, it excludes the Bookmakers Act. Can the Minister explain why that is the case.

MR NOBBS Thank you Mr Deputy Speaker. I had requested a report from the Gaming Director prior to that sitting and asked that it be in compliance with the Acts, that is the report that I tabled.

MR NOBBS How many interactive home gaming, lottery and bookmaker licences have been granted by the Norfolk Island Gaming Authority and how many in each category are active in generating revenue for the island. Mr Deputy Speaker I've not been able to obtain the past details from the Director as the Secretary is currently unable to assist due to changed work arrangements within Telecom. I will provide this to Mrs Ward when I receive it. I have been advised that there are currently 3 bookmaker licences active in generating revenue for the island.

MR NOBBS Thank you Mr Deputy Speaker. I actually see this as a waste of time. I'm happy to do it but I have certainly enough things to deal with the here and now on my plate than to worry about releasing a draft report that is not complete and has been in effect rejected by the Working Group as a way that we will move forward with the Commonwealth on bettering our landing facilities on Norfolk Island for cruise ships and sea freight and things like that. I don't actually see this as productive. I will chase it if necessary but I don't see it taking us anywhere.

MR NOBBS The question reads is the delay in availability of tabling of the Worley Parsons design report due to fees not having been paid by this Government. No

MR NOBBS The question reads at the last sitting the Minister agreed to provide details of the Norfolk Air Liabilities which remain outstanding, in particular he was asked whether the lease of the premises in Burnt Pine continues to be paid or has it been terminated by negotiation. Can the Minister now provide details of what remains to be wound up or finalized, and the estimated cost for any remaining issues. If the lease of the premises has been terminated how much was paid to the lessor for the release of the Administration from the lease obligations. Mr Deputy Speaker the lease of the premises in Burnt Pine will continue to be paid until the expiry of the lease in 2012 this cost was included in the calculation of the cost of exiting the airline business, a cost paid by the Commonwealth. I am advised that there is 1 contract being finalised this month. All other known commitments have been met. I am also advised that over the next 2 months the Administration plan to conduct a full review of the exiting operation.

MR BUFFETT Mr Deputy Speaker the question reads here. Can the Chief Minister update the House on the availability of the Audited financial statements of the Administration for the 10/11 financial year. When will they be tabled and what issues do the Auditors have that have cause such a lengthy delay. Mr Deputy Speaker I'm advised that the sign off in terms of these financial figures, financial statements has occurred and that the certified copy is currently in transit from the Auditors but they are not obviously here in time for me to table this morning, but I am advised that that's where they are at this moment, in other words have been signed off and when I have them I will table them.

MR BUFFETT Can the Chief Minister advise whether the user pays charges for the provision of Police services is a cost recovery exercise and in the spirit of Norfolk Island raising its own revenues have progressed any further from when the Chief Minister previously advised they were being considered along with other measures. Mr Deputy Speaker there are a number of measures that were I think probably mentioned earlier. They include actions of the Police that might have a cost recovery arrangement exemplified by Police records, Police checks I should say and the like that might be obtained for immigration and like purposes and a range of other things. Those examinations continue but they have not been concluded at this time.

MR BUFFETT How many warnings and how many infringement notices have been issued by the Police for failure to wear seat belts? Mr Deputy Speaker seat belt legislation is about of course improving the road safety and community education is undertaken by Police in addition to enforcement in order to make motorists aware of their responsibilities on the road, and since the commencement of that piece of legislation about seat belts which was in July (I'm not too sure if that date is correct) but yes it actually says 12 here but it was 2011 and since that date, in other words the commencement there has been a total of 73 warnings issued by the Police in relation to seat belt legal requirements. There

MR NOBBS Only that he is the designated Inspector not that he has a schedule. Perhaps I can get any of that further detail and pass that onto you directly.

MR SNELL Honourable Members I do have one matter I wish to bring to the attention of the Legislative Assembly and that is Honourable Members that the Legislative Assembly Register of Members Interest Act 2004 report by the Deputy Speaker to the Assembly under Subsection 12 (11) of the Act I Lisle Dennis Snell Deputy Speaker of the 13th Legislative Assembly under Subsection 12 (11) of the Legislative Assembly Register of Members Act (Act 2004) report to the Assembly that no complaints under this Act were received by the Speaker of the 13th Assembly in the 12 months to June 2011, dated this 9th day of May. I wish to bring that to the Members attention.

PRESENTATION OF PAPERS

MR BUFFETT Mr Deputy Speaker in the normal course of things at each monthly meeting I table those items that have been the subject of virement and I table this paper in that context.

MR SHERIDAN Thank you Mr Deputy Speaker. In accordance with Section 41 of the Interpretation Act 1979 I table the Healthcare Levy Regulations 2012 and Mr Deputy Speaker I also table the Healthcare Amendment Regulations 2012. Mr Deputy Speaker can I just make a quick comment on those two amendments because they go hand in hand. Those 2 Regulations Mr Deputy Speaker in regard to the Healthcare Levy Act is that currently for exempt persons you must to have earned under \$3,500 in the 6 months preceding the levy date. Mr Deputy Speaker that has been increased to \$6,500 for a six month period thus enabling people on lower incomes to be exempt from the Healthcare Levy. Also hand in hand with that Mr Deputy Speaker is the Healthcare Amendment Regulations which has in there the limits that the reimbursement of charges come into being, and currently its \$2,500 for all members of the Scheme, whether you're a single member or you're a member of a couple. That has been amended in the case of a single person downwards to \$2,000 so in other words a single person once you have reached your \$2,000 threshold then you will be eligible to get benefits under the healthcare Scheme. Mr Deputy Speaker both these amendments were made in acknowledgement that of low income earners on Norfolk Island they are doing it specifically hard you might say and of course single people particularly with families, single members with families. So those come into effect on the next levy day which is 1st June I believe it is for the healthcare Levy and the Healthcare Amendment for the reduction down to \$2,000 for a single person will come into effect on the 1st July for the next financial year. So both of those have been gazetted there Mr Deputy Speaker and it's envisaged it will ease the burden on some of these low income earners on the island in the foreseeable future.

MR KING There is no question before the House Mr Deputy Speaker but I'd like to contribute to that debate. Do you want me to move that the Paper be noted.

DEPUTY SPEAKER Would you care to

MR KING If that's the way to do it. I just simply wanted to say that I applaud the measures that Mr Sheridan and the Government have taken in relation to adjusting these numbers and thresholds and the favourable impact that it will have on the lower and middle income earners, and if that's my territory and I guess it is an area that

concerns us all, particularly in these current circumstances. I am interested to know the extent to which the measures have been costed and how these figures were arrived at and what the impact will be on the budget revenues.

MR SHERIDAN Thank you Mr Deputy Speaker. Yes of course there may be an impact on the budget, next years budget there Mr Deputy Speaker but I'm doing, when we were working through what the figures should be and of course we wanted to increase one higher and one lower, but for reasons, those were the figures that we settled on but the impact on the budget, the possible impact on the budget and looking at the last census which was completed late last year there will be approximately 50 people that may come into the low income bracket you might say which could be affected. In other words from the \$3,500 up to the \$6,500 with the possible impact on the budget of \$29,000. Also the impact on the budget by reducing the deductible from \$2,500 down to \$2,000 whilst it's very difficult to put a number on, and the last financial year there was 37 claims by single member of the Scheme which equated to \$18,500 so we know that we can say for certainty that those figures will come in because they will be coming in \$500 earlier. So that equates to approximately \$50,000, and that's what the budget implications that we have allowed for. Now we've offset that by we believe that the impact should be negligible because we intend to have our better provision of Health services and referrals through to the South East Sydney local health district, we're hoping that will reduce our offshore expenses. Also I've asked the Acting CEO to ensure that we have stock loss insurance in place for the next financial year which would then protect the Scheme. So we believe that it's manageable within what's budgeted already. Time will tell.

MRS WARD Thank you Mr Deputy Speaker I'd also like to thank the Minister for reaching these conclusions and passing these Regulations through the House today. We had quite a lot of debate on this whole review of the Healthcare system back in December when people will remember the Minister moved to increase the Healthcare Levy and there were 4 of us who didn't agree to that at the time, of course that passed through the House and there was the increase. But one of the things that those Members put pressure on the Minister to do was to carry on with the work of reviewing the Healthcare system and that's exactly what the Minister has done and we see the result of two areas today. You know people will say well it's not enough – we do appreciate that people are really struggling out there at the moment, but it is just something to try to help to close that gap for the really low income earners. Minister Sheridan has highlighted that there will be a budget impact potentially it could cost the community a further \$50,000 in the next 12 months even though the Minister is trying to mitigate that through insurance type actions. So I thank the Minister.

DEPUTY SPEAKER No further debate. I put the question that Paper be noted.

QUESTION PUT
QUESTION AGREED

DEPUTY SPEAKER I think the Ayes have it but I note that the Chief Minister is absent from the House at this voting time.

DEPUTY SPEAKER Honourable Members I note the time 12.15pm. Is it the wish of the House that we break for lunch at this time or is the wish that we continue taking into account...Honourable Members the Chief Minister has returned to the Chamber. Chief Minister discussion has been that, firstly is there any more presentation of Papers from you. No. We move on to Statements of Official Nature.

STATEMENTS OF OFFICIAL NATURE

MR BUFFETT I'm open to whether you'd like to do the Statement now or after lunch. Mr Deputy Speaker I have a Roadmap update statement to make. Mr Deputy Speaker we will all know now that the Roadmap was erected in March 2011, that's a little over a year ago and the Roadmap represents a partnership between the Norfolk Island Government and the Australian Government that we would work together to seek input from the community and to embrace change, and this change would enable Norfolk Island to claw back from a financial abyss to be strong and resilient into the future, and the Roadmap provided goals and actions in 7 areas of governance, economic development, public sector management, immigration, health, welfare and education, taxation and virement and extension of Commonwealth laws to Norfolk Island in various categories. It's a difficult road to travel but indeed the journey must be continued because it needs to be continued to build a strong and dynamic resilient community and to build long term sustainability, and both Governments are agreed that changes in those areas that I have just mentioned are required to achieve this. The Roadmap has goals in immediate, medium and long term senses and the Roadmap called for studies and surveys to bring evidence to the table for guidance and sound decision taking, and these have been substantially completed now. A wellbeing study which provided a baseline for living in Norfolk Island, an update of the Grants Commission Report, A Public Sector Report, just recently the Economic Development Study that's the ACEL Tasman Dr James Fogarty Report, an essential and meaningful Report for us to have. And whilst making the Roadmap progress we do need essential financial annual support from the Commonwealth to continue essential services here in the community. Last year that came in 2 branches, the first \$3.8m and the second \$1.8m a total of \$5.6m for last year. This year \$2.9m plus an airline provision of \$11.2m and next year we need to seek and have sought support in terms of \$3.4 but I'll elaborate that as we go along. In July last year we released the preferred model of self government and we've consulted with the community and the Commonwealth Government on many aspects of the reform since that time. We have taken the opportunity to keep the Joint Standing Committee of the National Capital and External Territories informed about the Roadmap progress. The most recent was in Lord Howe Island when my two Ministerial colleagues met and we've had questions about that today, spoke to them, briefed them about the current situation, and of course when I was in Canberra last I met with that Committee with my Ministerial colleague also to update them. So they are in the picture about how we are travelling, and are supportive of how we are travelling. Economic development is required to reinstate strength in a sustainable future for the island and we've continued to work on actions to remove barriers and to create a more fertile environment for business investment and development. We are working to bring forward changes to create opportunities for businesses into the immediate future in terms of the first part of that we have removed for example immigration restrictions and in terms of the second part of that we are working about improving cruise ship visitations and cargo containerization. These are some longer term infrastructure investments but some of them in terms of cruise ship visitations can deliver more medium term benefits of significance to the Norfolk Island community and will underpin new island business opportunities. An appropriately sized and skilled Public Service to operate the preferred model of self government is required and it must be an organisation that the island's economy can afford. Background work has commenced in this area and we are looking at moving towards examining the skills and the processes that a new structure will require and to demonstrate that the capacity building team that we've referred to in earlier times, that is the capacity building team in 5 areas. This is all in the Report that relates to the Public Sector Reform but to just restate it here. The capacity building teams in terms of the IT area, the Legal Services Unit, Human Resources, Finance and of course in change management, and I foreshadowed when I responded to an earlier question today that those people are expected to be

positioned within the month. Related to that is the position of the Commonwealth Financial Officer – Alison Savory has been appointed to that position. She was here last week on a preliminary visit and her appointment has commenced and she will be taking up residence here for a period of time to undertake her role as Finance Officer and we look forward to the facilities that she will bring. A key element in the Roadmap reform was the reciprocity from contributing to the Australian Taxation system and it must be said that we've been frustrated by the slow pace of some of the Roadmap actions in this area and the ongoing uncertainty that this creates. However I'm now pleased to say that the Department of Regional Australia Local Government Arts and Sports has appointed Mr Nicholas Hills to assist in advancing consideration on this major concern of taxation and we look forward to his input outlining options for our inclusion in the Australian Taxation arrangements. Mr Hill made a preliminary visit to the island last week. So you can see these things are coming into place and being positioned here. I might say that protection of the environment is seen as vitally important and the waste management strategy and the quarantine pest and disease surveys are being considered in the discussions between the Government. Environmental protection as seen as going hand in hand with all of the reforms proposed under the Roadmap and this goal is reiterated in our discussions around appropriate economic development and planning for population levels for the island. The Roadmap does list Commonwealth laws for consideration for extension to the island. It has been agreed that a more thoughtful approach is required to the extension of the Commonwealth laws to the island and the priority will be given to changing those Commonwealth laws that facilitate the progression of the reforms that we are talking about and this is seen as the mid to long term process. I've mentioned the essential provision of funds annually from the Commonwealth until these longer term aims are achieved and just to say again, since the commencement of the Roadmap process we are extremely fortunate to be the direct recipients of \$8.5m this is the total over 2 years of Commonwealth funding for the continuation of essential services. Without a doubt without these funds we couldn't deliver essential services in Norfolk Island and we have forecast for the next financial year that we will require something like \$3.4m to continue to provide essential services to the community. But I need to say this, that we don't really want to continue with this uncertain association with our funding year to year and because of that we are working co-operatively with the Commonwealth to endeavor to agree a fiscal framework that provides sustainability in the long term for the island. Can I mention these achievements in terms of the Roadmap because there have been a number of achievements. I mention the provision of \$11.2m by the Commonwealth to provide a new airline service to the island. It commenced on the 1st March so its now operating, we've got there, we've achieved that. Air New Zealand is providing reliable world class air service to the island and we anticipate that this will progressively to lead to increases in visitations to the island. That means importing dollars into the community so that it may turn around and give better viability to businesses and homes within the community. Most of the gathering of evidence in the form of the Deloits Access Economic Wellbeing Study, the update of the financial capacity of Norfolk Island by the Commonwealth Grants Commission, the ACIG, Norfolk Island Public Service Review and the most recent one. I've referred to a number of these as we've gone along but I just mention them in the fullness of this. The most recent ACIL Tasman Norfolk Island Economic Development Report, they have been completed and therefore we now have this body of recent studies that we can research, learn from and extract the necessary evidence to support the processes that we are about. We've examined those and we've exchanged comments with the Commonwealth as to how we might proceed. The provision of funds from the Commonwealth that is the funding arrangements over those years that I have just mentioned last year, this year and projected for next year. The provision of funds from the Commonwealth has not been without strings and the funding of essential services and funding for airline services has required the Government to agree with specific requirements. There have been 3 funding agreements

and I can report that apart from areas beyond our control we have been able to comply with all of the funding agreement requirements and in those areas in which there have been unavoidable delays we have sought concurrence from the Commonwealth for these actions. Meeting the Funding Agreements requirements have in some cases been controversial, it must be without doubt but we have removed restrictions on business investment, we've made it easier for self funded retirees to live here by relaxing immigration requirements and indeed in this session here today we are to address the restriction on visitors by increasing the automatic visitor permit thing from 30 to 120 days. We have released discussion papers on competition and investment policy and the current paper covering revenue options for the Territory. Now some of these are difficult areas for the community and we appreciate the spectrum of views within the community on these issues. The more active and the more considered the debate, we hope the better outcome for the community. So where do we run on from here? In the last week we've seen a heavy round of meetings between Officers from the Department of Regional Australia and Officers of the Norfolk Island Government. The Roadmap progressed and time frames have been examined, there have been discussions on the series of Reports and the recommendations that these Reports have brought, and these discussions of course have enhanced the understanding of the difficult environment of not only the Norfolk Island Government but the Australian Government in terms of provision of funds. From these meetings its clear that both Governments can and both Governments will work towards extending the Roadmap vision for where Norfolk Island should be in the next 5 years. I anticipate that the mechanism to achieve this will be articulated and special agreements between both Governments but as a prelude, as a prelude to getting there I foreshadow a Motion or indeed Motions within this Chamber here and discussion in the wider community to assist us in giving strength to this ongoing vision. These processes will guide us to the medium term, but having said that might I just conclude by talking about the immediate, today concerns on how we might be able to start contributing to the Australian system and importantly drawing from this system to assist in the provision of essential services to Norfolk Island. As outlined in the revenues option discussion paper we believe that the local adoption of the Australian GST will be the most credible option for both the Australian and Norfolk Island Governments. Should the Australian Government agree and should the Australian Government achieve this and we had a brief exchange about some of the processes that we had difficulty to walk through, but if this is achievable and this extension takes place it will immediately have a range of benefits. Externally, externally it will demonstrate conclusively Norfolk Island's willingness to contribute to the bigger Australian financial pool because that's what we will be doing immediately. Locally if undertaken immediately it will provide a 2% reduction in all GST sales and some products such as some elements of basic foodstuffs won't attract GST and a 12% reduction in the price of some of those goods will assist the neediest in our community, and in our competition in our policy and competition and investment. We've already supported the tax rebate on capital investment and under the Australian GST this is already accommodated within their system. So locally there are a range of benefits that will be able to flow. The Commonwealth budget presentation last night I understand there has not been real time to absorb all of that at this moment but examination in the first instance shows that Norfolk Island did gain a mention and our Officers are following this up to see how that might flow and what exact benefit it might be able to be seen on the ground for Norfolk Island. But I provide that update as to where we are in our Norfolk Island Roadmap Mr Deputy Speaker.

MRS WARD
Statement be noted.

Thank you Mr Deputy Speaker can I move that the

MRS WARD
Just to make a very brief comment as I seem to be doing every time the Chief Minister gives us an update or the community an update is to thank him.

I will actually ironically pick up on some of those points but in the ACEL Tasman debate perhaps after lunch so again thank you.

DEPUTY SPEAKER Any further debate. There being no further debate. I put the question that the Paper be noted.

QUESTION PUT
QUESTION AGREED

That Statement is so noted.

SUSPENSION Honourable Members its my intention that we now break for lunch and I would ask that all Members return at 1.45pm.

RESUMPTION

DEPUTY SPEAKER Members we resume the meeting this afternoon with Presentation of Reports from Standing Committees. No Reports. We move to the substantive matters for the day

STRATA TITLE ON NORFOLK ISLAND

MR SHERIDAN Thank you Mr Deputy Speaker. I move that this House 1) agree to the recommendations contained in the white paper dated 26th March 2012 entitled Strata Title on Norfolk Island prepared by Mrs Kathy Sherry and Professor Peter Butt and 2) resolve that the responsible Minister prepare a draft Bill to enable Strata Title on Norfolk Island.

DEPUTY SPEAKER Honourable Members the question is that the Motion be agreed to. Debate?

MR SHERIDAN Thank you Mr Deputy Speaker. I tabled the Strata Title Report into the House at the last sitting and I spoke through the process of how it commenced and how it came to being at that sitting so I don't intend to re issue all those words there. What I'm attempting to achieve today is that I would like to have support from the House you might say for me to move forward with some drafting instructions to our Administration staff to enable a Bill to be commenced and in saying that Mr Speaker I put the Motion on the House and its fairly simple and its just agreeing to the recommendations contained in the Report of which there are 24. Now some concern has been raised in regards to agreeing to all 24 recommendations and of course not everybody will agree to every recommendation. I'll just point out the intent of the Report was to give us some guidance on how legislation towards draft Strata Title would be enabled for Norfolk Island and every recommendation there has to be read in context with the whole Report as in the extended comments contained within. All the comments here, all the recommendations are such, and I don't intend to read them all out Mr Deputy Speaker, because like I said there is 24 and the report is accessible on the Government web page, so if anybody is interested in those recommendations they can access them there. The reports highlight that Norfolk Island should adopt strata title, and it is not saying that we have to, but it is something that we should do for the betterment of how they see it throughout this report. But in saying that, it gives us guidance on how it should be implemented, making it nice and simple, it should be uncomplicated and tailored to the Island needs. A comment has been about whether we

should copy legislation from another jurisdiction because all the short comings have been identified and should be able to do so in that context. But they did caution in the context of the report in saying that it shouldn't be simply copied from the mainland, it should be a single act with dealing with both the creation of strata community title and matters of ongoing management. And if you go into the depth of the report they are talking about a draft and act tailored to Norfolk Island needs, they talk about two options, one is to adopt it, and one is to draft one for Norfolk Island needs and the other alternative is to tailor a strata community title need specifically for Norfolk Island's particular needs and this is what I am in favour of, and they say that they favour this approach. The Act will be simple, substantially shorter than its mainland counter parts and expressed in plain English. It would in fact reflect the earlier versions of strata title legislation on the mainland, so what they are saying is that you would copy, and that is what they are virtually indicating, you would copy some parts of the legislation that do work, with other parts that are too complicated for us you leave out. You have to make it fairly simple and I know that I will mostly get debate to say that to make it simple and people then try and round the square corners off and try and fit round pegs into square holes and all this sort of stuff so you need all this other legislation that goes with it. Mr Deputy Speaker that will come out when we get the draft legislation to the table, what I am after today is really an indication from this Government, or this group of people around this table that they will support the concept of the Strata Title legislation being adopted into Norfolk Island, how the final outcome of Strata Title, the legislation that refers to it, how it pans out will be up to this table to decide, it won't be up to me in my Ministerial authority, it will be up to all Members here, so if they think it is too simple we will have to go back to the drawing board and then we will have to put further legislation into the Act, but it is up to this group of people who will decide, what I am after today is just an indication that the concept of Strata Title on Norfolk Island is acceptable. One of the recommendations there Mr Deputy Speaker is, and it is number two, that any Strata Title development should be subject to the same planning controls that apply to other developments on the Island and they go on to name the Planning Act, the Norfolk Island Plan, the Subdivision Act, the Environment Act, the Norfolk Island Planning and Environment Board Act, the Building Act and existing Tourist Accommodation Legislation. All of these Legislations Mr Deputy Speaker will have to be amended in some way to accommodate Strata Title type legislation. And there is a concern around the table that these things may not happen in conjunction, but it is my intention that all of these acts will be reviewed in the light of Strata Title Legislation to accommodate that type of legislation if and when introduced, because there is no sense in introducing Strata Title Legislation into the House, having it passed, make it law, but there is no ability for the Service to recognize it, there is no ability under the Norfolk Island Plan to recognize Strata Title in any of the zones, it would be ridiculous, it has to be done as a package, and this is what I would be doing, and I won't be bringing anything to the House unless it comes as a package, because if the Strata Title Legislation doesn't come up, all the other amendments to these other Acts are null and void, there is no need to bring them here, so they have to, they have to come hand in hand, so Mr Deputy Speaker, like I said, there might be a few recommendations here that people might have real concerns about, but the report enables us to identify which areas we massage more thoroughly than others, it indicates that we should give some attention to introducing other areas of law, like a general property law statute, things like that. So all of these issues will be considered when we start drafting the instructions to get some legislation drafted. As I said at the start Mr Deputy Speaker, it is not about arguing each of the recommendations and ticking the boxes saying we don't want this one, we don't want that one, we should do it this way or we should do it that way. That will come to the debate when the legislation comes up. What I am after is just a support from the House

for me to proceed with the progression of Strata Title legislation into Norfolk Island, i.e. the drafting of the legislation and the amendments of all these other acts. So Mr Deputy Speaker with those few words I'll let the other members have a say and I'll see if I can answer their queries along the way, thank you.

DEPUTY SPEAKER
Members.

Thank you. Any further debate Honourable

MR ANDERSON Thank you Mr Deputy Speaker. I listen with interest when the Minister says what I am after today is that the concept of Strata Title on Norfolk Island is acceptable. But that's not what the motion says, that is my problem. I'm already on record that I strongly support the concept of Strata Title and its introduction into Norfolk Island. I think it will provide opportunities for investment by existing property owners and development by investors. The Island's current principle industry of Tourism and the associated accommodation will benefit and there will be the potential to develop other industries on the Island such as retirement accommodation that will provide diversity, create employment and improve the depth of the economy, increasing its longer term sustainability. There could be different forms of common centralized housing for people who do not want big houses or properties to look after, there could also be opportunities for individual shops to be strataed and owned by the shop keepers. A whole building can be built with shops on the ground and offices on the first floor all individually owned, with the common areas run by the owners corporation, which is sometimes referred to as the body corporate. There will also be a need for professional strata owners corporation managers, which could be filled by locals who are willing to undergo the training at their own expense, it will be a training opportunity and the possibility for new business. From my observation very few people on Norfolk other than the lawyers and possibly the real estate agent, and probably the Minister understand Strata Title or have any real experience with it, it is complex no matter how simple the report suggests it should be. My concern is that there is an expectation particularly in tourist accommodation that once this form of title is permitted owners will need to just file a few papers at the registry and then they will be able to sell of their units one by one. It seems it will be salvation for the many who want out, clearly that will not be how it will work. The planning, building and environment considerations just mentioned by the Minister will all play a part, some much bigger than others. Getting these foundations right beforehand will be the biggest challenge. So turning to the specific recommendations, as we are asked by the Motion to agree the recommendations contained in the report, I'm afraid that I can only endorse them all, recommendations one to five are acceptable, recommendation six related to upgrading of properties is very important, I agree with it, but I comment on it. One critical issue for strataring existing properties will be the need to upgrade them to a standard that ensures owners will not simply be selling run down accommodation into strata schemes hoping to off load it to people who can afford to improve it. Recommendation six addresses this and its success depends on the planning and building codes being agreed amended and in place before any strata scheme can be registered, a point just covered by the Minister. The way financial management of the strata scheme works is to establish for owners, two levies, which are collected and controlled by the owners corporation, the levies of the administrative fund for recurring expenses such as common electricity, insurance premiums, maintenance and so on. And the second is the sinking fund which is for large repairs and replacements, it's balance is achieved by budgeting to collect the necessary funding by levies imposed over several years on the owners and when the funding is needed as per the budget, it should then be available, it sounds a bit like our re-surfacing of runways! Run down properties should not be allowed to be strataed until they are

upgraded because the new owners corporation, or if you prefer, the body corporate, when established has no money, normally a property is upgraded or it is brand new and therefore major items are not necessary, but it is absolutely crucial that anything that is strataed is upgraded to a level where the new owners don't have to start spending money that the body corporate has not accumulated. So there must be an acceptable property standard control by the planning and building codes to ensure minimum requirements are met, recommendation six suggests that. Recommendation seven relates to certifying builders which is a long overdue requirement in my view, certification would bring with it opportunities to monitor building standards and the quality of work. Recommendation eight restricts titles capable of being converted to Strata Title to being existing Torrens freehold title, and I also agree with that, its implications are principally legal so I won't bother going into it any further at this time. The recommendation that I can not agree with, which the Minister anticipated is number nine, I agree that the legislation should be uncomplicated, famous last words when you get lawyers involved! But I think if a cut and paste of existing legislation from another jurisdiction is to occur to achieve the so called uncomplicated local legislation, and that is what essentially will happen, it will suffer the same deficiencies many other pieces of Norfolk Island legislation currently suffer from, which is gaps and uncertainties because they were simplified when first introduced, probably at the time with the good intention of keeping it simple. Which we should look at, in my view, adopting existing legislation from another jurisdiction, which is applied here as it applies there, and perhaps consider that when it is amended there, that those amendments are automatically applied here. That means that we have consistent legislation already interpreted by the courts, so coming with its own set of precedents with expert commentaries lawyers use huge books which comment on every section of every act, if you have consistent legislation, so those expert commentaries are already written, and constantly updated. If there are parts of the legislation from the other jurisdiction which we do not consider necessary we can simply not commence them, but it will be there already and developing with the law in that other jurisdiction on the subject generally, if it is ever needed. The report says that one MLA stated importing legislation should be the preferred option, it's not hard to work out who it was! Recommendation ten says that the term body corporate should be preferred over the term owners corporation to denote the corporate entity for each strata scheme, I remain unconvinced which is better, but agree body corporate is probably more widely used, but a body corporate is a general legal term so possibly New South Wales, which has changed over to owners corporation, did so for a good reason, and it may be worthwhile investigating what those reasons were before we blankly accept body corporate. Recommendation eleven is acceptable, and recommendation twelve could receive further consideration, I agree with the limitation on the powers of the owners and that's what this recommendation relates to, limiting the powers of the owners corporation when they are making rules. But experience in other jurisdictions should be considered before the limitations are locked in. It is a very contentious area, it is different in most jurisdictions and it is one of the most litigated parts because every body corporate has the right to make their own rules governing certain things and it gets very personal. So limitations are probably a good idea. You will be pleased to hear that recommendation 13 through 21 are generally acceptable to me. Registration of managing agents is in my view necessary and should be established concurrently with the process to license real estate agents and property professionals, the codes of conduct suggested are also a necessity in my view. Recommendation 22 in relation to a local strata tribunal to resolve disputes has the usual problem that in such a small jurisdiction the people qualified to form the tribunal may be the same people needed to appear before it, or they will be the people managing the schemes from which the dispute will come. I think a specialist tribunal headed by the Chief Magistrate would be more appropriate, the other suggestions that flow after that are

acceptable. Recommendation 23 is an obvious need as those that will be administering the title system and that just mainly relates to resources in the administration need to be fully conversant in its operation, therefore they need to be trained and equipped with the tools necessary to make it all happen, of course currently we don't have the necessary funding, but that's an issue for later. Recommendation 24 is a suggestion to overcome an inadequacy in the Norfolk Island property system, it is mainly to provide certainty to the lawyers and courts, and maybe just maybe it has never been done just to keep things simple, that's the general property act that we don't have. The absence of a general property law statute makes things less clear and that makes things complicated. So keeping things simple don't necessarily mean that they will be, I therefore support the concept of Strata Title, have always done so, I think it is very necessary, but I can not support all of the recommendations. I am concerned at the suggestion that if we use legislation from another jurisdiction we might adopt earlier versions of legislation, which would eventually put us back into a similar situation for example like we have with the Companies Act of 1936 Australia, Norfolk Island's Companies Act. We adopted an old piece of legislation and it hasn't progressed. It is not keeping up. So adopting an earlier version of legislation is basically saying well whatever is developed after that point we will worry about when it arises. My concern in relation to adopting legislation is why would we reinvent the wheel when it's mostly there available to us and we can then tinker with existing legislation which would give us some consistency. We're not far apart, but I can not support the motion in this form, which is unfortunate as the majority of the recommendations are satisfactory. Thank you Mr Deputy Speaker.

MR NOBBS

Thank you Mr Deputy Speaker, I think we are all welcoming of the document that is in front of us to discuss today, there has certainly been a range of investigation into it, and I think prior to its commencement by Minister Sheridan, there were some views, particular the Chamber of Commerce meetings that I attended, that thought there was a very simple single sheet of legislation perhaps that we could have commenced and it could have made it very simple, but what has certainly come out of the consultation process that I attended is, the general lack of knowledge of the requirements going down the Strata Title pathway. Mr Anderson has talked about potentially a tourism accommodation operator selling off various units as part of the Strata arrangement, the thing that came as a bit of a surprise in that potential outcome for a lot of the operators or owners of those accommodation properties, is that immediately they embark on that with even one unit, the entire property becomes under the ownership of the corporate body, so that certainly puts a whole different consideration on how that works. Within the document itself it actually projects that the main areas of usage for the Strata Title would be the tourism accommodation, shopping and commercial development and the retirement sectors, so they're identified in some detail in how they might be facilitated in this document. I feel about this document the same as I feel about the number of reports we have had, they're there to guide us as we move ahead in developing the legislation. In saying that I intend to support it in moving forward in some way shape or form. There are a number of responsibilities that follow that Strata Titling, some of which have been discussed, the builders certification and things like that, and if you read the documentation that's come out of some serious building and structural issues where this has been implemented in other places, particularly around Australia. On a similar note, the range of protections for Strata which is proposed in this document for Norfolk Island is quite flexible, and I just quote one of the lines in it, where it says where could be or have been "a range of abusive practices including those not yet devised", I think it is about page 33, but you know there is flexibility in there to encompass virtually all aspects of how it may well be used on Norfolk Island and I don't follow the view that we could just imprint another legislation over the top of Norfolk Island and in fact

in the report it makes a comment about some of the provisions in other locales or locations are too wide. So we need to carefully manage this for the best outcome for Norfolk Island and for the processes that are going to be involved in it. I tend to agree with what's been said regarding an independent Strata Title adjudicator or some other methodology there, so it provides and independent oversight as there will be, as in many of the cases, the people who have the expertise are quite often involved in those areas. There are some mandatory provisions which are proposed in here with regards to insurance, maintenance and repair, and I think they are a worthwhile part of the paperwork that shows that by commencing the path of Strata Titling you are also making a commitment to a proper structural maintenance and insurance and those things. There's some obvious discussion on the governance of Strata members and how they work within that program, or whether they have to, or not have to work under the corporate arrangements for the strata. There was a comment made by Mr Anderson regarding the body, the corporate body, that shouldn't necessarily be able to buy a property unless it is in a state of good repair, as they may not necessarily have the investment capital set aside as part of that process. I actually would just want a bit of clarification of that, as I would see that the corporate body may also want to invest in a fixer upper, so there may just need to be a little bit of massaging of that if that is the case. But overall what I did note in this document is there seems to be a common sense approach to the management of the activities in the Strata Title, thank you.

MRS WARD

Thank you Mr Deputy Speaker, I will just make it very clear again that I have been supportive of exploring the concept for Strata or Community Title for Norfolk Island from the beginning, so I do congratulate Minister Sheridan for getting us to this point, yes it has cost money, \$100,000 to date but I think it has been very well spent. Like Mr Anderson, if the Minister had wanted support for the concept, then that really is what the motion should have said, and I'm just going to put this on the table first, and then I'll move onto my debate, but it is just something for people to think about, is an amendment to the motion, and something along the words of, I agree to support the concept within the white paper dated etc, I would also put in another point and it is to resolve that the responsible Minister review and amend the planning package to accommodate Strata Title. So then the House is actually getting it into the record and on file for the Minister too, and he does acknowledge that, that it is not the question, it is just to cement it into the motion to ensure that everybody understands that is what is going to happen here, because I think the expectation within the community is that this is just a very simple thing. That you can just flick a Bill into the House and hey Minister Sheridan and the House can solve everybody's problems, but of course Planning is a far more complex issue and we really do need to think of this as the Minister has said as part of a planning package for the Island's future, so that is just a suggestion to put that additional comment in there, then I would be quite comfortable to be followed with, resolve the responsible Minister to prepare the draft Bill, as it is just acknowledging that that work has been done in the first instance, so I will just leave that with Members for a moment as a suggestion, whether Mr Anderson would want to do it going through recommendations, what we agree with, what we don't, that's a different method of probably achieving something similar. The conclusion that Prof Butt and Cathy Sherry and I acknowledge their work and expertise, is that Strata Title is appropriate for Norfolk Island, they point out, and this is after meeting with many people, including the Planning and Environment Board, that it is appropriate subject to safeguards to protect the Island's unique environmental and historical heritage. And the points that I have, the recommendations that I have concern with, just to put it on the record is the Strata Title statute be tailored to the Island's needs, reasons are obvious and have been discussed, and it recognizes the administrative areas where we may need to have capacity building,

so they are the two areas that concern me, the tailored legislation and the administrative capacity. And as Members might expect from me, it does concern or relate to resources and again appreciating that Strata Title is part of a bigger picture, the need for additional laws as the Minister has said, the consequential amendments that would be needed for the entire planning package, they are all doable of course, but they take time and resources and money, so it is not a quick fix problem, but that is why I suggest that point two, in resolving that the Minister review this as a planning package issue. I won't go into particularly why I think borrowed is better than tailored, I think Minister Anderson has covered that, but it is interesting to point out that the Norfolk Island Public Service Review also suggests that option, either an adoption from Queensland or New South Wales, and that what is not needed is simply not commenced. Again Mr Anderson has already said it, but I'll just repeat, is that you then take advantage of the commentaries and the case law which has already been built up around mainland legislation, as I think that the direction we are going with the Road Map and thinking into the future, 10 years, 20 years, we need to appreciate that with an aging population as well, and encouraging investment, I hope we are not living in a very different place, but in terms of planning we need to make sure we are ahead of the game, we are a step ahead, not a step behind, not reacting to the habits of people who may come in to invest, that we are not necessarily used to. Ongoing management, yes, again, I think there has been an underestimation of how much is not in place on the Island to support Strata Title legislation and how expensive it is to create that and the resources used. For example, again, we don't license property agents, we have no legislation relating to retirement villages, we would need to certify builders who undertake Strata and Community Title construction or repair work, there would need to be codes developed for caretakers and building management, so that is part of your ongoing management and it is, I think Minister Sheridan already said is that Administration give prompt consideration to the introduction of general property law statute. So that is what I mean by dealing with this as a package, the processes which would be relied upon for Strata to be successful on Norfolk Island and they are just simply not in place, the Minister acknowledges that, I think we all acknowledge that, but I it's sort of trying to put some facts on the table to dampen, not dampen expectations, but just explain to people who might be listening in the community, trying to describe why this is just not a simple thing to do, because those safeguards must be in place for future consumer protection and developers protection perhaps in some way. Some might think that it is an over reaction, but I don't think so, I'm not saying don't do it, I'm saying that it will take more time and money, I certainly support the concept, I do not want to see this go onto the shelf, because I think it is very important as a future planning issue. One comment which was in the report which I would just like to take this opportunity to pick up on, is that one of the interviewees was strongly against Strata Development, and what that view was, was that this person felt was that this change would change the Island's environment forever, that tourists, this person feared, tourist development of the Gold Coast kind, which this person saw as inappropriate for Norfolk Island. And I would just like to put on the record that I agree. I don't think that any of us around the table, or the majority of the community want to see over commercialization of Norfolk Island and it's our current planning laws that will not allow that to happen. But what strata legislation does, is not determine density, it's our planning laws that do that, and Strata does not allow for sub-division of land, that is what our planning laws do, and our planning laws determine zoning and therefore the level of density allowed in each zone. So Strata is about ownership, it is not about sub-division of land, if this legislation were to come through, it is a piece of legislation that would work very much within our planning laws, it wouldn't override them. And as long as we have that robust and appropriate package of planning laws in place and amended accordingly and appropriately then I don't see a problem with that at all. The way our Plan sits at the

moment it is very much about promoting and conserving the natural environment and landscape of Norfolk Island, it is about preserving and conserving the unique cultural and built heritage of Norfolk Island. It is about preserving the way of life and the quality of life for people in Norfolk Island. It's about promoting proper management, development and conservation of our natural man made resources, and it's about looking after the social and economic welfare of the community, so there are many more elements to the plan, but they are just a few I describe to say that, you know, that this package of laws or changing including Strata Title into a land package for the future is not about destroying those protections that are in place, they remain under the Plan. I am just going to use one point, and Minister Nobbs picked up on this, it is where Prof Butt sees Strata being used in three main areas and that is tourist accommodation, shopping and commercial development and retirement village development, although they should not be limited or restricted to those areas, but I just want to put an example on the table of the benefits of Strata for the commercial area, it was probably two or three years ago when I was on the planning board, and we had an application in one of the, I think I can say the Broadwalk, and that person could not, there was no Strata Title legislation, so the owners couldn't break up ownership within that development, what they actually had to do was subdivide the land, and that is just an interesting example to put on the table, that is how they broke up the ownership of the property. So yeah, affordable housing is also an issue that I would add to that list, I believe, as I've said clearly, they are important moves for the future the Minister certainly has my support with the concept of advancing Strata or Community Title legislation, I would only ask other Members to consider an amendment to the motion so that it actually says what the Minister is now saying in the House is that he seeks support for the concept and then include resolve that the responsible Minister review and amend the planning package to accommodate Strata Title or some words to that effect then that could lead onto resolve that the responsible Minister prepare a draft Bill to enable Strata Title on Norfolk Island. Thank you Mr Deputy Speaker.

MR ANDERSON

Thank you Mr Deputy Speaker, just a way of right of reply and perhaps by way of clarification, I did it point by point purely just to demonstrate that I support the concept totally but I have difficulty with a couple of the recommendations there was a mention made of support of the owners corporation covering things like insurance, maintenance and repair, that's precisely what its job is. It is to run the ownership of the common property for the owner. There was mention made that a corporate body may wish to buy a site as a doer upper, I think this is where there is some misunderstanding, I will go back and what I said, we should start from a certain high standard before a property is suitable for being strataed because when it is strataed it then becomes owned by several people, and if there is work to be done and no money, yes they will have bought it for a lower price, but if we start from the premise that the property is of a certain standard before it is permitted to be strataed, then this problem doesn't arise, a doer upper can be dealt with many other ways legally, you can actually have a contract that permits someone to purchase it on the basis that going to strata and does the work, there is ways around that, but in my view, it is very necessary that we have a standard that is establish by the Planning Legislation and the Building Code. As the minimum level at which properties can be strataed, the difficulty probably comes back to, as I said, that the only people that truly understand the Strata Title system are the lawyers, probably the Real Estate Agents and probably the Minister, for clarification and I don't want to take up too much, there is no body corporate body that actually buys something, that creates or becomes the body corporate that runs the property, when you take a piece of property and strata it, you break it up into lots, and those parts that aren't individually owned are the common property and the owners corporation is responsible and owns the common property and their responsibility is to maintain and ensure and do

all those things, so when a property is strataed, under the legislation, a corporate body called the body corporate, comes into existence, it is not a separate company or a separate entity, it is something that arises from the registration of a strata plan, and once people understand that common obligation shared by all the owners is the body corporate responsibility then you will see why it is important that a property be at a certain level or standard before it be strataed, because that body corporate is going to have to be responsible, collectively for everything that is common that may be run down and need money spent on it, what you do on your own lot, that is fine, you can get inside, bearing in mind that a strata scheme is the paint inside the walls that you own, the walls are common property and owned by the body corporate, it's quite involved and that is why it has taken so long to develop. You raised the point, well it was raised, that if you want to strata accommodation, you can't just strata one lot, you have to strata the whole property, because you are going to determine what are the common areas, determine what parts can be owned by others individually and then have a body corporate that controls all the common areas, you can't just strata bits and pieces, if you are going to put a strata scheme into a piece of land or building, you have to strata the lot, it just doesn't work piecemeal. So in conclusion that I have to say that I support the concept totally, I support the wording that Mrs Ward suggested, I just have trouble to agreeing to all the recommendations because I don't agree with all the recommendations! Thank you Mr Deputy Speaker.

MR KING

Thank you Mr Deputy Speaker, it is not an area of expertise of mine in the slightest, and I'll leave it to those who have a greater knowledge than me of planning matters and Strata Title's and what not. I think however way the rope goes on this motion Minister Sheridan will have achieved what he wanted to achieve, that is to hear expressions of support of the concept of a Strata Plan and I offer that as well. So even if it gets voted down, he basically gets what he wants anyway, he could have done that, I venture to say, by discussing the matter with Members, and we're not great in number, and I think he could have gleaned that support for his concept without having to come into the House with a motion such as this, which seeks to bind him or direct him, because the House can not do, I am not a great supporter of motions such as this, as I have seen too many of them to go through this House only to find that nothing is done at the end of the day anyway, so I give my expression of support for the concept, I think there is a deal more work to be done in relation to how the Minister wants to proceed. Presumably in the spirit of Cabinet solidarity which they warmly embraced last year there is the support of the Government for this, so clearly he has the support of the Government for this, so clearly he has the direction open for him to proceed, I had earlier expressed that I didn't believe that this issue should be accorded the priority that it has been given, I think I have raised this argument in the last budget session last year, when some \$70,000 odd was sought for this investigation or report and I said at that time that I thought the money could be better spent on things like the testing of the water assurance scheme or the sewage scheme to insure that we are not leaking contaminants into our water systems etc, and incidentally I had intended to ask some questions about that, but I forgot, or I ran out of time Mr Deputy Speaker about where the testing of the system is at this present moment. So it is not a matter that I would have accorded the priority that he has given, but he is the Minister, and if the Government has his support and if a Bill comes to this House in a way and shape that is to my liking then I will support it. But he has to be satisfied in my telling him that I support the context on this occasion, but not the motion in its current wording.

MR SHERIDAN

Thank you Mr Deputy Speaker, I think everybody is finished and have had their say Mr Deputy Speaker and considering that there is some

concern as to the wording of the motion, and I don't want to change it on the run, and there seems to be some concerns in regard to the motion and the actual how we sort of move forward, and this is why I put it into the House last month so that people could come to me with their concerns, and of course they only get raised today, and same with the motion, I drafted that motion before I went to Lord Howe Island, I hoped that everybody had that motion a week ago, so if they had any concerns with it, they could have addressed it with me and I could have changed it before it got into the House, but there was no indication before the Sitting started that there was any concerns, so that's why I moved forward with it, but Mr Deputy Speaker, I move that the debate be adjourned and the resumption of debate be made an Order of the Day for a subsequent day of sitting

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DEPUTY SPEAKER Thank you Mr Sheridan. Any further debate on that Honourable Members? I put the question that the debate be adjourned and the resumption of debate be made an Order of the Day for a subsequent day of Sitting.

QUESTION PUT
AGREED

That matter is so adjourned. Notice number two, Public Sector Management Act 2000, Conditions of Appointment of Chief Executive Officer, Chief Minister.

PUBLIC SECTOR MANAGEMENT ACT 2000, CONDITIONS OF APPOINTMENT OF CHIEF EXECUTIVE OFFICER, CHIEF MINISTER.

MR BUFFETT Thank you Mr Deputy Speaker, I table the pro-forma performance based conditions of appointment of the Chief Executive Officer, and move that for the purposes of section 40 of the *Public Sector Management Act 2000*, this Legislative Assembly recommend that the Chief Minister execute a written agreement in the form tabled before the Legislative Assembly at this meeting, as the conditions of appointment of the person recommended by the Legislative Assembly at the meeting of 11 April 2012 to be appointed Chief Executive Officer of the Public Service.

DEPUTY SPEAKER Thank you Mr Buffett, the question is that the motion be agreed to. Debate Honourable Members? Chief Minister.

MR BUFFETT Thank you Mr Deputy Speaker, Mr Deputy Speaker, Honourable Members', this is the finalisation of the appointment of the Chief Executive Officer, Members will recall that we resolved at our last Sitting to appoint Mr Graeme Faulkner and this is now setting the terms and conditions, I have circulated this document so that Members will know what it is about and I have tabled it today, and although I table it, and it is in accordance with how the position has been advertised, in terms of privacy I don't intend that that become a public document, but it is tabled in the context of this resolution. This is a finalisation of the process and should Members find it in their sight to agree this, then I will be at liberty to appoint Mr Faulkner and I will do that forthwith, and he has indicated that with the giving of notice that within a six week time frame it will accord with my consistent advice to Members that prior to the end of this financial year, we will be able to have somebody positioned to this task, on that basis I commend this final motion Honourable Members.

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

QUESTION PUT
AGREED

The motion is so agreed.

ORDERS OF THE DAY

NORFOLK ISLAND DEVELOPMENT REPORT, FINAL REPORT FROM ACIL TASMAN, DR JAMES FOGARTY REPORT

DEPUTY SPEAKER Honourable Members we resume debate from the April sitting on the question that the House take note of the paper and Chief Minister you have the call to resume on Order of the Day, Number one, Norfolk Island Development Report, Final Report from ACIL Tasman, Dr James Fogarty Report, Chief Minister.

MR BUFFETT Thank you Mr Deputy Speaker, Mr Deputy Speaker this was a result of me making statement, if I remember correctly in terms of this report, and there was a motion that it be noted so that there might be an opportunity for Members to have further words if they so wish to have it, and if they wish to do that now, I offer that opportunity, it is not a matter that I need to have further debate about, it is an opportunity for Members to say words of their choosing.

DEPUTY SPEAKER Any further debate Honourable Members? Mrs Ward.

MRS WARD Thank you Mr Deputy Speaker, you can all blame me, this was my fault! But I really felt was important to touch on, was the point in the ACIL Tasman Report which focussed on uncertainty and business investment and actions to lower uncertainty. This section of the report really highlights community concerns, and I guess the two areas can be summarised as issues underlining economic constraints and what can be done to facilitate growth and ironically my debate is really going not be a rehash but picking up on the points and just emphasising the points that the Chief Minister has actually moved in his statement, which was an update of the Roadmap. Which is really what the community want to know constantly, where are we at, what are doing, what are the actions? The stories of you're not doing anything, nothing could be further from the truth, so again I thank the Chief Minister for highlighting those things and giving us an update. One of the points that the Chief Minister and obviously the community picks up on, as a top perceived restraint is our Immigration regime, so one barrier that was noted was the anti-competition policy and as the Chief Minister has already said this morning, and I will just repeat, is that the policy and the guideline was amended last October to allow, not only the self-funded retirees, but also new business investment, so there is an area where the Government has moved to encourage economic development, the trouble is however, and this will lead onto further debate in the House at subsequent Sittings in the future is that the guideline has changed, but the law which sets the criteria are seen as somewhat restrictive and invasive even, and that has not been removed for Australian citizens, or New Zealand citizens, that is very much in place and still obviously seen as a barrier, so we will have

that debate in the future, it is actually part of the funding agreement, so there is no doubt that it will take place, as the Chief Minister has already indicated. Another point that is in the report as a community concern, is the cost to do business and tax credits, now we know that for a business not to be able to write off business investment and new product against tax or claim GST tax credits is a disadvantage or a disincentive to investment, not to mention the GST rate, we all get that, but it should be said we have all had discussions around this table when the terms of reference were being drawn up for Dr Fogarty, or for the ACIL Tasman Report was on how to provide a stimulus package to the private sector, that was a push from every Member at the time, how on earth are we going to help the private sector, because we seriously understand how they are struggling, we are seeing it through GST returns, we are not blind, it is there, the facts and figures are there. What Dr Fogarty did, was clearly delivered on that term of reference, he put up, and if I can find the words, I haven't got his words, but anyway, he basically delivered on that, and it was this Government who is pursuing that and they have released this publically in the revenue raising options paper, is that the Norfolk Island Government is pursuing the means to introduce a capital works temporary tax credit on all capital investment in building and construction, and I think that is proposed until the end of December 2013, so I think that the Government is to be commended on that initiative but being the realist that I am, I'm also going to say that what the report suggests is that there are two ways of funding that stimulus package, and one is a bridging finance from the Commonwealth and the other is by selling an asset, so I just want everybody to be clear about that. That it is achievable, and if it is achieved it will no doubt help boost the quality of our tourism product. Another point that stands out to me in the report is the concern that the Norfolk Island Government increases taxes or levies without little warning, the report highlights the increase in GST, which of course was done by the previous Government, in the previous Government's time and the waste management levy increase, also in the previous Government time, but we have seen increases in our time as well, we can't deny that, and people will probably most likely recall the Hospital fees and charges increase and the increase to the healthcare levy, the point is that these are prescribed changes, which means that the Minister is required by law to review and often increase those rates, although the Healthcare Levy came through the House. But the reality of this point is that things like nurses wages or Teachers wages for example increase on an annual basis, as I understand it, that is certainly how the Teachers Union works. And so the Minister or this House is then forced to increase charges to cover those costs, it's a simple fact of life, it is just the way it works, and nothing is going to change that until this Government did what they have done and committed to changing the way we do things. And the majority of this Assembly is doing what I see, and this is really sort of harking back to the Chief Minister's statement this morning, is that this Government and the Assembly, the majority of this Assembly, are taking the bold step of being open to a new model of Government and taxation and the change is very much about getting off that constant cycle of Minister's having to review taxes and charges and levies and increasing them and then coming to tax time or budget time and saying well everybody needs a salary increase or it costs more to provide telecommunications or the pharmaceuticals have actually gone up as they come in from the mainland, so the Government's and Assemblies of the day are left with absolutely no choice but to continue on with the cycle, but that is what this Government has had the foresight to look at and acknowledge and recognise the need for change and I commend them all for those actions. Also highlighted by the community is poor Government and administrative quality and accountability, the lack of experience, knowledge and expertise in finance and monitoring economic activity. That is all seen as a problem and this is a comment that I certainly take very seriously, I know that other Members of this House take very

seriously, to the point that this Government made two very significant changes early in our time, the first was actually criticised by Dr Fogarty as a centralising action, what he criticised was what Mr Anderson did when he was the Minister for Finance, and that was bringing the GBE's into the General Revenue Fund that was about bringing spending under control, not only under control, but also under the scrutiny of this House. In terms of Government accountability the other definitive action that has been taken obviously by the Norfolk Island Government was to support the Territories Law Reform Bill and that has led to an extension of a package of laws which are designed to allow a community to hold its Government to account and I'm not sure where the Ombudsman Bill is, perhaps the Chief Minister can respond when he finishes debate if he's able to give us an update on Ombudsman, I don't think he did mention that this morning in his statement, thank you Chief Minister. Mr Deputy Speaker there are other points of perceived constraint within the report, the list is actually very long, the most concerning to me is the lack of confidence within the community, and you certainly don't need to be an economist or have an economics degree to know that lack of confidence in either investment or in a consumer can be damaging and that point Mr Deputy Speaker is what necessitates the urgency in determining a new model of governance for Norfolk Island and it is what the Chief Minister spoke about this morning. They are progressing towards, that there are meetings, that there are officers meetings and that timeframes are being examined, I can not stress strongly enough how important it is for those timeframes to be locked in place. I think that to give the community real confidence the following things must happen; a) as I just said, the declaration of a modified governance model and two, the inclusion into the federal taxation system and social security systems including Medicare and PBS. There are, as the Chief Minister said this morning, and we have had questions without notice, there are discussions taking place around our inclusion in the Australian GST System and both Governments redefining the responsibility for Health Service, Minister Sheridan has touched on. These are extremely important discussion that are taking place and they must for the record include education and telecommunications for the future. So again, I urge both Governments and their Departments to move as quickly as possible, as what I would hate to see Mr Deputy Speaker, is that a next election role around for either Government and the MOU, the Memorandum of Understanding that was signed by the Chief Minister and the Federal Minister Simon Crean, has been nothing but a broken promise, I don't want to see that happen. In terms of the ACIL Report, I certainly support the general direction, I support the adoption of the competition principles which I understand the Government is doing, or is certainly very serious about doing, perhaps again the Chief Minister could confirm that. I support better access to adult education, I support the creation of a divestment plan, obviously when Politicians come to assess those things or the Government or both Governments there will be case by case assessments based on facts and figures, again the divestment will be done by a professional, it won't be Members of this Assembly who decide what's a good idea and what isn't, again it takes time and it costs money, but this time we have to do it, because we have to get it right. There is another recommendation within the report that 75% of the GBE revenue, if and when sold or privatised goes into infrastructure investment, I fully support that. I support the Capacity Building Team, which the Chief Minister has said will be on Island to work with the Public Service shortly, I support Minister Sheridan's work that he has been doing with the improved access to Health Services, no question. And the question of the staged extension of company income tax being delayed, I understand the reasons for that as well, obviously you can't, I think one of the points made to me by one of the officers a couple of months ago, and it was actually Steve Clay I think before he left, and he said Melissa so many of you here can not pay tax, you can't afford to pay tax, I said thank you Mr Clay, I do understand that as a Mother with three children. So they're

obviously those things that are going on at a Departmental level and with Mr Nicholas Hill, I think is a very positive sign, thank you Chief Minister for that update, is that an Australian tax person has been moved over across into the Regional Department to start to fast track those actions, so that is a good thing. However, just by closing Mr Deputy Speaker, if these recommendations are adopted finally by both Governments, some, any, all, they don't let us off the hook, this sets out a really tough task ahead and I think that what the Chief Minister said this morning, he has foreshadowed a motion, or perhaps more than one motion, that will no doubt be based on this Government drawing up a plan on where we are to go from here and it will obviously be brought to this House for endorsement. It will certainly be a debate where all Members will get a chance to place on the table their views, the views of the people that they represent, it's going to be a debate about our way forward and the sooner that can happen Mr Deputy Speaker the better. It's the only way to look at how and truly debate how we are going to set ourselves on that sustainable path by drawing on all those reports, I'm only repeating what Minister Sheridan has already said at last meeting, but I don't think it does any harm by letting the community know where we are heading, what the debate will really pull out from each member what we are willing and prepared to do as representatives of the Norfolk Island community and I think it will be a monumental debate Mr Deputy Speaker and I look forward to it, thank you.

MR ANDERSON I was just going to make a very short comment, thank you Mr Deputy Speaker. I've had my say before, I don't have anything else to say, I agree with what Mrs Ward has just said, I think there were no verbal expressions of agreement but it was certainly there, I've said before that this paper is a discussion paper it sets out an economic analysis of the problems within our economy and suggests possible solutions. It has been designed to create discussion and elicit responses and it has done that. One such lengthy critique was provided in the local press and it started with the words, quote, "never commission a report or investigation unless the outcomes are known", unquote, not surprising that that comment of course applies equally to the commissioning of the critique. In the words of the new Administrator, few people critical of the report are yet to advance any credible alternatives, if we want a small Pacific economy, the groundwork has been done in the past and we can continue down the spiral. If we want it to be a sustainable economy with an acceptable standard of living and a future we need to embrace this report, or I suppose we could just sit on our hands and wait for a credible alternative. But I don't think we have time, thank you Mr Deputy Speaker.

MR KING Mr Deputy Speaker, the question before the House is that this paper be noted, it is purely a procedural motion, it doesn't result in any meaningful outcomes. Again, like Mrs Ward and like I had intimated on the last occasion that we spoke about this, I look forward to some substantive motions coming forward whereby we put our official stamp of approval on certain recommendations.

MR BUFFETT Mr Deputy Speaker, thank you, and if others have concluded I will just say these final words. Mr King has correctly put this in context, this is a matter of noting that report that was tabled at an earlier sitting, it is the Economic Development Study, the ACIL Tasman Report, Dr Fogarty Report and I thank all Members for their contributions to it, because that's the purpose to have such a report, to gain community conversations about it and to have responses from Member's, a couple of things were asked, one is the Ombudsman Bill, that is still to-ing and fro-ing I've got to say and we've pressed in respect of it so that it might come forward, and we continue to do so. The way forward is really contained, in terms of this report, because

this is one of a number, but is the most recent and probably the most profile of the reports that we have received to date, and I have endeavoured to place it in the context that that is now being examined by both Governments with a view to do those very things that Mr King has just talked about, that is to come forward with some forward plan that we talk about that plan which I see as a further advancement in the Roadmap situation and we look forward to that. That's where we are at and I thank Member's for their contributions.

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

QUESTION PUT
AGREED

The motion is so agreed. We move to Orders of the Day Number two, Chief Minister.

SUSPENSION

MR BUFFETT Mr Deputy Speaker I am looking at the time, well we have all realised that there is a funeral scheduled for this afternoon, I understand, but I could be corrected in terms of this, that the funeral is scheduled for 3.30pm, two things arise out of this, individual members may wish to pay their respects this afternoon, but I would suggest to the House as a whole that we suspend to pay our respects. It is now just after 3.00pm, it may be an appropriate time if I have got the hours right in terms of funeral times.

DEPUTY SPEAKER Yes you are correct Chief Minister the funeral is at the Seventh Day Adventist Church this afternoon at 3.00pm and grave side at 3.30pm. I beg your pardon, I have been corrected by the Clerk, the SDA Church at 3.30pm and graveside at 4.30pm. But there will be music at the Church at 3.00pm, I am open..

MR BUFFETT I would like to move a suspension at an hour that you might think appropriate so that there may be proper respects paid Mr Deputy Speaker.

DEPUTY SPEAKER Well Chief Minister I am happy to continue the meeting until, well it depends on the Members, if you wish to go to the graveside at 4.30pm, we could possibly finish the days program by 4pm, shall we continue and pay our respects at 4.30pm, is that suitable?

MR BUFFETT I will be going to the Church Mr Deputy Speaker, and I would seek to be excused if that's how you would wish to run it, but I leave the matter to you to decide.

DEPUTY SPEAKER Honourable Members well that would mean Chief Minister that you would like to depart the House by say 3.15pm or now. Well if we commence with the Immigration (Amendment) Bill...

MR BUFFETT I am able to talk speedily in terms of that matter if you so wish. May I also say Mr Deputy Speaker that I am very prepared to return to this

Chamber later today after the formalities of which we speak in paying our respects have concluded.

DEPUTY SPEAKER Are all Members in agreeance that we suspend until 5.30pm, we are all in ageeance that this House now suspend until 5.30pm this afternoon.

RESUMPTION

IMMIGRATION (AMENDMENT) BILL

DEPUTY SPEAKER Honourable Members we resume the Sitting and we resume on the question on the Immigration (Amendment) Bill, that the Bill be agreed to in principle and Mr Buffett has the call to resume. Thank you Chief Minister.

MR BUFFETT Thank you Mr Deputy Speaker. Just to bring us up to date on where we are travelling with this particular piece of legislation, we have an amendment to the Immigration Bill and I foreshadowed some amendments at the earlier stage, we are at the stage now of asking the House to agree in principle to the Bill, when we were debating that I foreshadowed some amendments but didn't actually move them at the time and so that is where we are at, so we are at the stage of agreeing the Bill in principle. I foreshadow to you that when we come to the detail stage if you are of the mind to agree to the Bill in principle which I recommend to you, then we will adjust the amendments. We will adjust the amendments to some simplification arrangement if I might call it that, or tidying, changing 211 to 212 for example and then the sole purpose of the Bill will be to extend the visitor stay arrangements from the present 30 day arrangements to 120 days. 120 days is the total under the present legislation in which people can gain a visitors permit in any one year, this will be designed that they may have it at one fell swoop so to speak in lieu of having to come back again and again for it. So I foreshadow that that will be the sole amendment contained within this Bill when we come to the detailed stage. I have circulated papers to illustrate and show that. So we are at the stage of agreeing this Bill in principle, I again emphasise that it's part of the process to make it simplified for people to come and be in Norfolk Island, that is part of an economic measure and that is the purpose of this Bill, it is one of the requirements of the Funding Agreement, and I stress that in terms of bringing it forward also. I don't think I have anything further to say in this time of agreeing the Bill in principle and I'll elaborate that when we come to the detail stage in terms of the amendments.

DEPUTY SPEAKER Thank you. Any further debate Honourable Members? There being no further debate I put the question that the motion be agreed to, that is, that the Bill be agreed to in principle

QUESTION PUT
AGREED

I think the Ayes have it. The Bill is agreed to in principle.

We move to the detail stage. Chief Minister you have indicated that you have detail stage amendments dated 7 May is that correct?

MR BUFFETT Yes, thank you Mr Deputy Speaker. Mr Deputy Speaker I move these amendments, they are in terms of a detailed stage amendment paper dated the 7th of May that has been circulated to all Members, but there are

principally three clauses to it, and they are these; that the Bill be re-named by changing the year from 2011 to 2012 in the heading and clause 1 of this amendment and the second one is that Item 1 of the Schedule to that Bill be deleted entirely, that related to passports and the like, we are not addressing that now. And then it re numbers what remains, so that it becomes 1 of the schedule and the principle amendment here is to change from 45 days as expressed in the amendment to 120 days, and that means that people in the context of being a visitor to Norfolk Island may apply for an extension of their visitor permit, I'm sorry, will have an automatic arrangement in terms of a visitorship up to 120 days in Norfolk Island. And that is the substance of the particular Bill at this moment, there are no changes to the other components. I commend this Bill in its amended form, and I would move Mr Deputy Speaker that we take the amendments that I have outlined to you and shown on the paper as a whole, I don't really see any great purpose in looking at it clause by clause, unless you are of another view, but that is my recommendation to you.

DEPUTY SPEAKER Thank you for the recommendation Members, thank you Chief Minister. Any further debate Honourable Members? There being no I put the question that the amendments be agreed to

QUESTION PUT
AGREED

I think the Ayes have it.

I now put the question that the heading, clause 1 and schedule as amended be agreed to

QUESTION PUT
AGREED

I think the Ayes have it.

Finally Honourable Members, I put the question that the remainder of the Bill be agreed to

QUESTION PUT
AGREED

I think the Ayes have it.
I seek a final motion Chief Minister

MR BUFFETT
as amended be agreed to.

Thank you Mr Deputy Speaker I move that the Bill

DEPUTY SPEAKER
Bill as amended be agreed to.

Thank you Chief Minister, I put the question that the

QUESTION PUT
AGREED

I think the Ayes have it. The Bill as amended is agreed to.

SENTENCING (AMENDMENT) BILL

DEPUTY SPEAKER Honourable Members we now move to Order of the Day number 3, Sentencing (Amendment) Bill. Honourable Members we resume on the

question that the Bill be agreed to in principle and Chief Minister has the call to resume. Chief Minister.

MR BUFFETT Thank you Mr Deputy Speaker. Mr Deputy Speaker the Sentencing (Amendment) Bill is about giving greater flexibility to those who preside in the Courts to be able to handle cases for young offenders. This has been circulated before, it has been introduced at an earlier time, it is now coming for its final stage. I just remind Members that this is a matter in which I have had consultation with the Chief Magistrate and others and there is comfort that this will give a greater flexibility with the Courts to be able to care for people in the younger offender group, much better than we have provisions for now, and it is in that context that I commend the Bill to the House.

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

QUESTION PUT
AGREED

I think the Ayes have it. The Bill is agreed to in principle.

Is it the wish of the House to dispense with the detail stage? That is so dispensed with. Chief Minister I seek a final motion.

MR BUFFETT Thank you Mr Deputy Speaker I move that the Bill be agreed to.

DEPUTY SPEAKER The question is that the Bill be agreed to. Any further debate Honourable Members? Mr Anderson.

MR ANDERSON Thank you Mr Deputy Speaker, I will be brief, on the last occasion I expressed the hope that we could extend the Bill's provisions further to solutions for juvenile justice as sought by the Police and supported by the Chief Magistrate. The Bill only extends the mechanics of the existing system of imposing penalties or service orders. I have had further discussion and the Bill as it stands is a satisfactory beginning which I would not want to see further delayed. I will be seeking the Governments early involvement in investigating juvenile justice solutions that are not merely the imposition of penalties and the like. Programmes in other jurisdictions which create alternate solutions are keeping repeat offenders out of the courts and making them better citizens by having them undertake personally relevant training or appropriate assistance or through community participation that provides a lasting positive outcome. It will be useful to consider our youth justice forums so that the people in the solutions are aimed at can participate in the development of, and where appropriate, create a better and more relevant form of juvenile justice. That will assist this Assembly to make the necessary changes, but in the meantime I am happy to support the Bill.

DEPUTY SPEAKER Thank you Mr Anderson, Chief Minister.

MR BUFFETT Thank you Mr Deputy Speaker I am happy to have such discussions of course, particularly on an alternate means to sentencing, I am grateful to have endorsement of where we are, which is an advancement, and Mr Anderson is talking about further advancement, which I am very happy to have further discussions with him about.

MR SHERIDAN Thank you Deputy Speaker, I am just interested in the comments that Mr Anderson made about further enhancement of the juvenile system, and he made a comment in other areas there's other punishment beside jail or a fine, or a work order, a community work order, whatever the terminology is. He made a comment that in other areas they keep them out of the courts, so how does this system work for them to be punished for their deeds if they don't front a court of some type? What system do they have in other jurisdictions?

MR ANDERSON Happy to make a quick comment, yes, I mean there are systems for example where the police can be given additional powers if they determine for example that somebody has committed an offence and the most appropriate way of dealing with it is giving a caution and insisting that they go and do a course that is relevant to their personal circumstances, maybe they are illiterate and they are given assistance in learning to read and write, rather than giving them a fine and asking them to sweep the streets. There's also the community intervention where you have community elders sit and confront people, make them understand what they've done and what the implications are, rather than merely saying that you've done it wrong, you've broken the law, here is a fine, here is a good behaviour bond. There is a lot of interventional type of solutions that can be created and it in many circumstances it is more appropriate for youth offenders than fines, periods of community service, locking them up, all those are available, but for younger offenders there is significant amount of evidence that suggests that is not the best way to stop them becoming repeat offenders.

DEPUTY SPEAKER Thank you Mr Anderson. Any further debate Honourable Members? There being no further debate I put the question

QUESTION PUT
AGREED

I think the Ayes have it. The Bill is agreed to.

FIXING OF THE NEXT SITTING DAY

DEPUTY SPEAKER We move now to fixing of the next Sitting day, Standing Order 43, and I call on the Chief Minister.

MR BUFFETT Thank you Mr Deputy Speaker, Mr Deputy Speaker, I move that this House resolves the next meeting 1) at 10.00am on Wednesday 6 June 2012 at a Ceremonial Sitting to mark Her Majesty The Queen's Diamond Jubilee; and then proceedings of the day be as ordered by the Speaker to observe the dignity of the occasion; and 2) 11.00am on 6 June 2012, that is the same day, for the purpose of conducting its usual business.

DEPUTY SPEAKER Thank you Chief Minister. Any debate Honourable Members?

MR BUFFETT If I might just elaborate Mr Deputy Speaker, the Queen's Diamond Jubilee is of course that which we have been talking about for some occasion, and this is adding to that occasion, it's the normal Sitting day of the month, and so we are doing that in an introductory sense to the ordinary Sitting of the month, and then proceeding to the business of the day in a normal sense.

DEPUTY SPEAKER Thank you Chief Minister. Any further debate Honourable Members? There being no further debate I put the question

QUESTION PUT

AGREED

I think the Ayes have it. The motion is agreed to.

ADJOURNMENT

We move to Adjournment debate and I call on Mr Anderson.

MR ANDERSON Thank you Mr Deputy Speaker I move that the House do now adjourn.

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

MR KING Thank you Mr Deputy Speaker, Mr Deputy Speaker, I owe it to myself to use the adjournment debate to record my unhappiness and frustration of what appeared to me today to be a perfect illustration or example of our lack of capacity and of course I'm referring to a number of questions of mine which were, and others too which I suspect, which went unanswered through lack of resources. Mr Deputy Speaker in particular the questions on notice for which adequate, well perhaps not adequate notice, not adequate in some terms, but the required notice was given, I had some six or seven of those questions bumped. Those questions were relating to important and significant matters Mr Deputy Speaker, they were questions relating to Ministerial conduct, compliance of the Public Moneys Act, Privacy issues, the possible use by Administration of private information, recruitment freezes, access justice, procurement processes and tendering processes, those are important and significant matters, perhaps not as important to other Members, but never the less in bringing those matters forward I am doing the job that I was elected to do. And my frustration was evident at the time, and I made a few remarks for which I apologise, but I never the less do not resolve from the fact that I am extremely frustrated. If we can not provide the resources to ensure that the supreme democratic institution can function as it is intended too, and elected Members can perform their functions then we have truly reached a crisis point, thank you.

DEPUTY SPEAKER Thank you Mr King, any further debate Honourable Members? Mrs Ward.

MRS WARD Mr Deputy Speaker, just briefly and it is to add onto that point, it is not to explain or defend in anyway, it's just to highlight that in the time of the previous Assembly, I think three or four questions were put on Notice over the period of three years, that the Twelfth Assembly was sitting in this House, and in the time that the Thirteenth Assembly has sat here we have just reached 400 questions. So that might be a change of practice I am not sure, although the Chief Minister could probably say no in the days of John Brown as a backbencher we saw double the accountability and the scrutiny of the regular Members to Government. But there is something that maybe of help and I just put it on the record, that under Standing Orders the Notice Paper closes on the Thursday before the Sitting of the House, and perhaps that is something that the Standing Orders Committee could take unto itself to look at that to

bring that closing time earlier, so that there was more time for the Business Committee to sit and then for those questions to go through to the Service, just a suggestion thank you Mr Deputy Speaker.

MR SHERIDAN Just carrying on from where Mrs Ward left off Mr Deputy Speaker, another method, or another way of having questions answered, would that be as at other jurisdictions, that the answers are replied in writing and only tabled in the House, not necessarily spoken to, just replied in writing. That is another way of getting the questions answered, then it wouldn't matter whether or not the Notice Paper is closed on a Thursday, they are ready in two days, a week, two weeks, three weeks, they don't have to wait until the following month if there is not sufficient time to answer them in the two or three days that the Service has to provide answers before the Sitting. So that is another option, they could just be provided in writing.

MR KING There are difficulties with that, but I think it needs to be said Mr Deputy Speaker that most of my questions arise from those which were foreshadowed in the previous meeting, I go to the trouble of reading the Hansard to remind myself of what was said, or what wasn't said, and it is from that that I really put my questions on notice together, so in effect there is more than the two or three days notice in writing that are given. You are actually given about a months notice in writing for anyone that reads the Hansard and can read as well as I can, will see that these undertakings are given by Minister's in relation to delivering certain things or responding to me or other Members, or clearly in their own words, they take it on notice. Now I know that there has been a long held rule here, an unwritten rule, that unless these questions are put on the notice paper in writing then the Minister don't bother. But they can rest assured that as far as I am concerned, I will follow them up, and they will be on the Notice Paper, so there is ample notice there, there is a whole month for anyone who cares to read the Hansard. I can recall going back some thirty odd years that the Hansard was dissected by a Member of the Public Service and any questions which were left unanswered or which were taken on notice were extracted, put on the various files and referred to the various sections for putting the answers or making the required response. Those things simply don't happen now. There is a serious resource difficulty, I understand that, there are other resource difficulties that are reflective of where we find ourselves at the present moment. The Public Accounts and Estimates Committee for example doesn't have any funding, I'm the Chairman of that Board, I refuse to embark on any examination, as there is no money, there's no resources, there is no adequately trained staff to deal with the minute taking or the formulation of the report, a lack of resources which is bringing this House and the conduct of the business of this House to its knees. And it is really unsatisfactory if this House can not function properly. Thank you that is all I have to say.

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

QUESTION PUT
AGREED

I think the Ayes have it. The motion is agreed to. This House stands adjourned until Wednesday, 6th June 2012 at 10 am.

