



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY  
12<sup>TH</sup> NILA HANSARD – 17 JULY 2008**

**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

**CONDOLENCES**

Honourable Members I call on condolences, are there any condolences this morning? Mr Tim Sheridan

MR SHERIDAN

Thank you Mr Speaker, it is with regret that this House records the passing of Dorothy Mary Elizabeth McCoy affectionately known as “Dossey” on Monday the 7<sup>th</sup> July. Dossey was born on Norfolk Island on the 9<sup>th</sup> April 1928, the daughter of Louis (Toothy) and Charlotte Gondon. She had a happy childhood growing up at Red Road with her older brother Felix, and was often looked after by Peggy Evans (Lynch) while walking home from school. When Dorothy was a young girl the family moved to Terrigal for some years and her brother Felix was enrolled in Hawkesbury Agricultural College. Felix twice ran away from school so the family returned to Norfolk Island where they first lived with Nana Gondon down Cutters Corn and then in Steels Point. When WW11 broke out Dossey dreamed of joining the air force, but was too young. She nursed at Bishops Court for some years with Matron Heather Napier. Dossey had already captured the eyes of Bev McCoy who was serving on the front line. With his two Army issue Christmas cards he sent one to his mother and one to Dossey. Bev returned home after the war on the steamship Morrinda and began to rebuild his life. Dossey was a beautiful young woman, they soon fell in love and were married and blessed with seven children, Marie, Adele, Neale, Michael, John, Robert and Mark. Just last week Mark and Dossey reached their 40 years together, a special milestone as she was 40 and already a grandmother when she had Mark. Her 15 grand Children were Elizabeth, James, Tony, Daniel, Khan, Chantelle, Michelle, Philip, Jayden, Tom, Harrison, Carmelita, Tyson, Taya, and Lillian and 9 Great Grand children, Ellis, Teneale, Alex, Hannah, Whitney, Lucian, Jeanie, Siarne and Christian. Last year Dossey and Didda celebrated their 60<sup>th</sup> wedding anniversary. Dossey was a strong independent determined woman. A hard worker and a wonderful Wife, mother, grandmother, great-grandmother aunt and friend and a lifeline to her children of whom she was very protective – especially her boys. She was also a mother to Culla and all of the Graham children. Dossey always helped Bev with the growing and sorting of bean seed and later supported him when he worked in the whaling industry both at Norfolk and Byron Bay. Dossey was a popular and efficient cook at the Norfolk Island hospital for 34 years, always going out of her way to cook something special that patients felt like in their time of illness. She was a keen supporter of the knitting and cooking sections in the Show and won many prizes with her beautiful work. When her children had finished their schooling Dossey decided to start travelling. She was very partial to Hawaii and visited nine times. Dossey celebrated her 80<sup>th</sup> birthday, and marked the occasion with a celebration lunch with her lifelong friends Enid Westlake, Pusswaa, Marie, Liz and her nieces Jilly and Kaye. Three weeks ago Dossey was still chopping firewood. She will be remembered with love and laughter in our community as like her personality, her sense of humour was strong and vital. To Bev, her children, grandchildren and great grandchildren, to her extended family and her many friends this House extends its deepest sympathy. Mr Speaker may she rest in peace.

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

Honourable Members at this time we are all well aware that there have been two other very sad occasions on the island but for those, it is traditional of this House to record condolences only after burial. Thank you Members

### **PETITIONS**

Are there any petitions this morning?.

### **GIVING OF NOTICES**

Are there any notices?

### **QUESTIONS WITHOUT NOTICE**

Are there any questions without notice?

MR SHERIDAN Mr Speaker just a couple there Mr Speaker. A question for the Minister for the Environment. Minister on the 23<sup>rd</sup> April 2008 you circulated to selected residents in the Headstone area and provided them with a copy of a report by Professor Priestly following the analysis of water results provided to him by the Norfolk Island Administration. Can the Minister advise by what other information advise or recommendation was provided by Professor Priestly to the Minister, the Norfolk Island Government or Norfolk Island Administration relevant to the concerns in the community about the health effects on the island's residents from dioxins in our environment as a result of the long term open burning at Headstone

MRS JACK Thank you Mr Speaker, to Mr Sheridan the full letter that I received was forwarded to all residents. The only other reporting or communication that I'm aware of occurred between Professor Priestly and the Secretary to Government and it was dealing with the soil and sediment samples. Those samples were looked at by Professor Priestly and his results from looking at those were that there was no indication that we should have further investigation into soil and sediment samples and going by that advise I didn't deem it necessary to continue on with soil and sediment samples. The communication between Dr Daniel Deere is the communication that led us to work with Professor Priestly and seek his advise

MR SHERIDAN Mr Speaker a supplementary question. Minister in the statement you published in the Norfolk Islander on the 22<sup>nd</sup> March 2008 and in a letter to selected Headstone resident on the 23<sup>rd</sup> April yourself referred to the water soil and sediment tests which was carried out by the Administration in response to community concerns about the health effects of the islands residents from dioxins in our environment as a result of the long term open burning at Headstone. In that letter you advised that the test results had been analysed by Administration officers and also by Dr Daniel Deere and then Professor Brian Priestly. Minister were you aware that both the soil and sediment test carried out did not include testing for dioxins as inferred by your letter

MRS JACK Thank you Mr Speaker my understanding was that all had been carried out for the same, seeking the same testing

MR SHERIDAN So do you agree Minister that the soil and the sediment were not tested for dioxins as your statement regarding the results of the tests were therefore the ones that were published were irrelevant and misleading

MRS JACK Mr Speaker I won't agree to that. Going by what I previously said I think if Mr Sheridan wants to give me his information that he has I will take the rest of this on notice, I have no problem doing that and seek advise and further information from officers within the Administration

MR SHERIDAN Mr Speaker a follow up question there Mr Speaker Minister if you are confidence in the handling of this matter then why on the 10<sup>th</sup> July just passed, did yourself at the direction of the Crown Counsel refuse to meet with a concerned resident who had arranged a meeting some two weeks ago to discuss these areas of concern

MRS JACK Thank you Mr Speaker I met with that concerned resident. It was a short meeting but I met with that concerned resident

MR SHERIDAN Mr Speaker why was that meeting terminated prior to this concerned residents concerns being tabled

MRS JACK The concerned resident didn't pass the information over to me. I can't force the person that comes into my office stating that they are there to hand me information failed to give me that information. That person left my office without handing the information over

MR SHERIDAN Mr Speaker a follow up please. Isn't it correct that this resident was going to hand over the information but when some notes were start taken the Crown Counsel called the meeting off and said that this meeting is finished, closed

MRS JACK Thank you Mr Speaker the meeting was to be held without prejudice and it was to be an informal meeting. The fact that the person came in with a note taker was fastly moving that meeting to a meeting that was being seen or could be interpreted with prejudice. It was determined by the Crown Counsel and I will listen to the words of my Crown Counsel to terminate the meeting and I let him do it, but that person when they first came in said that they were there to hand me information. That information wasn't passed over. I can't force that person to pass me over the information and they were advised to hand it over to me, that I wouldn't discuss it there and then, that I in turn had to seek that information regarding any more concerns that they had and I will gladly do that but if that information isn't passed over to me then it's no use bringing these sorts of questions to the house whinging about actions that they've failed to do. Now that person when they left said that they were going to take this matter further and to the media and to the press and I said well, that's your option but their option really is to take proper methods and hand me any concerns that they have so that I can also have those concerns dealt with and correctly answered and go back to any experts that I have to have. I'm in position. I'm not an expert in this field and I will always take the advise of experts

MR CHRISTIAN Thank you Mr Speaker, just a supplementary question to Mrs Jack. Mrs Jack did you get the feeling at the time that you were possibly being set up for some future legal action

MRS JACK Thank you Mr Speaker I will not answer that one. I appreciate the question but I will not answer that question

MR SHERIDAN Mr Speaker a supplementary question Minister in a statement published in the Norfolk Islander on the 22<sup>nd</sup> March and in a letter to selected Headstone residents on the 23<sup>rd</sup> April yourself referred to Professor Priestly key findings claiming that none of the water samples contained any measurable level of dioxins. Notwithstanding this isn't it true that Professor Priestly also recommended that the Norfolk Island Government engage a consultant with more relevant experience in mapping contaminated sites to address the issue of whether it would be even possible to undertake

a health risk assessment for soil derived pathways. That is to test the dioxins in the islands food chain

MRS JACK Thank you Mr Speaker I actually have a copy of the letter here and I'm just trying to speed read it, which I'm having trouble doing to see those actual words claimed by Mr Sheridan. I can't...

SPEAKER Just take your time Mrs Jack

MRS JACK Thank you Mr Speaker I'll just take the rest of that question on notice if I may. I don't want to hold up proceedings and I don't want to take sentences out of context so I will take the rest of that question on notice

MR SHERIDAN Mr Speaker just one final supplementary there please, Minister do you intend to develop an overall dioxin testing and strategy for the island and if so, when

MRS JACK Thank you Mr Speaker the answer to that is going by the results and the statements and what was said by Professor Priestly, the answer is no. However what I did state in my letter to residents was that if there was the open pit burning at Headstone still there within the year that I undertook to have monitoring or testing done again in twelve months time

MR B CHRISTIAN Thank you Mr Speaker a question for the minister responsible for electricity. Would the Minister explain what percentage of the total of electricity charges is spent on fuel

MR CHRISTIAN Thank you Mr Speaker, off the top of my head I can't answer that question. I can say that we probably burn something like about 4m litres per year at the power house, something like that, so it forms a significant part of the cost of the electricity production and the electricity increases that have occurred of late have been passed on to the consumer only at the actual cost of increased fuel

MR B CHRISTIAN Thank you Mr Speaker another question for the Minister for Finance given the Minister's assurance some months ago to ensure compliance with GST legislation, can the Minister now explain why all businesses that have not complied with GST and NSL legislation have been prosecuted or dealt with under the penalties of the Act and if not why not

MR CHRISTIAN Thank you Mr Speaker, as will become apparent when I table the GST report for the most recent audit, the auditors have recently been in the island and they will continue to come on a regular basis and some irregularities have been identified and the Legal Services Unit is now working with the GST office and the head of the Public Service to develop procedures which will see people who need to be brought before the courts to be brought before the courts and I don't expect that we are too far away from having the first of those actions commenced.

MR B CHRISTIAN Thank you Mr Christian. Just a supplementary question to the Minister given businesses to date have been fined for late returns why have businesses that have not lodged returns been dealt with

MR CHRISTIAN Could you please rephrase the question or...

MR B CHRISTIAN Well businesses to date, and there have been a few that are late in lodging their returns to GST, and they've been fined and have paid, why is it that businesses who are still outstanding that haven't even lodged returns or are still in breach of the Act, still allowed to get away with have not been prosecuted to date

MR CHRISTIAN Thank you Mr Speaker, I would expect that a continuing breach attracts penalties that continue to compound, and once we eventually get the person before the courts they'll be up for a fairly large bill

MR B CHRISTIAN Thank you Mr Speaker another question for the Minister for Finance, when can the community expect to see the review the GST legislation passed through this House

MR CHRISTIAN Shortly I hope Mr Speaker I think, as I have restated earlier and I'll probably restate later today, the GST working group has made a series of recommendations. Those recommendations have been run past the Legislative Assembly Members in a preliminary sense and instructions are to go off to the Legal Draftsman. Once the Legal Draftsman gets the proposed amendments back to us they will be introduced in to the House and the Legislative Assembly will further consider them and if appropriate pass them and if inappropriate knock them back so I can't put a time frame on that Mr Speaker but hopefully as soon as possible

MR SHERIDAN Mr Speaker again a question for the Minister responsible for KAVHA. Minister I refer to the two motions which were moved in the House earlier this year requesting you to enter into discussion with the Commonwealth with regard to the possibility of a review of the KAVHA boundaries. Minister what has been the outcome of your discussions with the appropriate Commonwealth Minister

MRS JACK Thank you Mr Speaker, Mr Sheridan the Minister has declined to enter into any discussions relating to the motions that were put before the House

MR SHERIDAN Mr Speaker can you explain as to why you refuse to answer the question with regard to that

MRS JACK Thank you Mr Speaker no I can't, you'd have to ask the Commonwealth Minister

MR ANDERSON Mr Speaker a question for the Minister for Finance as to the airlines. Can the Minister please advise whether the sale of tickets to the barter card franchisee was a management decision or was it approved by the Executive Members

MR CHRISTIAN Thank you Mr Speaker and thanks Mr Anderson for that question. The decision to participate in the barter card system was a decision by the management of the airline. No agreement or prior approval as far as I'm aware, was sought by the Airline Management from the Board or the Minister responsible for the airline

MR ANDERSON Did these tickets have any conditions attached to them or were they straight out sale of ticket

MR CHRISTIAN No as I understand it Mr Anderson the tickets were conditional. They were available only for travel basically at the discretion of the airline and all taxes applicable to the tickets had to actually be paid in cash

MR ANDERSON Mr Christian does this mean that the barter card franchisee then became a virtual wholesaler

MR CHRISTIAN I'm not aware of how the system actually quite works and in the last few days Mr Speaker, myself and the Minister for Commerce and Industry has discussed the issue with the new CEO of Norfolk Air and we will await his recommendation as to whether we continue with the barter card system or depart the barter card system and at this moment I can't pre-empt which way we will go. Obviously

what I can say is at the time that the arrangements were entered into with barter card there was an expectation that we would be able to get a degree of printing and advertising paid for on the mainland with barter dollars. I am aware that that's turned out to be a lot harder than was initially anticipated so as I've said we are reviewing the situation at the moment and I think it's fair to say that we are leaning towards departing the barter card system

MR B CHRISTIAN Thank you Mr Speaker a supplementary question to that, for the Minister for airline. Minister why is Norfolk Air the only airline in the world to accept the barter card dollars for air tickets and how much commission has barter card received from Norfolk Air

MR CHRISTIAN I suppose we're the first airline in the world. Someone's got to be first. What we pay in commissions I can't say. Certainly I'm not aware that that information has appeared on any of the financial indicators prepared for us by the Accounts Section of the Administration so I'll just have to look into that and report back to the House at a later time Mr Speaker

MR B CHRISTIAN Thank you Mr Speaker another supplementary question to that, is the Minister aware that the deal with barter card was only available to select tourist accommodation providers on Norfolk Island

MR CHRISTIAN No Mr Speaker, that's incorrect. The barter card deal in Norfolk Island is available to anybody that wants to join the barter card system. The fact that only two tourist accommodation houses took advantage of it is nothing to do with the airline

MR B CHRISTIAN Thank you Mr Speaker a supplementary question. Is it a part of Norfolk Air's decision to make available tickets from Norfolk Air on barter card dollars. Did Norfolk Air make it available or advertise it to all tourist accommodation providers on Norfolk Island

MR CHRISTIAN No. Norfolk Air didn't advertise it. It was up to barter card to advertise that. Barter card put out a directory of people who are within the barter card system and that directory goes to anybody who want to join the barter card system

MR B CHRISTIAN One more supplementary question Mr Speaker. Given that Norfolk Air is a Government entity wouldn't it be vigilant for the airline to make it available to the entire community, not wait for barter card to do it

MR CHRISTIAN No, the airline doesn't run barter card Mr Speaker. Barter card runs barter card and anybody who wants to participate in the barter card system can do so and trade their dollars just like real money through a central pool

MR SHERIDAN Mr Speaker just a couple more there on the KAVHA area for the Minister please Mr Speaker. Minister in regard to the new Conservation Management Plan being compiled for the KAVHA area, when will the finalised Conservation Management Plan endorsed by both the Norfolk Island Government and the Australia Government be ready for release

MRS JACK Thank you Mr Speaker in response to Mr Sheridan I can't give an actual time frame. A few issues have arisen in KAVHA lately that have directed my energies elsewhere and away from this issue. We have, myself as secretariat and the Chief Minister, have begun some of the work on the compilation of the submissions etc and comments made by the Commonwealth as well as the comments that were made by Members sitting around this table over a meeting I think it was, so that's the stage where we're at. Providing I can get a few straight days I can do some productive work in finishing of it and bringing it back to Government and Members but right

now I'm a bit pressed for time and so I apologise, I don't want to seem slack but I have been busy elsewhere and I will try and get back on board with that asap

MR NOBBS Mr Speaker just to also give a little bit of information there during our recent visit to Canberra to have discussions with the Minister we also myself and the Secretary to Government spoke to senior officers in the Dept of Environment and Water and there had been an issue with the responses from all MLA's that had been put together in those weekend meetings in response to the CMP. There had been an issue with that being communicated to their office, there had been some hold up in it actually being progressed onto the next stage so that had also caused a delay in the process of the CMP, really an issue of communication in offices outside of ours

MR SHERIDAN Mr Speaker a supplementary question there, Minister so that draft CMP or Conservation Management Plan that we received some months ago was that compiled without the input from this forum

MRS JACK That was compiled by the consultant. The work was done by the consultant who was paid to do that work and then what happens is that you end up with draft and then that draft goes backwards and forwards to Members of the KAVHA Board to the then project manager and continual amendments are made and with any working report it then comes to this forum for consideration

MR SHERIDAN Mr Speaker a further supplementary question to that, Minister in regard to this input from this forum from the Members to the KAVHA Board when with the KAVHA Board's response on those comments be made available to the Members who made them

MRS JACK As soon as it can be. I mean we as a Board have put out that report and we are actually asking you for your comments on the Report. The Board then collates your submissions, submissions from other areas within the Commonwealth, I suppose from Dewar and from AG's and you bring them together and the hold up at the moment is now me

MR SHERIDAN Mr Speaker just whilst we are on KAVHA there please, I just have a couple on a different area. Minister can you inform this House as to who has the Commonwealth appointed or about to be appointed and paid new position of KAVHA Site Manager intend to report directly to

MRS JACK Thank you Mr Speaker following the current Memorandum of Understanding the reporting process will be to the Board and to the Administrator

MR B CHRISTIAN Thank you Mr Speaker just a supplementary question to the Minister for KAVHA in relation to that. Minister why has the KAVHA working budget been frozen, hindering ongoing maintenance and work and frustrating otherwise hard working staff

MRS JACK Thank you Mr Speaker if I could just give some history to this. The previous Project Manager position came to an end on the 30<sup>th</sup> June and with the expiration of that contract so too did the financial delegation. Now it had been hoped, envisaged, that because of the restructuring that the KAVHA Board had determined to give to that position the Project Manager's position is now going to be split into two. One of site manager and one of site supervisor, and it was hoped that both these positions would have been filled prior to the ending of the contact. It was unfortunate that this hadn't happened, and it was also unfortunate that a temporary engagement for a cross over hadn't been able to be finalised. It was because of this lack of formal contract for a temporary engagement that the Acting Chief Executive Officer decided under his own steam to freeze funds in KAVHA. Since that time it's pleasing to state that in the last few

days the position of acting works supervisor has been filled, that the KAVHA Board has passed an interim budget, and the other day both the Chief Minister and myself met with the Finance Manager and some minor tweaking of budget format has to occur and once that has occurred and I'm hoping it's either done by the end of business today or definitely tomorrow that funds will be starting to flow in KAVHA again. I wasn't aware of any major hardships suffered by any of the crew. It certainly wasn't brought to my attention nor I believe it was brought to the attention of the Chief Minister by the acting works supervisor of any untoward hardship that had been felt, and I was finding it very pleasing that everyone was moving forward in a positive way

MR SHERIDAN Mr Speaker a question for the Minister responsible for Finance. Minister I note your response to a letter to the Editor in last weeks paper and as such I ask, that there was a letter to the Editor some weeks ago, the 21<sup>st</sup> June from a Robin Menghetti in which fifteen questions were asked of yourself in regard to the areas of operation which effect Norfolk Air. Minister have you responded to this letter or do you intend to respond to this letter

MR CHRISTIAN No Mr Speaker I'm not obliged to any letter that appears in the Norfolk Islander. I responded to the most recent one because it was a personal slur or attack against me and I had to make my position clear. If any person is genuine about wanting to know things about the airline I expect a proper course of action is derived to me as the Minister rather than grandstanding in the paper

MR SHERIDAN Mr Speaker a supplementary question on that one Minister one the questions that was referred to and it's a question that I've asked before is and I was particularly interested in is the question in regard to the issue of Norfolk air identify passes to the outgoing CEO of Norfolk Air Mr Ewan Wilson and his wife. Minister was Norfolk Air identity passes valid until June 09 given to Mr and Mrs Wilson prior to his departure from Norfolk Island on the completion of his contract

MR CHRISTIAN Yes they were

MR SHERIDAN Mr Speaker a supplementary question please. Minister what directions have you given to the new CEO of Norfolk Air so as to ensure that these passes are not fraudulently utilised

MR CHRISTIAN Thank you Mr Speaker, I haven't actually issued any and I don't see how a pass can be fraudulently utilised. For instance I hold an aviation security clearance card as a pilot and I can take it with me anywhere in the world, that's not fraudulent use but I don't work as a pilot every day of the week

MR SHERIDAN Mr Speaker one for the Chief Minister there. Chief Minister in the Norfolk Islander last week you referred to the existence of substantial financial reserve funds. Can you advise in a brief but verifiable manner where these substantial funds might be found

MR NOBBS Mr Speaker I take that question on notice given that a lot of the information to do with the revenue fund etc comes under the control of the Minister for Finance. I'd be happy to provide you with a detailed list if necessary  
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MR SHERIDAN Mr Speaker a further question for the Minister for Finance Minister would yourself as Minister for Finance undertake to provide to this house at its next sitting if possible a ten year cash flow forecast for each of the GBE's and a consolidated cash flow forecast for the entire public account for the same period

MR CHRISTIAN Thank you Mr Speaker, I don't know why Mr Sheridan is hammering, he's got that information already as part of the 2007-2008 budget document and there's cash flow projections for every GBE up to I think 2021, something like that. It's



a working document for the Legislative Assembly. If the Legislative Assembly requires me to table it and give away possibly commercial in confidence information I'll do so

MR SHERIDAN Mr Speaker a supplementary question, just you made reference to the budget for the GBE's are you now able to table those GBE budget's into the House

MR CHRISTIAN Thank you Mr Speaker, I made reference to the 07-08 budget. The 08-09 haven't been completed by the Finance Department of the Administration but when they have been they'll be circulated. I may note Mr Speaker that one of the things that really concerns me down here is the confidentiality. Every Member of the Legislative Assembly takes an oath of secrecy if you like, and a lot of information that applied to MLA's is confidential information and is not for a wider circulation in the community and I have been aware from time to time that a heckova lot of confidential information is leaked and they can only have been leaked from MLA's because MLA's were the only ones who had possession of them

MR B CHRISTIAN Thank you Mr Speaker a question for the Minister of the airline, Minister the incorporation of Norfolk Air was to take place on July 1<sup>st</sup>. Is there further hold-ups with this process or when can we expect this to take place

MR CHRISTIAN Thank you Mr Speaker, things are progressing well there. I had given the incoming CEO of Norfolk Air the courtesy of commenting on what we propose doing. He has expressed to me that as CEO of the airline, he thought it appropriate that he be a formal Member of the Board rather than an ex officio Member and I accepted his logic and the Secretary to Government is, as we speak, communicating with the external Legal Firm that's preparing the Articles and Memorandum of Association and I would expect that by the end of next week we will have all the documentation back from the lawyers and be ready to roll

MR SHERIDAN Mr Speaker a question for the Minister responsible for the Environment. Minister can you please advise us of the current status of the development application for the RESA

MRS JACK Thank you Mr Speaker the development application is waiting on the outcome of the motion that is before the House today on the variation to the Norfolk Island plan and it depends on the acceptance or no of that on my decision on continuing with the consideration of the Development Application

MR SHERIDAN Mr Speaker a supplementary question with regards to do with some of the RESA work I address this to the Minister for Finance, Minister could advise as to the actual cost of the RESA concrete encasement of the sewage line at the northwest end of the airport runway 1129 is it

MR CHRISTIAN 1129. No Mr Speaker, at the moment I don't have that information all that work is controlled by the manager of the works depot. If Mr Sheridan would like me at the next meeting to table a document with the cost of that work I am more than happy to do so

MR SHERIDAN A question to the Chief Minister Mr Speaker. In the early part of the 07/08 financial year the Management Consultant Firm Deloitte's were asked to undertake the process mapping of the financial activities of the Norfolk Island Administration as a first step towards the introduction of a new computer based on a financial and Administrative management system. A considerable amount of time and effort was put in by Administration staff and the former CEO on this project. As I understand it the final report on the outcome of the process mapping exercise was provided to Government late in the 07 calendar year. Given that the purpose of the exercise was to provide operational efficiencies, cost savings and better reporting

capabilities can yourself advise the following. What is the current status of this project, ie, has it been completed and if so have there been administrative reforms arising from this exercise and just a further one, can you confirm that the total project cost was in the order of \$100,000

MR NOBBS Thank you Mr Speaker I should point out early on that although the perhaps driver of that project is no longer in the role they formally were that none of that is lost effort as far as I'm concerned, in terms of the process mapping it will help us in a number of ways to not only look at the management of data and process and any areas of double handing etc in the service, it also helps us to map out our requirements for soft wear capacity capability and hard wear capacity. In terms of the status as to where that report is at, Deloittes finalised their report by giving us a listing of the process mapping results and the areas that they would suggest the slip stream somewhat and one of the key areas that we had hoped to get out of the report was a definitive direction from Deloittes consultants on potential soft wear to take the place of Burroughs systems. At the final meeting I suppose with Deloittes there were some indicators given on some potential soft wear and hard wear replacement options and these I'll pass on to the incoming CEO as this is still a priority issue, to not only complete the revision of the areas within the Public Service that we can further enhance but also to, with some urgency look at the replacement options and get going with it of the Burroughs system. I have already compiled quite a detailed list to discuss with the successful incoming CEO and at the top of that list is making some movement on those issues. In terms of the total cost for that process, I will have to take that on notice and report back to you on that

MR SHERIDAN Mr Speaker a question for the Minister for Finance. Minister the Government's strategic plan, one for the key result areas, delivering better services indicates that you propose to implement financial reporting standards in time for IFRS compliance statements to be provided by the 30<sup>th</sup> June or the end of the financial year this year. Given that this date has passed can the Minister advise if this objective has been met

MR CHRISTIAN Actually Mr Speaker, we probably met it before. In preliminary discussions I've had with the external auditors indicate that to be fully compliant with what Mr Sheridan referred to, would only require another couple of small reports to attach to our financial statements and we would be fully compliant. I'll be guided by the experts in that field Mr Speaker

MR B CHRISTIAN Thank you Mr Speaker one for the Minister for Telecommunications. Could the Minister give an update on the new Telecommunications arrangements and has the lower call costs had the desired effect

MR CHRISTIAN Thank you Mr Speaker, yes the new arrangements appear to be working fairly well. It appears that the reduced call charges out of Norfolk Island for land lines and mobiles have worked and volume is holding up. Incoming traffic remains constant and Telecom's revenue appears to be in line with what was forecasted at the time we made the changes

MR SHERIDAN Mr Speaker just a final one from me, to the Minister for the Environment. It's something that I touched on before a couple of times, Minister can you update the Legislative Assembly on progress towards connecting Pitcairn Place and Shortridge to the Water Assurance Scheme given your previous assurances that these projects would be given a high priority due the obvious public health concerns

MRS JACK Thank you Mr Speaker while I was away the Chief Minister had carriage of my portfolio and a matter was raised with him. He has communicated to me that I think he agreed that a meeting concerning the residents would occur and actually I was phoned this morning by the manager for Land Use and

Environment regarding this very thing. The other day a member of the public that is in the area, or whose land will be used to get to Pitcairn Place advised me that he is interested in also having discussions so I've undertaken to meet with that person after his return on July 27<sup>th</sup> so the progress to date is that I expect that I will be meeting with interested residents shortly after July 27<sup>th</sup> to discuss their concerns and the way forward with the sewage connection. I also state that I'm expecting officers of the Administration to also be in attendance, the relevant officers of the Administration to also be in attendance at that meeting

MR B CHRISTIAN Thank you Mr Speaker one final question for the Minister for the airline going back to a bit of history. Minister when the airline first became aware of the need to engage another provider for the supply of aircraft services to Norfolk Island, did the Minister or airline management approach any other operator than Our Airline, such as Virgin, Qantas or any other of the major carriers to fill the services required by Norfolk Air, considering air services are being cut by most major carriers wouldn't this have been considered

MR CHRISTIAN Absolutely not Mr Speaker. Prior to the creation of Norfolk Air as we know it, we did go out to all of those people that were mentioned by Mr Christian. None of them were interested. We then went on to create Norfolk Air. It served the community very well and as far as I'm aware we have no intention of departing the airline scene at this stage and handing it over to another carrier. Anybody who thinks that Virgin for instance or Jetstar is the be all and end all, should go and talk to some of the remote communities in Australia who've just lost their services. If that's what you want for Norfolk Island keep hammering me on it

MR B CHRISTIAN Thank you Mr Speaker a supplementary question to the Minister. The question wasn't actually for them to take over the service, it was for maybe a leasing arrangement or something in that order

MR CHRISTIAN Thank you Mr Speaker, we didn't go down that path because they aren't charter airlines. They are airlines in their own right. What we do, we are a virtual airline. We charter out our services. The deal that was offered to us by Our Airline was commercially very good and one that we are happy with

MR B CHRISTIAN Thank you Mr Speaker one final last question for the Minister for the Environment. Minister could we get another update on the apples

MRS JACK Thank you Mr Speaker yes you may Mr Christian. The advise has come back from the Commonwealth and I need to work through that with the relative officer, the Quarantine Officer in finalising the apple protocol. Again as I said earlier I have been kept overly busy in one area and its taken all my energies away from looking at other areas in my portfolios so I have to address that. I think if I can give a full afternoon or a day to that one that could move ahead too

SPEAKER Thank you. Any further Questions? We move on

## **PRESENTATION OF PAPERS**

Are there any Papers for Presentation this morning Honourable Members.

MR NEVILLE CHRISTIAN Mr Speaker in accordance with section 41 of the Interpretation Act 1979 I table the Goods and Services Tax (Amendment No.2) Regulations 2008

MR GARDNER Mr Speaker in accordance with section 41 of the Interpretation Act 1979 I table the Legal Profession (Practice) Regulations 2008, the Legal Profession (Audit) Regulations 2008, the Legal Profession (Professional Conduct)

Regulations 2008 and the Legal Profession (Professional Conduct) (Amendment) Regulations 2008 and move that the papers be noted

SPEAKER Honourable Members the question is that the paper be noted

MR GARDNER Thank you Mr Speaker, that's quite mouthful as far as regulations are concerned but for Members interest, these flow from the recent passage of the amendments to the Legal Profession Act 1993 that were passed through this House. In effect they are the mechanisms that make the legislation work and they will be if they have not already been, they'll be circulated to Members for their information to ensure that they comply with their expectations of the requirements of the legislation. Thank you

SPEAKER Thank you. Further debate Honourable Members. There being no further debate, the question is that the paper be noted and I put that question

QUESTION PUT  
AGREED

SPEAKER Thank you. The paper has been noted

MR CHRISTIAN Thank you Mr Speaker, in accordance with Section 19 of the Goods and Services Tax Act 2007, the Act, as Chief Revenue Officer I am required to report on the operations of the act to the Minister for Finance. Accordingly, I provide the following information:

- a) This report cover receipts for the months April - June 2008 as well as amounts paid by NBN holders for the June period but prior to the June due date. As at 30/06/08 the GST Office has received the following figures of payments for the relevant month:  
GST -  
April 2007 \$311,633.17, May 2007 \$374,736.82, June 2007 \$365,874.58, July 2007 377,133.09, August 2007 \$427,454.05, Sept 2007 \$440,604.20, Oct 2007 \$564,570.03, Nov 2007 \$498,217.42, Dec 2007 \$576,081.53, Jan 2008 \$467,110.34, Feb 2008 \$539,793.47, Mar 2008 \$498,476.87, April 2008 \$572,166.84, May 2008 \$440,529.43, June 2008 \$5,517.65, TOTAL \$6,459,899.49
- b) NSL – The GST Office is still receiving Payments of NSL, with payments received for the period 01/08/06 – 30/06/08 totalling \$603,646.04.
- c) Total Revenue – In total, staff within this unit has collected \$7,063,545.53 since the commencement of NSL and subsequent GST legislation.
- d) Duty drawback – As at 1 April 2007 the duty drawback figure was \$2,202,072.65. Amount of duty drawback owing as at 30 June 2008 stood at \$1,373,304.24. This amounts to a total of \$828,768.41 being claimed in duty drawback, including \$52,240.13 in duty drawback rebate being paid out to NBN holders upon bona fide sale of business. There is currently one rebate payout awaiting approval by the GST Office.
- e) GST Audits - Two Auditors from Australia arrived on Norfolk on 30<sup>th</sup> March 2008 to conduct GST audits on ten businesses. They were here for a two-week period and supplied the GST Office with reports. Upon receipt of these reports the CRO has conducted more in-depth audits on these business, which has resulted in over an additional \$30,000 being received by this office. The CRO intends to conduct further audits on NBN holders.
- f) GST Review – Review of the GST Act has been discusses and approved by members of the GST working committee meeting and the Norfolk Island Legislative Assembly. However we are still waiting for Legal Services Unit to complete revision of the Act.

g) Staffing – The GST Officer position was filled on 12<sup>th</sup> May 2008. Until this time the CRO performed both positions during the vacancy. Submitted in accordance with the requirements of The Act and for the information of the Minister. Signed Shelley LeCren Chief Revenue Officer

MR GARDNER Thank you Mr Speaker, just a question in relation to the Minister's figures. I'm sorry. I move that the paper be noted. I thought that that had been asked for such a lengthy presentation Mr Speaker, I do apologise. The question to the Minister is in relation to the figures provided in the paper and I guess the Minister's expectations as far as GST revenue is concerned. Have the Government or Minister's expectations been met in regard to the level of GST that has been paid to the Government

MR CHRISTIAN Yes thank you for that query, Mr Speaker the GST revenue is pretty much on budget and that is after taking account of the fact that we have paid out something like a bit over \$800,000 in duty drawbacks so I would expect that some time within the next two years the duty drawback should be pretty much concluded which will free up somewhere between \$6-800,000 in additional revenue that will flow into the revenue fund from the GST GBE

SPEAKER Thank you Mr Christian. Further debate Honourable Members. There being no further debate, the question is that the paper be noted and I put that question

QUESTION PUT  
AGREED

SPEAKER Thank you. Are there any further Papers for presentation Honourable Members

**STATEMENTS**

We move to Statements of an official nature. Are there any Statements this morning Honourable Members

MR NOBBS Thank you Mr Speaker. At the sitting of the House on 21 May 2008 Mr Sheridan asked a number of questions in relation to the procurement process for the Runway End Safety Area project known as RESA to be constructed at the south-eastern and north-western end of the runway of the Norfolk Island International Airport and I undertook to respond. Mr Speaker, for the interest of the community I will just give some background to the procurement of Consultants and project works for the construction of the RESA. Mr Speaker, the Tenders Committee in September 2007 considered a brief recommending that the requirement to call for tenders for the design (including geotechnical investigations), costing and supervision of construction of the 11/29 runway end safety areas be waived and that the Patterson Britton & Partners be engaged to provide geotechnical investigations using a sub-consultant, Arup Pty Ltd, for both the south-east and north-west runway; provide drawings showing areas to be filled, batters and compaction requirements for the north-west runway and provide engineering supervision for the construction. Patterson Britton now known as WorlyParsons were recommended and subsequently selected and engaged as the Consulting Engineers due to their knowledge of Norfolk Island on a fixed fee basis. Work undertaken beyond the scope of the initial consultancy will be on a per hour rate. Mr Speaker, as Members would be aware Patterson Britton were the project designer and manager for the Kingston Jetty refurbishment. Mr Simon Batt who was the engineer for that project will have engineering oversight of the RESA project to ensure compliance with the design and engineering principles. The consultancy requires three site visits to monitor construction activities. Mr Speaker, Mr Don Taylor is the Consulting Surveyor for the project and likewise Mr Taylor was selected because of his ongoing connection with Norfolk Island as a surveyor. Mr Taylor has produced the necessary plans to facilitate boundary adjustments and zoning changes; produced drainage plans to complement the RESA earthworks design and

prepared detailed plans for the reconstruction of the relocated Peters Highway. Mr Speaker, RESAs were to be in place by 2 May 2008 but the Civil Aviation Safety Authority has given Norfolk Island an extension of time to complete RESA by March 2009. Therefore, Mr Speaker, time is now off the essence, and preparatory work has commenced to ensure that as soon as approval is received the project can commence. The Manager, Public Works, Mr Mike Johnston has been designated Project Manager and will have oversight of the construction works on behalf of the Administration. Mr Speaker, Mr Sheridan enquired as to whether contracts such as an AS124 or an NPWC3 would be used for the RESA project. The AS124 to which Mr Sheridan refers is the 1992 Australian Standard General Conditions of Contract which comprises a single set of general conditions of contract suitable for a wide variety of civil engineering, building, electrical and mechanical engineering and other types of construction contracts. The NPWC3 is the 1981 Edition 3 General Conditions of Contract and were adapted for use in both the Duncombe Road Upgrade and the Cascade Cliff Safety Project because both projects involved the Commonwealth Government and had a principal contractor who was then responsible for subcontracts. Mr Speaker, the simple answer is, No, these General Conditions of Contract will not be used. In the case of the RESA project the Norfolk Island Government has decided that the principal contractor is the Administration of Norfolk Island and the project will be subcontracted to local contractors/suppliers rather than tendering the project out to one major contractor. Mr Speaker, this approach is seen as cost effective and has been used previously, for example in the transportation and sorting of the rock stockpiles at Middleridge; Cascade Reserve and works undertaken at portion 44a near the school. Mr Speaker, Members would be aware that in accordance with the Administration Policy and Guideline on Procurement of Goods and Services, the Project Manager for RESA called for expressions of interest by way of the local newspaper The Norfolk Islander on 26 April 2008. The advertisement sought expressions of interest from suitably qualified civil contractors to supply plant and equipment for the construction of RESA including roadwork, bulk earthworks, concrete work and the placement of gabion baskets/mattresses, riprap installation, fencing and barrier installation. The works will be done on the basis of a schedule of rates and subcontractors will be paid on a per metre rate, per square foot rate or a per hour rate including GST and fuel if applicable. When required by the Administration Policy & Guidelines Procurement of Goods and Services, Minor works contracts prepared by the Administration's Legal Services Unit will be entered into with each subcontractor in accordance with the Administration's Policy and Guideline for Procurement of Goods and Services. The road base to which Mr Sheridan referred has been delivered to the Airport stockpile area for the proposed RESA; the realignment of Peters Highway at the south-eastern end of the runway and concrete works to be undertaken in conjunction with the realignment of the road. The Airport does not have its own stockpile of rock material for projects, and the product has been purchased specifically for the RESA project and held at the Airport stockpile. It is considered prudent and is common practice to pre-purchase a number of types of materials for projects having regard to timeframes, availability of materials on island; shipping schedules and weather constraints and it has been done for previous projects such as the Cascade Cliff Safety Project and the Airport Carpark upgrade. In terms of the work done on the sewage pipes, this has been done as part of the engineers design – the existing pipes were not designed for the weight of the resulting load of the RESA earthworks above and they needed to be protected. The pipes have therefore been encased in concrete – the alignment of the pipes was not altered. This work is a pre-requisite to the commencement of the RESA project and the works were undertaken by a contractor engaged from the call for expressions of interest. In addition, Mr Speaker, a nuclear density gauge was purchased previously and appropriate training in its use was given to relevant Administration officers for testing compaction of soil used in the RESA project and any future projects. Mr Speaker, I trust the foregoing assures Members and the community that this project is being appropriately managed in accordance with the relevant procurement processes. Thank you Mr Speaker.

MR MAGRI

Mr Speaker, I would like to take this opportunity to provide members with an update on the maintenance of our Roads and how performance

has measured up against the forecasted Roads program. The 2007-2008 Roads program included resealing Country Road, Shortridge Road and Quality Row and provided for an independent team to continue with routine maintenance including patching, signage and drainage. In addition, Mr Speaker, I also expressed my wish to see the Roads GBE focus some of its energy into reshaping some of the nine roads that the Administration assumed responsibility for on the 24th of February 2006. Mr Speaker, as discussed during the budget debate the roads program for the 2007-2008 financial year has fallen behind schedule especially in the last six months as a result of abnormally poor weather conditions. Mr Speaker, notwithstanding the difficulties we were still able to make significant improvements in 2007-2008 to Prince Philip Drive, Hemus' Road, Youngs Road, Road 75 (which is the Road out to Girlies) Road 60 (which leads down to Polly and Mackas), Reserve Rd 11 (which is the unsealed section at the end of Stockyard Road), Quality Row, Bounty Street, Pier street, Fletcher Christian Road, Edward Young Road, John Adams Road, Shortridge Road, Berry's Lane, Top Selwyn Pine and Off Mill Road. Work has also commenced on Hibiscus Drive and Country Road and the sealing of Duncombe Bay Road. Mr Speaker, I wish to point out that there can be perceptions of conflicts of interest in relation to road works because of the procurement of private contractors, plant and equipment to undertake some of the works however I wish to assure the community that the Administration of Norfolk Island has a Policy and Procedures Guideline for the Procurement of Goods and Services and this policy is rigorously followed by the Public Works Manager in engaging private contractors. Mr Speaker, the savings as a result of the weather difficulties and subsequent reduced works amounted to approximately \$598,00 in cash and stock and therefore the Roads GBE will have an estimated total cash and stock of \$1.52 million available for the 2008-2009 financial year road works programme. Mr Speaker, the 2008-2009 Roads program 'weather permitting' includes commencing resealing works on Taylor's Road and Queen Elizabeth Ave, completing the sealing of Duncombe Bay Road, fixing the airport car park, the reshaping and resealing of Country Rd including rehabilitation plantings on the banks, the final sealing of Shortridge including the installation of signage and guide posts, and further upgrade works on Hibiscus Drive, Puppy's Point and the road to the Gun club. We will also target a number of other the smaller Roads for safety and accessibility reasons using clay from the Administration stockpile as a sub base and hard fill/rock materials from the quarry as a final topcoat. Other works will include installing 2 cattle stops (1 in Douglas Drive and the other in Ferny Lane) removal of the cattle stop in front of the Leagues Club, road patching, signage, guideposts, edge maintenance, and culvert and drain maintenance. In addition, Mr Speaker, I am pleased to advise that staff recruitment and training has commenced with training courses for Sprayer operator and basic bitumen understanding. In addition, all existing road staff recently undertook plant operator training including grader, front-end loader, excavator, bobcat, and forklift operators certificates. In conclusion, Mr Speaker, I would also like to remind the Community that the Registrar of Titles and myself have also commenced the process to name some 58 Roads and formalise the ownership of approximately 32 rural Roads and easements. Mr Speaker in spite of the trying conditions, I applaud the significant achievements of the Works and Roads Managers during the previous financial year. Thank you, Mr Speaker

MR NOBBS

Mr Speaker I move that the paper be noted

SPEAKER

Thank you Chief Minister. Honourable Members the question is that the paper be noted

MR NOBBS

Mr Speaker just a brief point I do note the challenges of the weather and I do commend actually the background activities that seem to have been going on with the additional training of the Members of the Public Service in the use of some of that equipment and no doubt in recognising the occupational health and safety as well as the operational capacities of those pieces of equipment. In the past we have found ourselves caught short to man some of these appliances and so I think that's a good result that we now have I would hope, adequately trained and adequate numbers to maintain an ongoing schedule for this roads work thank you

SPEAKER Thank you Chief Minister. Further debate Honourable Members. There being no further debate, the question is that the paper be noted and I put that question

QUESTION PUT  
AGREED

SPEAKER Thank you. Further Statements

MR NOBBS Mr Speaker, I wish to pass on the best wishes of the Norfolk Island Government and Legislative Assembly to the members of the delegation who are attending the 10<sup>th</sup> Festival of Pacific Arts in Pago-Pago, American Samoa. The Festival will be held from 20<sup>th</sup> July to 2<sup>nd</sup> August, and will involve some 27 participating countries. The idea of a Festival of Pacific Arts was conceived by the Conference of the South Pacific Commission (now the Pacific Community) in an attempt to combat the erosion of traditional customary practices. Since 1972, delegations from Pacific Island Countries and Territories have come together each four years to share and exchange their cultures at each Festival of Pacific Arts. In 1977, at the 3<sup>rd</sup> meeting of the South Pacific Festival Council (now the Council of Pacific Arts), the Council determined that the Festival's major theme should continue to be traditional song and dance, and that participating countries and territories should be free to include other activities depending on the resources available to them. The Community Arts Society of Norfolk Island has nominated a representative group of 13 artists and artisans to attend the festival on our behalf. They have received much support and sponsorship from the community, including from the Norfolk Island Government. Themes of the Norfolk Island presentations will include local music, dance, weaving, painting, cooking and natural history. I had the pleasure of attending a dress rehearsal of the performance artists recently, and was impressed by the range of material they will present. They also looked great in their specially designed Norfolk clothing with motifs including turtles and palms. I am sure that those who attend on our behalf will continue the long tradition of presenting Norfolk Island favourably and professionally and that they will be great ambassadors for Norfolk's culture and way of life. I particularly thank Alison Ryves, President of Community Arts, who has worked very hard for some months to get the artists together and to make sure that all the necessary arrangements are in place. I will be leaving at the weekend to join the delegation and attend part of the Festival. I will also take part as the Norfolk Island delegate in the 22<sup>nd</sup> meeting of the Council of Pacific Arts. Mr Speaker, I expect to be able to report at the next Assembly sitting on the outcomes of the Festival and the Council meeting. Thank you.

MR MAGRI Mr Speaker, Norfolk Island representatives of the Norfolk Island sub-branch of the Australian Labour Party, in an on-air interview with Radio Norfolk, detailed their intentions and policies for Norfolk Island following their recent visit to meet with Federal politicians in Canberra. Mr Speaker, the Norfolk Island Legislative Assembly is elected to represent the people of Norfolk Island and to, amongst other things, manage inter-governmental relations. It is important to place on record that neither the Norfolk Island Government, nor to my knowledge any individual member of the Legislative Assembly, was given notice, nor consulted in any way prior to the visit to Canberra by the representatives of the sub-branch of the Australia Labour Party. In fact, since the establishment of the ALP sub-branch in Norfolk Island, the Norfolk Island Government has received only one official letter and one email, both on single-issue matters, and no personal representations at all. Despite this and so as to encourage healthy political participation I would welcome representations from them and it is hoped that in the future, representatives of this new political group will make themselves available for election in Norfolk Island so that this electorate can scrutinize their policies and decide whether they agree that their policies are in the best interests of Norfolk Island and its people. One such policy is for the eligibility criteria for pensions to change from just a means test to an asset and means test which would have a significant impact on those in



our community who own family land but are income poor. In addition, they would need to offer plausible financial alternatives rather than make spurious allegations of financial mismanagement. An explanation would need to be given just how their policies would not impact on a community already stretched by higher fuel prices, higher food prices and rising interest rates and they would need to explain how paying additional taxes would not exacerbate the financial difficulties already being experienced by some within the community. Mr Speaker, whilst I support freedom of speech, I would encourage this political group to be a Norfolk Island political group working towards a better Norfolk Island rather than simply being a sub-branch of another country which is required to uphold the policies of the branch of the Australian Labour Party with which they are affiliated. Once again, Mr Speaker, I would urge representatives of the Australian Labour Party sub-branch in Norfolk Island to work with the Norfolk Island Legislative Assembly to achieve best outcomes for Norfolk Island. Thank you, Mr Speaker

MR NOBBS

Mr Speaker I move that the Statement be noted. I would just like to firmly endorse what Minister Magri has said. We've spent some little while discussing some of these issues and the issues I suppose of access that we do provide to interest groups and the like on Norfolk Island. There was a recent letter in the paper that also gave some outline from a community Member who is concerned that the Norfolk Island Government may be side lined into paying attention to groups that perhaps have no platform and perhaps also have no accountability was one of the key issues that we take on in these offices, so yes, I commend the Minister for making that statement Thank you

MR GARDNER

Thank you Mr Speaker, just some comments and probably in an effort to provide some balance from the outset I need to probably declare that I'm not a Member of the local branch of the Labour Party in Norfolk Island but I think my comments are seeking to ensure that we maintain tolerance within this community of the right of freedom of speech of individuals, groups and organisations. The Labour Party is an organised group. They are to be commended for organising themselves in such a way and aligning or affiliating themselves to whoever they so wish. It is their right to do that. It is nothing in any way different to say representation that is lobbied for in this community over many years, including organizations such as the Norfolk Action Group that we experienced over the last couple of years prior to this Government coming into being, maybe even groups such as the Pitcairn Descendants Association, the Association of Norfolk Islanders I think is what that morphed into, the Public Service Association and other bodies that take stands on various issues. I think its healthy in the community that you have people out there with differing views and certainly at this level, in Government and Legislative Assembly, the Legislative Assembly is made up of a group of individuals at times with very different views on a range of many different subjects but generally, how we advance things is by finding some consensus and moving forward. If the organization of that consensus is done in another way prior to either lobbying for change, which any of those organisations are able to do in any area, so be it. If they then want to seek represent around this table to have the open public debate an that's what this forum is for so be it and I welcome that because we need to be conscious of the range of views exist within the community and ensure that those range of views are able to be portrayed in the community without fear or favour and I accept that from time to time, suggestions, allegations, claims, whatever you want to call it, will be made by those groups. For goodness sake, for the years I've spent down here I've had virtually every one of those groups in some form or fashion have a crack at me over different issues but that's what this is all about. You know. Making sure that you've got solid arguments to defend a position that you take. Always thinking and we say it at every single sitting of this house, concerning ourselves with the true welfare of the people of Norfolk Island. That's what we're about. If we are staunchly in support of that we will give consideration to any option or any alternative that might be proposed. It doesn't necessarily mean that we will accept them all, but here's to Mr Speaker the ability for this community to retain the power of the freedom of speech and we shall defend that to our dying days

MR SHERIDAN Thank you Mr Speaker I would just like to endorse both Mr Magri and Mr Geoff Gardner's statement. Mr Magri in his statement, whereas I don't agree with all of it, but where he says that he would like to support any lobby group you might call it, any party or organisation in Norfolk Island to liaise with the Norfolk Island Government for the betterment of the community I fully endorse that and I encourage him to do so. As Mr Gardner has also stated, it is also their right to say what they want, visit who they would like to and not necessarily inform this Government of so doing, and so in saying that Mr Speaker I think that they both have valid points and I don't think that we should try and hinder these I call them lobby groups because they lobby Members, they lobby the Government to have their views made known and try and get them into law. So I don't want to see any of these groups hindered and I encourage them to form new parties if they would like to so more voices are heard and more debate in the community and of course can only lead to one thing and that is a more open and better Government for Norfolk Island

MR CHRISTIAN Thank you Mr Speaker, I actually disagree with what Mr Sheridan has just said. If you are going to have open Government then the Norfolk Island Sub Branch of the Australian Labour Party need to inform the people of Norfolk Island what their policies are before they trot off to Canberra espousing those policies. What they've done is absolutely disgraceful in my view. If the Norfolk Island Members of the ALP Sub Branch here want to introduce Labour policies and principles into the Norfolk Island political arena what they should do is form the Norfolk Island Labour Party and not be a sub branch of an Australian political party. Governing Norfolk Island is what we are about, Mr Speaker and I fear that what the Norfolk Island sub branch of the ALP is all about is denying the people of Norfolk Island democracy by encouraging the Australian Federal Parliament to assume us into Australia. It's no secret if you listen to the radio talk the other day, most of them favour total integration into Australia but not one of them has come out with any reason or solid foundation for espousing such a view so I actually think it's quite a sad day for Norfolk Island that this organisation actually exists in the form that it exists

MR ANDERSON Mr Speaker I would just like to endorse Mr Neville Christian's statement there. Sure if we have a labour movement on Norfolk Island it should be a Norfolk Island's Labour Party and I've got no problem with that, but I do also accept Mr Christian's view on the Sub branch of the Australian labour party. Let's have a Norfolk Island labour party. Great

MR GARDNER Thank you Mr Speaker, I would just like to respond to that. At the end of the day it's the Norfolk Island community who will decide on who they will put their faith and their trust in, in taking matters forward. Whether you are reliant on the church which isn't based in Norfolk Island but might be based in Rome for example, has no effect on whether they have valid policies or not. The decisions are made here. If the community sees that there's a threat or some way by having those people elected to the Government and having external body having control over it, that's their wish. It's the wish of the community Mr Speaker. Let's just ensure that people are given the opportunities. Sure some of them can make allegations or suggestions of impropriety and those sorts of things. Lets respond to those things. Let's make sure that the community are aware or that you go out of your way to present the facts as they appear. You can put those things to rest quite easily and we've had to do that time and time again. This is nothing new. Absolutely nothing new. In the previous Government we didn't know what representations were being made necessarily by NAG in their discussions with Federal Government Minister and nor did we want to know. We would have hoped that they at least would have come to us and had some discussion with Government and if they had a different view to that, take that forward, and in some instances that's exactly what did occur. The Public Service Association, it's not our business who they receive their advise from and I think in the last wage increase they sought the assistance of the NSW Public Service Association in those dealings, and there certainly wasn't an outcry about that. They were getting the resources they required to be able to run their arguments as the

Norfolk Island Government does virtually every single day of the week. We employ external advice and expertise to assist us in making a local decision. That's the way it needs to be

MR CHRISTIAN Thank you Mr Speaker, for the record I've got to disagree with Mr Gardner as well because what the Norfolk Island Sub Branch of the ALP is on about, in my view, is circumventing democracy. They have no intention of becoming elected representatives of this forum. What they are lobbying the Australian Government to do behind the scene is to take away this forum without consultation with the people of Norfolk Island and that can hardly be a democratic process Mr Speaker

MR GARDNER Thank you Mr Speaker, just if I can respond to that and it's important that we have this debate. I just wish we had more open debate in this forum. Look I don't have to remind Members around this table about the difficulties that we encountered with self-government only a short while ago. A matter of a couple of years ago where self Government was under threat. Mr Speaker I can assure you that it was a very fine balance of people on this island who supported the continuation of self Government, against those, the other half of the community, and let's not fool ourselves that it was a majority of the community who wanted to retain self Government, nor was it a majority who wanted to do away with it, but I say, a very fine balance and there were individuals on the other side that were wanting to see a change, that were actively lobbying at every opportunity that presented itself in the federal sphere to change the way Norfolk Island was governed. Certainly that causes you some grief. Certainly it's difficult. Certainly you would want to encourage people to come and talk to you about their affairs and their concerns about the future of Norfolk Island and as I said, in some of those people would come. You agree to disagree. They go away. They have the right to want to lobby to change. As people in this community has the right to lobby every single individual around this table to enter into debate to try and bring about change. That's what democracy is all about. Thank you

MR NOBBS Mr Speaker just briefly. There's been an interesting exchange of views around the table the element that I don't think any of us have any issue with, is that any of these lobby groups have access to this Government and all MLA's in this Legislative Assembly and information that they ask of us is generally provided where ever and whenever possible. We invite that and we haven't backed away from that from day one of signing the papers. As Minister Magri has pointed out, he invites any of these groups to engage with us, particularly if they have ideas or issues that we can sort out or inform them on, if they are not necessarily accurate in what their assumptions are. In reflecting on what Minister Christian has said with regard to democratic processes, there is a fear there, I think if a lot of proposals have been put direct to Federal Minister without the rest of the community having input or an understanding of what those proposals are, and they gain some momentum in some form because of the affiliation an interest group may have, then that is a fear and that isn't necessarily democracy in action unless they can actually discuss either through the community or through this forum. I think I'll just leave it at that. Thank you

MR CHRISTIAN Thank you Mr Speaker, the point I was trying to hammer and get across in all of this, is that retaining self Government and being integrated into Australia is only part of the equation. What I am saying is that if the community of Norfolk Island want to be integrated into Australia or if they want to continue along the path of self Government, it is the community of Norfolk Island that needs to make that decision. Not the Australian parliament having been in my view improperly influenced by the Norfolk Island sub branch of the Labour Party and we've seen that before. Minister Lloyd tried it with no consultation, rocked up in Norfolk Island, and said this is going to happen and the Norfolk Island Government had to spend heckova lot of resource putting its case and eventually getting the Commonwealth Government to back off and I can see in the not too distant future we're going to have to go down the same process again, Mr Speaker and it's not a helpful one. It diverts us from the real process of governing Norfolk Island. Chews up a heckova lot of resources which we could better

spend elsewhere, so that's what I'm saying, it's not a helpful situation that we are in. If they want to have a Labour Party in Norfolk Island. There's no difficulty at all. They can stand along with the rest of us at the election and the community will either elect them or not elect them. That's the way we should play politics in Norfolk Island Mr Speaker

MR GARDNER Thank you Mr Speaker, just for the record I do agree with those sentiments. I have no difficulty with them at all. But what I am saying is Mr Anderson is sitting there and he's chastising me for speaking again but Mr Anderson I'm sure has taken the opportunity in his time on Norfolk Island when there's been visiting Members of the Australian Parliament and Joint Standing Committees has surely taken the opportunity to put his view to those people that in effect are making decisions in relation to Australian Government policy in relation to Norfolk Island. I don't know what his views are. I wouldn't have a clue what he said to them. And so be it. This is about allowing people to express their views. Let them express their views. At the end of the day the community of Norfolk Island will make the decision about who represents them and who doesn't represent them and if these people want to be affiliated to the Sons of Zion or whatever it was we saw a paper recently in floating around, then so be it. So be it. Mr Speaker you know, different people around this table and in years gone by, have represented the Chamber of Commerce, may have well been representatives of the Public Service Association might have been representatives of the Golf Club. Let them be. They were representatives of those organisations, let them put their view forward. It is the community of Norfolk Island that at the end of the day will decide who sits around this table and speaks for the community of Norfolk Island

MR CHRISTIAN Thank you Mr Speaker, one final point in all of this from me. I do see some disturbing trends developing in Canberra and they develop from a misunderstanding of what a persons role is, and one example I would like to highlight is this. People who reside in Norfolk Island who want to have some say in how things are done in Australia can do two things. They can enrol in an electorate for which they have an affinity or they can enrol in the Federal electorate of Canberra or they actually have a third option, they can choose not to enrol in any of them and remain in Norfolk Island. And that's fine. Those people enrol so they can have some involvement in the Australian political arena. We now have a situation for instance where Annette Ellis comes to Norfolk Island, because she is the Federal Member for Canberra, she thinks she's the elected representative of the people of Norfolk Island. And that's just totally wrong. People in Norfolk Island may have voted in her electorate, but they may well not have voted for her and they certainly weren't voting for her as the elected representative of the people of Norfolk in Canberra. That's absolute nonsense. Yet she seems to have this point of view and it's totally wrong and I think we need to stand up and point out to them that they are actually wrong and they need to get a better understanding of the true relationship between the people of Norfolk Island and the Commonwealth

SPEAKER Thank you Mr Christian. Any further debate Honourable Members. There being no further debate I put the question is that the statement be noted

QUESTION PUT  
AGREED

Thank you. The motion is agreed. Is there any further Statements of an official nature. Mr Gardner

MR GARDNER Thank you Mr Speaker, just if I may report briefly on my visit to Australia last week to attend the Tourism Ministers Council in Melbourne. Because of the timing of that meeting it meant that I had to leave Norfolk Island a couple of days earlier but both the General Manager of the Tourist Bureau and myself spent that time we thought productively in meeting with a number of wholesalers both in Brisbane on the way through and also whilst we were in Melbourne. Those meetings were an entrée to

the wholesalers meetings and the industry meetings that are being held on Norfolk Island earlier this week and gave us an insight into a number of the continuing issues and maybe some of the developing issues as they affect our wholesale industry partners in Australia and were very useful discussions. Mr Speaker at the Tourism Ministers Council Meeting there were a number of issues and also an opportunity to gain some better insight as to the thinking of the Australian Tourism industry generally both affected by inbound travel from overseas and also domestic tourism within Australia and how they see the future evolving and developing, particularly in light of some of the global challenges that are presenting themselves as far as the price of oil are concerned, faltering economies in some parts of the world, and the like. Mr Speaker I think that Geoff Buckley, the CEO of Tourism Australia expressed a view that it was a matter of survival as far as he saw it rather than growth at the moment in the Australian context but I really need to put that into a Norfolk Island context as that applies. Australia's greatest concern as far as tourism is concerned is clearly the maintenance of its inbound passenger numbers so that's international travel from all over the world from its major markets, and that has the potential to be undermined, even though they remain upbeat about the long term goals of tourism. The Australian tourism market appears to be under some attack from the European Union, I mean beaten over the head by the environmental arguments about the carbon emissions associated with long haul travel and it is something that they are actively trying to address in the marketplace to maintain their position, but certainly the noises in Europe are growing in relation to the environmental impacts of long haul tourism and Australia obviously and New Zealand are obviously a couple of those destinations that will be significantly impacted on over the coming years as that debate is run. Mr Speaker as far as domestic tourism is concerned, I think it is probably fair to say that those challenges as they relate to Australia probably will not impact on Norfolk Island to the same extent because we need to probably realistically categorise Norfolk Island as a domestic destination as far as Australian tourism is concerned despite the fact that we depart from international terminals and the like there are Australians travelling within the immediate region of which one of those is Norfolk Island, and it would appear as though the global challenges may present opportunities for Norfolk Island as the growing price of oil starts to have an impact, people not quite going as far afield because of the cost of travel and maybe looking a little closer to home. We won't know that Mr Speaker obviously until those things really start to bite and we are then able to monitor whether we actually are the beneficiaries of those sorts of things. We've tried to develop a relationship with tourism Australia for some time now and tried to ensure that we are linked through their website so that when the name Norfolk Island is out there in front of people who might be considering travel both within Australia, short haul visits to Australia, so within the New Zealand market and also internationally, and internationally I made the point at the Tourism Ministers Council Meeting that I hoped that the machinery for tourism promotion in Australia didn't forget Norfolk Island as we slowly progressed down this road to World Heritage Listing and the importance of developing relationships with the other States and Territories of which the Serial Convict Listing are part of to ensure that we are well within the radar of marketing and promotion opportunities that might present themselves as part of the World Heritage Listing process and I know that at the conference the other three State representatives with the Serial Listing did take note of that and did make comment of that which was welcome. I also had the opportunity to speak at some length with the Federal Minister for Tourism, Martin Fergusson about the relationship between Norfolk Island and Tourism Australia. He certainly hasn't ruled out giving consideration to any of the past proposals that we made and in fact was kind enough to invite a written submission to be made so I will be undertaking that and for him to be able to give that further consideration so I certainly welcome the welcoming environment which the Federal Minister provided in relation to further discussions and that really does underpin the value of attending conferences of that type. On return obviously the wholesalers meetings within Norfolk Island begun on Monday and both the Minister for Finance and myself were able to attend that and that had come about at the request of the wholesale industry so that they were able to pose questions and get our insights and overview of where we saw tourism was going in Norfolk Island and the relationship with tourism to that of the airline and vice versa. The outcome of that I think is the opportunity to interact directly with both of this

was very much welcomed by the wholesale industry and that was further reinforced at other meetings between the wholesalers and the local industry in Norfolk Island over the last couple of days and also at the workshops that were presented. What's come of those meetings and they flow back into the meetings that I had last week both in Brisbane and in Melbourne. I think it is fair to say that there are some concerns about the industry in Norfolk Island that the industry and Government and the stakeholders will have to address. Some of those relate to the standard and quality of accommodation in Norfolk Island. Some of those concerns relate to the ease or otherwise of being able to book small properties and the need for those things to be live and on line to allow the industry ease of access and ease of booking in the future without the need to rely upon email communication because at the end of the day the punter who is out there and walking in to make a booking likes to leave the shop knowing that everything is being confirmed and not having to come back two or three days later so those are some of the issues and certainly some of the wholesalers had expressed to me a growing concern about the complaints of standard and service in Norfolk Island not only with tourist accommodation I might say, but with a number of other service providers within the island. Those are things that are being addressed in the context of the strategic plan and the good work that the Tourist Bureau are doing, looking at service provision and standards and the accreditation process. I think the message from that, and very clearly the message from the Tourism Ministers Council Meeting and from Tourism Australia is the need to make sure that you are at the top of your game if you are going to survive some of the pressures that are around in the tourism industry. Interestingly enough, there is a level of criticism about our accreditation standard for tourist accommodation, using the trip away rating and some of the wholesalers have not held back in expressing their frustration to me about that, and the fact that they don't use that in any of their promotional material and that combined with the discussion at the Tourism Ministers Council Meeting about Australia adopting the New Zealand Qualmark branding and accreditation system Australia wide. That's interesting in that, that will provide an entrée to discussions next week when I'm in New Zealand with Qualmark to give consideration to the process and whether Norfolk Island are able to tap into that. Looking at alternatives to our current reigning system to ensure that when somebody says you are at whatever standard it is, you are in fact at that standard in comparison to what they might expect elsewhere and its very important that, that happens and the main reason why I think there is a lack of confidence that the current rating system that we have for tourist accommodation in Norfolk Island is not up to what is expected generally within the industry and why some of the wholesale industry just simply will not use it.

That brings me to the next matter in relation to this, is my visit next week to New Zealand and I think in this House at the last sitting or the one before that I indicated that we were planning to go and have some discussions with Air New Zealand about their level of service provision and the future and what initiatives Tourism Norfolk Island and the airline have put in place as far as assisting the New Zealand market, I'm sorry, I should remove the reference to the airline. The airline's focus is clearly on the east coast of Australia but as far as Tourism Norfolk Island and the Government commitment to additional resources being put into the New Zealand marketplace over the next twelve months to at least steady what has been a decline in visitor numbers to Norfolk Island out of New Zealand over the last twelve months, but in fact to reverse that decline and to look for some marked improvement out of New Zealand. Obviously to give some confidence back to Air New Zealand that the routes will remain viable. That is the subject of part of the meeting next week. Other meetings, the list I got yesterday is fairly extensive. There's something like 12 or 14 other meetings that have been organised in the first part of next week in Auckland. Both with New Zealand wholesale representatives, retail suppliers, media and also our PR people. All valuable in the process of passing on information and engendering confidence in the destination being Norfolk Island. Mr Speaker those meetings will be followed by my attendance at the Standing Committee of Attorney's General in Christchurch next Thursday, where obviously we'll be continuing to monitor developments of national model legislation in relation to a number of issues in which I'll report on when I return next week to Members and that's followed the next day by a meeting in Melbourne of the Ministerial Council on Gaming of which we are a full Member and the primary focus of that meeting is

problem gambling and a further reference to the Productivity Commission on the impacts of problem gambling in Australia and Australia wide so it will be a first opportunity, it's been some I think two years since the last Ministerial Council meeting, there's been a change of Federal Government and with that, potentially a change of policy as far as the application of gaming Australia wide and obviously because of our involvement, the impacts that, that has on communities Australia wide and I look forward to returning to the Island I think on Friday or Saturday of next week. It will be fairly extensive but the point of the statement today was just to inform Members and the listening public of the activity that's taking place as far as our general approach to tourism and the marketplace is concerned and our involvement in the various different forum that provide us with some opportunities for leverage of other programmes. Thank you Mr Speaker

SPEAKER I do take note of the time but I do have a short statement and with the leave of the House I would like to make that statement from the Chair  
Browns bill  
Thank you for the opportunity

SPEAKER Any further Statements of an official nature. No. We move on

#### **MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – No. 17**

Honourable Members, I have received the following Message from the Office of the Administrator and it is Message No 17 which reads that on the 24<sup>th</sup> June 2008, pursuant to section 21 of the Norfolk Island Act 1979, I declared my assent to the following laws passed by the Legislative Assembly, the Trees Amendment Act 2008 which is Act No. 10 of 2008, the Appropriation Act 2008-2009 which is Act No. 11 of 2008, and the Legal Professions (Amendment) Act 2008 which is Act No. 12 of 2008 and that message was dated the 24<sup>th</sup> June 2008 and signed by Owen Walsh, Acting Administrator

#### **MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – No. 18**

Honourable Members, I have received the following Message from the Office of the Administrator and it is Message No 18 which reads that on the 26<sup>th</sup> June 2008, pursuant to section 21 of the Norfolk Island Act 1979, I declared my assent to the following laws passed by the Legislative Assembly, the Fuel Levy (Amendment) Act 2008 which is Act No. 13 of 2008 and the Customs (Amendment) Act 2008 which is Act No. 14 of 2008 and that message was dated the 26<sup>th</sup> June 2008 and signed by Owen Walsh, Acting Administrator

#### **REPORT FROM STANDING COMMITTEES**

Are there any Reports from Standing Committees? No we move on

#### **NOTICES**

#### **TOURIST ACCOMMODATION ACT 1984 – TRANSFER OF TOURIST ACCOMMODATION UNITS**

MR GARDNER Thank you Mr Speaker, I move that for the purposes of section 15A of the Tourist Accommodation Act 1984 this House resolves that the registration of seven tourist accommodation units from the tourist accommodation house known as "Bligh Court Holiday Cottages" may be transferred from the place described in its current instrument of registration to portion 53e Queen Elizabeth Avenue, being the tourist accommodation house known as "Ocean Breeze Luxury Cottages", subject to compliance with the following conditions:

1. Application for approval of change of ownership of the tourist accommodation house must be made in accordance with all applicable statutory requirements after the executive member's approval of the transfer under section 15A(2) in accordance with this resolution.
2. The premises to which registration is transferred must —
  - a. comply with statutory requirements for the ownership and operation of tourist accommodation;
  - b. comply with statutory planning and building requirements relevant to tourist accommodation;
  - c. be constructed and maintained to a minimum 4 Star standard under applicable Norfolk Island tourist accommodation grading standards; and
  - d. any relevant planning approval must be obtained within 12 months of the transfer approval

Thank you Mr Speaker we've dealt with motions of this type over the last twelve months since we made changes to the Tourist Accommodation Act made last year. They've totalled either three or four previous applications. I don't have that detail in front of me but I think its about that number. These applications before us today and this debate, without pre emptying debate intentionally, the matters are similar insofar that so much of the debate will reflect on the second motion today but this is a continuation of the intent of the changes to legislation last year to look for a better utilisation of under utilised existing resource currently within the tourist accommodation industry in Norfolk Island and hopefully with that a gradual improvement by the compliance with the conditions that would attach to any approval of the resolution that is provided by this House for me to approve the transfer of the licences and the subsequent matters that need to be dealt with after that. This first one, Blight Court Holiday Cottages, is in Grassy Road. The applicants for transfer are the same as the owners of the property from where the licences are to be transferred and they are obviously looking at rationalising the properties, and the extent of the properties they have available to the tourist accommodation industry by closing down their tourist accommodation interest in grassy road and Bligh Court in particular and transferring them to the site on Queen Elizabeth Avenue known Ocean Breeze apartments. Clearly there are a number of supplementary issues that need to be dealt with following the approval of transfer and the purpose of todays discussion is purely on the matter of the licences from one property to another. We've had this debate before. Issues such as planning, such as the environment all the other ancillary facilities that are required to make these things operate are a debate that is had in other areas under different statutory requirements and I guess one could question why is it that we continually bring these to the House when all we are going to do is tick them off but what it does by being instilled in the legislation as it is a requirement to come to the Legislative Assembly is it does provide a forum to monitor developments within the industry itself and monitor how the industry is moving and evolving around the island and where emphasis might be placed as far as location is concerned. I see both these matters before us today as an improvement. As an opportunity in a very competitive market place for the applicants who are both well versed in the industry to make better use of the resources that are available to them and to maximise the effect of those resources in the marketplace. I don't intend to say too much more about it other than I commend the motion to the House and would be more than happy to discuss the issues surrounding this with members of the Legislative Assembly. We already have done that to some degree, we've talked about the philosophies and principles on previous occasions about why we are doing this. Again it provides an opportunity if there are concerns about the direction we are heading in, to voice those. We can deal with those in another forum and in another way through changes to legislation but the purpose of todays debate is to consider the transfer of these licences from Bligh Court Holiday Apartments to Ocean Breeze Luxury Cottages. Thank you

MR NOBBS

Mr Speaker Thank you. Just in brief because as Minister Gardner has pointed out we have covered this a number of times already, I think three times. There are the obvious planning constraints at the end of this approval process however, it's interesting to note that the introduction of change in legislation to enable this,



and through to this point, is that it has shown some utilisation and some benefit. I think it's one of the areas where particularly in Mr Gardner's area it enables some flexible thinking and some upgrading in accommodation facilities

MR SHERIDAN

Mr Speaker whilst I tend to agree with this process I have had a representation from a Member of the public with regard to a concern that they do have and the Minister might be able to shed some light on it, and their concern is the ability to transfer the unit without specifying the number of beds which the unit carries with it, and this is the main base of their concern. Like I say the number of units is subject to a quota but the guests that occupy that unit or the beds that fit into those units are not regulated well, they can be regulated, and this is what the request is, that the Minister when he considers these applications or these type of applications, that he turns his mind to the Tourist Accommodation Act section 8 where it states that for the purpose of subsection 8(2) the Legislative Assembly may by resolution fix the maximum number of guests who may be permitted to be accommodated in a particular tourist accommodation House. I presume that their concern is they don't want to see somebody transferring 7 units, say take this instance for example, to transfer 7 units to another property putting those units there but then say doubling the size. You'd hate to see a unit with 13 beds able to accommodate a rugby team or a netball team or something. May be able to create some cheap accommodation on the island but I don't really believe it's in the best industry of the tourist accommodation industry as a whole so I just urge the Minister to take those concerns on board and if it can be considered with his deliberations with the approval of these transfers and ongoing transfers its not just these ones in particular, it's just something to be taken on board as a whole. Thank you

MR GARDNER

Thank you Mr Speaker, yes let me respond to that. Those issues have been raised with me through both Members of the Planning Board and individual Members of the community with similar concerns. Obviously there is talk about it and probably more so talk about this and we're dealing with larger numbers now than we had dealt with in the three previous proposals that have come to the House. It is correct that under the current provisions a unit for example that has one bed in it can be transferred to another property and applied to for example a house, an exiting house, so it become a holiday cottage. Because of the way the formula works, it is based on floor area, as to the number of beds that are allowed, so in essence, in theory you can take a single unit licence that only has one bed in it at the moment, apply it to a House that ends up with seven beds. And that's fine but that one House, how often are you going to fill it with seven people. That's the next question. You may have a family of five. Great we provide tourist accommodation for a family of five because the current argument is that there's not enough of that type of tourist accommodation without splitting families up and putting them in two adjoining units or the like. Or you might find two couples that might want to share. Now that happens with some of our tourist accommodation Houses now that stand alone as single properties now where you get two couples that want to share, but gee if you were hanging your hat on making your money based on 15 or 18 beds you certainly are not going to get much business through the air. I think that's pretty much a no brainer unless you're into bringing in tour groups of football teams into the island and you have them stacked up one after the other but by the same token, it is possible where you have licenced units for transfer now that may have attached to them, four or five beds in that one unit, that somewhere like for example Ocean Breeze, who are limited by the size of the unit that they've got, certainly wouldn't be able to have four or five beds in what is proposed for their unit now, possibly two is the maximum. I can't say for certain based on the floor space, but it certainly they would be under the proposed configuration able to extend the number, they'd have to reduce the number and so it can work both ways. You referred to section 8 of the Tourist Accommodation Act 8(2) and in response to somebody earlier in the week, I had advised that, that particular section is what is better known as our quota provisions. It is separated into I think four sections, a, b, c and d. One deals with the total number of units licences in Norfolk Island. The total number of guests who are able to be accommodated in a tourist accommodation property, the total number of people who are able to be accommodated in total in Norfolk Island and there's one other, which

somebody might be able to remind me about. My memory is not quite that good, the maximum number of tourist accommodation units, anyway. I think I've covered them, but the issue is that those are what the Legislative Assembly may determine from time to time by resolution, and in effect that is the quota and the last time that, that was touched on was I think back in about 2001 or 2002 or thereabouts when we reimposed the quota on what was then termed the deregulated tourism industry. No longer was it just open slather within the confines obviously of the Norfolk Island Plan. We reimposed it, some people who were in the middle of processing applications were penalised because of that, and I think some ex gratia payments were made in regard to a couple of those, but basically the community said enough's enough, the Legislative Assembly of the time said right, we'll reimpose it. It was reimposed on the basis that the quota would apply to whichever section of the Act, the a, b, c or d, that set the total number of units in Norfolk Island. It did not have regard to the number of beds because it was argued that, that was dealt with by the formulas applying to the floor area of each unit that's in place, so it was just a flow on effect from establishing the number of licences rather than the number of beds in Norfolk Island. I think for information of Members and the listening public there's somewhere in the region of 592 or 594 licenced units of which 580 plus are currently operating and about 12 are in limbo, and what I mean by limbo, is they've been approved for construction and haven't been or have been approved and aren't yet operating and the number of beds that are registered for those 590 odd units are about 1550 or thereabouts. Now I'm not sure Mr Speaker whether and I don't think it's the case but I stand to be corrected, I'm not certain that the total number of beds that possibly could be within the industry are actually registered, and that's as I pointed out, the reasons that I touched on earlier. It's not necessarily in everybody's best interest to have four or five beds in an apartment that for 51 weeks of the year they only are ever let to one or two people and that certainly is an issue that presented itself pre GST when we still had the cold bed tax in place. There were a number, a significant number of properties that had requested because of the tax impost that existed at the time who deregistered a number of additional beds that they were entitled to within each of their tourist accommodation properties. Not as an avoidance measure but that they were legally entitled to do that to reduce their tax impost and they did that. When GST came into being, a lot of those properties and I can't say for certain whether all of those properties, actually then reapplied to have all of the beds that they were entitled to, re-registered. I don't think they all did. I know a lot of them did, but whether all of the properties on the island have actually registered the maximum number of beds which they are allowed, I doubt it but again I'm not absolutely certain about that but I would suspect that there are a lot that haven't. I know that's a long winded round about way of answering that query, but in regard to this specific property as I touched on earlier, and I can't give you the bed numbers or the registered beds that actually apply at Bligh Court as it stands today but my understanding is that as it transfers to Ocean Breeze Luxury Cottages, I doubt, I can't say with any certainty but I doubt that the number of beds that are impacted on by this proposed transfer would increase. Thank you

**MR MAGRI** Mr Speaker I'm going to be supporting this. I don't have any problem with the motion. It's not just for my benefit whether Mr Sheridan might be able to extend on the representation of the community in their request to limit the amount of beds per unit as to the reasons why they might seek that information. I'm just wondering whether they're seeking to for example, limit the amount of football teams that come to Norfolk Island or even limit the amount of people who come to Norfolk Island. Could you just provide a little more of the rationale behind why they feel it would be important for us to limit the number of people who would use the units

**MR SHERIDAN** Mr Speaker no, the email that I have doesn't specifically state any the definite reasons. It's just saying that they had some concern and the concern was the ability just to transfer a unit licence but there was no restriction on the amount of beds that was able to be put into that unit. I believe... They go on to say that they recognise that factors such as floor space might dictate the number of guest beds etc that can be accommodated, and so do other factors like water storage parking access etc but I think it was just a general concern that with more and more of these transfers taking

place that there wasn't this explosion of units as Minister Gardner said, you had the transfer of tourist accommodation houses and all of a sudden you had all of these larger units around the island but I think as Mr Gardner said the visitors will determine the size of the unit themselves and a unit with seven or eight beds in it will not be rented out as easily as a unit with three or four beds, so it was just general concern from a couple of people in the community and they just wanted that raised and it's just something for the Minister to take into consideration and it all comes down to the Planning Board too I suppose as it has to get past planning as well. I they want to increase the size of their unit they have to comply with certain conditions.

MR GARDNER Thank you Mr Speaker, I can probably pick up on the Minister for Commerce and Trade's query and maybe add some additional response to what Mr Sheridan is saying. I think initially the same query was raised with me and may have suggested backpackers tourist accommodation for example where you take a single unit licence and if we had switched on the back packers category that single unit licence could have turned itself into a dormitory style tourist accommodation for backpackers housing up to 30 people, and that's how backpackers operate. They would have a licence and then from that would flow how many beds you have. We don't have a backpackers category at the moment and I think in response to one of these queries, I asked was that what this particular person was looking for. Did they have an interest in wanting to develop that. It was a fairly loud and resounding no, was the response to that query but yes, in that context if probably may raise some areas of concern but for the reasons that I expressed earlier, I don't know whether that is an issue. That's one reason why we bring these things to the House, so that we can raise these things and have some discussion about them, we will monitor them and if it appears as though it is causing a problem, we are in the ideal position to be able to relate to that and so that would be my proposal in relation to that. I don't know whether it would cause a problem for example, with a homestay style tourist accommodation which is already provided for within the Act but again, hasn't been switched on. But it possibly may. I would need to probably do some more research into that to see whether for example I can turn my double garage into a dormitory for Homestay type tourist accommodation. Hypothetical of course. But those are the sorts of issues that those sorts of questions raise and they are very valid queries and I hope that I've been able to respond to them as best I can today but I think the short answer to some of those queries is that I don't see it as a problem but we have the mechanism by bringing these things to the House to monitor them and obviously if they do present themselves as a problem we are able to we adjust our thinking and obviously even our motions to reflect any of those concerns

MR B CHRISTIAN Thank you Mr Speaker just as a matter of clarification maybe to this issue raised by those persons, we've got the extract from the tourist accommodation Act that the Minister is referring to, and I believe in section 3 subsection b it states that the maximum number of guests who may be permitted to be accommodated in all of tourist accommodation Houses registered under this act, would that be limiting the amount of guests in any way or is it just a general indication

MR GARDNER Thank you Mr Speaker, I don't have that section before me but I think the lead in the words for that section I think the Legislative Assembly may consider such things dada dah dah dah. It doesn't mean that you have to consider all of them. And as I said with the reimposition of what I roughly referred to as the quota provisions back in about 2001-2002 a conscious decision was made to reimpose whichever section it is which says, it shall be determined by the maximum number of tourist accommodation units on the island so it didn't then say and in accord with that it shall be only these number of beds, as far as I understand it the limitation on the number of beds is purely the mathematical equation to do with floor space and I think Tim might have talked about some parking and water catchment and those sort of things and those are planing issues at the end of the day that will to determine those as to the number of beds you are able to accommodate within each of the units but for the purposes of that

section of the Act as I believe it, it is the number of units that in effect sets the quota. There are no other provisions within that section that are in-force

MR MAGRI Mr Speaker the only other thing that I mentioned to the Minister the other day is that given this is an amendment to the act and it's been in operation for about nine or ten months now, is that part d, of part 2 of the motion that we are approving today and as we approved before, there's some requirements there including that any relevant planning approval must be obtained within twelve months of the transfer approval and I wonder if at a subsequent meeting he might be able to provide some sort of response to this forum as to the success of the previous motions that we passed through the House

MR GARDNER Thank you Mr Speaker, certainly we'll continue to monitor the progress of the passage of each of these motions but I can advise that I am aware of the three properties to date that we've dealt with and their transfer to four properties of which two properties are the same but with different donors so to speak that the processes in relation to the motion we dealt with, with Riggers Retreat and that license that was transferred to Anson Bay Lodge as I understand it, is either through or going through the planning process? Has been finalised. That the Peace Cottage to Colonial which was our very first application, I have dealt with through the matters or the conditions attaching to that transfer, those statutory things that I'm required to address which is the ownership and operation matters and approvals for those. I am not aware that, that has been subject to planning applications or approvals at this time but clearly we have the 12 months trigger that needs to be considered by the applicants in that process and I am aware of the transfers which effectively closed Aunt Em's as a guest house. The transfers of those licences to Colonial as I understand it have not yet been actioned. That's the most recent one that we dealt with in this house about three months or so ago, maybe a bit longer but the transfer of the licences from Aunt Em's to Endeavour Lodge are currently within the planning process now so that's an update on where those things are going off the top of my head. I hope that assists but obviously as I said the purposes of this is to monitor the progress, the purpose of having conditions attached to them is to give people the opportunity to be able to engage properly in this process. If those conditions aren't applied with then the transfer is negated. I'm sorry. I just clarify that. Negated might be the wrong word the transfer then needs to be reconsidered. We have approved the transfer to a property. The options present themselves to the applicants in this process. If its unlikely that something is going to occur in accord with those, as I said right at the outset, way back when we dealt with the first one which was the transfer from Peace Cottage to the Colonial, we aren't here to hit people over the head with a big stick. We are here to work with them, if they encounter difficulties, to ensure that there's some flexibility, but it does provide an opportunity, if it can't be utilised in one form, a further application to be made for a transfer to somebody that could use them

MR MAGRI Mr Speaker one of the reasons I brought that up was initially when we suggested the wording for these motions, that I had some reservations as to whether 12 months to achieve the planning approval was too restrictive so I think probably in the next month or so I'll have a chat with the Minister and maybe subsequent motions for transfer I might seek and extension of that twelve month period if there's extenuating circumstances as to why people couldn't achieve approval in that period

MR GARDNER Thank you Mr Speaker, I certainly have no issue with all of that but I must commend two of the three properties for being very pro active in this process and they've actually got on with the business of doing what they are required to do. Certainly if there are strong arguments for extensions we would give consideration to that. It's simply a matter of bringing things back to the House for further consideration

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

QUESTION PUT  
AGREED

Thank you. That motion is agreed to

**TOURIST ACCOMMODATION ACT 1984 – TRANSFER OF TOURIST ACCOMMODATION UNIT**

MR GARDNER Thank you Mr Speaker, rather than repeating all the words and inserting the words Dolphin Inn, I move the motion as it appears in my name on the Notice Paper is probably the easiest way to deal with it. Thank you Mr Speaker again without going into immense detail about this, I think we have discussed many of the issues and concerns that have arisen in the community in relation to these and previous applications for transfer. I would just like to add that both of these motions today deal with very long established operators within the tourism industry that have shown their capacity to provide an excellent product and certainly in relation to this one the transfer for Dolphin Inn to Ponderosa I think as we all know, Gordi Hancherow deserves complimenting on her ability to build from scratch, a pretty impressive and certainly top rate operation in Norfolk Island and I commend this motion to the House

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

QUESTION PUT  
AGREED

Thank you. That motion is agreed to

**PLANNING ACT 2002 - VARIATION TO THE NORFOLK ISLAND PLAN**

MRS JACK Thank you Mr Speaker. I must notify the House that when I move the motion I'll be just doing a technical amendment to the last part of it which says the approved plan be the 17<sup>th</sup> July, it will be to the 25<sup>th</sup> July. Mr Speaker this is brought about because it is subject to the commencement under the next gazettal notice and the next gazettal notice wouldn't be able to in tomorrow's gazette it would have to be the following, so that would be the 25<sup>th</sup>. So I move that in accordance with subsection 12(4) of the Planning Act 2002, this House resolves that the draft plan laid before this House, being a proposed variation to the Norfolk Island Plan of 25 February 2004 as amended [on 9 February 2005](#), and deemed to be the Plan under section 8 of the Planning Act 2002, be approved; and that for the purposes of subsection 13(1) of the Planning Act 2002 that the date of commencement of the approved plan be 17 July 2008. Mr Speaker this motion before the House is purely about the rezoning aspect that is required for the development application that is involved with the RESA work proposed to be carried out at the airport and in talking to this motion I intend to give some history and some background to it and there will be at times some referral to the actual Development Application although this motion is purely about the approval or not of the rezoning matter that relates to the Development Application. Mr Speaker On 23<sup>rd</sup> January 2006, the Administration of Norfolk Island (the Administration) received a development application from Mr Andre Nobbs, Chief Minister of Norfolk Island, on behalf of the Administration of Norfolk Island in this case, the Applicant, for earthworks to create Runway End Safety Areas or RESA's on existing portions 183 Norfolk Island Airport and 176a1 Ferny Lane, Norfolk Island (attached and tagged "A"). This development would require that land on which Ferny Lane is currently located be absorbed into the airport and the road realigned to enable this. This would require that part of existing portion 176a1 currently unleased but occupied Crown land be acquired for road purposes. This would require an adjustment of boundaries between existing portions 183 and 176a1 and rezoning of the subject land. Pursuant to clause 94 of the Norfolk Island Plan 2002 rezoning of land is a variation to the Plan and therefore the application for development approval was accompanied by an application to

vary the Plan to rezone the subject land as required. Clause 96 of the Plan requires that any application to vary the Plan or rezone land to accommodate a proposed use or development must be accompanied by the details that would normally accompany a development application, and that the application to vary the Plan should be assessed as if it were a development application. The application to vary the Plan must be considered by the House and subject to approval by the Legislative Assembly the Development Application may be determined by me as Executive Member. The application to vary the Norfolk Island Plan is contained in this report that I now lay before the Legislative Assembly for consideration under section 94 of the Plan. If the Legislative Assembly determines to approve the Plan then I, as Minister, will further consider the Development Application. Mr Speaker the Project Need. In May 2003 the Civil Aviation Safety Authority or CASA advised all Australian airport operators of a requirement for runways used by air transport jet aircraft conducting international operations to comply with the International Civil Aviation Authority ICAO standard for RESAs by 3 May 2008. The airport has two paved runways, 04/22 which runs SW-NE, and 11/29 which runs SE-NW. The RESA requirement applies to runway 11/29. To retain the current runway classification and hence the operational capacity of the existing runway, the Administration proposes to provide RESAs at each end of the main SE/NW runway 11/29 as required by the Civil Aviation Safety Regulations Part 139 Manual of Standards effective May 2008. Each RESA would consist of an area 90m long and twice the runway width that's 2 x 45 m, designed to reduce the hazard to aircraft overrunning on takeoff, reduce the damage if an aircraft touches down before the threshold, and to provide an area capable of supporting emergency service vehicles if required. In the description of the proposal would involve the following: Cut of grassed areas adjacent to the runway to provide fill material for RESA construction and road batters; realignment of the affected portion of Ferny Lane in the vicinity of the proposed south-east RESA; construction of RESAs, road, and road batters; and boundary adjustment between existing portions 183 and 176a1 to ensure all road and airport related infrastructure is located within airport boundaries. The Proposed Works. The RESAs would be constructed in accordance with the requirements set out in the CASA Manual of Standards for Aerodromes Part 139. The construction of each RESA would involve the clearance of the grassed topsoil and the placement of clean earth fill to the design level of each RESA. This fill would be compacted to create a RESA of 90m x 90m measured from the end of the runway strip at each end of runway 11/29. The RESAs would be designed to support loads from emergency service vehicles including fire fighting and rescue vehicles. Fill would be placed to form new batter slopes and both the RESAs and the batters would be revegetated with kikuyu grass immediately after construction. The north-west RESA of 1.3 ha and batter would be constructed entirely within the existing airport boundary and fence line. The corners of the south-east RESA of 1ha would extend to within 1.5 m of Ferny Lane resulting in a relative distance of 4.5 – 6m between the RESA and the existing road surface. Batters are proposed to support the RESA and would require the relocation of a section of the 6m wide road by approximately 10m to the south-east. The road would be positioned at a level approximately 2 m higher than the existing road. New road batters to the east of Ferny Lane would extend into existing portion 176a1. A significant volume of fill material would be required for the construction of the RESAs and road batters. Approximately 60,000 m<sup>3</sup> of clean fill would be excavated from a grassed embankment approximately 2.5 ha in size. The embankment is located within the airport boundary to the east of the intersection of the runways, between the DCA circle and the main runway. Additional fill material would be sourced from land on which the new fire station is to be built and that fire station is not the subject of this development application, near Ferny Lane, to the east of the runway intersection. This land is also located within the airport boundary. Regarding the proposed Boundary Adjustment it is proposed to adjust the common boundary between existing portions 176a1 of crown lease and 183 the airport. Existing portion 176a1 would be reduced in size by 936m<sup>2</sup>, and would be renamed portion 176a2. Existing portion 183 would be increased by 936m<sup>2</sup> and would be renamed portion 176 airport. A portion of Ferny Lane traverses existing portion 183 and is known as RD79b on the Official Survey of Norfolk Island. No easements exist over this land dedicated for the purposes of a road and it is part of existing portion 183. Following the proposed boundary adjustment the location of RD79b would be realigned but would

remain wholly within, and part of proposed portion 176. The land tenure Mr Speaker Existing portion 183 is freehold land and is owned by the Administration of Norfolk Island. Existing portion 176a1 is currently unleased Crown Land following expiration in 2006 of the Crown lease issued in relation to that land. I would like to note that both the Chief Minister on behalf of the Norfolk Island Administration and the Acting Administrator on behalf of the Crown have provided written consent as landowners for the lodgement of this development application as well as the variations to the Norfolk Island Plan. In relation to the Legislative context that affects this application, both applications, under the Planning Act there's been a Development Application lodgement and in accordance with the provisions of the Norfolk Island Planning Act 2002 a development application was lodged with the Administration and formally accepted on 22<sup>nd</sup> February 2008. Public Notification has also occurred and in accordance with sections 11 and 43 of the Act respectively, the application to vary the Plan and the development application and accompanying EIS, that's the Environmental Impact Study, were gazetted on 8<sup>th</sup> February 2008 and publicly exhibited for 28 days. The Gazettal notice provided details of the draft Plan, development proposal, exhibition locations and dates, information on how interested parties could make a submission and a statement that any decision made in relation to the subject development application is a reviewable decision. Exhibition took place between Friday 8<sup>th</sup> February 2008 and Friday 7<sup>th</sup> March 2008 at the Planning Office, Administration of Norfolk Island, Kingston. In accordance with section 42 of the Act, notices containing similar information to the gazette notice were displayed on the proposed development site, one at the proposed site for the north-west RESA and one at the proposed site for the south-east RESA. Planning Office contact details were also provided on this notice to enable further information to be easily obtained. It is the responsibility of the Applicant to ensure this notice remains in position until the development application is determined. I would just like to state that the Legislative Assembly's Role pursuant to section 12 of the Planning Act 2002 is that the Legislative Assembly is the approval authority for the application to vary the Plan by rezoning. Development approval may not be granted by the executive member until such time that the Legislative Assembly has approved the application to vary the Plan to accommodate the proposed development. My role is in pursuance to section 44(6) of the Act, the executive member, in this case being the Minister for the Environment, Education and Social Welfare, is the approval authority for the development application. Development Approval may only be granted subject to the Approval of the draft plan by the Legislative Assembly, so really that also answers the question that came to me without notice this morning by Mr Sheridan when he was asking just where RESA is at in the planning stages, and I think it's been made very clear by what I've just said. Other approvals required come under the Subdivision Act 2002 and that Act applies to the proposed development. The requirements of the Act for subdivision or boundary adjustment development applications have been met as the development application was accompanied by a preliminary plan of the proposed subdivision prepared by a surveyor authorised under the Surveys Act 1937 and by written consent to the subdivision boundary adjustment by each person with an interest in the land. Considerations have also to be made under the Land Titles Act 1996 and the Building Act 2002. There is also the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and under the EPBC Act a person must not take an action that is likely to have a significant impact on a matter of National Environmental Significance unless they have an approval from the relevant Commonwealth Minister. The matters of National Environmental Significance relevant to Norfolk Island are: Listed threatened and migratory species; The Commonwealth marine area which includes all waters surrounding Norfolk Island; and National heritage. Approval is also required for any action on Commonwealth land that is likely to have a significant impact on the environment, or, if taken outside Commonwealth land, that is likely to have a significant impact on the environment of Commonwealth land. Mr Speaker on the 27<sup>th</sup> May 2008 after making a EPBC referral, a decision was taken and it was determined that this action is not a controlled action which means that they have no concerns with the action continuing. The Administration received the fifth requirement refers to consideration of issues raised by the public and in reference to the two matters, that is re-zoning and the other of the actual development application for RESA four submissions came to the Planning Officer. They included a wide range of issues being

raised and all were considered during the assessment of this proposal. Mr Speaker I'll open it up now for other Members who may wish to give some, no doubt extra debate to this matter. Thank you

MR B CHRISTIAN Thank you Mr Speaker due to this motion varying the Norfolk Island Plan being connected to proposed RESA work I declare a conflict of interest due to my private business interests and I intend to abstain from debate and the vote

MR GARDNER Thank you Mr Speaker, I move that the Planning Report that has been referred to by the Minister be tabled

MR NOBBS Mr Speaker the amendment that is on the table before us today is quite comprehensive. It covers a lot of the ground and the Minister for the Environment has already pointed that out. The key issue in this is to provide the correct zoning positioning for the road and the airport and surrounding areas so it is obviously significant to the moving forward on the RESA project but regardless to that there needs to be an alignment to ensure the road zone is registered as a road zone in this case

MR SHERIDAN Mr Speaker I just have one query of the Minister. I may have missed it in her detailed opening speech but with these four letters from resident of Norfolk Island were there any concerns with regard to what we are considering today and that's the rezoning of this land at the end of the runway and the road. Were there any concerns from those four submissions?

MRS JACK Thank you Mr Speaker if you refer to page 13 of the report and the list of dot points purely on that page I can't see any complaints and I wasn't made aware of anyone with concerns to that. The concerns were about environment aspects, Noise, dust, water run off, noise during construction, dust during construction, people were saying do we need the RESA, there was...You can read them, they're very brief there Mr Sheridan, but I can't see any of them that refer to concerns over this rezoning matter

MR GARDNER Thank you Mr Speaker, I just looked at the last dot point on page 13, it was suggesting some discussion or details of compensation for acquired land to be clarified. Under this proposal was any of the rezoning touching on any other land ownership arrangements. To what does dot point refer

MRS JACK Thank you Mr Speaker can I? There had been discussions I suppose, options being put forward at a certain stage that weren't carried through and one was compensation but what we are doing now it's sort of a land swap where as I mentioned before, the 936 sq metres of land which is coming out of one portion that is crown land, the adjacent block is Administration owned land and so 936 metres of that land is going there so there's been like a land swap and there's no compensation at all involved. No monetary compensation

MR GARDNER Thank you Mr Speaker, just again Mr Speaker the matter before us today as I understand it is purely to deal with the rezoning issue, and it is not approval or otherwise of the Development Application process but as far as the rezoning is concerned, as I see it set out on the strategic plan map within the Planning Report the rezoning is actually for two zones. Is that correct. It's to change from a road to an activity node preferred dominant land use and to an area to change from high rural conservation value to preferred dominant land use to road

MRS JACK Thank you Mr Speaker can I just also, and I thank Mr Sheridan, this is an extremely thick report and broken up into many sub reports, but one of them has been signed off by the Assisting Planning Officer, Miriam Strelens and the permanent Planning Officer Mr Alan McNeil, and it states that no changes have been made to the draft plan since it was made available for public inspection. This is because the



concerns raised in the public submissions do not relate to the proposed rezoning as such, but rather to the potential environment, social and economic impacts of the proposal as a whole, so just to answer Mr Sheridan, no there were no concerns about the rezoning matter at all it was purely the land going from the high conservation to the road and from the road to the airport

SPEAKER Thank you Mrs Jack. Any further debate? There being no further debate.. Before we move on. Is it the wish of the House that the document being quoted from by Mrs Jack be tabled. This has to be approved by the House

MRS JACK Thank you Mr Speaker I thought it was

SPEAKER Thank you it's been approved by the House. Now the motion before us is a variation to the Norfolk Island Plan as laid out by Mrs Jack

MRS JACK With the amendment Mr Speaker

SPEAKER With the amendment of the 25<sup>th</sup> July and the question is that the motion be agreed to Honourable Members and I put that question

QUESTION PUT  
AGREED

MR BRENDON CHRISTIAN ABSTAINED

Thank you. That motion is agreed to

### **BUSINESS TRANSACTIONS (ADMINISTRATION)(AMENDMENT) BILL 2008**

MR CHRISTIAN Thank you Mr Speaker, I present the Business Transactions (Administration) (Amendment) Bill 2008 and move that the Bill be agreed to in principle. Mr Speaker this bill seeks to amend the principle Act by correcting a mis-stated cross reference and it's intended to be effective from the commencement of the principle Act. Mr Speaker its purely a housekeeping matter and the correction which appears in part 4 of the Bill reads like this, the definition leviabale property in subsection 14(5) of the principle act is amended by substituting section 4(1) and subsection 3(1) so it's just a bit of housekeeping Mr Speaker and I don't have anything more to say on the matter

MR GARDNER Thank you Mr Speaker, just a question in relation to that to the Minister, is it his intention to deal with this bill to finality today. The reason I raise that is I see no issue with it. It is something that is clearly a very simple housekeeping matter and if the Minister is of a mind I certainly wouldn't be adverse to his moving the appropriate motions to suspend those part of Standing Orders that allow it to be dealt with to finality today but I await the advise of the Minister

MR CHRISTIAN Thank you Mr Speaker, I have no difficulty with it being adjourned and that was the course of action I had planned but I equally have no difficulty with dealing with it to finality today

MRS JACK Thank you Mr Speaker I move that we deal with it to finality today

SPEAKER Therefore Honourable Members the motion that is before you that debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting is now removed and that the Bill as recommended by the Minister be agreed to in principle and I so put that question

QUESTION PUT  
AGREED

The Bill is agreed to in principle. Is it the wish of the House to dispense with the detail stage. Good. Mr Christian I seek a final motion

MR CHRISTIAN

Mr Speaker, I move a final motion that the Bill be agreed

SPEAKER

The question is that the Bill be agreed to

QUESTION PUT  
AGREED

The Ayes have it. The Bill is agreed to Honourable Members

We move to Orders of the Day Honourable Members

**EMPLOYMENT REGULATIONS 1991**

SPEAKER

Honourable Members we resume debate on the question that the Bill be agreed to in principle and Mr Sheridan has foreshadowed his intention to move an amendment to this motion and I look to him now to do so

MR SHERIDAN

Thank you Mr Speaker. Mr Speaker I move that \$12.00 be deleted in the motion and that \$10.70 be substituted. Mr Speaker I hear a few stomachs grumbling around here so I won't talk on it too long. I would like to say a few words on this motion. It's been sitting around for some months now, but I believe I stated all my concerns with regards to this minimum wage being too low at the tabling of this motion some months ago. During this period I've only received two representations in regard to this motion, one against and one for a further rise to the \$12.00. 50/50. The representation against was by the Chamber of Commerce as a whole and as you would expect of course, the Chamber represents business owners and the minimum wage addresses employees and the Chamber is of the belief that to raise that amount would place pressure on all of the private sector employers and that employees who are already paid above the minimum wage would appeal for pay rises in line with the amount of the raise of the minimum wage of some 40%. Now remember I'm talking about the \$12 at this point in time. Mr Speaker I don't believe that just because the minimum wage is increased that all employees will be seeking a pay rise. If employees were not happy with what they are receiving now then they would already be seeking this to be addressed by the employers. The Chamber also believes that the Norfolk Island RPI is out of kilter with the movements that are reflected in the Australian and New Zealand arena. Of course the Norfolk Island RPI is greater than the Australian or New Zealand one, mainly because we live on an island which has very high freight charges, very high electricity charges, high fuel prices, high fuel costs etc and our isolation forces RPI to be higher at each quarter. The Chamber also argues that if the minimum wage was to be increased and they do acknowledge that it should be, then it should be in line with the Australian CPI as it is the major source of our tourists. Mr Speaker I don't know what tourists have to do with an increase to our minimum wage unless they plan to visit and work to pay for their holiday. The Chamber supported an increase to \$10 per hour, and they believe that this reflects the CPI movement in Australia over the last four years, of some 17.6%. If the Chamber were doing their homework correctly, then they would know that the CPI movement in Australia since October 04 til March 08 which is the period that we are talking about, was only some 11% which would have increase the Norfolk Island minimum wage only to \$9.47. This is ridiculous and the employees who work around the minimum wage deserve a greater increase. The other representation I received was from the Norfolk Island branch of the labour party who agreed that the minimum wage had not been adjusted for some

time and that an adjustment was absolutely necessary and that they had no problem with the increase being up to \$12.00 per hour. As you would be aware the minimum wage in Australia has just been increased once again. This time to \$14.31 per hour from the 1<sup>st</sup> October. Even if this was adjusted for some taxation reasons, it would still be around the \$11.50 mark equivalent to Norfolk Island. Again some people argue that we shouldn't relate things on Norfolk Island to Australia but it's certainly easier to relate to Australia for comparisons because this is where we do most of our trading from and also when our own community of Norfolk Island discuss the cost of living on Norfolk Island it always gets around to, "well it costs this and it costs that in Australia" or overseas, and in New Zealand. This is one of the main reasons why my argument has been based around the Australian CPI and the Norfolk Island RPI. If the minimum wage was expanded out to October this year, utilizing the Norfolk Island RPI and using the averages for the July quarter and the October one, then the hourly rate would be around \$10.67 an hour. With this in mind and the knowledge that I do not have the full support of this House for the raise to \$12 per hour, as is indicated on the programme I intend to amend, or I have amended the motion to read that the minimum wage be \$10.70. I believe that this is only fair because as we all know, the price of goods in Norfolk Island have increased greatly over the past few years and if this rise helps a few at the lower end of the pay scale to pay their bills, feed their families, then Mr Speaker I'll be able to sleep better at night. Mr Speaker I would also ask the Minister responsible that the minimum wage be adjusted more routinely than it has been in the past and I might suggest something like each six months, but no later than yearly. In closing I would urge my colleagues to support this motion. Thank you

MR CHRISTIAN Thank you Mr Speaker, yes I intend to support Mr Sheridan's motion. He's put a heckova lot of work into this over the past few weeks, and the amended number that he has come forward with, \$10.70 is pretty consistent with what the Chief Minister has been working towards with his changes to the employment legislation so I'm quite happy to support Mr Sheridan

MR NOBBS Mr Speaker Thank you again Mr Sheridan for bringing this to the table. It is in line with us addressing cost of living issues on Norfolk Island and is also in line with us bringing up to date certain areas perhaps that have pushed to the background when other priorities came forward over the last few years, hence the reason in some cases for quite a range of change in terms of the dollar value. Mr Sheridan and I have had numerous discussions on the figures and different ratios that has been used to assess what should or should not be the minimum wage and I tend to support his motion here for the new figure of \$10.70. The fact that it is set at \$8.50 for this period of time I think it is well overdue for this kind of review through a calculated means that enable us to be certain that we are moving inline not only with CPI but also with the expectation as Mr Sheridan pointed out, the minimum wage movements in Australia or anywhere for that matter, we have to ensure that we are moving in a way that fairly represents the workers and the employers. Just as a small bit of background I would also like to indicate that the Employment liaison officer did some research for me some time ago, just to see whether anyone on Norfolk Island was being paid at the minimum rate of \$8.50 per hour and I'm quite happy to report that that is not the case anywhere and that overall we found only one employer, and that was prior to their management practices changing slightly in the last few months, there was only one who would really be affected I suppose, in this transition to \$10.70 for the minimum wage. So I have no difficulty in supporting it, as regard to routine adjustment I would like to see that in upcoming amendments that the Working group that have been working with me on regard to employment that we perhaps we remove the minimum wage figure from the Act, place it in regulations and have it reviewed as Mr Sheridan's has pointed out, either on a six or twelfth monthly basis so that the scale of change isn't so great in the future and it is monitored and moved in line with cost of living influences and things like that. Thank you

MR MAGRI Mr Speaker just I've taken a bit of time to prepare a bit of submission here but Mr Sheridan's opening statement sort of blew that out of the water,

because he mentioned the two representation we've had, one from the Chamber of Commerce and one from the labour party. But I don't quite agree with his position where this is a situation of employers against employees. I think it's proven in this debate to listen to what the Chamber of Commerce is saying and where they do agree for the benefit of the employees that a raise in the minimum wage is appropriate. It's the level of the original motion to \$12.00 per hour, that they had some concern with. I probably now not deliberately disagree with the Labour Party's motion where they agree with it, without justifying the reasons why. And that's because it's not necessarily about the employer protecting the employer, because if you don't protect the employer, the very employees you're trying to protect may not have a job, so since agreement by yourself to reduce the raise to \$10.70 per hour, I've only had an opportunity to talk with the president of the Chamber of Commerce and they see absolutely no difficulty with that at all, so I definitely support the raise to \$10.70. The only other thing that I do disagree with in the Chamber of Commerce representation was where they say that they feel the Australian CPI should be the measure for these increases and I disagree. I think that the minimum wage is designed for people to live on Norfolk Island, to live and afford to live on Norfolk Island and with the rising cost of fuel and electricity and those sort of things, we need to adjust our wages in line with the cost of living here on Norfolk Island so I support the motion in its entirety and I thank my friend Mr Sheridan for bringing that forward

MR ANDERSON Mr Speaker the Chamber of Commerce's position was a fee of \$10 an hour which I supported. Very few people are paid anywhere around that. They are being paid well above that, so it's really not a mute point whether it's \$10 or \$10.70. \$12 is definitely too high. I just want to agree with Mr Magri on a couple of points there. I don't know that it was the Chamber of Commerce idea, that it should be adjusted with the Australian CPI because I think there was quite some dissension in the Chamber in that, but it is apparent as has been said by other speakers, that we have to adjust this regularly and I agree with Mr Magri that it needs to be adjusted to Norfolk's standards, not overseas standards

MRS JACK Thank you Mr Speaker just something very short. Mr Anderson's just said that these needs to be adjusted regularly, the Chief Minister said routine adjustments and Mr Sheridan mentioned a routine review and I certainly have a problem with routine adjustments and adjustment regularly. I have no problem with moving forward on routine reviews but to put something in regulations which can be done outside this House then I certainly don't want just routine adjustments coming along. I couldn't support the routine reviews, without the reasons why behind it, fully accountable and fully explaining to both employers and employees the need for any change. I have no problem in supporting Mr Sheridan but it's just that slight difference between routine adjustment, adjustment regularly and the routine reviews that I wanted to highlight. There is a substantial difference

MR GARDNER Thank you Mr Speaker, a bit of bran in the diet ensures regularity. If I could just deal with a couple of issues. I join with Neville in applauding Mr Sheridan for his efforts in this matter. He's attempted to do this in conjunction with the initiatives of the Chief Minister and it's good to see that we can have these debates but the discussion that we have had, certainly in House are a little disappointing that it hasn't been more in the public arena around this table. It has highlighted some irregularities within the act which have been addressed in the Chief Minister's review. And some really interesting ones that affect some of the people around the table which were given as examples of how the system works at the moment, albeit not necessarily in accord with the legislation as it exists and I think a desire by the Legislative Assembly to look at more flexible means of operation both from an employer's perspective and an employees perspective and some have suggested that maybe those are something akin to a workplace agreement. It may well be, and we've been warned away from those things, to say Gee, when the Federal Government adopted workplace agreements, look what happened to it, but I think what it has highlighted is a need to modernise how we do stuff. And that's to be applauded. The issue of where do you propose the magic number, what is it and the

science behind it, has never been simple and certainly I don't claim to be anywhere near and expert in this field but you've got to look at when considering where you set the benchmark, what are the likely implications of it. Mr Anderson quite rightly said that there wouldn't be too many people around the place, I think this is what he said, around the place that were being paid the minimum now of \$8.50 or are likely to be paid the minimum as it would exist at \$10.70 but that's the start of the equation, because the reference I made earlier to legislation then becomes a relevant issue when you talk about overtime provisions and the like because under existing provisions, the minimum legislated overtime payment that could be made to an employee as it stands today is \$12.75 per hour. With this adjustment the minimum legislated overtime amount that could be paid to an employee goes to \$16.05 per hour and that is something that the employee and the employer has to give consideration to. Just to what effect that, that has. So in saying that we are moving it, and I probably need to say right now, I fully support Tim's initiative, I've got no issue with that, but it is a consideration that employee/employers will have in considering well gee, I might not be able to get that extra work with my employer now because at the moment I'm getting say \$14 per hour and my employer might not be in a position to offer \$16 per hour for overtime work. Small things, small numbers to some, but very important aspects in your whole business plan and within the workplace. But the point I'm trying to make is that it has exposed some of the irregularities that we have in the current and the sooner that we can really address those with changes to our current environment to provide the flexibility that doesn't take away or detract from the rights of the employee nor the employer and a flexible close working relationship between the employer and employee then I'll applaud that and embrace it when the time comes but I certainly do intend to support the motion thank you

MR ANDERSON Mr Speaker I would just like to pick up the point that Mrs Jack made before. I don't agree with automatic increases. I seek regular increases. I think they have to come through the House. I think we're making a big mistake if we alter that because too many factors come into this situation and just whilst we're on that, to Mr Gardner there, I think it's important that we continue to look at what is really realistic in the workplace in the balance between employers and employees and there definitely needs to be some change to the systems and that is just following on from the Chief Minister's broadcast, just working from there because we can definitely have improvements which is going to be for the benefit of all parties and that's what is important

MR NOBBS Mr Speaker I would just like to quickly respond in terms of what Mrs Jack was saying in terms of the routine adjustment. That wasn't the proposal put forward by myself and the Working group. What we have proposed is that the Minister with responsibility for employment bring a report to the House to discuss the situation in terms of CPI, minimum wage and things like that so that it actually gets an annual at least, airing for discussion, rather than an automatic change to the system

MR MAGRI Mr Speaker yes I'll also respond to what Mrs Jack said. I thought the Chamber of Commerce in their submission did a reasonable job there, they said, and I quote "as employers we are in favour of seeing employees fairly remunerated and find it easier to handle small regular increases in wages rather than abrupt adjustments. So I think that's their point

SPEAKER Thank you Mr Magri. Any further debate. No. I put the question that the amendment be agreed to

QUESTION PUT  
AGREED

The ayes have it. The amendment is so agreed. I now put the question that the motion as amendment is agreed to

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

QUESTION PUT  
AGREED

Thank you. The motion as amended is agreed to

#### **FIXING OF THE NEXT SITTING DATE**

Thank you Honourable Members we move to the fixing of our next sitting day

MR MAGRI Mr Speaker I move that the House at its rising adjourn until Wednesday 27<sup>th</sup> August 2008, at 10.00 am.

SPEAKER Thank you Mr Magri. Is there any debate Honourable Members. The question is that the motion be agreed to.

QUESTION PUT  
AGREED

The motion is agreed to

#### **ADJOURNMENT**

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

SPEAKER Thank you Mr Anderson. Is there any further participation in adjournment debate Honourable Members.

MR GARDNER Thank you Mr Speaker, just a couple of matters. One is to do with the departure of Dr Gary Mitchell who is leaving the Norfolk Island community I think on this weekend after the best part of five years of service to the Norfolk Island community. Mr Speaker Dr Mitchell was recruited as a GP Surgeon obstetrician from Nuie where he'd been working as a Medical Officer for several years. He commenced at the Norfolk Island hospital on the 1<sup>st</sup> December 2003 and complimented then the services of Dr Fletcher and Dr McNamara. In mid 2004 Dr Mitchell was appointed as the Medical Superintendent. He did his medical training in New Zealand and has interests in several different areas of medicine including public health in which he has a master's degree, nutritional medicine, clinical hypnosis and some alternative therapies. These additional interests provided the community, this Norfolk Island additional treatment modalities. Dr Mitchell is leaving us, as I said, on Sunday to take up an appointment in Christmas Island and will be greatly missed. Mr Speaker I take this opportunity to thank him on behalf of the Government and the Legislative Assembly for his very valued service to Norfolk Island, his support for our health programmes through the Norfolk Island Hospital Enterprise and for his ready ability to want to portray opportunities for people to improve the status of their health in Norfolk Island and also for his support and consultation on a range of community health issues over those years and I certainly have valued his input and I'm sure Members of the community have likewise

MEMBERS Hear, Hear

MR GARDNER Thank you Mr Speaker, just in recognition of service to the community we don't often, and that's fortunate, have an opportunity to say goodbye to long serving Members of the Public Service in Norfolk Island. We certainly value their input and from time to time we do have employees who have provided extended service of particular note to the community. In this regard Mr Speaker I would like to pay particular

attention to the services of Duncan Edward who has recently left the employ of the Public Service of Norfolk Island after I think by my calculations must be approaching 27 or 28 years service which included service in the late 1970's in the area known as KAVHA, a stint at the Works Depot for some time and then re-engagement with KAVHA from about 1985 onwards in a continuous role as a qualified tradesman with the KAVHA team. I say and exceptional contribution because I think more often than not we don't pay the necessary regard to people who are responsible for maintaining this area which is an absolutely magnificent site and has been lauded as such not just within the immediate region but I think globally and the recognition of that will be in time descending on the place in the form of serial listing for convict sites in Australia. He has been part of that team for many many years, certainly since KAVHA as we know it came into being. He's certainly been one of the senior Members of the crew for some time and they have provided with his input certainly, but with the input of the whole team, a magnificent service to the community and to the furtherance of heritage preservation within Norfolk Island for a lot of years. I would like to take this opportunity to thank Duncan for that service, and also interestingly enough for his service, it might sound a bit odd coming from Government but for his service as a Member of the Public Service Association in Norfolk Island. In various roles in that organisation over many years, as a worthy adversary, not only to myself but to many other Members of Government and Administration over many years, trying to uphold the rights of employees within the Public Service. I know we have butted heads from time to time. He's probably said things about me that I hope one day he might want to withdraw and I've often thought about things that I would like to say about him but at the end of the day we've still be able to talk and have a chuckle about life in general and that's what it's all about. He's done a great job in both roles and I wish him all the best in his future activities in Norfolk Island and wherever he may choose to roam. Thank you

MR NOBBS Mr Speaker I would really like to make mention of David Dids Evans who's been invited to the 9<sup>th</sup> Sculpture Symposium in China where he is to create an artwork that will be displayed in a 92 acre park area housing sculptures from over 350 countries and this is a significant recognition of a Norfolk Island artist and I congratulate him on that and I wish him well on the trip there

Just briefly as per the schedule there'll be a radio forum tomorrow morning and anyone is welcome to send questions in or telephone into tomorrow on VL2N. It commences from about 9am

SPEAKER Thank you Chief Minister. Is there any further participation in adjournment debate Honourable Members There being no debate I put the question that the House do now adjourn

QUESTION PUT  
AGREED

Therefore Honourable Members this House stands adjourned until Wednesday 27<sup>th</sup> August 2008, at 10.00 am

