



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY  
11<sup>TH</sup> NILA HANSARD – 18/26 OCTOBER 2006**

**PRAYER**

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

**LEAVE**

**SPEAKER:** Honourable Members, leave is sought for Mr Tim Brown. Is leave granted? Thank you. Leave is granted?

**CONDOLENCE**

We move to condolences, are there any condolences this morning? Mr Tim Sheridan

**MR SHERIDAN** Mr Speaker, it is with regret that this House records the passing on the 21<sup>st</sup> September of John Charles Kilbourne known to most as Turk or Mr Turk. Turk was born in 1932, the third child and only son of Charles and Betsy Kilbourne and brother to Mary, Winifred and Edith. Turk spent his school years growing up in Steele's Point. He had an easy going, carefree personality and was a wonderful son and brother who, following the early death of his father, shouldered responsibilities far beyond his years. Turk learnt carpentry from the late Charlie Bailey and in the early fifties he, with some other island men, went to New Zealand to work in building construction. He returned and in 1961 he married Lorraine Christian. Following the birth of their son Russell the family moved to Australia, with Turk working for Jim Hamilton, first in Victoria and later in Sydney. On their return to Norfolk a few years later they moved into the home they had earlier purchased and Turk set about renovating and extending whilst continuing to work for Jim Hamilton at the Hotel Paradise in New Cascade Road. In 1973 their second son Jonathan was born to complete their family and their home was filled with fun and laughter, especially with Friday night card playing and Sunday afternoon croquet. Russ married Tracey giving Turk and Lorraine a very special daughter in law then in 1991, just nine months after Turk had undergone a triple heart bypass they suffered the sudden illness and passing of Russell. In 1994 their beloved grandson Peter was born and then Connor in 2001 and Lorraine and Turk relished the times the boy's came to visit. John moved to America and married Kristen who shared his passion for jet ski's and they set up home in Las Vegas. Turk's eyes would sparkle as he told of their visit to America John's competitions. Turk worked for many years with Roy Nobbs building team and he and Alec Nobbs started their carting business called Likturk. Turk loved Norfolk Island and took great interest in what was going on. He will be sadly missed by our community and to Lorraine, John, Kristen, Peter and Connor, to his family and many friends this House extends its deepest sympathy.

Mr Speaker, it is with regret that this House records the passing of Jemima Laurie Quintal on the 2<sup>nd</sup> October, the day before her 85<sup>th</sup> birthday. Dottie was the only child of Henry Wentworth Buffett and Laurie Ida Quintal. She was inordinately proud of her Nufka heritage. Her four grandparents were born on Pitcairn Island and moved to Norfolk on the Morayshire in 1856. She was a pure blood islander. She was also justifiably proud of the fact that her maternal grandfather, Oliver Macey Quintal, was Norfolk Island's first barrister. Dottie

married her childhood sweetheart Jack Quintal and it lasted for her lifetime. Dot's father Henry built the house at Ball Bay, in the late 30's and during the war he, his sister Edith, Dot and baby Joy, moved into their new home Lorilea. On Jack's discharge from the army he joined his family at Ball Bay and the family grew with the birth of John and Gaye. Dottie was a full time home maker. She was proud of her home and the gardens produced a beautiful setting for children, and many visited. Jack and Dot were known for their hospitality and friends were constantly calling and a cup of tea and something to eat was always offered. As the children grew, they in turn brought home their partners and their children became part of the scene at Ball Bay. Dottie was well known and loved in this small community. She was a gentle woman and a lady. She will be sadly missed by Jack, Joy and Mike, John and Rosalie, Gaye and Dids, her grandchildren and great grandchildren and their families and to them and her many friends this House extends its deepest sympathy.

Mr Speaker, it is with regret that this House records the passing of Geoffrey William Ryan on the 9<sup>th</sup> October. Geoff was born in Auckland in 1932, the eldest of two boys. His was a boating family and with his younger brother Robert he was often away sailing on the Waitemata Harbour. He left school at 15 and started racing on the Auckland Speedway. At 17 he was part of the team who became New Zealand Champions. He went to Australia and became interested in side-cars and on his return he built the first New Zealand side-cars and raced them around the country. Geoff married Jackie in 1952 and they had four children, Sue, Pat, Steve and Rob. When Robert was only three, Geoff had a serious accident in a side-car, which finished his racing career. He worked in the family engineering business then went into business on his own, where he invented a centrifugal casting machine, making buttons and guitar parts. Although Geoff had no formal qualifications, his ability to turn his hand at any mechanical venture was well known. After holidaying on Norfolk Island in 1964, Geoff returned a fortnight later and bought land in Grassy Road. The following year he sold his Auckland business and returned to Norfolk with his family. Geoff dabbled in many different ventures on Norfolk, the first being 10 Morris Minors as rental cars. Seeing a lack of transport for the school children from Anson Bay and Rocky Point, he bought an old bus from Marie Bailey to use as a school bus. Later he upgraded by bringing in the first Toyota bus. Geoff then turned his hand to building and built the family home at Middlegate which is still standing. Geoff's occupations were many and varied – land clearing, drilling bores, bulldozing, and a lot of the cementing was done by him in the early 70's. His love of the sea was a constant. He took any opportunity to go fishing and after he bought the Moonraker, became a fishing junkie. About 1977, he and Pat took over the Black Cat Takeaways in Middlegate, later moving the business to Burnt Pine, figuring that fishing and takeaways were a good combination. He married Sandy in 1985 and they established the Laundromat under the Black Cat. Several trips were made to Australia before his love of travel and adventure came to the fore and he and Sandy decided to buy a yacht and spent the next two years sailing the tropical waters. It was on one such trip that they sailed into Lucinda and decided to make it home. Geoff's next venture was in the hydroponics business, selling vegetables by the roadside and still fishing whenever possible. He then bought tourist flats and turned a rundown business into an ongoing success. During all this, he went exploring. His love of the bush, the outback and fishing, took him and Sandy both around and across Australia. The game of bowls replaced his love of golf and he became a recognized pennant player along with the reputation of being a gun dart player and leader of the local hotel team. About eight years ago, Geoff was diagnosed with cancer. He had numerous treatments, some of which were trials of new drugs. Throughout, his attitude was always positive. Sadly, his quality of life over the last few months had deteriorated and he collapsed and died, with Sandy by his side. In keeping with Geoff's wishes, he returned to the Norfolk Island waters where he loved to fish. To Sandy, Jackie, Sue, Steve, Rob, Pat, their families and friends this House extends its deepest sympathy.

MR 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.

### **PRESENTATION OF PETITIONS**

Are there any Petitions please?

### **GIVING OF NOTICES**

Are there any notices please?

### **QUESTIONS WITHOUT NOTICE**

Are there Questions Without Notice this morning Honourable Members

MR NOBBS Mr Speaker I have a question for the Minister for Tourism. Minister will you explain why you have not provided a very simple amendment to the Tourist Act as directed by a motion of this House at its last meeting

MR BROWN Mr Speaker that change is not before the House today. I hope it will be before the House on the next occasion

MR NOBBS Mr Speaker if I could add to that. Minister have drafting instructions been issued for this legislation

MR BROWN Mr Speaker I'm waiting for completion of drafting instructions in relation to a number of matters and I am myself attending to the preparation of drafting instructions in relation to others. The instructions have not gone to the draftsman at this stage in relation to the tourist matter

MR NOBBS Mr Speaker I have one for the Minister for the Environment. Minister with the resignation of the previous planner what measures have been put in place to ensure that current building approvals etc continue to be processed

MRS JACK Mr Speaker Mr Nobbs, the current work of the Planning Officer is being undertaken by the Manager for Land Use and Environment and the Environmental Officer Miss Nicole Diatloff, the Manager being Mr Fred Howe. They will be working in conjunction with the Building Inspector Boyd Adams, and together they will be ensuring that development applications proceed as quickly as is possible

MR NOBBS Mr Speaker, Minister for Finance, Minister I guess it's nearly twelve months since the Legislative Assembly made decisions to provide a mobile phone system. Can you explain where we are at with this proposal

MR CHRISTIAN Thank you Mr Speaker, and I thank Mr Nobbs for that question. In a nutshell things are progressing well with the introduction of mobile phones into Norfolk Island. We did have some delays with the relevant Australian authority actually allocating spectrum frequencies in which the mobile phones would operate. That has now occurred albeit the authority has only issues us with the frequency spectrum for one year at this stage rather than the five years that the Norfolk Island Government had asked for. That allocation of frequencies has now enabled the supplier of the exchange to make a trial batch of sim cards and those sim cards are being tested in a test as we speak I hope, and to verify that everything is working as it should. Once that process is complete the equipment will be brought to Norfolk Island and installed. The Administration had sought the assistance of the

Royal Australian Air force in transporting the mobile phone equipment to Norfolk Island. I understand that the equipment weights somewhere between 6 and 12 tonne and that the manufacturer of the equipment had requested that the equipment not be transported by sea. The air force has since come back and indicated that as there are commercial operators able to carry the goods they would not be able to assist us in this situation, so whilst I've had no confirmation at this time, I would expect that those who are responsible for the project in the Administration, would now be seeking to engage a private carrier to transport that equipment to Norfolk Island. Timewise I would hope to see the equipment here in Norfolk Island within the next couple of months all going well, thank you

MR SHERIDAN Mr Speaker I've a question for the Minister responsible for immigration. Minister can you explain how immigration policy requirements are met by job advertisements which discourage resident job seekers from applying by stating that the advertisement is simple for the renewal of an entry permit when a genuine attempt to attract local applicants is necessary by legislation before an entry permit can be granted

MR BROWN Mr Speaker from time to time we see advertisements containing words to the effect, this is a tep renewal. My view of such an advertisement is that it is not an adequate advertisement. If the advertisement said, that it was for the purpose of filling a position presently filled by a tep but that residents and gep holders are welcome to apply, I would not have such a difficulty but I certainly do have a difficulty with the issue that Mr Sheridan had raised and I will raise it again with the immigration section and I will ask that employers be required to advertise again if they advertise in that fashion

MR SHERIDAN Mr Speaker a question for the Chief Minister. Chief Minister could you advise whether or not the Government has fully considered the consequences for the community of a high court decision that Norfolk Island is not part of Australia and secondly when would Members and the general public be informed of those likely consequences

MR BUFFETT Mr Speaker this is a matter, firstly the Norfolk Island Government has considered that this is a question that could well be settled in the arena in which it has been addressed at this moment. This matter is due to come on in the High Court of Australia on Tuesday the 7<sup>th</sup> of next month, and as this is a matter before the court whilst I'm happy to say what I have, it's not a matter that I would enter into debate about whilst it is so before the courts

MR SHERIDAN Mr Speaker just a supplementary thank you. Chief Minister considering your reply to the last it does not seem as if the Government has considered the consequences of such decision at all. Can you advise when will the Government be considering such consequences

MR BUFFETT Mr Speaker I endeavoured to explain albeit briefly that this is a matter that has been around for many, many decades and there is wisdom for the Norfolk Island to know some concrete answers in respect of it and that's the reason it is before the courts

MR NOBBS Mr Speaker I have one also for the Chief Minister. Chief Minister I still haven't received any details in relation to Legal Aid. Some questions that I have been asking for several months. Are there problems with the processes or the lack of processes in place at the present time. Are these the reasons why I haven't heard anything because I understand that there may be issues in relation to auditing and those sort of issues as far as the pleas and the defence, the cost of the defence and other related issues. Are there problems in relation to the legal aid system or not





MRS JACK Mr Speaker the enviro funds were from the Commonwealth Government and the Natural Heritage Trust funding that was given to the Administration are two totally different sources of funding. The enviro funds that were granted to the three community and or individuals are under the work of the Commonwealth and will be overseen by Commonwealth formally, as will now the natural heritage trust funding arrangements

SPEAKER Mrs Jack I think Mr Nobbs question was asking about the planning processes that are followed for the expenditure of those funds in relation to public land

MRS JACK Mr Speaker the planning processes are done on the reserves through the conservator under the plans of management but they must fit in with the plans of management for each of the reserves and each reserve has its own individual plan of management. There are twelve Plans of Management for the areas and then there's another under the Kingston and Arthurs Vale Historic Area which has six individual Plans of Management within the KAVHA area

MR NOBBS Mr Speaker just in relation to those on public land again, work done on public land, are there agreements, such as who is responsible for each if there's a public liability, other insurance company cover, workers compensation, OH&S issues, are they... who is responsible for those

MRS JACK Mr Speaker I would have to take that on notice to find out all those details

MR NOBBS Mr Speaker the last one is once the development work has been completed, who maintains the area

MRS JACK Mr Speaker for some of those, that work is done for the improvement of those areas and it will continue on. That funding has been of help to the Administration maintaining those sites and it will continue on being the onus on the Administration

SPEAKER Mrs Jack you indicated through the Deputy Clerk that you had an additional response to a question earlier asked in relation to the Planning Officer

MRS JACK Mr Speaker that's right. I just answered one part, I should have noted for the listening public that the Planning Officer's position has been advertised locally and no applicants came from that exercise, and the position is now being advertised offshore. I'm not sure when the closing date will be. In the meantime should any difficult circumstances arise in planning issues, that there is the ability for us to seek expertise on island in the matter of consultancy issues and those options also remain available should difficult development applications occur, thank you

MR SHERIDAN Mr Speaker I have a question for the Chief Minister who is responsible for the airlines. Chief Minister how is it that Norfolk Island's own airline has been launched and advertised without even the Airline Committee's knowledge and without the capability to book a seat on the aircraft due to the website not being up and running at this point in time and even the wholesalers/retailers not knowing anything about to book on this service

MR BUFFETT Mr Speaker the matter of Norfolk Air and the website and the capacity to make bookings there have of course been foreshadowed to the Airline Committee and there are process to actually achieve that. They don't all happen necessarily

at the same time, but there are processes that are being walked through. The projections in respect of this, are that in the next few days the first part of this should be operational and the idea is that first of all it be available to those who are professionally engaged in the industry and then there is the hope that it might spread more widely to the general public so that the more up to date information technology arrangements can be utilised to encourage people to book and come to Norfolk Island. I do need to stress that there has been foreshadowing of that, both in the industry area and in the airline committee area

MR SHERIDAN Mr Speaker a supplementary question. Chief Minister how then would this new set up with Norfolk Air have local wholesalers/retail agents on island expect to enhance tourism to Norfolk Island when they cannot access the Norfolk Air reservations system. Are they expected to compete with the Qantas allocated seats, especially when most Qantas seats are already booked and come March next year when only thirty seats are available for Qantas allocation, and for that matter how can a local resident book a flight for Norfolk Island if the travel agents on island cannot access the Norfolk Air reservations system

MR BUFFETT Mr Speaker in the first instance the Norfolk Air competent of the total seating of the aircraft which presently is in the 106 108 mark is to be the smaller percentage and that is expected to be say 25 to 30% of the seats. As time moves on there is a graduation of that plan, but that depends upon how it all comes together. The situation that Mr Sheridan has alluded to does have some glitches, one must acknowledge and they are being walked through even as we speak here this morning to endeavour to find a more accessible situation to a wider range of players. I will be able to give you some further news about that. That was identified earlier in the piece and certainly it is something that has come to the fore and even documented to me by email this morning on some areas in which I have asked for further examination to try and have a better solution than exists at this moment

MR SHERIDAN Mr Speaker a supplementary question please. Chief Minister considering your replies there and the insinuation that the Airlines Operations Manager directs all the business for Norfolk Air to three wholesalers located in Australia so that no local operators may access the seats, when are you going to direct the Airlines Operations Manager to open up the Norfolk Air reservations system to all, and not just to a select few wholesalers and when can you guarantee that the websites, phone numbers etc that have been advertised for the last two weeks are activated so that potential visitors are not disheartened when attempting to access these communication means

MR BUFFETT Mr Speaker they are the areas in which I say that we are talking through now to find a prompt solution to

MR SHERIDAN Mr Speaker I have a further supplementary please. Chief Minister how is it then, how has this debacle come about when Norfolk Air has been advertised for two weeks and everything has not been in place. Don't you think this is a bit like putting the horse before the cart. I mean we can't sell seats if we haven't got the systems up and running so when is this going to stop

MR BUFFETT Mr Speaker if I identify the same advertisements that Mr Sheridan has been talking about I need to identify that they have not been the airlines advertisements, nor have they been Government advertisements, but they have been people in the private arrangements for selling travel. We are not able to control that, but certainly I mentioned earlier that we are walking through with the various players so that this situation may be promptly remedied



MR NOBBS Mr Speaker I have a supplementary on that if I may. Is it correct that during all this debacle as Mr Sheridan said, and the horse was on top of the cart, I think by that stage, that the Operations Manager of the airlines was on holidays and could not be contacted

MR BUFFETT Mr Speaker the General Manager has had some days leave, that is the situation

MR SHERIDAN Mr Speaker a supplementary on that. Chief Minister is it correct that the General Manager or Operations Manager of the airline, I believe you have indicated that his contract has been extended out to the end of December, to the end of this year, is it correct that he demanded a pay increase of 50% and if so, was this pay increase given

MR BUFFETT Mr Speaker I'm a bit hesitant about entering into the personal detail of the contractual arrangements for people who might be engaged by the Administration. There is a Standing Orders if I remember correctly about this and I wouldn't want to be infringing upon that. What I can say however is that as in most contractual arrangements, when they are examined and reviewed, there may be adjustments within them. Yes there has been a renewal of the General Manager's arrangements and yes they are as Mr Sheridan has described in terms of time, there has been an indicator to the end of this year. I'm not too sure that I'm at liberty to go through chapter and verse of each particular requirement and I don't think that, that happens in terms of other people who are engaged within the Norfolk Island Administration or Government context and I wouldn't want to make an exception in this case

SPEAKER Mr Sheridan I would ask if you could contain your questions to those of a more specific nature without venturing into breach of Standing Orders 72a which deals with terms and conditions of employment of officers or employees of the Public Service. I know there's some gray area in regard to that as far as this position is concerned, but if we could respect that I would be very much appreciative

MR SHERIDAN Mr Speaker thank you. I thought it was a simple question with a yes or no answer. The last supplementary on the airline matter to the Chief Minister. Chief Minister when are you going to acknowledge that the Airline Operations Manager is a loose cannon and has done more damage to Norfolk Island's tourism

SPEAKER Mr Sheridan order

MR SHERIDAN Chief Minister when are you going to acknowledge that the Airline Operations Manager has done more damage to Norfolk Island's tourism

MR BUFFETT Mr Speaker point of order

SPEAKER Mr Sheridan that is an inappropriate question to be asking in this forum. If you could reword your question in relation to the management of the airline without casting imputations or reflections of a personal nature on employees of the Government or the Administration

MR SHERIDAN Mr Speaker thank you. Chief Minister considering the past two weeks activities with the airline operations, when are you going to bite the bullet and terminate the Airline Manger's contract and hire some person who is competent enough to carry out the required task



the tourist numbers. He has been on visits as he mentioned this morning, notwithstanding that some people might want to be critical of them, they are essential if in fact we are to continue to lift our visitor numbers. In this particular climate we need to have all stops out and all people with their shoulder to the wheel to endeavour to attract people to this place. Tourism remains our principle industry. I hope that's helpful to Mr Nobbs in terms of how we are going and how we need to go

MR NOBBS Mr Speaker just a supplementary. It is correct that the airline operation was established by the previous Chief Minister and the NSL was in place when you took office. These sort of issues and the tourist figures were a complete and utter debacle last year with the down run and final demise of Norfolk Jet Express. Are you satisfied with what has been achieved in the time that you've been in here and it's now four and a half months, going on five months. Chief Minister are you really satisfied with what has been achieved in four and a half months since you've been in office

MR BUFFETT Mr Speaker I thought that I had endeavoured to set out where we stood in that matter. I'm not too sure how further I might explain that situation. Can one do better on every occasion. Of course one can do better. If Mr Nobbs wants me to say something like that but certainly we have made significant advances. There must be acknowledgement to those who have gone before including yourself Mr Speaker and I very willingly make that acknowledgement. Mr Nobbs has asked about the last three months and one can see that there has been significant building in respect of that

MR NOBBS Mr Speaker just a supplementary. Chief Minister have you ever in the four and a half months that you've been in office, discussed with the Australian Government the negative impact on the local economy of the proposals put by the Minister for Territories and his advisors, and particularly the procedures being implemented

MR BUFFETT Mr Speaker the negative impact of the proposals is one of the key items that has been pressed with the Australian Government from the very beginning

MR NOBBS Mr Speaker another one for the Chief Minister, Chief Minister will you be making a statement on the report of the Joint Standing Committee which was made following its visit to Norfolk Island during the first week of August last

MR BUFFETT Mr Speaker no I wasn't about to make a statement on the Joint Standing Committee's report. They have made their report. They have made that report public. I understand it's on the net. I understand it may also have been distributed to all Members. I'm not too sure that there is an obligation or a need on my part to give further publicity to it. If there is a need elsewhere seen about that, well I can take that into account. It has had that circulation as I understand it

MR NOBBS Mr Speaker just a supplementary. Chief Minister do you accept the statement under the Committee's conclusions in paragraph 1.58, and I quote, the committee also notes that since its visit the process of a reform has taken a substantial step forward following a meeting between the Norfolk Island Government and Minister Lloyd in Canberra on 21 August last, the meeting concluded with the Norfolk Island Government indicating acceptance of a territory type model of self Government and positive indicators of compromise with future negotiations on matters of detail end of quote. Does the Chief Minister not accept that following Minister Lloyd's statement at the end of that same meeting, and now what the Joint Standing Committee has indicated that the Norfolk Island Government has in fact rolled over and amongst other things as occurs in the Northern

Territory and the ACT all Commonwealth laws and responsibilities will be imposed on Norfolk Island

MR BUFFETT Mr Speaker I haven't that particular part of the report in front of me but the connotation of the Norfolk Island Government rolling over is something that I have refuted on a number of occasions and refute on this occasion

MR SHERIDAN Mr Speaker I have a question for the Minister responsible for the roads. Minister can you advise whether in Norfolk Island's current financial climate you are happy to continue to provide free equipment and free labour to mow and landscape commercial property frontages or whether it might be more appropriate to do like most other jurisdictions and impose a levy of some form

MR CHRISTIAN Thank you Mr Speaker, I have no plans at this stage to charge for the mowing of road frontages in front of private commercial properties. I take it you mean through Burnt Pine however, if a proposal is put to me for consideration and consideration by the wider Membership well then obviously it will be considered

MR NOBBS Mr Speaker this is in relation to my previous question to the Chief Minister in which he stated that the Norfolk Island Government did not roll over. What has he done to inform the Australian Parliament through the Minister and also through the JSC and others and the Australian people that the reported outcomes as stated, that the island has rolled over, is not so

MR BUFFETT Mr Speaker this has been made plain to the appropriate Minister that Mr Nobbs has referred to. If in fact he wants us to maybe write to all of the parliamentarians in the Australian parliament, that's something that could be considered. That hasn't been done at this moment I've got to say

MR NOBBS Mr Speaker a question for the Chief Minister. Chief Minister when can the community expect to see the commencement of what I think is called a Legal Professions Act which I asked you I think on an earlier occasion, when will that be commenced, as to date I understand only the title and the ability to commence the act has in fact been commenced

MR BUFFETT Mr Speaker the last time I examined that, and this was after Mr Nobbs raised it with me on an earlier occasion, my enquiry led to the fact that we do need to have some co operative arrangement with another jurisdiction and that if I remember correctly was the ACT and that is yet to be tidied again if I remember correctly. Once that is tidied, then we may be in a position to implement the balance of the legislation. It may well be however, that there are some additional parts that we could already proceed with but whether that means the totality is yet to be tidied in the context that I've just described widest context into operation

MR SHERIDAN Mr Speaker a question for the Minister for Finance. Minister with only some \$31,000 being processed for the August NSL when some \$100,000 was expected, can the Minister advise as to how he intends to turn these figures around or will the announced NSL rate of 9% have to be increased some 100-200% to achieve the required result

MR CHRISTIAN Thank you Mr Speaker, no, there's no indication to vary the rate that we've spoken of at 9% in respect of the NSL. NSL receipts to date are probably a little disappointing. We are expecting to raise in a full year, \$1.2m at the 1% we are only three months into the collection period and I would expect that there are some industries based on the fact that we only collect the revenues on receipt, there would be some

industries, principally the tourist accommodation industry and such who for the first one or two returns, would probably lodge a nil return amount so it would be in the third or fourth month that I would hope to see the NSL revenue starting to flow correctly and the assumption that I hold is one that has been held by Econtech, the financial modelers as well, so it is a little alarming but I'm not panicking just yet

**MR NOBBS** Mr Speaker one for the Chief Minister. Chief Minister there have been a number of bills produced in your area in the past in relation to the courts etc and there has also been an intention of the previous Government to have these in place as soon as possible and also to have other things such as the control of certain professions in Norfolk Island and the Legal Professions Act was the first one. When will all this legislation be either presented or put before the House or developed to the stage where it can be put before the House. When would you expect this to be done

**MR BUFFETT** Mr Speaker there was a considerable package under the general heading of legal legislation that has been considered. Both myself in another context, by my predecessor and is with me again at this moment. Apart from the one that has been mentioned and apart from some that are presently on the Notice paper at present, it talks about the Magistrates Court; Criminal Procedure; Criminal Code; Sentencing Bill, the others haven't been examined further by me in the last month or so and I haven't brought those forward for injection for a priority programme but what is happening at this moment, and I've circulated a note amongst my executive colleagues and I've also invited non Executive Member to make a contribution, is for them to identify pieces of legislation which they think are important in the legislative programme and pieces of legislation which Mr Nobbs is talking about now will be injected into that programme so that they can be given appropriate priority in whatever context that happens to be

**MR NOBBS** Mr Speaker just a supplementary. When will this note to us mere mortals, Members, when will that be provided to us

**MR BUFFETT** Mr Speaker there hasn't been a note Mr Speaker to Members of the Legislative Assembly. I indicated at the meeting of Members, to all Members, that I would welcome that from them. That might have been at least two or three weeks ago now. I think maybe three weeks ago. I've heard from none of them, from nobody, amongst the non executive Members about that. I've certainly had a response from some in terms of the executive area which will help the process so maybe I should invite again from the Members if they want to nominate items for the legislative programme, and if Mr Nobbs is identifying those that he has in part mentioned, I would be very happy to receive them. In fact I would ask him to do so promptly so that we can allow this task to be included

**SPEAKER** Just for the information of Members Chief Minister there had been a request for an introduction of the legislative programme to allow Members to understand exactly what is already on the programme so there is no duplication in the process. Are there further questions without notice

**MR NOBBS** Mr Speaker to the Minister for Tourism. Minister in your planning for tourism on Norfolk Island and these trips that you're taking away on fairly short notice, do you have access to the forward booking arrangements and through what process do you get to gain that information

**MR BROWN** Mr Speaker if I could understand the question I would happily answer it. I'm not quite sure what Mr Nobbs is asking

**MR NOBBS** Mr Speaker I'm asking you Minister looking at the problems that are associated with this, do you have access to all the forward booking

arrangements on the island or how do you get an understanding of where the future is going. Is it only through your personal organisations or do you have a broader view

MR BROWN Mr Speaker I speak regularly with various wholesalers and group operators. I speak regularly with the manager of the air service in terms of the flights from Australia. I am provided with a spread sheet on a regular basis showing the movement in the number of forward bookings each week, that doesn't go to such detail as to say a certain number have cancelled and a certain number have booked and a certain number have changed their bookings around it simply tells you the number by which the passengers booked on each flight has increased or decreased for the period. I speak with a number of accommodation properties. I don't have access to booking details from Air New Zealand but similar information from New Zealand industry people is available to that which is available to me from Australia and I've put all of that together and I've come to conclusions and then I receive the September tourism figures from two weeks ago. They alarm me. I had been led to believe that the September figures were going to be strong as had been the case in July and August. Though in fact September figures were just on 200 visitors higher than September of the previous year and that has been our worst year for quite a number of years. When July and August were compared with July and August of the previous five years, they still looked quite good. September in the previous years looked dreadful. On speaking by telephone to various industry personnel I was regularly being told that a drop of up to 25% was being experienced in Australia and across the board, not only in relation to Norfolk Island. At that stage I had not visited New Zealand in terms of my tourism responsibilities and I took the opportunity to visit the wholesalers and group operators from Brisbane, the Gold Coast, Sydney and Auckland. I met with the Tourist Bureau's media consultants in Sydney and Auckland, I participated in interviews with a number of journalists, and I put in a lot of hours in order to try to ascertain just where in we sit in the marketplace at present and why it is that in September actual numbers and the forward bookings being received at that time were not as good as we would like them to have been. I hope that provides Mr Nobbs with the information that he's looking for

MR NOBBS Mr Speaker just a supplementary. In the process have you access to all the actual bookings that are made on the island say in the accommodation industry for all organisations. Is that available to you as a Minister

MR BROWN Mr Speaker it is certainly not available to anyone else. I doubt that it's available to anyone else. There are techniques that one can use to try to work out what the occupancy of particular properties might be. One of those is to try to make a booking by computer and you will find either that it has rooms available or it is booked out, but I'm not aware of any statistics being prepared on the island in relation to every property. I wish that such statistics were available. I have encouraged the Tourist Bureau on a number of occasions over the years to seek the co-operation of accommodation houses in order to prepare those statistics. It's not an unusual thing to do. Regularly for example in Brisbane, the General Managers of the larger hotels sit down and actually compare occupancy statistics. They don't regard there being any great secret about it. If those statistics were available on the island it would certainly be helpful but to the best of my knowledge, they're not

MRS JACK Mr Speaker earlier Mr Nobbs asked me a question relating to OH&S and workers compensation

SPEAKER Is this an additional response

MRS JACK Mr Speaker yes it is. A response was telephoned in by a Member of the landcare group, Mr Warren Langman, saying that landcare has full comprehensive insurance to cover volunteer workers, the policy was shown to the

conservator and Warren paid for the insurance because it was a condition of funding of Landcare Australia. I hope that answers Mr Nobbs question

SPEAKER Members the time for Questions Without Notice has expired

MR SHERIDAN Mr Speaker a supplementary on the last question to the Minister

SPEAKER Members the time for Questions Without Notice has expired. If you would like to put a motion to extend by five minutes

MR NOBBS Mr Speaker may I seek an extension of five minutes

SPEAKER Mr Nobbs you wish to extend questions without notice by five minutes. That is agreed

MR SHERIDAN Mr Speaker just something that's come to mind from the last question that Mr Nobbs asked of the Minister with regard to tourist accommodation. Minister isn't it a fact that the Administration employs a tourism officer and that he collects that type of information and if he does, I'm sure that as a Minister you would be able to access them

MR BROWN Mr Speaker the tourist accommodation industry is taxed. It's an unpopular tax. It used to be based on the number of people staying per night at a property, but it's now what is commonly referred to as a cold bed tax, that is, there's simply so many beds times so many dollars. In the days when it was a hot bed tax, indeed, there was an endeavour to maintain records of the numbers of people who were staying in a particular property in any particular property and the responsible officer had the ability if my recollection is correct, to require production of books and if my recollection is correct, the immigration records were of assistance in determining just how many people were staying at each property. To the best of my knowledge there has been no need to maintain those details since there was a move to the cold bed tax

SPEAKER Thank you Mr Brown. Honourable Members, any further Questions this morning. We conclude Questions Without Notice and there being no Questions On Notice, we move on to Papers

### **PRESENTATION OF PAPERS**

Are there any Papers for presentation this morning

MR CHRISTIAN Thank you Mr Speaker, section 2(b)(2) of the Customs Act 1913 makes provision for the executive member to exempt goods from duty where the duty payable is less than \$200. Section 2(B)(5) of the Act provides that where executive member has exercised this power he shall lay a copy of the exemption on the table of the Legislative Assembly and I table those exemptions

SPEAKER Thank you Mr Christian. Any further papers

MR CHRISTIAN Thank you Mr Speaker, I table the financial indicators for the month of September and I move that they be noted

SPEAKER The question before us Honourable Members is that the Paper be noted

MR CHRISTIAN Thank you Mr Speaker, as at the 30<sup>th</sup> September 2006 the Revenue Funds overall income 80% of the approved revised budget, and that is some \$641,000 short of where we would like to be. Customs duty is \$224,000 short of budget and the sum total of other tax categories is \$48,000 under budget. The FIL is \$41,000 short of budget and the departure fees is pretty well on target but land titles fees are running \$43,000 short of budget. The revenue funds revised budget income from the liquor bond is currently \$27,000 behind budget. Income from the NSL has been budgeted at \$1.2m for the full financial year. Actual cash received from this source at 30<sup>th</sup> September was \$31,000 and in a response to questions without notice, I've explained the workings of that however, after expenditure for July, August and September the amount available for transfer to the revenue fund in respect of the NSL is \$20,000. As far as expenditure, we are managing to contain expenditure and in a dollar value that is \$281,000 below the budgeted amount for 2006/2007. That leaves us at the moment in a situation where the budget is in deficit of \$357,000 as compared to the financial indicators, which I tabled last month, where we had a budget deficit at that stage of \$326,000 we have in fact gone backwards in round figures by about \$30,000. This clearly tells us that I still have some hard work to do and I'm expecting that the NSL revenue will start to flow in the next month or so, but in the meantime I will continue to keep the hand break on that expenditure side of things, and monitor the situation closely. Thank you Mr Speaker

MR SHERIDAN Mr Speaker just a quick question Minister . considering the poor performance of the revenue fund for September and the requirements to pay the New South Wales Education Department \$900,000 for services rendered past due, Minister with only some \$750,000 at the bank, some \$2.2m in creditors owing do you believe that the revenue fund is being forced to operate whilst technically being insolvent

MR CHRISTIAN Thank you Mr Speaker, that's a mute point. I've spoken with the Finance Department this morning. The education bill stands at the moment at about \$900,000 in round figures. We normally pay that in December of each year and it is my expectation that in December of this year I will be able to pay the education bill in full. One has to understand that these figures here were prepared at the end of September and the cash balances in the account goes up and down on a daily basis, but the situation remains that come December I will be able to pay the education account

SPEAKER Honourable Members the question before us is that the paper be noted and I put that question

QUESTION PUT  
AGREED

SPEAKER Thank you. Are there any further Papers this morning

## STATEMENTS

SPEAKER Are there any Statements Honourable Members

MR CHRISTIAN Mr Speaker I wish to make a statement in relation to the NSL. Mr Speaker, over recent weeks, I have made some public statements about the Norfolk Island Government's forward financial planning, particularly in relation to revenue measures. As Members would be aware, a key element of this planning related to a study commissioned by the Norfolk Island Government on its current and future financial position, which was produced by the highly respected independent economic research company, Econtech. We have analysed their economic models and recommendations, together with their full report setting out their methodology and the information they included in their study.



Now that we can take account of the EconTech economic modelling, along with the useful material arising from the work done for the Commonwealth by the Australian Bureau of Statistics and the Grants Commission, we are close to being in a position to set in place the Government's revenue strategy for 2007 and beyond. EconTech's report shows that the economic fundamentals in Norfolk Island are sound, but recommends some relatively modest policy changes to ensure that there are sufficient ongoing funds for public investment in infrastructure. It outlines options to achieve this, including growth in tourism numbers and/or some changes to government revenue measures. One key recommendation relates to the future rate at which the Norfolk Sustainability Levy (NSL) should be set. The NSL is a broad-based consumption tax which came into effect at a trial rate of 1% on 1<sup>st</sup> August. The Government has said all along that we would review the operation of the NSL and deal with any issues arising from its implementation and structure before making any decision on the final rate at which it would be set. We also committed ourselves to reducing or abolishing some other taxes which tended to fall more heavily on certain sections of the community. The NSL is more broadly-based and is levied at the same rate for all defined sales of goods and services. The information now to hand, especially the EconTech modelling, indicates that the final rate of NSL should be set at around 9% on a non-compounding basis. That is, the final model of the NSL will incorporate provisions for input tax credits. It is my intention that when we move to that revised structure, we will rename the measure as a goods and services tax, since it will be very similar to the revenue measures bearing that name in Australia and New Zealand. We will need the revenue figures from the NSL trial period before making a final decision on what the GST rate should be, but I think it is fair to say that it is likely to be close to 9%. At the time of implementing the long-term GST rate, the government will abolish the Cold Bed Tax and the Financial Institutions Levy. We also intend to remove all customs duties with the exception of those which apply to tobacco products, alcohol, petrol/fuel and goods imported for private use. The "new" rate of GST will replace the trial NSL rate of 1%, so if the new rate is set at the figure of 9% which I have suggested, the increase which would apply would be an extra 8%. Businesses looking at their forward budgets will need to take account that figure of approximately 8% increase in the NSL. But they should also factor in the savings which will arise from the removal of FIL, cold bed tax and customs duties. The exact impacts of these changes will be a matter for all businesses to assess. I have sought advice from accommodation houses and other industry sources about the impact of the removal of those taxes, and the best estimates are that they account for about 4-5% of costs in that sector. That means that in setting accommodation charges for next year, they will need to factor in an increase of the order of 3-4%. Retail operators will achieve greater savings from the abolition of customs duties and FIL. In the review stage of the NSL, we will also be considering how to implement drawbacks of customs duties or GST credits in relation to stocks on hand. On the basis of the information we now have, and the further data which arises from the NSL trial period, I am looking to present legislation to the Assembly with the effect of commencing the new procedures for the GST on or soon after 1<sup>st</sup> January 2007. However, because of the pricing and advertising arrangements which apply to the tourist accommodation industry and associated businesses, I intend that the new rate of GST will not be applied to that industry until midnight on 31<sup>st</sup> March 2007. I hope that this information will be of use to Members and to the community in understanding the government's current thinking, based on all the information on hand. Of course, our major goal is to ensure that we have a sustainable financial situation and a growing Norfolk Island economy. That will require the GST changes which I have outlined, but in our view there will be no need for the wide range of additional taxes proposed by the Commonwealth, which would prove highly detrimental to the Norfolk Island economy. Thank you Mr Speaker

MRS JACK

Mr Speaker may I move that the statement be noted. Could I ask the Minister by getting rid of the FIL and the 1%, that will still come in on the 31<sup>st</sup>, in your estimation, approximately the 31<sup>st</sup> December, and if that is the case, will tourist

accommodation houses then be left with an NSL of 1% until the end of March with also no FIL and no duty etc in those ensuing two months

MR CHRISTIAN Thank you Mr Speaker, there are a range of issues which we will have to turn our minds to between now and 1 January next year and there could well be some variations on the theme. I've indicated how we can extend the tax to the tourist accommodation industry without adversely impacting it, bearing in mind that they have basically contractual obligations until 1 April next year, and if any other impacts come out of the woodwork well we'll take them on board and just by way of information, we have already met yesterday with one of the larger importers on the island to thrash out a methodology on how we would deal with customs duty drawback and hopefully we'll be able to devise a system which would not require them to have to undergo a massive stock take on the 31<sup>st</sup> December in an environment where they would normally be very busy and would be out of sync with the normal time that they would do a stock take so we are trying to accommodate everyone, where possible

SPEAKER Further debate. Honourable Members the question is that the Statement be noted and I put that question

QUESTION PUT  
AGREED

SPEAKER Thank you. Are there any further Statements this morning

MR BROWN Mr Speaker I wish to make a statement about superannuation and that is I would like to advise Members that drafting instructions are currently being prepared for the drafting of a bill to introduce a compulsory superannuation scheme on the island following the lines of the Australian compulsory superannuation scheme and it is likely that the Norfolk Island legislation will in the main adopt the Australian legislation. It is intended that we build or make provision for the compulsory superannuation to be phased in over a period of five years with payments to be made by employers but treated as pay rises, so in any discussions about variation of existing pay scales any contributions made to the superannuation policies will be treated as part payment of that. During the course of the last twelve months, I have had a number of discussions with superannuation industry personnel in Australia. I've had discussions with people in New Zealand and I have had discussions in particular with the leading superannuation authority in the Australian parliament. Initially I was keen to propose a scheme which was an exclusively Norfolk Island scheme, and I felt that the taxation benefits which that would provide would be benefits that many people would want to achieve but as a result of recent changes in the Australian system, the taxation on superannuation in Australia is now substantially lower than it was previously and the benefit to be obtained by adopting the Australian system will in my view significantly outweighs the small amount of tax which will be payable. The Australian system as Members will know is one which embraces choice, so it's not just a case of being required to be a Member of one particular fund, you make a choice as to which fund you wish to be a Member of and that can include if they obtain the necessary approvals, any of the groups that have made proposals to the Administration and the Legislative Assembly over recent years. Mr Nobbs for example introduced a group from New Zealand and have been quite interested in providing superannuation services in Norfolk Island . if the eventual bill is passed then subject to their obtaining approval in Australia they would be able to offer their services but it would be a question for the superannuation fund Members themselves as to which fund they eventually choose. I'm hopeful, that the Bill will be able to be tabled at the next meeting of the House. Thank you



SPEAKER Thank you Chief Minister. Any further debate? The question is that the motion be agreed to and I put that question

QUESTION PUT  
AGREED

Thank you. That motion is agreed to

#### **CUSTOMS ACT 1913 – EXEMPTION FROM PAYMENT OF CUSTOMS DUTY**

MR CHRISTIAN Thank you Mr Deputy Speaker I move that under subsection 2B(4) of the Customs Act 1913, this House recommends to the Administrator that the goods specified in the first column of the Schedule imported by the person specified opposite, and on the conditions mentioned, in the second column of the Schedule be exempted from duty. The goods are shorts and socks imported by the Norfolk Island Rugby League, the amount of duty applicable \$297; the training and heart start machine equipment which was imported by St Johns Ambulance, the duty amount of \$222.69 and the physiotherapy table with a duty amount of \$350 which was imported by the Norfolk Island Rotary Club on the condition that it be donated to the Norfolk Island Hospital. Thank you

SPEAKER Thank you Mr Christian. Any further debate Honourable Members. No. Then I put the question that the motion be agreed to

QUESTION PUT  
AGREED

The motion is agreed to

#### **SOCIAL SERVICES ACT 1980 – RE-APPOINTMENT OF COMMUNITY MEMBERS OF THE SOCIAL SERVICES BOARD**

MR BROWN Mr Speaker I move that for the purposes of section 89 of the Social Services Act 1980 this House resolves to recommend to His Honour the Administrator that under sections 4 and 6 of the Act he appoint Dale Francis Hogden and Thomas Leslie Lloyd as community Members of the Social Services Board for a period of three years commencing on and including 15 October 2006. Mr Speaker the Social Services Board like a number of our other boards fills a very important role and its advise is always valuable advise, the time that the board Members dedicate to their task is rarely acknowledged but it certainly is appreciated by me. Both Mrs Hogden and Mr Lloyd have been Members of the Board for some time. In my view they have done a sterling job. Their current term of appointment is expiring and I would like to seek the support of Members to re appoint them to the Board. Thank you

MR BUFFETT Mr Speaker if I may make reinforcement to the value of the people who serve on these voluntary boards, particularly the Social Services Board and pay tribute to these two people who have asked to be re appointed, we have asked that they be re appointed, they have given exceptional service and I commend as Mr Brown has, to Members their names for re appointment

SPEAKER Thank you Chief Minister. Any further debate Honourable Members. No. Then I put the question that the motion be agreed to

QUESTION PUT  
AGREED

The motion is agreed to

### **LISTING OF KAVHA ON NATIONAL HERITAGE AND WORLD HERITAGE LISTS**

MR NOBBS

Mr Speaker I move that this House in relation to the Kingston and Arthurs Vale Historic Area, that is KAVHA, not give further consideration to any proposal to nominate KAVHA on either the National heritage or World Heritage lists until such time as the current officially approved KAVHA Conservation Management Plan dated it is understood 1988 has been revised and the revised document has been the subject of a formal approval process which includes an in built appeal mechanism. Thank you Mr Speaker, as Members are aware there's been some sort of a move of late in relation to the National Heritage and World Heritage listing of the KAVHA area and as a result there has been also a move to review the Conservation Management Plan for the area and a lot of things are starting to come out of the woodwork Mr Speaker, including the fact that I understood there was a Conservation Management Plan dated 2001 which was operating in KAVHA but apparently it's never been approved, and nor has the 2003 or 2004 whatever it is, and from my understanding the Conservation Management Plan of 1988 is the sole document that has official approval so its essential that that document obviously is revised and as I said there have been some moves in the past and this is the most important point in relation to this Mr Speaker, there have been moves in the past to revise the Conservation Management Plan but they have not reached finality so my suggestion in this firstly by this motion is that the plan be revised and the revised document be subject to a formal approval process which I understand is an approval process by both Governments, but more importantly it includes an inbuilt appeal mechanism and this is what I'm calling to be developed, is an appeal mechanism within that approval process because I hark back to the tree programme that's been going on, on these hills around KAVHA and whilst I'm not critical of the planting or the planters I am critical that there was no real appeal process within that document which was accepted by KAVHA. There were a number of issues put up by various people including myself, I must admit I've got an interest here, but the appeal seems to go specifically to those who wrote the report. Now having been a public servant for a number of years and written a few and being involved I guess in writing a few of these reports, it's very difficult for the writer to change their views once they've got a report in place and I believe that there is a need as in other areas, and we have got them with the planning process, where an independent appeal process allows for appeals to be dealt with other than by the approving body. I ask in this motion that if its accepted it be put in place and I think its an essential. As far as the current KAVHA area is concerned there are a number of concerns in relation to that particular area. The area comprises private land and public land and public land I think some of it is actually in reserves. I think there's three reserves in the area which covers the main part of the built area within KAVHA or the historical built area I should say and that includes the common and the ruins and what have you and these buildings and the like, but there is a significant area of land privately owned. In fact the privately owned portion would be in excess of the publicly owned portion of KAVHA and whilst it is said that some of that privately owned is leasehold land, I think that leasehold is still an ownership arrangements and I do believe the freehold area of that private land would possibly exceed that of the public land or at least be equal to it. Therefore there are a number of issues apart from the actual heritage sites and not a lot of sites are located on private land. Now it's been said that the introduction, passing and extension of the Environment Protection Biodiversity and Conservation Act to the Commonwealth Act 1999 to Norfolk Island is the real reason why we are pushing ahead with this heritage arrangements or the listing on the National Heritage and World Heritage listing for this particular area. I would just like to read, several documents have been put out on the impact of the EPBC extension to Norfolk Island and one of the questions asked and answered in this document is this, does this law, that's the EPBC, does the Norfolk Island law still apply and the answer to that is yes, Norfolk Island is a self governing territory and for most purposes territory law apply to activities affecting the territory environment. In some cases

however the Australian Government environment laws also apply. In the case of the EPBC Act this may happen when activities take place on Commonwealth, that is Crown land, when it isn't an Australian Government agency undertaking an activity or, when a matter of national environment significance, eg a listed threatened species is significantly affected. My understanding is that the EPBC Act could thus extend to the whole of Norfolk Island in reality because if there are identified on areas of Commonwealth land including all the roads that they own in this place, it could by all accounts extend it to that, that some activity next door is going to affect it, because that's what's happening in the KAVHA area that the hills and some areas within KAVHA you can't see KAVHA from so I don't know what impact they have, maybe its run off or maybe its noise or I don't know, maybe it's something else but in my believe the EPBC Act could quite legitimately be extended to the whole of Norfolk Island. Whilst I understand that we are only dealing with the KAVHA area, I draw people's attention back to the 1996 Norfolk Island Plan, I happened to be on the Planning Board in about 1997 and 1998, around that period, and we had considerable difficulties with the map that was produced at the time, which showed an area beyond KAVHA which was the viewshed area and we battled that for some time and a lot of people were inconvenienced until it was discovered that that part of the plan was put in after it was approved by the Norfolk Island Legislative Assembly and therefore the whole thing just became null and void. Now the issue really is if their keen enough to do something with the KAVHA area I believe an extension into that viewshed area because the insertion apparently occurred in Canberra, that there is a potential for that to extend so people should not be led to believe that it would only be the KAVHA area. That's the first point. The second point is, as I say, areas within KAVHA privately owned a number of them have been significantly inconvenienced. My personal sense. I haven't been. I have had the opportunity to replace the shed and to extend a building and to plant some trees. I've had that opportunity and it's been fine, but what I would be worried about and what I would consider in my case and I don't want to make it a personal thing, but I feel it extends to all others, that in the future things could change. Now we've already seen it change significantly here. When the first meeting of the KAVHA landholders was held I happened to be on the island and my Dad took me along. We were told at that meeting that KAVHA would be managed by a Norfolk Island Act fullstop. And that was it. Because I questioned them on it because that's the only way that they could actually manage the thing. There's no Act applying to it, there's an agreement between the two governments, and that's fine. But the thing is, the issue then was how far should you go. I've got to go up the hills because they overlook KAVHA, then the hills were to be left bare of trees, then ten or fifteen years later there's a huge change, the hills have to be wooded. Now the inconsistency and all that is fairly significant and that's why I say that there's no guarantee that the issues will stay the same but getting back to where I started originally as far as the land holders in the area there have been a number who have been inconvenienced and that continue to be inconvenienced by being located within the KAVHA area and on land which is not considered to be of historical value for this particular area that we are talking about and therefore in my belief that is a need before anything happens to sit down and actually work out the necessity for the boundaries to be as such. I think that what people have to realise is that the original KAVHA was mainly agreed to by the generation before us. They were a less litigious group, they were fairly easy to get on with and I think in some circumstances they were somewhat misled but however that's the way it is. I can't see the next generation after me sitting down and taking that sort of arrangement and therefore it's most important that we look at it from an overall sense, not only just at this point in time but what will happen in the future and as a consequence I think that the boundaries have to be looked at, there needs to be some recompense for those who consider they have been in the past, badly done by, there are people who own leasehold land on the island who are quite able to transfer that title from leasehold to freehold, at a fairly reasonable rate, price may I say, whereas in the KAVHA area that land is unable to be freeholded, it stays as a leasehold arrangement, and what's worse, is that part of some blocks are within KAVHA and the other part is out. Now you can't, and I have asked in the past, the Minister for Heritage not our local people, the Minister in Canberra to review that. There's part of it outside

Canberra – outside Canberra – well things are going to end up Canberra down here, but leasehold land outside KAVHA that's included in that block which part of it is within KAVHA cannot be freeholded. People have had approval to build on land which is part in KAVHA and part out of it and that's fine, I have no problem with that at all, but others seem to claim that they've been refused in that same sort of boat. There's a general problem with those sorts of things and they all need to be clearly defined. If there is a need for recompense, I think there is a need to look at how those people can be given some recompense and I will state firmly now that I don't intend to put my hand out for any sort of money unless they want to buy it and that will be at a fairly significant sum I can tell you but the go is with is, all I'm looking for with this is lets cool it with this National Heritage and World Heritage listing proposal at the present time. Let's get our own house in the KAVHA area in order. Now it's in the EPBC Act, it doesn't apply unless there's agreement with the private landholders. Now what does that mean. Does it mean that the Heritage guy who was a nice guy came down, talked through things, I had meetings with him and fortunately I had some of my daughters here at the time, we talked through with these people, he's a nice guy. What does it mean, approval of the landholders. I don't know. And those are issues that are most important. I could go on for some time because I've always had grave concerns about the area. I've had concerns that we seem to be tied in to the usage of KAVHA for houses up here, for the senior public servants, for the Administrator over there, they were all tied into the usages for the area. I mean, surely we can do a lot better than that. And I think that I've got the point across to the Heritage guy that there's a need for some flexibility in where we are going. On the other side of it it's been said that the World Heritage will see this flood of tourists to the island. There is need to get that flood here for promotion to occur and whilst it might be a link onto other convict type areas and there may be some adjustment and some advantage in tourism, we can do that now. We can actually do that now. There is no tourism plan for the KAVHA area. There is no great promotion plan for the KAVHA area and I don't blame the KAVHA Board because the KAVHA Board seems to be more interested in the heritage values of the area and those sorts of things and when you have advisors that are in that particular area it's the same as anything. I mean you've got a National Park. I know, I've dealt with heaps of them. In the National Park you have your advisors and that, I keep telling them, you guys just want this place to yourselves, you don't want anybody to come in here. What we need to do is have a proper plan, a proper proposal in relation to tourism and not just say well all the tourists are going to come rushing in here. They will do now. There are usages in the area which need to be looked at from a tourism perspective. That's my motion. Thank you Mr Speaker

MR BUFFETT

Mr Speaker in respect of this matter before us, listing of KAVHA in the area described by Mr Nobbs' motion I just want to elaborate that there are three activities being examined at present in terms of the Kingston and Arthurs Vale Historic Area and I do stress and emphasise that this is happening in respect of the Kingston and Arthurs Vale Historic Area, not say Philip Island, not Nepean Island and not some other parts of Norfolk Island, but it's an examination in terms of the Kingston and Arthurs Vale Historic Area only. The first thing that is happening is that the Conservation Management Plan is being reviewed. The second is that World Heritage Nomination is being examined and the third is that national heritage nomination is also being examined. I think it's useful to add that each of these activities has a life of its own. Each has a standing on its own account, and there is a separate process that relates to each, however, there are processes that are common to each of them. For example, a public consultation process is required for each and there is a number of connections between one and the other. For example, the presence of a Management Plan is an essential criteria for any consideration for National Heritage or World Heritage Listing. And so this has meant that the public consultation process which did commence Mr Speaker at the beginning of this month, has covered a public presentation of all of those three activities together. They could be presented separately, but in the public interest so that the wider picture can be seen, they have been presented at the same time. So that one doesn't necessary continue to come back to the

community on similar questions, or indeed maybe the same question but under another heading. I would like to walk through those three activities. First of all the Conservation Management Plan. I think we all realise that most areas of importance these days, most areas have a Plan of Management. Some examples here in Norfolk Island, there is a National Park and Botanic Garden Plan of Management, the Government Reserves and there are some 18 if I remember correctly. Each has a Plan of Management and so one can give other examples as well. It really leads me to say of course obviously Mr Nobbs has already said that the Kingston and Arthurs Vale Historic Area also requires a Plan of Management. It has one at present of course. It's had a series of Plans of Management but because Plans aren't meant to be static documents they require updating as time moves on. The first plan if I remember correctly was made in the late or maybe early 1970's, early 1980's. Mr Nobbs has correctly pointed out the last plan that was formally endorsed by the Norfolk Island Government and the Australia Government was in 1988 but there have been Board endorsed updates since that and I think the last there was 2004. but the present review is now taking place because in quite simple terms, it's time to take place. It's a requirement for general management and for general conservation of the area by people such as the Project Manager who is Mr Puss Anderson, the KAVHA board, for Norfolk Island Plan Authorities and other like official functions. The important thing to say about it, is that it needs to take place whether or not there is a consideration of World Heritage or National Heritage nomination. It's a basic function required to be there and I think we understand all of that of course. But some of the technical and difficult areas, what can or can't happen in KAVHA especially in terms of land utilization and Mr Nobbs in his introduction covered a number of those, and it is a very vexed subject, there's no two ways about that, it's been a subject of debate since the inception of the historic area and it is logical, it'll come again to be debated in the present round of review in the Conservation Management Plan of the area and as has been illustrated, that is now happening. I've got to personally say that I consider there is a need for special controls in the Kingston and Arthurs Vale Historic Area to protect the very unique heritage values that exist there, but I also consider that there is room for greater flexibility of use, for example, the present perimeter of the designated area, and indeed in areas that might stand well back from the built area, greater flexibility than exists at present, and I think there's also room to consider maybe some sort of compensatory arrangement, or land exchange, where total prohibition of freehold land, is demanded if that is the case and I suppose the closer one comes to the more built area, although the heritage values don't just relate to built area, it also relates to landscaping area but it becomes more difficult the closer you come to the built area. Now I know that there have been a number of views and suggestions and I'm not raising these that I've just mentioned to engender a full-scale debate about them at this stage. My purpose is to emphasise that whatever the solution to the Kingston and Arthurs Vale Historic Area land utilization question is, it isn't dictated by World or National Heritage Listing. World Heritage doesn't dictate the content of a Plan of Management. Now it won't consider you unless you have one, but it doesn't tell you what you've got to do in it. That's a local issue. That therefore means it's an issue to be worked through by the Norfolk Island community and it's government and the Australian Government based upon heritage values as those values are reflected to us. I move to the second matter. World Heritage Nomination. World Heritage recognition is made under an international convention. And it's established between something like 138 nations, of recognition of heritage sites, the world faces is only offered where the highest heritage significance is present. World wide there are some 830 properties. Australia currently has some 16 sites. Only 16 sites. In New Zealand there are only three. So you can see that the World Heritage cache is a significant presence. International recognition. A desirable profile. It's valuable for me to say Mr Speaker that World Heritage Nominations can only be made by a national Government and in the case of KAVHA this means the Australian Government. Most of the sites show significant benefits can accrue to the site and its surrounds, especially those who promote tourism, that is, visitors to their site. I know that this detail is being elaborated in some other areas including the Norfolk Island press and I won't necessarily labour the point this morning, important though it is, but I want to just identify it



and mention it in that context, but the real question is I suppose is, why does World Heritage come onto our radar screen. Let me explain this. The sustainability of Norfolk Island has been questioned over the past twelve months. Now of course we refute this questioning and we have given substance in part to our sustainability claim by reinvigorating the principle industry of tourism. We've had other mentions earlier this morning, about stabilising our airline, increasing the frequency of flights, we've lifted and continued to improve our immediate visitor figures and the strategy is commencing to bear beneficial results. Yes, there is more required for today and that's to come but the point I want to make here is, we must also make plans to ensure that we have a focus and sustainability into the future. Tourism does remain the principle industry. We have sought to diversify over a number of decades but it's always fallen back to the tourist industry to sustain us. And it has had its ups and downs. And so we do need to create a cache which really trumpets our status as a special place. Yes of course it's a special place already, but we need to gain a cache that gives it recognition beyond here. We do need to be a cut above the rest, we need to get the edge. Of the thousands and thousands of recreational sites in Australia let me quote this figure to you again, only 16 have World Heritage status. Of the thousands of recreations sites in New Zealand only three have World Heritage cache. The Kingston and Arthurs Vale Historic Area has the capacity in a serial listing to be recognised as world heritage standing. To be amongst this select group and thus the capability, real point, and thus the capability, to secure a long term niche in the tourist market which we've found to date has fluctuated up and down. We need to have a cache that gives us a long term standing. If we are serious about long terms sustainability where everyone has a job, where businesses are able to continue, we need to take long term decisions with a strategy to benefit all residents on the island. The Government's got to show leadership in showing that path so this is a significant factor why world heritage is now on our radar screen. Some have asked me and they may have asked you Mr Speaker and other Members about the referendum we held in 1998 about possible World Heritage nomination. We declined it then. Today the sustainability question is more pressing and is a greater priority and I've elaborated that in another place so I won't necessarily labour that further here except to identify it, but probably the more telling point is this. In 1998 we declined World Heritage desirable though it may have been on the basis that we really didn't want any further extension of Australian controls. That was a big factor. Well regrettably Mr Speaker, you will know this and others will know it, those things have come any way. They have come in the form of the EPBC Act, the Environment Protection and Biodiversity Conservation Act. It's an Australian piece of legislation which extends to Norfolk Island. Now the Norfolk Island Government protested its extension. It didn't come with our endorsement but it's here. It operates now, today. But it's come without the benefits. The benefit that World Heritage cache would have brought. So we have the impositions. We should also have the benefits and that's the World Heritage cache that I'm referring to. The reasons that I've outlined already and I won't be repetitive about those things. The third activity. That is the National Heritage nomination. I've just talked about World Heritage, now let me talk for a moment about National Heritage. Why has the National Heritage component come into our radar screen. Three reasons I would like to advance at this stage. There will be others. The first is if we are serious about World Heritage then World Heritage won't be considered by the world body unless there's recognition of the site at a national level and that means National Heritage listing in our context. KAVHA is already on the Norfolk Island Heritage Register under Norfolk Island legislation but to restate it, national listing is a prerequisite to World Heritage nomination. National listing is a prerequisite to World Heritage nomination. It doesn't bring any demands or controls beyond those which are currently in place. Secondly it's of some significant recognition on its own account. There are only 33 places at present on the National Heritage list and so a place amongst those is no mean accolade. It's some significance. But before I address the third reason Mr Speaker allow me to make this explanation. I mentioned earlier that in respect of World Heritage only the National Government and in this example the Australian Government can make a nomination for World Heritage listing but for National Heritage nomination it's quite different. Because for National Heritage anyone can make a

recommendation. Now the third reason the National Heritage is on our radar screen is this, someone else off island I understand has already made a nomination of KAVHA and the complication if you can call it that, is that the nomination made by others is not only KAVHA, but it's of Longridge, it's parts of Cascade and other areas. Maybe, and this is only an estimate on my part, maybe say three times the size of KAVHA. Mr Speaker the Norfolk Island Government does not support this wider claim and needs to take steps to contain the consideration to the KAVHA area alone but we need to act promptly to do so otherwise this other will get all the running and so having said those things, what do I say in summary in respect of the motion that's come forward. I do acknowledge that there are some significant issues to yet be settled in respect of land use in KAVHA boundaries and the Conservation Management Plan for KAVHA and I made some comments about possible solutions. I commend World Heritage and National Heritage as separate issues, separate issues. Worthy issues I've got to say benefiting the long term sustainability of the principle industry of tourism. This motion before us now seeks to halt consideration of World Heritage and National Heritage and on the basis I've outlined you will understand Mr Speaker that I can't support that.

MRS BOUDAN Mr Speaker I would like to say a few words. I don't feel comfortable about having all of KAVHA nominated for listing on the National Heritage and World Heritage lists. How can a person nominate another persons property for listing. This to me is dictatorship and points to dictatorship. Should a person believe that another person's property ought to be nominated for listing, they should surely encourage or make arrangements for the property owner to be invited to nominate their property for listing. The owner should be the person to have that privilege of making such a decision. Where KAVHA is concerned I do not believe that all of the KAVHA area should be nominated for listing. I would support a large part of KAVHA to be nominated if it were to be an area that were to take in all of the lowland on that side of the road from Watermill Valley dam down to Kingston Jetty including the Lions Club area continuing from Kingston Jetty along the foreshore but not including beaches, to include Lone Pine, the Golf Course, the Cemetery, and along to Bloody Bridge as well as the low land on the foreshore side of Quality Row. I would support areas on the other side of Quality Row beginning from the compound where All Saints Church is and continuing along to the Paradise Hotel site. That to me is a very significant area worthy of nomination. As far as the privately owned properties are concerned, let the property owners decide rather than putting them to the inconvenience and expense of having to defend such decisions. Thank you Mr Speaker

MR BROWN Mr Speaker I've listened with considerable interest to what's been said. This has been one of the longer debates in this place in recent years. And that has been the case because there are very strong feelings about the issues involved. I would hope that Members would not want to take this matter to finality today and that they would be of a mind to adjourn it until our next meeting because I expect that there will be community comment. Many of the things that we adjourn thinking well we'll await community comment, we don't hear a word but I've got no doubt that there'll be plenty of words about this but the one thing that I would say is that if a person's ability to use his land is going to be diminished by any form of Government decision and in a broader sense of Government I'm including any decision in relation to KAVHA or World Heritage or whatever, then we shouldn't shy away from properly compensating that landowner once and for all. We've got an instance in this area where someone wanted to build a House a little over twenty years ago. They were prevented from doing so, they were offered some other land in exchange, that offer was declined, but it seems that nothing else was done to bring the issue to a head to finalise it. Although one doesn't like resumptions perhaps the land should have been resumed because at least in that fashion the owners are guaranteed to receive proper compensation but to simply have a block of land that they can do nothing but grow grass and trees on it, is quite unfair in that kind of situation. I would like to move the adjournment of this debate if there is no other Member wishing to speak

MRS JACK

Mr Speaker yes, a very emotive subject and I agree that it needs to be held over a month. I supported World Heritage listing all those years ago and personally I still do today. In listening to Mr Nobbs he used certain terms of inconvenience and inconsistencies when dealing with this issue with certain landowners and it was acknowledged by Mr Buffett and again by Mr Brown and the land in general, there are people here with leasehold land, freehold land and Mr Nobbs said that currently leaseholders are unable to freehold their land. That is correct. But in talking with Members of the Commonwealth last week, will they be stopped from every applying for it. The view is such that under the current free holding arrangements, that once that is finished that there is a view to moving on and considering that free holding of certain leasehold land. Not in blocks as has been undertaken in areas outside in the rest of Norfolk Island but taking into consideration perhaps commercial or residential as different entities on property by property basis. There's no guarantees but they are open to the idea. As for compensation of people currently with free hold land on Norfolk Island I have myself gone into battle for these people, and there is no movement. KAVHA exists and the EPBC Act exists and there is no movement for those people to build so I agree they need compensation and to that event I'm willing to go into bat once again to see that adequate compensation or to be a go between for these people to ensure that adequate compensation or blocks of land can be perhaps sourced, other blocks of Commonwealth land so that these people can free hold that leasehold land and put that land to use. At the moment they are stymied totally with being able to perhaps get bank loans or whatever for that land. Having said that Mr Speaker I was very, very disappointed in Mr Nobbs final sentences to his debate today, there he is going into bat obviously for something he firmly believes in and yet at the end he said, oh well unless they want to buy it because you know everything's for sale, and so I was somewhat disheartened to think that after everything he said he would be prepared to sell the land that he had been fighting for. Thank you

MR NOBBS

Mr Speaker, the issue of compensation for the particular area that I own there I mean, I don't think the Government would even consider the price that I want for it Mrs Jack, so that's what I was saying. That the issue is not really relevant to me, but it is relevant to probably my descendants and to a large number within the KAVHA area at the present time and there has been approaches made by some land holders in relation to compensation and it's been refused. Not that there's been no movement, it's actually been refused. What I think that we need to look at here, is to get away from the... the Chief Minister in his speech pressed very strongly for National Heritage and World Heritage listing for the area. What I'm saying in this motion is very simple. Let's sort out all the rubbish first and not get it involved in the negotiations that are going on with National Heritage or World Heritage listing at the present time because if you want to go ahead with it, you have to have a Plan of Management in place. Now if you go with the 1988 one it'll be a complete and utter joke, therefore there is a need to finalise this process and get the approval of landholders in the area before National Heritage listing occurs and then go on World Heritage listing. What I'm saying in that is simply that there is need for a proper approval process to be established and finalised and that must include an in built appeal mechanism. It's very simply. Nothing startling and those are the issues. Hold the bus on the listings and look at the problems that we've got that have been around for 26 years. I didn't intend this to be dealt with today to finality. Not many motions unless they are urgent motion and I didn't request it as an urgent motion so I'll move that it be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting

SPEAKER

Honourable Members the question is that debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting

QUESTION PUT

AGREED

The Ayes have it. Debate is so adjourned Honourable Members

**CUSTOMS (AMENDMENT NO. 2) BILL 2006**

MR BROWN Mr Speaker I present the Customs (amendment No. 2) Bill 2006 and I move that the Bill be agreed to in principle

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

MR BROWN Mr Speaker this Bill is introduced consistently with the Government's aim of reducing the incidence of smoking and providing additional revenue for medical evacuations by way of an additional duty called the Medivac Duty which it is proposed would be imposed on the importation of cigarettes. This means that tobacco products will bear a duty at present of 500% rate and also a Medivac Duty of 300%. A decision will need to be made as to whether this levy is to apply to low duty cigarettes, that is the cigarettes that are delivered to people at the airport, and if it did so apply then low duty cigarettes that are re exported would bear duty at 60% together with the Medivac duty of 300%. Under amendments to the Healthcare Act the proposed Medivac Duty would be paid directly to the Medical Evacuation Fund that is, it would be paid directly to the part of the Healthcare Fund which holds funds to pay for medical evacuations. Mr Speaker the intention of this Bill was to generate revenues by imposing an additional tax on cigarettes such as to bring the cost of cigarettes in Norfolk Island up to a level almost that of the level which applies in Australia. I am informed that in the twelve months to the 30<sup>th</sup> June 2006 the importation of cigarettes for local consumption was in the region of \$94,000. I'm informed that at the 500% duty rate which applies, a total of \$471,000 was paid, and if one assumes that the increased proposed by this bill would make smoking more expensive but not cause a reduction in the amount of smoking one could anticipate that it would bring in at the visitor numbers which applied in the year just past, approximately \$270,000 per year. I think in fact the likelihood is that people would smoke less and therefore the customs duty would come down from the \$471,000 level which applied last year and the 300% increase would be likely to raise something less than \$270,000. In terms of low duty cigarettes I'm informed that the imports last year were in the region of \$23,000. The 60% duty that applies to those raised in the region of \$14,000. If the 300% additional duty applied and if there was no reduction in the amount of imports it would raise a figure in the region of \$69,000. I expect that if we look at the import and duty receipt figures for the previous year we would find that they would be higher because the visitor numbers were higher and I would expect that if we made a projection of next year the increased visitor numbers which we are expecting would go some way towards counteracting any reduction in the amount of the duty which would be paid on normal cigarettes. As I said Mr Speaker it will be necessary to make a decision as to whether or not this proposal in part should apply to low duty cigarettes, that is a discussion that we can continue during the course of the next month. I'm not proposing to ask that Members vote on the bill today

MR CHRISTIAN Thank you Mr Speaker, I would just like to share some of my thoughts in respect of this. Minister Brown's intentions are well intentioned here in his endeavours to provide a funding pool to cover medivacs, however, there are a range of issues which concern me and I will touch on them briefly and I suppose the thrust of where I'm coming from is that it is highly unlikely that I'll be able to support this amendment to the Customs Act. Firstly Mr Brown has gone on to say that what he is proposing is to increase the taxes on cigarettes to bring them in line with mainland prices and I have some difficulty with that because we have to continue to think of things in the Norfolk Island context. I have consistently said in respect of tobacco even though I'm not a smoker and I'm not therefore

personally affected by whatever taxes are placed on cigarettes, but unless it becomes a prohibited substance one has to assume that it's a legal business to sell cigarettes, it's therefore legal to consume cigarettes and it's unrealistic to expect one consumer item in this instance to bear a tax that's disproportionate to other taxes. Coming back to the mainland parity, if the 300% increase we are looking at is designed to bring it to mainland parity there is an argument that those who consume cigarettes should also be able to earn mainland wages in order to be able to maintain their habit, and once again, I reiterate it's a legal habit and there's no proposal here that we actually increase wages so as to enable somebody to continue their habit without being financially disadvantaged. Mr Speaker if we look at the situation in Australia the tax in Australia is levied on a per stick basis, on a per cigarette basis, as opposed to our on a value basis. So what will happen in this situation is that some brands and some packages would in fact be possibly be 10% or more dearer than the comparable or identical product sold in Australia. Some other brands or package sizes may therefore be still slightly less than the prices that are charged in Australia and that's just by way of information. But the real area that concerns me is that if we are expecting to achieve \$200 to 300,000, I think that's the figure that's being bandied around, statistical information doesn't appear to bear that out. If we look at 2001 figures where we had dutiable imports on cigarettes and tobaccos of \$173,000 that yielded duty in 2001 of \$425,000. We now move on to 05/06 financial year and we had dutiable imports of \$93,000 of cigarettes and tobacco and that yielded a duty of \$471,000 so what's happened as a result of those changes is that we have halved the value of cigarettes imported into Norfolk Island and only delivered a \$50,000 gain in revenue so this extra tax will not possibly deliver the \$200 \$300,000 that we are seeking to raise. What I would prefer to see happen is that this piece of proposed legislation be eventually withdrawn and the Medivac funding problem be incorporated into the wider budgetary context when reforms of our taxation base is completed, one would hope that there would be enough surplus money flowing around in the reformed taxation system to deliver the sort of money that Mr Brown is looking for under this piece of legislation before us at the moment. Thank you

**SPEAKER** Thank you Mr Christian. Just to draw Members' attention to the fact that Mrs Jack has voluntarily absented herself from the chamber during the discussion on this debate because of her obvious personal business interest in importation of cigarettes into Norfolk Island. Is there further debate Honourable Members

**MR NOBBS** Mr Speaker I've some difficulty with this. We've spoken over the years Mr Brown I think the 300% has come up over a number of Assembly's but the issue really is, what are we looking at in the medivac fund. The total amount of money that's required. Does it include visitors; are we requiring visitors to have travel insurance before they even get on the plane to come to Norfolk Island; what is the policy and what have you within the medivac arrangement. I'm not too clear on it. My last recollection is that we would put a medivac system in place and until we get that we would pay all, and that was the last of my real involvement with it. Now we have some funding proposal which we've passed but what are the nitty gritty's of it. Is there a document which sets out the procedures and the like that we go through. Mr Brown was at one stage talking about a management arrangement with an off shore management organisation, to manage the extraction and I suppose you call it, what do you call it, removal of people on a medivac and also management thereafter. I wonder whether that's come to the fore and how much money do we actually need for this arrangement. My second concern really relates to the smokers themselves. Because I think now with the increases and the promotion and the things that have gone on, a lot of people in the older bracket have given up smoking and it's really those with all due respect, who are finding it extremely difficult to kick the habit so to speak and I was 42 or something when I kicked the habit so it's a little while ago, but I know what they're going through to try and get off it, but that's not really being addressed, that point of it, the support of those people. If we put something like this in, obviously it's going to be pressure on the families, there's going to be shortage of dough for the kids and the food and all that



cigarettes so we're putting aside some for the medivac levy but the actual duty that we get in the general revenue fund is diminishing. What Mr Brown would be better off doing is leaving the 500% as it is now and trying to get 150% of that duty aside for a medivac levy and then the importation levels of cigarettes would remain the same. I can't see the reasoning of increasing the duty and then the product importation falls off and you get less. To me that's bad economics and I don't think I can support it

MR BROWN Mr Speaker this argument really turns on the question of whether or not the role of the Government is to maintain the existing level of smoking. I don't think that's our role. I think in fact everything that we do, to pluck an extra dollar out of the smokers and cause them to give up smoking is good Government and good for their health. I don't have a problem with that. No problem at all. But for the purposes of today it's been an interesting discussion, and I move that debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting

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

QUESTION PUT  
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

#### **DEPARTURE FEE (AMENDMENT) BILL 2006**

MR BROWN Mr Speaker I present the Departure Fee (Amendment) Bill 2006 and I move that the Bill be agreed to in principle

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

MR BROWN Mr Speaker this Bill is introduced with the aim of removing certain exemptions from the payment of departure fees which have in the past at times been the subject of abuse and which are felt to be no longer just. The particular sub paragraph which it is seeking to amend is paragraph 3(2)(a) and 3(2)(L) relates in the case of sub paragraph k to removing the exemption for a person leaving Norfolk Island primarily for the purpose of receiving medical treatment and removing the exemption for a person who must necessarily accompany such a person providing the exemptions has caused significant additional workload at the hospital and in many cases the healthcare fund or the HMA scheme is contributing to the cost of a person consulting the doctor in order to obtain a certificate to give them an exemption against the requirement to pay the departure tax. My proposal is that it would be far more efficient to simply remove the ability to provide an exemption in those circumstances and certainly that would cause those people to need to pay the \$30 departure fee but there will be a significant savings achieved as a result of that. The second part of the bill relates to the proposed removal of subparagraph (L) which it is suggested is no longer required for children in years 11 and 12 who are being educated away from the island. Other people who are studying university or TAFE are already paying the departure fee and it is felt that it is appropriate that it be paid in that circumstance. Now I'm not asking that the matter be dealt with to finality today and in particular in the case of children Members may well have a range of views and I would be interested to hear those views for the purpose of including that matter in the bill itself, to generate discussion and to ensure that whatever decision we do eventually make is a sensible decision. Thank you

SPEAKER Any further debate Honourable Members

MR BROWN  
event

Mr Speaker I move that debate be adjourned in that

SPEAKER  
adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting

QUESTION PUT  
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

### **HEALTHCARE LEVY (AMENDMENT NO 2) BILL 2006**

MR BROWN

I present the Healthcare Levy (Amendment No. 2) Bill 2006 and I move that the Bill be agreed to in principle

SPEAKER  
Brown

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

MR BROWN

Mr Speaker this Bill is introduced to bring the provision of free medical services, pharmaceuticals and medical equipment in line with the classes in respect of which provisions is made ... my apologies Mr Speaker, I was reading an explanatory memorandum which had been provided to me in respect of the Healthcare (Amendment No 2) Bill but it obviously relates to the wrong thing. The Bill which we are discussing today is intended to implement a decision of the House on a recent occasion to increase the healthcare levy by \$7.50 per quarter or \$30 per year in order to increase the reserves of the healthcare fund. We are talking here of the Healthcare Levy (Amendment No. 2) Bill 2006 and the Bill simply seeks to increase the levy by \$7.50 per quarter

MRS JACK  
Speaker

Mr Speaker is it proposed that this will be held over Mr

SPEAKER  
further debate

It is proposed that this will be adjourned Mrs Jack. Any

MR NOBBS

Mr Speaker I thought this was thrown out a few weeks ago but apparently the motion was to bring it forward, so I'm informed and that's the confusion. I think at the time I spoke against it but I'll have to have a look at where I was last time, but I do have difficulties with this but I guess that will be for another day

SPEAKER

Thank you Mr Nobbs. Further debate. There being no further debate I look to Mr Brown for the adjournment

MR BROWN

Mr Speaker I so move

SPEAKER

Thank you, the question is that debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting

QUESTION PUT  
AGREED

The Ayes have it. Debate is so adjourned Honourable Members



**NORFOLK ISLAND SUSTAINABILITY LEVY (AMENDMENT NO 2) BILL 2006**

Honourable Members following Notice No 7 on the Programme is the matter of the Norfolk Island Sustainability Levy (Amendment No 2) Bill 2006 and Mr Christian is to seek leave to present a Bill for an Act to amend the Norfolk Island Sustainability Levy Act 2006 and to move that the Bill be agreed to in principle

MR CHRISTIAN Thank you Mr Speaker, I so move

SPEAKER The question is that the Bill be agreed to in principle. Mr Christian leave is granted

MR CHRISTIAN Thank you Mr Speaker, I don't intend to deal to finality with this today. It's to give the matter some exposure and the NSL Working Group has made a number of recommendations for changes to the existing legislation and the Legal Draftsman has taken those on board and prepared a series of amendments and I don't intend to say any more at this time. The Members around the table can digest the information that's been circulated to them and at the appropriate time I'll move the adjournment

MR SHERIDAN Mr Speaker considering that we only got handed the amendments two seconds ago, don't you think it would be appropriate to now move the adjournment and we can all go to lunch

SPEAKER Thank you Mr Sheridan. I'll give other Members the opportunity make a contribution before seeking adjournment. Is there any further contribution

MR NOBBS Mr Speaker I just want to make it clear right from the outset of developing the NSL it was always the issue of changes and it was understood right from the kick off and it was explained to all Members that there would be a need to make some changes as the levy was introduced and it was worked through as has occurred with both the Australian and the New Zealand GST proposal and I will as Mr Sheridan said, this was just handed to us a few seconds ago and I will read it with interest but I'm sure that it will have my support because it comes from the Working Group that developed the thing. Thank you Mr Speaker

MR BROWN Mr Speaker I expect that what I'm about to ask has been dealt with but I wonder if the Minister could just confirm that upon the passage of this bill and its eventual assent it will be obligatory to lodge a monthly return and to pay the relevant levy

MR CHRISTIAN Thank you Mr Speaker, that was one of the criticisms that had been leveled at the NSL legislation that there was a requirement to register but not a requirement to actually lodge a monthly return and this amendment is an attempt to deal with that problem. Or one of the problems

MR BROWN Mr Speaker I can see that one of the proposed amendments provides a penalty for failure to lodge a monthly return. I'm just not certain as I don't have the legislation in front of me, whether lodging a monthly return includes the payment or whether we need to make a separate provision requiring payment of the levy but I do notice that there is provision for monitoring of prices, and this is particularly relevant as the Minister for Finance mentioned earlier, to the tourist accommodation industry where once the full levy comes into effect there will be savings and it certainly would not be justifiable to seek to pass on the full 9%. Similarly in the case of the tourist accommodation

industry I hope that no Members of the ATA take notice of an email which I saw in recent days in which one of the Members was urging them not to pay the 1% levy and was suggesting that no payment should be made until the cold bed tax is removed. We all have to pay our way, we've all got to pay our share and certainly I am extremely disappointed to have read that proposal from a Member of an industry which does have a privileged position notwithstanding that they are in difficult times. Thank you

**SPEAKER** Further debate. There being no further debate Mr Christian I look to you for an adjournment

**MR CHRISTIAN** Thank you Mr Speaker, I move that debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting

**SPEAKER** Thank you Mr Christian. The question is that debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting

QUESTION PUT  
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

#### **ORDERS OF THE DAY**

Honourable Members I have been informed that Order of the Day No 1, the Immigration (Amendment) Bill 2006 is not ready to bring on today. Thank you Mr Brown, so we move to Order of the Day No 2.

#### **GREENWICH UNIVERSITY (REPEAL) BILL 2006**

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

**MRS JACK** Mr Speaker at last month's meeting Mr Brown asked a couple of questions and unfortunately I haven't been able to get to Hansard to take note of those questions but I think one of them spoke of should this appeal go through, would degrees be invalidated and the answer for that from my information through Crown Counsel is no, Mr Speaker and the other question is think was, was it a transitional arrangement Mr Brown? And there's no application for that. The University was made inactive under the Higher Education enactment in Australia and finished in 2002 so there's no transitional arrangement. Mr Speaker since my putting forward the repeal bill last month an email did come through from one of the two subscribers to Greenwich University and it came through Dr John Walsh of Brannagh, it did come through and it was forwarded to all Members. I don't intend to read it out Mr Speaker but certain questions were raised and because of the questions being raised I forwarded the email to our Crown Counsel and also to the Commonwealth for some clarification. The answers were that the Greenwich University repeal bill does not contain and provision for retrospectivity and therefore does not have retrospective effect; the bill if passed and becomes law will not effect the validity or legal standing of any degrees awarded by the university before 7 December 2002, there is ample precedent that degrees awarded while the university, college or course of study is accredited are not affected if the accreditation is withdrawn; the bill if passed and becomes law will not have any effect on any existing or proposed legal action by the university or Dr Walsh of Brannagh against the Australian Government and the bill if passed and becomes law will not expose the Government of Norfolk Island to any legal ramifications, the Greenwich University Act 1998 ceased to have any effect on 2<sup>nd</sup> December 2002. Part of the

response by, well there have been several responses from the Commonwealth Mr Speaker, one was advising me through the Official Secretary Mr Owen Walsh, that both DEST, that is the Department of Education, Science and Technology and DoTARS advised that they are unaware of any legal proceedings commenced by or on behalf of Dr Walsh or of any current FOI, Freedom of Information claims relating to Greenwich University. Mr Speaker what I am prepared to table today is a document that may assist the public put out through the Department of Education, Science and Training, it's quite a convoluted website to get to Mr Speaker and so if people are wanting to source it I suggest that they call down and talk to Mrs. Alma Davidson, the Research Assistant to the Legislative Assembly and she will give them the website, read it out, or by being tabled they would be able to get copies from the Clerk of the Legislative Assembly. It was a series of questions that are often put forward to the Department of Education, Science and Training and it is their alert on Greenwich University and those questions are there with the answers. For example I obtained a degree from Greenwich University in Norfolk Island, is it legal? The response is between 30<sup>th</sup> June 1998 and 2 December 2002 Greenwich University (Norfolk Island) degrees were lawfully awarded under legislation approved by the Norfolk Island Government using its powers of self Government while the Commonwealth Minister for Territories assented to legislation this does not mean that Greenwich University awards were recognised by the Federal Government of Australia. Will employers recognise a Greenwich University degree? The recognition of degrees for employment purposes is a matter for individual employers as it is in all cases. Decisions about recognition may be based on official accreditation status. We are aware of some employers and professional bodies that will not recognise the Greenwich degree for employment or promotion purposes. Mr Speaker there's approximately one and a half pages there and it also tells them the way people can obtain more information and I'll table that document. Can I say that the responses I had through Crown Counsel and the Commonwealth give me no reason to stop the process of this Bill and so I will continue it and I just look forward to further comments made by other Members. Thank you

MR NOBBS

Mr Speaker I thought we were to clean up those bills or Acts within the list. Two issues actually, the first one was that there was a number of acts, and I mentioned those in question time, which were to be revamped or new bills put before the Legislative Assembly and the second one was a clean up of those other acts within the list of legislation in Norfolk Island which no longer had any bearing. Now this Bill falls within an Act that falls within the Minister for the Environment's area of responsibility and I assume that this is where it's going, isn't it? What are we on about. You've just said that in 2002 was the last degree approved so it's now 2006, is that what we're about Minister, are we cleaning up the list of legislation. What's happening

MRS JACK

Mr Speaker due to information that has come in from Dr Walsh of Brannagh I feel that it is appropriate to answer in this forum the views he's raised and I felt I should respond to them and that's why I raised those issues here. The concerns raised Mr Nobbs give me no cause to delay or halt the proceeding of this bill however

MR BUFFETT

Mr Speaker I really fear this matter is in the sparring factions in the field of education, and that's probably putting it mildly but we put this legislation in place in good faith. I do recognise that the Commonwealth legislation has now over ridden it but also in some of the responses given by the Australia Government and the Department of Education Science and Training, there is recognition that for a period of time degrees were granted, had standing and continue to have standing. They are not jeopardised. If that be the case then there is some reasonable entitlement that the legislation upon which it is based can still be viewed on the statute books, notwithstanding that other legislation may now say that it cannot be continued in its effectiveness. I'm just not seeing the point that just because the Commonwealth dictates in every instance that we need to do everything at their bidding. Certainly they have indicated and dictated in terms of the continuing applicability of this legislation but it's our decision as to whether we would

want to keep it on our books for reference point in terms of the area of time that it may have had validity and I think for it to be viewed in that context has some application

MR NOBBS Mr Speaker Mr Buffet is right. I mean, there was a long and convoluted argument, fights and what have you that went on, and I was one of the major supporters of Greenwich University but the situation is that it can't operate here. And to me if something can't operate here, well we shouldn't have it on our books, that's all. I mean there are a number of acts and what have you that either need upgrading or repealing and I think that it's only proper Government arrangement to go through that procedure, sad as it may seem about Greenwich University actually not surviving. That's not the point. What we are dealing with is a piece of legislation which is no longer applicable in my view

MR BROWN Mr Speaker like the Chief Minister I'm troubled by this. I would not have had that difficulty to the same extent at least if it had been just one of the pieces of legislation in a list of legislation which we felt ought to be repealed. But it's not part of that sort of exercise. This is definitely a one off bill. I'm grateful that the Minister has sought the advise which she has sought and that she has provided to us copies at least of some of that advise but we have all received a copy of an email from one of the director of Greenwich University. That email certainly was of interest. It seems to me that there is nothing to prevent Greenwich University seeking approval under the new Commonwealth legislation and I would like to see them have the time to do that frankly. I would like to see the debate adjourned for a lengthy period and if in that time we are provided with credible information in relation to the undertaking of a programme to obtain the Australian approval well I think we should then leave it on the books. If it becomes obviously that such endeavours will not be made or will not be continued then I would have to accept that there is an argument that the Greenwich University legislation along with perhaps a raft of other legislation ought to be appropriately repealed but whether or not simply repealing the Act is the way to go about it even then, I'm not sure. Maybe something more should be done, in particular something to recognise the fact that the legislation was passed by this House and that the Greenwich University did operate and that it only ceased to operate because of action taken by the Commonwealth targeting Norfolk Island in particular

MRS JACK Mr Speaker I'm not prepared to hold off on this legislation. If it fails to get up today well it will be staying there. It's either there or it isn't. Can I just draw Members attention, I also handed out another response that arrived this morning from the Department of Education science and training and in the last paragraph it says the continued existence of the Greenwich University Act 1998 (Norfolk Island) would not assist any application by an institution to operate as a self accrediting provider of higher education nor would any changes in the governance structures for Norfolk Island of themselves lead to automatic recognition of the institution as university or a higher education provider. I move that the motion be put Mr Speaker

SPEAKER The question is that the question be put. Any further debate?

MR BROWN Mr Speaker I had indicated that I would wish move an adjournment but I check your ruling as to whether I am able to do that in light of the motion

SPEAKER Yes Mr Brown, I do apologise, you did indicate a preference to I guess have a call on an adjournment matter

MR BROWN But the Minister has moved a formal motion on that

SPEAKER Thank you Madam Clerk. We will return to you Mr Brown. I will deal with the question, that the question be put and Members can make up their minds

on that and then I can return to you for the adjournment subject to the outcome of that. The question before us Honourable Members is that the question be put, that the Bill be agreed to in principle

MRS JACK Mr Speaker this is that the bill be repealed

SPEAKER The question is not that the Bill be repealed to in principle, you were asking that the question be put and then you would move on

QUESTION PUT

SPEAKER Could the Clerk please call the House

MR BUFFETT	NO
MR GARDNER	AYE
MR SHERIDAN	NO
MR NOBBS	AYE
MR CHRISTIAN	AYE
MRS JACK	AYE
MRS BOUDAN	NO
MR BROWN	NO

SPEAKER The result of voting Honourable Members, the Ayes four the Noes four, the question will not be put, we continue debate. Mr Brown I look to you now for the adjournment

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

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

QUESTION PUT

SPEAKER Could the Clerk please call the House

MR BUFFETT	AYE
MR GARDNER	AYE
MR SHERIDAN	AYE
MR NOBBS	NO
MR CHRISTIAN	NO
MRS JACK	NO
MRS BOUDAN	AYE
MR BROWN	AYE

SPEAKER The result of voting Honourable Members, the Ayes five the Noes three that matter stands adjourned

MR BROWN Mr Speaker could I draw your attention to the device on the wall

SPEAKER My attention is firmly fixed on the device on the wall Mr Brown

MR BROWN Mr Speaker I wonder if Members would like to suspend. Mr Speaker it may well be that some of our Members have commitments later this afternoon and I am more than happy to continue the sitting

SPEAKER Thank you for that vote of confidence Mr Brown. Honourable Members that being the case we move to Order of the Day No 3

### **HEALTHCARE (AMENDMENT NO 2) BILL 2006**

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

MR BROWN Mr Speaker this bill was tabled on an earlier occasion and it deals with a number of issues. The purpose of it Members will recall was to bring the provision of free medical services, services, pharmaceuticals and medical equipment in line with the classes in respect of which provision is made in the Medicare system and the Pharmaceutical Benefit system in the Commonwealth and this has been done by following the existing system that defines medical services and excludes from free medical services various classes and sub classes. Mr Speaker at an appropriate time I will seek to move a detail stage amendment

SPEAKER Debate Honourable Members. No debate. Honourable Members there being no further debate I put the question that the Bill be agreed to in principle

### **QUESTION PUT AGREED**

The Bill is agreed to in principle.

We now move to the detail stage and Mr Brown proposes to move his foreshadowed amendments dated 12 October 2006 and circulated on the Notice Paper

MR BROWN Mr Speaker I move that following clause 4 of the bill the following be inserted "Amendment of section 7 of the principal Act, 5. For subsection 7(2)(b) of the principal Act substitute " (b)The Medical Evacuation Fund , the moneys directed to be paid by — (i) the Healthcare Levy Act 1990, paragraph 20(1)(b); and (ii) section 2(1B) of the Customs Act 1913 and called "the Medivac duty".", and that is intended to ensure that the Medivac duty. I'll take that back, that will ensure that the part of the healthcare levy which is paid as the medivac levy will go into a special fund, but I should remove subsection 2 in relation to section 2(1)(b) of the Customs Act 1913 because we've not at this stage passed the Act. From the detail stage amendments I will remove the final line

SPEAKER Thank you Mr Brown for that explanation. My understanding of both detail stage amendments is that it will include all words up to and including the numbering and lettering 20(1)(b) which should be followed by a fullstop

MR BROWN Mr Speaker that's the case

SPEAKER Thank you Mr Brown. Is there debate on the Mr detail stage amendments Honourable Members

MR BUFFETT Mr Speaker maybe I'm just confusing the issue and I apologise if I'm doing so. Are you only allowing debate on this particular amendment that Mr Brown has brought forward at this stage or can I just ask for clarification in a wider context. I

wonder if the Minister would just give clarification. I may well be confused in terms of the titling and some other things but I do understand that the Minister indicated to us that a substantive part of the amending bill relates to the listing of pharmaceutical benefits and I just wanted to have some clarification about what I had interpreted on an earlier occasion that there may be things that are not formally on the list but if in fact there can be substantiation of their needs or requirements by proper medical authorities that that could be included by arrangement. Could I just get some clarification on that and I may be on the wrong track, but I would like to know

MR BROWN Mr Speaker the Chief Minister is certainly not on the wrong track. This is all very confusing with the different numbers and paragraphs and brackets and whatever but already in the legislation is a subsection which does allow items to be covered which are otherwise not included and it is proposed that an application of that nature be dealt with in the same way for example, the Dept of Veterans Affairs

SPEAKER We return then to debate Honourable Members on the detail stage amendments as proposed

MR SHERIDAN Mr Speaker if the Minister could point out, I'm having trouble finding subsection 7(2)(b) in the principle Act. I don't know what he's trying to substitute

MR BROWN Mr Speaker unfortunately I've not brought a copy of the Act with me but if you would bear with me. Mr Speaker I will need to spend a little time sorting that out. I wonder if it could stand down on the Notice Paper for the time being and I'll try to sort it out later this afternoon

SPEAKER Honourable Members is there any further debate on that matter before we suspend discussion on that matter until later in the meeting

MRS JACK Mr Speaker the Medical Evacuation Fund, in fact we are talking about the motion that came to this House earlier this year from Mrs Boudan for the \$100 that was \$25 per quarter. Yes

MR BROWN Mr Speaker I am now ready to proceed. The particular page of the Act is a difficult page to read but it commences with the heading "Establishment of Funds". Section 7(1) states that there is established within the public account the Norfolk Island Healthcare Fund and the Medical Evacuation Fund, then paragraph section 7(2) states that there is payable into the Healthcare Fund the monies directed to be paid by the Healthcare Levy Act and (b) the Medical Evacuation Fund the monies directed to be paid by the Healthcare Levy Act, so it is confusing in that when you first look at the page you see section 7, you see section 7A and you see section 7B but there is in fact a section 7(2) at the top of the page and there is a subparagraph (b) within that section

MR NOBBS Mr Speaker I'm really confused here. This section, it says in the proposed amendment that "The Medical Evacuation Fund, the moneys directed to be paid by the Healthcare Levy Act 1990 and also the Customs Act. No. That was scrapped. Okay. Thank you

MR BROWN Mr Speaker perhaps it would be simplest if I read for Members the existing section 7(2)(b). Section 7(2) says that it is payable into (a) the Healthcare fund and it has various words, and (b) the Medical Evacuation fund, the monies directed to be paid by the Healthcare Levy Act 1990, paragraph 20(1)(b). Mr Speaker it may be easier if I withdraw the detail stage amendments because it is in fact not necessary

having withdrawn the part about the Customs Act, it doesn't make any other change, so I withdraw the detail stage amendment

SPEAKER Thank you Mr Brown. The detail stage amendment is withdrawn. Mr Brown we have dealt with the Bill being agreed to in principle. We now move that the remainder of the Bill be agreed to. We move to the question that the remainder of the Bill be agreed to and I look to you

MR BROWN Mr Speaker I move that the Bill be agreed to

SPEAKER Thank you. Is there further debate at this time? . Honourable Members, then I put the question that the Bill be agreed to

QUESTION PUT  
AGREED

The Bill is agreed to. Thank you Honourable Members

We move to Order of the Day No 4

### **BANKRUPTCY BILL 2006**

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

MR NOBBS Mr Speaker I spoke at length at the last meeting in relation to this and from memory and the scribbled notes I've got here I think it says that the Bill is fairly important in the context of where Norfolk Island currently finds itself. There is currently I am advised that there is the application of a law which is the English Insolvency Act which technically is in force on Norfolk Island under the provisions of the 1828 arrangements, the Commonwealth negotiations have been consistently stating that we would provide for a Bankruptcy legislation and the Bill is relatively simple and is considered easy to administer on Norfolk Island. The legislation is claimed to be well attuned to a small society and it's not expensive to run and it replaces the archaic system created in 1828 which imposes imprisonment for debt and that's about all I have to say in relation to it. It's been sitting on the table here for six months or more I guess and I think it should be dealt with to finality one way or the other. Thank you Mr Speaker

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

MR BROWN Mr Speaker I don't support the bill today. It aims to establish quite a complex new system. It requires the appointment of an official trustee, it would clearly require additional things to be done within the public service, it would require additional things to be done by the court. If it was felt that there is a crying need for bankruptcy legislation I would prefer to see us simply adopt the Australian legislation. There are practice books available so that people can know what the system is. The Australian authorities have all the necessary people in place and all of the necessary systems. I think that would be a far simpler course. In any event, people are already able to make use of the Australian system. The Australian authorities are quite willing to accept a debtors petition, that is, a petition by someone who wants to be relieved of his obligations and I take it from what Mr Nobbs said on an earlier occasion, that a significant part of his purpose in bringing forward this bill is to enable people to be relieved of their debts rather than to enforce payment of them. In terms of enforcing payment, as Members will know there are already adequate provisions in the Court of Petty Sessions legislation and the Supreme Court



legislation and as I mentioned on the last occasion, Bankruptcy legislation does not apply to companies, it applies only to people. There is already adequate remedy available within the Companies Act if someone is aiming to collect a debt from a company. This is quite a thick bill. It's obviously received quite a deal of attention. It has dates on it of 25 January 2006 and 29 August 2006. I'm not quite sure how a private Members bill of this length came to be drafted in preference to whatever other demands may have existed on the Draftsman's time, but nevertheless, it's before us now and we do need to deal with it. I propose to vote against it. Thank you

MR CHRISTIAN

Thank you Mr Speaker, I too do not intend supporting the Bill that's before us today. I've said on previous occasions that there are existing mechanisms in place which quite adequately address all for the concerns Mr Nobbs has raised. Mr Speaker, I'm quite concerned to hear Mr Nobbs say that this is a simple piece of legislation and easily administered in Norfolk Island because like Mr Nobbs I've been around down here for quite some time and this would have to be one of the thickest pieces of legislation that's ever been presented to the Legislative Assembly. The index if you like or the table of contents alone before you get into the Bill itself covers 7 pages. It's an incredibly complex piece of legislation. If we look at some of the simple points, and I'm not going to go through it on a point by point basis, but if we look at some relevant points in it, it makes provision for dealing with property held outside Norfolk Island. We can't even check on somebody's credentials when it comes to a tep application. How the heck are we going to check on somebody's property in the British Virgin Islands or the Channel Islands or Russia. It's just farcical. And what people may not be aware of, for those out there who think it's a good thing it's a good thing if you want to pursue somebody who owes a debt to you, so if you are a creditor, you come along to some of these pages and one section in particular relates to ranking of debt so if a shopkeeper up town is owed some mosey by a debtor who hasn't paid for a while and the shopkeeper decides to petition for Bankruptcy or commence bankruptcy proceedings, he needs to be aware that if that person has assets that are able to be converted into cash to settle the debt, he might not get all of it because when you look at section 121 the Administration ranks as a preferential creditor so the person who commences the action to recover money may end up getting absolutely nothing because any debts outstanding to the Administration have to be paid in preference to any debt owed to the person who caused the action in the first place. That's an unintended consequence I suppose but people need to be aware of it. I'm also concerned as I've indicated on previous occasions, that in my view bankruptcy legislation in Australia is abused by people for instance running up, this is teenagers, telephone bills that they can't pay on their mobile phones and then getting away from the repayment by claiming bankruptcy, which is a fairly simple action to take but they stuff themselves for the next five years or so. Probably making it almost impossible for them to get a housing loan or finance of any sort in future, so it's got some unintended consequences that can flow from this type of legislation. I don't really think that Norfolk Island is really ready for it and I'm certainly absolutely certain that we can't possibly administer it with the resources that we have with us today so I won't be supporting this

MR BROWN

Mr Speaker the Minister for Finance raised a really interesting point when he referred to section 121 of the bill. I don't recall having seen in similar legislation elsewhere the provision of that nature. It seems quite strange that we are wanting to put the Administration into a better position than any of the citizens. I'm not quite sure how that provision got in there but what it says to me is that we need to read the whole of the bill very carefully if it's going to survive today so that sections such as that can be pulled out of it. I intend to vote against it, but if a majority of members are of a view that they do want to support the proposition I would ask that Members consider whether a better option is that they simply adopt the Australian legislation and I would ask them to consider if in the event that they still want to proceed with local legislation I would ask them to carefully



Members wish to change in the bill and have some advise on it, on each particular entity but I'm unclear really because I didn't take a lot of notes at the last meeting and I haven't any information on it at this stage so maybe it's best if I adjourn it and make the resumption of debate

an Order of the Day for a subsequent day of sitting

SPEAKER Mr Nobbs just before you do that I may just ask if there's further debate before you adjourn it. Is there any further debate? Mr Nobbs would you like to formally move the adjournment

MR NOBBS Mr Speaker I so move

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

QUESTION PUT  
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

### **SOCIAL SERVICES (AMENDMENT) BILL 2006**

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

MR BROWN Mr Speaker thank you. Mr Speaker it may be best if I seek adjournment of consideration of this Bill today because there are two detail stage amendments which I would otherwise be seeking to have considered and what I will endeavour to do between now and the next meeting is to consolidate all of that together with the further amendments which are proposed, taking into account the Social Services review and try to bring just one set of documents back to the House

SPEAKER Thank you Mr Brown. I'll just give Members an opportunity if there's any debate. There doesn't appear that there is any further debate. Would you like to move the adjournment Mr Brown

MR BROWN Mr Speaker I so move

SPEAKER The question before us Honourable Members as put by Mr Brown is that debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting

QUESTION PUT  
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

### **JURIES (AMENDMENT) BILL 2006**

SPEAKER Honourable Members we move to Order of the Day No 6, the Juries (Amendment) Bill 2006 and for the information of Members the call to resume fell into my court. It may just be useful for Members for me to briefly read the explanatory memorandum because it has been some time since this matter was introduced into the House. This Bill is intended to add classes of person who are exempt from jury service and



MRS JACK Mr Speaker amendment A, from 60 to 70 I have no problem there at all. Amendment B, feels a bit like a quiz show where you can opt to be on the jury list of your choice. I think if you are going to opt to be off, when you're 70 then you remain off and not have the ability to go back on the list. I think it could be deemed to be a bit ghoulish. Ooh, I'll be a jurymon on that trial. No. I think if you are exempted you are exempted and not have the option so while I have no problem with amendment A under the current condition I won't be agreeing to amendment B so in the detail stage if you could have the amendments in two matters

MR NOBBS Mr Speaker could I just answer that. At the present time it is ghoulish because that's what they can do. They can do that from 60 on. They can apply to be off this jury and not apply to be off the next one, so they are on it. And that's what's happening at the present time. What I'm saying is that if somebody wants to be exempt then they are exempt. Fullstop. Once you turn 70 you are automatically off but there are no arrangements in the Administration for this to happen so people still have to apply for each list. And people at 70 may not apply. I probably will want to go back on at 80. I don't know. The thing is, you can apply to go on it again if you so desire. They might bring in a new pill or something

SPEAKER Thank you Mr Nobbs. Any further debate on that matter

MRS JACK Mr Speaker to Mr Nobbs if I may, so your provision still allows people to go back on

MR NOBBS If they so desire. Only if they so desire and they have to apply for that to happen so they'd be pretty keen

SPEAKER Thank you. Is there further debate at this time? . Honourable Members, then I put the question that the amendments be agreed to

QUESTION PUT  
AGREED

The ayes have it. The amendments are so agreed

The question now is that the clauses as amended are agreed to

QUESTION PUT  
AGREED

The ayes have it. The clauses as amended are so agreed

The question now is that the remainder of the Bill be agreed to

QUESTION PUT  
AGREED

The ayes have it. The remainder of the Bill is agreed to

Could I therefore have a final motion please Mr Nobbs that the Bill as amended be agreed to

MR NOBBS Mr Speaker, I so move

SPEAKER Is there debate? Then I put the question that the Bill as amended be agreed to

QUESTION PUT  
AGREED

The Bill as amended is agreed to. Thank you Honourable Members

**BOOKMAKERS (BETTING EXCHANGE) AMENDMENT BILL 2006**

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

**MR CHRISTIAN** Thank you Mr Speaker, I won't say too much. This piece of legislation is all about setting up a betting exchange and hopefully some revenue will flow from that. There are a number of interested parties out there waiting to apply for a betting exchange licence when we are able to issue them and I'm keen to accommodate them. Mr Speaker this Bill has sat on the table now for a month or so and I do flag that I have some detail stage amendments that I would like us to deal with today and at this stage I have nothing more to say

**SPEAKER** Is there any debate on the question is that the Bill be agreed to in principle

**MR GARDNER** Mr Acting Deputy Speaker I commend the Minister for bringing this legislation forward. It has been in the throes of drafting for some time and it was introduced into the House about two months or so ago. There were a couple of issues at that time in relation to the bill that I spoke to the Minister about. Just in relation to some of the proposed amendments at that time, but also a couple of other issues that I had picked up within the content of the amending bill which had caused me some concern. I've provided that detail to the Minister and I'm very pleased to see that some of those issues that I had have been embraced within the detail stage amendments without meaning to pre-empt debate on those issues but really just emphasizing the fact that I'm pleased that the Minister was pleased to consult with the Members as widely as possible to ensure that this would serve us well into the future. There is however one issue within the legislation that hasn't been dealt with by the detail stage amendments and I'm just searching through and that's in relation to the proposed new section 19F in relation to offshore computer equipment. My concern arises primarily in this area, Mr Acting Deputy Speaker and the new section 19F that is proposed provides an ability for an operator to have off shore computer equipment for the running and management of the whole system. I have no difficulty with that whatsoever, save for the fact that there is nothing in this section that requires a mirror server to be placed on Norfolk Island so that, that information is actually here within the island and is able to be properly monitored from within the island. I think it is vitally important as far as our credibility as a gaming jurisdiction is concerned, is to ensure that we are able to actually clearly monitor the type of activity that is supposedly supposed to be going on within our jurisdiction and I'm quite happy to support the remainder of the Bill as it is proposed. We haven't got to the detail stage amendments yet but the remainder of the Bill, if that issue could be addressed to ensure that there are provisions within the legislation to make sure that there is a mirror server placed on Norfolk Island for any of the business that's transacted under a betting exchange licence, or for that matter, any other bookmaking type activity in the island. I think it's to the credit of the gaming authority that they have been adamant that to date it's been more run by the policy issues but this is the first time that the legislation has actually clearly dealt with this issue, but it's to their credit, that they have ensured that any such proposals, if they were to come forward to the authority, would ensure that there are those mirroring provisions for gaming service, to be placed in Norfolk Island. This is an opportunity to ensure that it is locked up in legislation and I would recommend very strongly, in very strong terms to the Minister that, that amendment be made. Not necessarily today, but

clearly an undertaking that, that matter will be clearly addressed prior to the issue of any licence as proposed under these betting exchange amendments

ACTING DEPUTY SPEAKER Further debate Honourable Members on the question that the Bill be agreed to in principle

MR CHRISTIAN Thank you Mr Speaker, I would just like to clarify some of the issues that you raised. When you refer to clause 19F and the ability to have computer equipment offshore from Norfolk Island and your concerns were passed on to the instructing officer within the Administration and that then went on to the Legal Draftsman. I think, though I just can't find it at the moment, but I do have a copy of an actual licence here for one of the bookmakers on the island and the situation that you refer to is covered somewhere in the licence conditions under the title, split server, and the authority has the ability to impose what you are speaking of in the licence conditions and if I stand corrected I have no difficulty revisiting the legislation again to further amend it to put it beyond doubt, but today I would like to proceed if we could

SPEAKER Honourable Members the question before us is that the Bill be agreed to in principle

QUESTION PUT  
AGREED

The Bill be agreed to in principle

We now move to the detail stage and Mr Christian has foreshadowed detail stage amendments dated the 14<sup>th</sup> October 2006 and circulated on today's programme

MR CHRISTIAN Thank you Mr Speaker, I move that the detail stage amendments dated the 14<sup>th</sup> October 2006 be taken as read and agreed to as a whole. Mr Speaker I may just take a bit of time going through the detail stage amendments. They have arisen principally from myself reading the legislation and thinking about things in the Norfolk Island context. I've taken on board your suggestions Mr Speaker and I have listened to those in the gaming industry who may wish to apply for a licence and I've also taken on board various comments in emails that have come through from the gaming authority and I've also discussed this in detail with the secretary to the gaming authority. What I think I should do is explain some of the amendments so that Members know what effect it will have on the principle piece of legislation. When we come to item 2. on the Notice Paper you will see that I'm proposing to detail paragraph 19C(b) and we'll just come back to there. What that section in the existing legislation does is prevent betting on an event after the event has commenced and those in the industry wanted to be able to bet on an event within events therefore we had to try and, and this isn't horse races and that sort of thing, this is something like a soccer match or a rugby league match or something which may go on for some time, and therefore we had to be able to accommodate these events, within the events, however, we also don't want to provide facilities where someone can bet on an event within an event, after the event, within the event, if you know what I mean so I'm anticipating that they will be taken up in the special conditions in any licence which is issued. I'm also proposing that we amend paragraph 19D(d)(ii) by deleting the words after "Australia". And what that does and I'll read that for Members in the current legislation before us it basically relates to banking and it says that you must maintain an account, or something like that, or be maintained, with an authorised deposit institution which is the legal jargon for bank, that carries on business in Australia at a branch or office at that institution that is physically located in Norfolk Island. What I wanted to do is delete the part that had to have the bank physically located in Norfolk Island and the reason there is that the gaming industry runs on very slim margins and the FIL may have jeopardised that

operation so what I'm proposing we do is that we delete all the words after "Australia" so that the bank that takes the money has to be physically in mainland Australia if you like and has to be able to be audited and I think we have the ability to audit any account within any bank in Australia. This also makes it consistent with the terms and conditions that are in the current licences that are issued. Interestingly the licence conditions requires the person who holds a licence to maintain a bank account in Norfolk Island but they've only got to maintain the bank account in Norfolk Island for the purposes of depositing monies to be paid to the Administration and the authority by way of duties, levies and charges, fines or other accounts payable to those entities, so it's only money owed to the Administration that require a bank account in Norfolk Island and I would expect that the authority when it issues a licence would mirror the requirements that are in existing licences. We come to c. where I'm proposing that we delete proposed paragraph 19D(n) and re-number the following paragraphs accordingly; and that deletes that part of the legislation that's before the House at the moment because it allow the authority to set commissions and commissions are a commercial arrangement between the licence holder and whoever. What we are interested in is the tax take if you like that comes back to us and that again can be taken care of in the licence conditions. I don't think that legislation needs to enshrine what commissions are because they need to be fluid. The next is delete clause 19E and again, the previous one hinges on that one, with the authority not necessarily setting the conditions. The two are linked. Part E, delete that because there were some words in there that were never intended to be in there and f. which is to amend the amount of \$10,000 to \$1,000 in all of those other section or subclauses and Mr Speaker brought that to my attention that in all of the rest of the legislation we have 1,000 penalty units not 10,000 penalty units and we sought clarification as to what was intended and it came back from the Legal Draftsman that 1,000 is the correct figure to be in there rather than 10,000 so that takes care of all of the amendments. Thank you Mr Speaker

SPEAKER Any further debate on the detail stage amendments as proposed by Mr Christian. The question is that the amendments be agreed to Honourable Members and I put that question

QUESTION PUT  
AGREED

The ayes have it. The amendments are so agreed

The question now is that the clauses as amended are agreed to. Any debate

MR CHRISTIAN Thank you Mr Speaker, the Clerk has just pointed out to me some difficulties with the numerical ordering. I wonder if it might be appropriate that I adjourn debate on this at the moment and we reconvene say, tomorrow week

SPEAKER You propose to adjourn the matter

MR CHRISTIAN I do

SPEAKER One moment please. Honourable Members because of the difficulties that we've encountered with this particular matter today, and it has been indicated that there is a discrepancy of the date of the Bill that is being dealt with and we need to ensure that the amendments as proposed are accurate according to the Bill that was originally tabled, it is proposed that the House suspend until tomorrow week, Thursday the 26<sup>th</sup> October, which would mean Honourable Members that we would conclude business today and continue business as it appears on the programme on Thursday of next week



MR BROWN Mr Speaker I wonder if I could seek leave....

SPEAKER Mr Brown can it wait until next Thursday or is it necessary that it be dealt with today

MR BROWN Mr Speaker it's for re-appointment of Members of the Immigration Committee and I believe that it should be dealt with today. I take that back I am informed that it need not be dealt with until the 9<sup>th</sup> November so that is not a problem

### **SUSPENSION OF SITTING**

SPEAKER Thank you Mr Brown. That being the case this House stands suspended until Thursday 26<sup>th</sup> October 2006

### **RESUMPTION**

SPEAKER Honourable Members, we are resuming the sitting of the House from last Wednesday, the 18<sup>th</sup> of October and the business now before the House is the Bookmakers (Betting Exchange) Amendment Bill 2006 and we are resuming on the question that the clauses as amended be agreed to. I now turn to Mr Christian who has foreshadowed his intention to seek to rescind the earlier motion that the amendments be agreed to, in favour of a new detail stage amendment dated 25 October 2006. Mr Christian

### **BOOKMAKERS (BETTING EXCHANGE) AMENDMENT BILL 2006**

MR CHRISTIAN Thank you Mr Speaker, I move that the motion of this House agreed to on 18 October 2006, namely that the detail stage amendments dated 14 October 2006 be taken as read and agreed to as a whole be rescinded and (2) the detail stage amendments dated 25<sup>th</sup> October 2006 and circulated to Members be taken as read and agreed to as a whole. Mr Speaker the effect of this motion if agreed, will be that all clauses after clause 3 in the original bill, date 4d 23<sup>rd</sup> January 2006 will be deleted and the new clauses contained in the detail stage amendments dated 25 October 2006 will be inserted. For the record the new detail stage amendments whilst not making any substantial changes to the original bill dated 21 January 2006 will however, provide clarity as to the House's intention with this legislation and at the same time, provide the opportunity to make a number of grammatical, typographical and formatting adjustments to the bill before it is passed by this House

MR BROWN Mr Speaker I'm pleased to support the Bill today. I recognise that it may turn out having regard to its complexity, to have some issues that might require us to revisit it at a later stage and if so, we are quite able to do that. So I don't propose to nitpick about any individual sections I propose to simply support the bill

MRS JACK Mr Speaker I too intend to support this bill and appreciate Mr Christian's suspension of the House in order that all the efforts and work that had gone into his previous amendments can be neatly cleaned up and placed before the House today, Thank you

MR NOBBS Mr Speaker I support the motion as such and hope that this Bill goes through today and not be just left for another month because we've wasted enough time I think on the Bill itself. Hopefully now everybody's satisfied with it and as a consequence, I hope that this type of gaming proceeds. I wish all the punters the best of luck. Thank you

MR BUFFETT Mr Speaker if I may make two comments. The firstly relates to the compliments to those in an administrative sense. We paused the House as you will know so that some areas might be attended to in this situation and that has been done commendably, and has been done in the time frame between then and now and it has been a benchmark also as to how we might handle some other administrative arrangements so I compliment those who have been involved there. The second is that I also think that this is a commendable initiative in terms of what the legislation provides, a betting exchange, bookmakers arrangement which has prospect not only providing a facility but also has the facility to earn funds into the Norfolk Island public purse and fully supporting it, thank you

SPEAKER Thank you. Any further debate? The question is that the motion be agreed to and I put that question

QUESTION PUT  
AGREED

Thank you. That motion is so agreed to

We now move to the question that the clauses as amended be agreed to. Any debate. I put the question

QUESTION PUT  
AGREED

Thank you. The clauses as amended are agreed to

We move now to the question that the remainder of the Bill be agreed to. Is there any debate. Then I'll put that question

QUESTION PUT  
AGREED

Thank you. The remainder of the Bill is agreed to. Mr Christian

MR CHRISTIAN Thank you Mr Speaker, I move that the bill as amended be agreed to

SPEAKER Is there any debate on that question? I put the question

QUESTION PUT  
AGREED

Thank you. The Bill as amended is agreed to

Honourable Members there are two matters on the programme where leave is sought to introduce motions into the House and we move to those

### **IMMIGRATION ACT 1980 – APPOINTMENT TO IMMIGRATION COMMITTEE**

MR BROWN Mr Speaker I seek leave to move the motion standing in my name on today's programme regarding the appointment of Members to the Immigration committee

SPEAKER Thank you Mr Brown. Honourable Members is leave granted. Leave is granted Mr Brown

MR BROWN Mr Speaker I move that for the purposes of section 6(2) and 6(4) of the Immigration Act 1980 that this House recommends to the Executive Member that Lorraine Carol Boudan and Timothy John Sheridan being Members of the Legislative Assembly be re appointed as Members of the Immigration Committee for the period commencing 10 November 2006. Mr Speaker Lorraine Boudan and Tim Sheridan are currently Members of the Immigration Committee. Their appointments expire early in November just before the date of our next meeting so it is appropriate that we consider their reappointment today. I certainly recommend that each of Lorraine Boudan and Tim Sheridan be reappointed to the committee. The Immigration Committee is not a popular place to be. These two Members have done a sound job in trying to ensure that the committee deals with its task in a timely fashion and in a considered fashion and as I said, I'm pleased to support their reappointment, thank you

MR BUFFETT Mr Speaker the Immigration legislation and the mechanisms that it provides is really an important and significant institution within the Norfolk Island community. Notwithstanding that others might want to take it from us, and we will know that that may be a want in some areas, and to serve upon the Immigration Committee is usually a thankless task but it is an important one and as Mr Brown has already mentioned to us, Mrs Boudan and Mr Sheridan are continuing Members and they have demonstrated their worth, both amongst their colleagues and to the community in that role and I certainly endorse it, and I say thank you to them for their continuing in this matter

SPEAKER Is there any debate on that question? Therefore I put the question that the motion be agreed to

QUESTION PUT  
AGREED

Thank you. The motion is so agreed to

### **CUSTOMS AMENDMENT BILL 2006**

MR CHRISTIAN Thank you Mr Speaker, I seek leave of the House to repeal the Customs Amendment Bill 2006

SPEAKER Is leave granted Honourable Members. Thank you. Leave is granted Mr Christian

MR CHRISTIAN Thank you Mr Speaker, I move that this House (1) repeals the resolution of the Legislative Assembly on 28<sup>th</sup> June 2006 that the Customs Amendment Bill 2006 be approved, and (2) requests the Executive Member responsible to advise the Administrator accordingly. Mr Speaker on June 28<sup>th</sup> 2006 the Legislative Assembly passed a resolution increasing the general rate of duty on imports by 3%. The increase was expected to raise approximately \$300 to 400,000 and this amounts to a significant portion of the 06/07 budget . Mr Speaker at the time the resolution was being debated by this House I thought I had made it very clear that the increase would only be temporary and would be removed by January 2007. Mr Speaker for reasons known only to himself Minister Lloyd has ignored the resolution passed by this House and failed to give assent to the customs duty increase. We have now moved on from June 28<sup>th</sup> and the recently announce reforms to the taxation systems do not require the increase in import duty and this motion seeks to cancel the intent of the June 28<sup>th</sup> resolution

MRS JACK Mr Speaker in the meeting of the June 28<sup>th</sup> I voted against this motion. I have absolutely no problem in supporting its being rescinded. Thank you

MR NOBBS Mr Speaker I voted definitely against this. I thought it was rather a stupid move actually because it was forcing more issues on

MR BROWN Mr Speaker Point of Order. Reference to the actions of a Minister as stupid are inappropriate in this place

MR BUFFETT Mr Speaker may I add to the Point of Order. I'm not indeed questioning that raised by Mr Brown but also it is inappropriate for any Member to cast aspersions in terms of a resolution of the Legislative Assembly

SPEAKER Thank you. The words of wisdom from our two senior Members of the Legislative Assembly are correct and Mr Nobbs if you could direct your comments to the motion that is before us that would be appreciated thank you

MR NOBBS Mr Speaker I'll withdraw the word stupid and say that it was quite inappropriate in my opinion to pass a resolution which in effect...

MR BUFFETT Mr Speaker Point of Order. It is the same point of order in terms of the terminology

SPEAKER Thank you. If you could contain your comments to the motion before us Mr Nobbs

MR NOBBS Mr Speaker the problem that I had with the motion at the time was simply this, that there was a potential to force the community into greater stress than it was already under at that time and I hope that I won't be pulled up for saying that the community was in stress because it actually was and the stress was caused largely by the actions of the Commonwealth Government and its been going on ever since so I wasn't in favour of it and I believed we could do things in other ways but I lost the point, but I want to make it very clear that I don't support the action of Minister Lloyd in not passing or assenting to this piece of legislation. That is where I have grave difficulties with our current arrangements with the Commonwealth Government even though it's a schedule 3 item and they need approval, I would have thought that it was up to the community itself to say what was imposed on them and it was up to the legislators being only 5/4 at the time, I forget what the result was, the legislators to bear the brunt of the criticism from the community in any of these issues, but it is one of the difficulties that we have and I think that it's an issue that needs to be cleared up and I hope that the case coming up in Canberra in a couple of weeks time, may just be the tool that we need to do that. Thank you

SPEAKER Any further debate Honourable Members. Therefore I put the question that the motion be agreed to

QUESTION PUT  
AGREED

Thank you. The motion is so agreed to

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

MR NOBBS Thank you Mr Speaker, I move that the House at its rising adjourn until Wednesday 15 November 2006 at 10 am

SPEAKER Thank you Mr Nobbs. Any debate Honourable Members

MRS JACK Mr Speaker I will be off island at that time for family reasons. I'm just letting the House know

SPEAKER Thank you Mrs Jack. Any further debate. I put the question that the motion be agreed to

QUESTION PUT  
AGREED

I think the Ayes have it. Our next sitting day is the 15<sup>th</sup> November 2006. We are agreed on that matter and so we move to adjournment

### ADJOURNMENT

MRS BOUDAN Thank you Mr Speaker, I move that the House do now adjourn

SPEAKER Thank you Mrs Boudan. The question is that the House do now adjourn. Any adjournment debate.

MRS JACK Mr Speaker last week as Minister for Education I was asked to participate in the final school assembly for the current 2006 year 12 students. Mr Speaker not only was I an observer but also an active participant in that formal assembly and it was a marvelous show from all the school as the various years gave tribute to this current lot of year 12 students and there was a marvelous show put on by years 1 and 2 as a tribute to those students. On behalf of this House I wish all those year 12 students every success in their exams as well as their continued success in their chosen career path and beyond and I hope that Members, I am sure that all Members support those desires and wishes for this current crop of year 12 students, thank you

MEMBERS Hear, hear

MRS JACK Mr Speaker thank you again. Some sporting representatives left Norfolk Island yesterday. Part of 27 leading rugby players, leaving to play in the world cup golden oldies competition in Wellington. In actual fact we have one of the participants around this table today, we have Mr Nobbs going

MEMBERS Hear, hear

MRS JACK .... He is part of the team, so well done to Mr Nobbs, and some 160 teams from throughout the world is gathering in Wellington and so I wish those players and spectators every success and to take care in their social obligations during that week's events

SPEAKER Thank you Mrs Jack. Is there any further debate

MR NOBBS Mr Speaker this is not really on a light note. This is now five months since the current Government took over the reigns, since all the hullabaloo started anyhow, and it is virtually to the day. This week we've had a couple of problems and the first one is, and I was hoping that the Chief Minister might say something in relation to Minister Lloyd's letter which I haven't actually got a copy of, but I understand a letter has been received which doesn't accept the proposals put by the Norfolk Island Government at

its August meeting in Sydney and I find that very difficult, although the Government was advised that what they were doing might not be the right way to go about it. However, that be it as it may, the second point that I wish to make is in relation other airline. I believe that the airline is being developed, it is a great concept for the island, for the island and the community to have actual control of its own air service, its promotion and marketing and hopefully the airline as well so that we could really get this island going but in this week, I've been harassed I guess by a number of people who have contacted me in relation to the actual getting to the island on the airline. I think that everybody is very happy with how the airline is actually operating, it's just the ability to get seats here. Some particular people who have been organising travel to the island for a number of years and they are fairly significant, they are now finding great difficulty in getting seats on the aircraft so I would suggest that this is a particular problem. It goes back over the years, I can recall in the '80's and '90's this sort of caper going on, and I think we need to look at it, and look at it urgently to ensure that the cheaper fares are available to a wider grouping than what appears to be at the present time. The second part in relation to the airline is that I had information that Air New Zealand has been approached in relation to pulling out of Norfolk Island and being replaced by Air Norfolk. I find that quite difficult to understand but my sources are pretty good and as a consequence, I would hope that we may be able to have an airline committee meeting sometime as we haven't had one for some considerable time, and thrash a few of these points out, because I don't believe that the way we are going with the airline, apart from the actual service, in flight and the lead up and exits and the issues of delays and those sort of things which are being handled, I understand, although I haven't been involved in any, I haven't had much travel on a plane, they've been handled very well but it's these other issues that are most important. Now we will not build the tourist numbers to the extent that we need to if these problems are run into by people who wish to get visitors to the island. All I can say Mr Speaker is that we have an ideal opportunity, to work through the particular problems and run the airline for the benefit of the whole of the community but at the moment there are problems. There are a number of problems within the accommodation industry, there are people who are missing out completely, I think that is an area that we need to address and address it very quickly. So on those two points alone, after five months, which is 150 days, I think the Government should review itself and look very closely at where it's going because there are extreme difficulties. I think the community has been very patients. I think that the Administration have been very patient in their dealings, because they've been cut to the hilt, I think the community has been patient in relation to the downturn which is not caused purely by the airlines, because I go back to my proposal, in the last when we talked about the duty business, that a lot of the problems have been caused by the actions of the Commonwealth Government which suggested that people shouldn't invest and all this sort of caper which has been going on and that has slowed the economy completely. I've made approaches to the Commonwealth Government to try and get some relief in that area but it's been to no avail and I don't know whether the current Government has carried on with that approach but that has been a real problem here and particularly for the trades, that funding has been held back on jobs that were to go ahead and I was really disappointed at the time and I still am however, I won't hold us up. I know we all want to go home. The go is I just made those couple of points and I think they're important and they relate to the airline, in particular, that we need to address those particular issues. Thank you

MR CHRISTIAN

Thank you Mr Speaker, I may be cutting across with some of the Chief Minister's area and some of the Minister for tourism's area with what I'm about to say, but in response to Mr Nobbs I think something has to be said. Firstly, I will try and respond to the points Mr Nobbs raised, not necessarily in the order that he has but I'll attempt to deal with all of them. In respect of an air service to New Zealand provided by the Norfolk Government Airline, that's news to me. I was totally opposed to Norfolk Jet Express starting their service to New Zealand some time ago. I thought Air New Zealand has provided us with an excellent service and we know from history that none of the routes into

Norfolk Island can support multiple carriers, so for the Norfolk Island Government Airwing to tackle air New Zealand would be just ludicrous and I certainly have no knowledge of it and I certainly wouldn't support it in any shape or form but I would certainly be urging the Chief Minister in his responsibility for the airline to seek clarification of that matter. If we turn just briefly to the problem of booking flights to Norfolk Island, I think we have two unrelated difficulties. The first difficulty has been the changes to the reservation system haven't gone as smoothly as possible and some people are saying that as a result of that change they haven't been able to access seats into or out of Norfolk Island. One factor that plays a part there is that it's quite possible that irrespective of which side of the aircraft that you trying to book, that is the Qantas side or the Norfolk Air Services side the aeroplane flights could have genuinely been full in any event so that needs to be taken into account and I hope that we've got the OzJet side of the reservations system up and working now. Maybe the Chief Minister can shed some light on that. Touching on the capacity side out of Australia Members would be aware that we commenced the Friday service to Sydney, and it was always intended that those services would cease on the 8<sup>th</sup> December or thereabouts, and recommence somewhere from recollection around mid February. The reasoning at the time when that decision was taken, and that's some months ago, was that traditionally was a dead period for Norfolk Island and didn't justify having the additional flights, however, if we look at the problems in accessing seats to Norfolk Island that Mr Nobbs has just identified and if we assume that the shortage of seats had nothing to do with the glitches in the reservations system, and it was genuinely a fully booked aircraft, then we need to seriously consider whether we should be pulling the Friday service out for that two month period so I would be very supportive having taken on board the comments of the ATA in previous weeks, where they have asked us to schedule additional services for the visiting friends and relatives who do not make up part of the normal tourist people who come to Norfolk Island so I see great merit in using this Friday Sydney service in particular to cater for the visiting friends and relatives over that Christmas New Year period and I for one, would be more than willing to see that service reinstated over that one or two month period knowing full well that it may not be a profitable service but nevertheless it may free up seats for people who are genuine tourists. Thank you Mr Speaker

MR BUFFETT

Mr Speaker Thank you. Whilst the adjournment debate is not necessarily one to continue on one particular subject I think one or a couple of subjects have been raised that deserve some further attention and if I might to attempt to say some words in respect of those. Firstly there have been some words said in terms of our discussions and negotiations with the Commonwealth. I have in the last day distributed a community newsletter which sets out our present position in terms of that and I refer to that again so that it might provide some useful information as to where things stand. Things are not very comfortable at this moment but the Norfolk Island Government is doing its best to have continuing dialogue on the range of subjects that are appropriate to be discussed in the Norfolk Island context and we continue to work quite hard on that particular score. It has been foreshadowed that Minister Lloyd will have a newsletter. He has written to me advising that and so that can be expected also in the context of things, I assume within the next day or so and I'll be talking further with the community as to how those matters progress. In terms of the airline situation, Mr Neville Christian has provided some useful and accurate information about some of the toings and froings in that particular area. Suffice for me to say in addition to that at this moment, that in endeavouring to tidy some of the seating allocation is something that is continuing and also participants in the wholesaler area particularly and how they participate is something that is being closely examined and in some areas being re-examined. I want to make it very clear that the Norfolk Island Government in terms of the airline arrangement has made no approach whatsoever to Air New Zealand in the context that has been earlier described. Air New Zealand has provided a service that is valuable, reliable and stable for a number of decades to Norfolk Island and the Norfolk Island Government's attitude is as Mr Neville Christian has indicated, and that is that it is extremely difficult to have multiple carriers on any of the routes. The pie to be







introduced into Norfolk Island four years ago. It was prepared in the main by three people and two of those were from Canberra and if any planning scheme is totally incapable of controlling the population in Norfolk Island it is the planning scheme, which we have at present. Unless we are going to prohibit the construction of a residence on any vacant block of land, then there are a massive number of vacant blocks on the island upon which a residence can be built. Many of them in fact can have dual occupancy. It has been suggested that the census report, of the census carried out in Norfolk Island in August this year, will shortly be available and that it may give us an indication of the number of vacant residence on the island, both vacant houses and vacant flats. If my recollection of the census form is correct, it will not tell us how many tourist accommodation properties have been vacant for lengthy periods but there are some of those also which could be used for local accommodation. I expect that it would create a very significant boom for our local construction industry but I expect that it would be not beyond the realms of possibility for plans to be lodged to build 500 houses in a very short space of time. 500 houses, let's assume a reasonable proportion of them are families, could easily represent 1500 additional residents, which would virtually overnight double the number of residents on the island. Residents in that context meaning persons holding residency or general entry permits under the Immigration Act. I doubt the Minister fully understands the significance of that potential problem. The Minister has spoken of the Commonwealth's desire to control immigration, customs and quarantine and the ten point plan did address that. The Minister has also spoken but unfortunately without any detail, about services provided by the hospital, school, airport, post office, electricity station, roads and lighterage. The Minister has said that those will continue to be delivered for the benefit of Norfolk Islanders, but yet the Minister went on to say however it is possible that some may operate under different arrangements than at present. Well I wonder what that means. It doesn't really tell us whether the Commonwealth is proposing to put them into its grab bag or whether the Commonwealth is proposing to stand behind the Norfolk Island Government in ensuring that those services are provided. Those services cover a very wide spectrum. A post office in Australia would be a Federal responsibility. A hospital in Australia would be a state responsibility. An electricity station and roads would frequently be local Government responsibilities and so it's difficult to understand precisely what the Minister is endeavouring to say to the community and that's another of the reasons why it is important that we meet with him quickly. If he doesn't want to discuss our ten point plan, I would certainly like to discuss the three newsletters that he has circulated together with the various other information such as the contents of the Joint Standing Committee Report. When in Canberra recently, our executive members met with Senator Carr who is a Member of the Labour party and is the shadow Minister for Territories and Senator Carr was gracious in the amount of time that he made available to us, and I have no doubt that he attempted to be as helpful as possible in the advise that he provided to us and part of that advise was that we should be ensuring that we cover the whole spectrum in our discussions with the Commonwealth and that if it seems to us that the Commonwealth indeed is hell bent on its proposals for change, we should be providing the Commonwealth with a list of the things that we would be expecting the Commonwealth to do in that environment. Now that list would range widely but it might include the funding of a tertiary treatment plant for our water assurance scheme so that the final product of that plant is water of an A grade quality, and in Australia now they have qualities from A down to D and beyond and an A grade product can be used to irrigate vegetables. I think an A grade product is the one that's being spoken of at Toowoomba where because of Australia's difficulties with water they are talking of mixing that product into drinking water. I'm not suggesting that be done in Norfolk Island but there is little doubt that if a tertiary treatment scheme of a good quality was funded we could avoid the large amount of water which is put over the cliff each day. Australia has various programmes, they have a programme for solar power, a programme that we might expect them to introduce here might be a programme to subsidise water tanks, so that we move as quickly as possible away from our present reliance on underground water and that would be critical as would tertiary treatment of the water assurance scheme in the event that there was a potential for a large growth in

population. Others have raised issues such as roads. Others have raised issues as the eventual need or a new hospital. The eventual need for a harbour. There are numerous aspects of what one might call a business case which I hope we will insist that the Commonwealth discuss with us, before one week has passed from today. Because if we do not have that discussion completed by this time next week, we are going to be too late. There is absolutely no doubt that the cabinet paper is being written at present if it has not been completed. There is absolutely no doubt that parts of it, have already been circulated around various Commonwealth Departments for them to review. There is no doubt that we cannot hope sensibly that the Members of the Australia Cabinet will give more than a few minutes consideration to this paper unless we have provided them with information setting out our concerns and unless we are able to say that we have discussed all of those concerns with Minister Lloyd. There is absolutely no doubt that we are at a stage where we must accept that we might not be totally successful with our ten point plan and we must sit down, with Minister Lloyd and such other people as may be necessary, in order to protect the back door, because without doing so, we are at risk of a result that will not be acceptable to the Norfolk Island community and we are at risk of taking things back into the 1970's if not before in terms of our relationship with the Commonwealth and in terms of the extent of self Government that exists here. Mr Nobbs mentioned the high court case. I understand that, that case has been scheduled for hearing on the 7<sup>th</sup> November. And indeed it will be heard before Cabinet considers the Norfolk Island issue but there are two problems. The first one is the paperwork is likely to have been completed before the hearing date, and the second one is that the High Court doesn't make decisions on the spot. And I would not even hazard a guess as to the date on which a decision might be made other than to say that it would be most unusual for that decision to be made earlier than two to three months, from the hearing date. So I doubt that the High Court case whatever, it's result will be of great assistance to us. Mr Speaker there are some within the community who do not agree with the Government participating in the High Court case and there are some who do not agree with the Norfolk Island Government taking any action other than to simply surrender to the Commonwealth. A letter was printed in the newspaper at the weekend from my colleague, Mike King, and it was an interesting letter but Mike would be the first to acknowledge that if one was allocated a colour on the spectrum of the left wing to the right wing, Mike's socks would certainly be pink. Perhaps a deep shade of pink and there's no problem with that, because in our society, it is very important in terms of checks and balances, and in terms of proper examination of questions, that there be different points of view. Those countries that have only one political party, even if they have elections, which I understand that some of them do, but dictatorships for example, are not environments in which careful thinking of this nature can occur. But Mike has raised a number of issues. I have no doubt that he Chief Minister will in due course respond to them, but Mike himself, has made it clear that perhaps some of what is said is far fetched, but he went on to say, maybe, that is, maybe it's far fetched, but the reality is that these issues, among many many more require consideration by our Government and although they may be the only words in Mike's letter that I might normally support, I certainly support those words and I trust that we will during the course of the next few days take action to ensure that even if the Minister for Territories is unwilling to talk of our ten point plan I trust we will ensure that we do meet with him in order to discuss the many many more issues to which Mike King referred. Thank you

**SPEAKER** Just in relation to that, it would certainly be difficult I think for Members around the table to respond to some of your comments in relation to the Minister's newsletter as I understand we are not in receipt of that newsletter. Is there any further adjournment debate Honourable Members

**MR NOBBS** Mr Speaker I didn't expect the issues to be as broad as this from comments that I made but I'm extremely pleased that the Government Ministers have indicated that the service provided by Air New Zealand and its predecessors and it's actually been going for 58 years, is a vital cog in the wheel and that we Norfolk Air has no

intentions to change that by either competing or suggesting to Air New Zealand that they go elsewhere because they provide a wonderful service to us and I think it's one of the airlines that 90% of the time probably 99% of the time they're on time all the time which is excellent. In relation to the rest of it, well the views of Members have said this, I've got other views in relation to dealing with the Commonwealth. I've said it before and I'll say it again we need to do other than to just talk to Minister Lloyd but if that's the way the present Government want to do it well that's the way it is. I'll read his newsletter with interest of course but I think I know what it contains

MR SHERIDAN

Mr Speaker I came down here this morning and I wasn't going to open my mouth and I thought it might be a short sweet meeting but just listening to some of the discussion around the table now and just being handed this letter from the Minister for Local Government I see that it came in yesterday afternoon or it was faxed to the Legislative Assembly yesterday afternoon, about 4.30. It's strange how some people had access to these things but other Members of the Legislative Assembly don't have it. I suppose just a select few but then again maybe it's a sign of how this Government is starting to operate. I would just like to endorse Mr Nobbs' words regarding the airline situation that we currently face. Firstly the Air New Zealand suggestion that came up, I'm glad to see that this is not the position of the present Norfolk Island Government to try and entice Air New Zealand to withdraw their services, but I have it on very good word that people from this community have approached Air New Zealand to see whether or not they would withdraw their services because I believe these people may be interested in starting up some sort of airline in competition. And just reflecting on Mr Brown's words when he was talking about the Government's role in all these things, he mentioned that the role of Government is to facilitate free enterprise and I certainly agree with him. I certainly agree with him. It seems strange that now we have our set up with the Norfolk Air that we restrict half of the seats on the aircraft to a select five wholesalers and by doing this we cut our own throat by cutting out our local wholesalers here on the island so as Mr Brown said, it's the role of the Government to facilitate free enterprise and if that's how he believes and that's how this Government thinks that things should happen, I'd like to see the aircraft seats be made available to any wholesaler. There's many wholesalers out there bring in 800 to 1000 visitors a year. Are we going to knock them back and say sorry we don't want your service. If you want to come to Norfolk Island you have to go through one of our chosen few. I don't think they'll take too kindly to that. They'll just take their business elsewhere. They'll go to the other pacific islands. They'll go up the coast. They'll go elsewhere so just with those few words and voicing Mr Nobbs concerns I would like to see the Airline committee meet tomorrow morning and thrash out these problems and give some direction to the Airline Manager who as I stated last week, seems to be sort of running his own race. That's all I'm going to say Mr Speaker

MR BROWN

Mr Speaker Mr Nobbs assured us that he had it on very good authority that the Norfolk Island Government had approached Air New Zealand seeking that they cease to provide services so that the services could be provided by Norfolk Air and I believe that the words of the Chief Minister, the Minister for Finance and myself would have been reassuring to him in that regard. Whether such an approach was made by a previous Government I don't know. I couldn't answer for that but I can certainly say that I'm not aware of it in the case of the present Government but Mr Sheridan then attempted to clarify it by suggesting that some Members of the community had approached Air New Zealand and that it wasn't the Government at all and that those Members of the community wanted to start a new air services. Now in that regard he may be correct. I'm certainly aware that a company called Endeavour Air was for quite some time suggesting that it was going to commence services to Norfolk Island with I think two Boeing 737 700 series aircraft one of which was to have been kept as a spare in case of maintenance requirements and the other one was to provide a service. I recall the promoter of that business suggesting that he had had discussions with Air New Zealand and that he would

either be taking over the service or operating the service on a co share basis. Endeavour Air didn't get to the stage of buying its first spark plug let alone to the stage of putting in an application for a licence. Another group who sought to operate a Boeing 737 400 quite some years ago at around about this time of year which was immediately before the Melbourne Cup, and they were advertising that their first flight was going to be from here to Melbourne and people were being encouraged to support that particular service. As it happened, at the last minute the flight was cancelled. I recall someone telling me that they rang the organizers and said, look, would it make any difference if I put in a booking, would that mean you've got enough business, and they told me that if he was so kind as to put in a booking he would be the only passenger on the flight. They had not had a single booking and the only real work that, that particular organisation had had the chance to do at that stage was to design their menu and their flight attendants uniforms. So the mere fact that a Member of the community might have had a discussion doesn't really indicate that the Government is backing such a discussion and again in the climate of free enterprise anyone is free to go and hold such discussions if they can find someone who is prepared to speak with them. Mr Sheridan has previously raised his concern about local wholesalers. I'm actually not aware that there is more than one local wholesaler but I understand that a number of local businesses has had access to wholesale fares. The term wholesaler is a fairly precise term and if every travel agent in Australia was to be treated as a wholesaler then we could just about guarantee that that would be the end of business into Norfolk Island from the travel agency source. I've made enquiries about what is proposed and it's very simple. It is not proposed that anyone cease to have access that they presently enjoy. Agencies, wholesalers and group operators whether they be in Australia or in Norfolk Island or elsewhere will continue to have exactly the same access they have now. Exactly. I understand that the Norfolk Air operation will deal directly with a number of the larger mainland wholesalers and I don't have a problem with that because I'm aware that action has been taken to ensure that seats are available. If there are seats on the aircraft they will be available. It will not matter, as I understand it, whether the available seats are on the Norfolk Air side or whether the available seats are all on the Qantas side, but a person who has dealt with Qantas until now will still be able, as I understand it to access those seats. Now there have been problems over the years in that regard. In the days when Qantas and Air New Zealand co shared on the New Zealand route for example, if one telephoned Qantas to seek to make a booking at a time after the call centre in New Zealand had closed for the day, I personally had many occasions when I was told that Qantas didn't fly to Norfolk Island and when I asked the operator if they would be so good as to put a certain code into their computer which would have shown them the Norfolk Island flight from Auckland which existed at that time, it took a lot of convincing to get them to do it, and that was on the New Zealand run and in those days there was not a sound arrangement between Qantas and Air New Zealand to transfer seats when seats were needed. But it's not proposed to labour under that problem as I understand it, and I'm sure that Mr Sheridan would find that if those who had been making representations to him continue to book in exactly the same way, that they've been booking until now, they will have absolutely no difficulty. It is regrettable and it is always regrettable when we get to the stage of a flight actually being full because it doesn't matter how hard you try you will not be able to book a seat on a flight that is already full. It may be that for further out there needs to be discussion as to the extent of any over booking policy because once you get into the parts of the year that are traditionally group periods, those groups book a long way ahead, and they have a significant cancellation rate and if we simply refuse to take account of that cancellation rate then we will go through a lengthy period each year until the group cancellations start to come in where flights in those periods will be showing as full, so that's another issue that I'm sure the Chief Minister has already been looking at and I'm sure that he will reach a sensible conclusion as to how to deal with it. I've spoken at length about that Mr Speaker, because I think it is important, for the community to know that some of the issues Mr Sheridan has raised are issues which are being address. Sure the Norfolk Air service has had teething problems with its transfer from being totaling within the Qantas system to being

partly within the Qantas system and partly in the Norfolk Air system, but competent people are working through those problems and I've no doubt that they'll quickly sort them out and I understand that many of the problems have in fact already been sorted out. Thank you

SPEAKER Any further debate Honourable Members. There being no further debate the question before us is that the this House stands adjourned until Wednesday 15<sup>th</sup> November 2006 at 10 o'clock am and I put the question that the motion be agreed to

QUESTION  
AGREED

The motion is agreed to. Honourable Members this House stands adjourned until Wednesday 15<sup>th</sup> November 2006 at 10 o'clock am

