



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
12TH NILA HANSARD – 21 OCTOBER 2009**

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

WELCOME TO PUBLIC GALLERY

SPEAKER Honourable Members on behalf of my Legislative Assembly colleagues we welcome to the public gallery this morning Joan Kirner, former premier of Victoria and Cheryl Davenport, former West Australian parliamentarian and their friend Patricia Tassell. It is a pleasure to have you on our beautiful island and we trust your stay with us is a memorable one

CONDOLENCES

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

MR SHERIDAN Mr Speaker It is with regret that this House records the passing of Valden Joseph Adams on Monday, the 21 September 2009 in Sydney. Valden Joseph Adams was born on Norfolk Island on 19th February, 1929, the eldest child to George and Nella Adams and the first grandchild, born on Norfolk Island, to Ike and Clara Christian. He spent his childhood on Norfolk Island and attended the Norfolk Island Central School. At 16 he won the Queen Victoria Scholarship and left the Island, aboard the Morinda, to take up an apprenticeship with Australia Totalizations, in Sydney, as an Electrical Fitter. He served his apprenticeship and stayed on in that job until his retirement in 1986. During this time he had the opportunity to visit, with his work, many countries worldwide, including America, India, New Zealand and Thailand. It is unique that he only had one job in his entire working career. It showed his loyalty and devotion, which followed through to his everyday life. Whilst in Sydney he met his sweetheart, Vera, and in 1950 they were married. They set up home in Lakemba, then later on moved to Punchbowl. From this marriage came two sons, John in 1952 and Steven in 1957. John and Margaret gave Val his first grandchild, Leanne in 1972 and Steven and Kerrie two grandsons, Daniel in 1979 and Matthew in 1983. He loved his grandchildren. Leanne made him a "Great Grandfather" with Brooke, Jayden and Myah. Val was very fortunate to meet all his family in Sydney back in July and spent quality time with them. Val lost his eldest son, John, in 1977 at the early age of 25. This was a very upsetting time for him. Val and Vera both retired in 1986, built their retirement home here on Norfolk where they planned to live. Unfortunately Vera took sick and passed away shortly after retiring and before being able to move to Norfolk. Val had lost his beloved. He returned to Norfolk, to live in the house they had built, a broken man. He kept himself busy. Gardening was a keen passion of his - his flowers in the front of his home were always a sight to behold and his vegetable garden down the back was always a picture. He loved fishing, and himself, Goldie, Juggas and Bill Pumper had many a fishing excursion in Bill's boat. Val was a devoted son, and from his return to Norfolk in 1986 he cared and nurtured his mother right up to her death in 2003 at the age of 94. Val loved all his family, and especially the visits of son Steven and wife Kerrie and their family. His hospitality to all, in Sydney and here on Norfolk, was exceptional. To Steven, Kerrie and their family, to Leanne and her family, to his good mate

Goldie and his many friends, this House extends its deepest sympathy. Mr Speaker, may he 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

PETITIONS

Are there any petitions this morning?.

GIVING OF NOTICES

Are there any notices?

QUESTIONS WITHOUT NOTICE

Are there any questions without notice?

MR BRENDON CHRISTIAN Thank you Mr Speaker, a question for the Minister for the Environment. Minister will the baiting of argentine ants continue this year as was the intention of the baiting programme to eradicate these foreign pests

MRS JACK Thank you Mr Speaker the baiting programme won't continue with the same impetus unfortunately that the programme was begun with. We have a small amount of bait still retained in sections and the ability to source a small amount of funding to assist in paying for the bait to be laid as well as using some staff from the various areas to assist in any baiting programme. I'm trying to, as a follow up from discussion at MLA's the other day, endeavouring to source more funds in order to increase the supply of bait and increase the actual I suppose baiting area that is hoped to be baited this financial year

MR BRENDON CHRISTIAN Thank you Mr Speaker, a supplementary question to that, Minister given the reasons for not baiting is a shortage of finance is it not necessary to follow up from last years baiting programme. If we don't follow up this year it would be a waste of money from last year and is it possible for the Waste Management Centre to qualify for environmental grants from the Toon Trust or any other grants that the Administration could fund

MRS JACK Thank you Mr Speaker yes it is important that we maintain and if not, meet the baiting programme from last year so that is why it is unfortunate that the funds aren't fully there. However, as I said following discussions it certainly was made clear that we try and ramp up the funds and try and find some in the existing budget. As for seeking funds from external sources the Toon Trust can't be used. Applications cannot be made from the Administration to the Trust Fund. That is made clear in the agreement between the Commonwealth and the Administration and Government of Norfolk Island and it's also clear in the funding guidelines. We did try and source a certain amount of funding from the Caring for our Country Grants, loosely known as CFOC but we were unsuccessful there in getting any of the funds unfortunately, we were the only Territory not to receive any funds from the amount made available. We have heard back that we may have a better chance this year should we have not so much listed in the application and to make it more manageable in our next application. We are discussing, I sent an email off to the Public Service yesterday, discussing our next application and indeed highlighting the need to ramp up the ant baiting programme. A good tie in for us in any application for Caring for our Country Grant funding would be the fact that many of the properties affected are bordering the National Park and the Reserves also which is still owned by the Commonwealth, that we manage so it's imperative that we try and seek some assistance from the Commonwealth on this programme. We have endangered bird

life that needs to be protected and what we found in the baiting programme last year is that we tended to be pretty successful on the flat but what has happened, is that the ants have now intensified nesting in the tall Norfolk Island pines which we all know are the places for the terns to breed and we need to be able to take proper action to ensure that those intensive areas are correctly baited so I understand and share Mr Christian's concerns and I am endeavouring to make sure that the baiting programme can be undertaken this financial year. Thank you

MR SHERIDAN Thank you Mr Speaker a supplementary question for the Minister. Minister you mentioned the Toon's Trust Fund and the Administration's inability to access those funds. Would that apply to an individual who had the ant problem on their own private property, would they be eligible for funding if they applied

MRS JACK Thank you Mr Speaker I don't have the eligibility guidelines with me, but as it is protecting endangered species and if they could be shown to be breeding on that person's ground, I personally don't see why not, however, I would like to be before giving a correct and considered answer, I would like to refer to the funding guidelines and I can do so and answer that next month if Mr Sheridan wants to put it on a Question on Notice

MR SHERIDAN Thank you Mr Speaker a question for the Minister responsible for lighterage. Minister with the resignation of the Lighterage manager some months ago, why has a temporary Manager not been assigned to manage Lighterage

MR N CHRISTIAN Thank you Mr Speaker, a temporary Manager has of sorts been assigned to manage Lighterage in the interim. The Lighterage Operation at present falls within the responsibilities of the Works Supervisor Mr Mike Johnson, and a number of Lighterage employees have been signed up to do periodic work for the Lighterage Service from time to time on an agreed terms and conditions basis. Darren Christian I suppose is the most direct one that has replaced John Deadman, and we have just been working with the Public Service over the past few weeks to determine the reporting structures for Lighterage going forwards. I have received a delegation from the Lighterage workers. They have met with myself and the CEO of the Public Service George Plant and the Risk Assessment Officer and they indicated a wish that they continue to be employed on terms and conditions set by the Executive Member rather than reporting to the CEO of the Public Service. I have no difficulty with that. The CEO has no difficulty with that and we are now in the process of preparing the ads to recruit a full time Lighterage Service Manager

MR SHERIDAN Thank you Mr Speaker a supplementary question for the Minister. Minister who undertakes the maintenance of the equipment necessary to unload the ship, ie the lighters, launches, fork lift, nets, wire strops etc

MR N CHRISTIAN Thank you Mr Speaker on previous occasions it was maintained by John Deadman, the former Lighterage Manager and also Mr Peter Ely on a part time basis before he departed the island. Heavy maintenance is done by the Mechanical Section of the Works Depot in New Cascade Road and what we've done in discussing the future of the Lighterage Service is to basically authorise who ever becomes the Lighterage Manager to source his maintenance requirements from wherever he sees fit, so he can call in the services of the Administration if need be or he can outsource the lighterage work to anyone who is able to do the work on favourable terms and conditions

MR SHERIDAN Thank you Mr Speaker a further supplementary question to the Minister, Minister considering that I believe the old Manager resigned at the end of the financial year I believe it was, in June, some months ago and there's nobody been acting in his capacity and therefore I believe that the maintenance of this equipment has been neglected to such a degree that you might want to consider the OH&S issues that arise from neglected equipment and untested equipment being utilised

by Lighterage and do you consider that these workers are being put in danger each time the ship is worked

MR N CHRISTIAN Thank you Mr Speaker that's a difficult one and I'll try and deal with it in their components. Firstly the Public Sector Management Act as I understand it, prevented us from advertising the position prior to the position actually being vacant so we couldn't commence the process until someone actually resigned and whilst I was aware that the former manager did intend to retire at some time, his decision to go I suppose was sooner than I expected and as I have said before we looked at the Lighterage operation in depth. We have produced a new Procedures Manual, for the Lighterage workers in consultation with them. It does cover such things as maintenance, it does cover things as Occupational Health and Safety and what we've done is asked the Lighterage workers to set up a consultative management group within themselves so that anything that isn't right is brought to someone's attention and the appropriate action is initiated so I'm not aware at this stage that any of the gear is unsafe but I am aware that our Risk Assessment Officer is working with the Lighterage Service at the moment to look at issues like that

MR N CHRISTIAN Thank you Mr Speaker a question for the Minister for the Environment, Minister would an appropriate Management Plan be drafted for the Waste Management Centre to give the centre and the community a clear and definitive path for future waste management and sea dumping before 2015 and if so, will this be completed before the end of this Legislative Assembly's term

MRS JACK Thank you Mr Speaker Mr Christian has raised this issue of an operation plan for the Waste Management Centre before in MLA's meetings and my understanding was that the CEO had undertaken to initiate such a process and discussions at the last MLA's. I don't think it has really been initiated let alone progressed sufficiently so I can undertake to become involved and ensure that such a programme can be initiated and hopefully progressed and in place before the end of this Government, after all, there's six months left and one would like to hope that a plan of operational management can be done within a six month period. As for the end of life for the dumping over Headstone that's supposed to be committed to finalising before 2015, it is my intention to begin the process and indeed the CEO has a gentleman arriving on the island, mid next month to begin the process of looking at the EIS, the Environmental Impact Study required, to take burning from Headstone to the Waste Management Centre in town and what requirements would be needed to undertake such a move given the fumes etc that one can experience, the type of burning facility that we can not only afford but one that will give us the most efficient and safe facility for the community of Norfolk Island. We also have to consider the amount of burning etc that we undertake because we don't have enough funds for some of the smaller pit burners or high temperature incinerators and so we may have to look at some sort of modified system. I don't know. All I know is that the high temperature incinerator that this Legislative Assembly agreed to in the past was deemed to be far too cost ineffective for us to operate and came with a hefty price tag so it's an ongoing process but yes, we have to stop the dumping over Headstone by 2015. To this end we have also undertaken to put in place proper recycling and also reused systems. It's very hard because at the moment we are trying to send certain recyclables back off Norfolk Island. What is against us is that the price of recycled metal such as copper or iron or whatever, has dropped and the cost of shipping outweighs or exceeds the amount of money that the goods are worth once they make it back to Australia. Another problem is the fact that we also have AQUIS conditions to apply to and that the cost of fumigation is another factor in the cost of shipping things off. We have AQUIS inspectors over earlier this year and have a report back where they are wanting us to have our own, and by our I mean the Administration, to have a single use shed which should be able to take any items that are going for export back to Australia to be contained in that shed to be appropriately fumigated. I've since heard back from the Service yesterday that they may modify that demand for a single purpose shed and we may in fact be able to utilise sheds already in existence provided that they can have areas split off that can be

correctly fumigated to the standards and protocols sought by AQUIS so things are moving it's just that constraints in some funding again is there but we are moving towards a better use of our recyclables and also taking into view what Mr Christian also asked, trying to do a better operational plan for the Waste Management Centre. Thank you

MR SHERIDAN Thank you Mr Speaker a question for the Minister responsible Norfolk Air. Minister looking at the financial figures for Norfolk Air over the past fifteen months, it's noted that Norfolk Air has accumulated some \$4.7m losses over this period. How long can the Administration continue to subsidise Norfolk Air to the tune of \$300,000 per month

MR N CHRISTIAN Thank you Mr Speaker the answer to that question is not that simple. The Norfolk Island Government has taken an economy wide holistic view in respect of Norfolk Air because without Norfolk Air there is no Norfolk Island economy. It's as simple as that and if we have to continue to subsidise the airline to the tune of \$300,000 per month then we will have to find a way of doing so. I think that from November onwards we will turn the corner and we should see the airline return to profitability in the not too distant future. I do have some additional words to say in respect to that which I will save for the financial indicators when I present the papers

MR SHERIDAN Thank you Mr Speaker another question there for the Minister with regard to Norfolk Air along the same lines. Minister again, just casting my eye over the financial figures for the airport for whom Norfolk Air operates under, it is noted that this organisation is in debt to some \$120,000 at the end of September after accounting for all the forward ticket sales accumulated. Minister I also believe that this entity has loans of some \$500,000 plus outstanding to other GBE's. this actually puts the airport GBE some \$700,000 in the red. Minister where is the money coming from now to run this airport GBE

MR N CHRISTIAN Thank you Mr Speaker I'll deal with that as well in the financial indicators in more detail but as I've explained to Mr Sheridan before, the boxes or compartments that he refers to are internal compartmentalization's only. The Administration operates from a single cheque account and at the end of September 2009 the Administration in all sources had \$5.354m. I am using all of the cash resources of the Administration to run the Administration irrespective of which compartment it fits in. the only money that I am not accessing are funds held in trust accounts, things like the workers compensation fund and healthcare fund

MR SHERIDAN Thank you Mr Speaker a supplementary question for the Minister. Minister you mentioned that you have available some \$5.3m but then you go on to say that you can't access the Trust Accounts which accounts for that \$1.5m so in actual fact you've only got something like \$3.7m available. Is that correct?

MR N CHRISTIAN Thank you Mr Speaker that is correct and I thought my response to the question made that quite clear. If Mr Sheridan can't do the sums I've got a calculator here

MR BRENDON CHRISTIAN Thank you Mr Speaker, I have a question for the Minister responsible for Norfolk Energy regarding outstanding debt for insurance cover. Minister why is there no payment for any outstanding debt for insurance cover according to draft agreement and authorised letter of commencement of management contract for over two years since September 2007 and has a contract been signed between Norfolk Energy and the contractor

MR N CHRISTIAN Thank you Mr Speaker Norfolk Energy has a number of subcontract type arrangements with a few people. I'm not aware of the particular contractor that Mr Christian is referring to but if he would like to place the question on notice for the next meeting of this House I will provide the appropriate response

MR SHERIDAN Thank you Mr Speaker a supplementary question with regards to that last question, I believe the Minister knows full well with regard to what Mr Brendon Christian is talking about. Minister in the contract with Martin's Agency who is responsible for the payment of the \$50m insurance cover as required

MR N CHRISTIAN Thank you Mr Speaker the response to that question is the same as the response to the previous one. Put it on Notice and I'll respond as best I can with factual information. I do not have the contracts with me. I was not the Minister responsible for the contracts at the time they were prepared. I don't think they've ever been signed. They are draft contracts and I think we have moved on but I can provide all the details at a future meeting if somebody would care to put the questions on notice

MR SHERIDAN A further supplementary question there please Mr Speaker. Could the Minister also provide considering that the draft contract that is being referred to in I think July 2007 if I stand corrected, could he also advise this House why that no contract has been signed off on and the concern that it's over two years since the commencement of this draft contract

MR N CHRISTIAN Thank you Mr Speaker if that query forms part of the question on notice I will respond

MR SHERIDAN Thank you Mr Speaker a supplementary there. I believe that the Minister should take these questions on notice and answer them in the House next month without somebody putting a question on notice next month

SPEAKER Mr Sheridan, Mr Christian has advised that he is intending to do what you are requesting now

MR N CHRISTIAN What I will point out Mr Speaker I have taken the questions on notice but it is not up to me to put them on notice so I suggest Mr Sheridan learns his rules of the House

MR BRENDON CHRISTIAN Thank you Mr Speaker, a question to the Minister for Tourism. Minister who was on the interview panel for the General Manager's position at the Tourist Bureau and when choosing the panel were there appropriate mechanisms to ensure an open and independent panel was chosen to avoid potential or perceived conflicts of interest in order to effect the filling of the position

MR GARDNER Thank you Mr Speaker, I'll answer the second half of the question first. Mr Speaker I'm more than happy with the process that's been followed with the recruitment of the General Manager's position at the Norfolk Island Government Tourist Bureau and secondly the make up of that was answered in this House at the last sitting. I asked my colleague Mr Anderson who is the Legislative Assembly representative on the Norfolk Island Government Tourist Bureau to provide that detail because I didn't have it to hand at the time but I understand it was Mr Morgan Evans, the then chair of the Norfolk Island Government Tourist Bureau Mr Wally Beadman who is now the Acting General Manager and Mr Dave Porter and as I understand it from Mr Anderson's answer at the last sitting, he was the substitute if one of those was not able to fill the position

MR BRENDON CHRISTIAN Thank you Mr Speaker, a question to the Minister for Commerce, maybe the Minister for Planning or Health. Is there appropriate legislation to ensure businesses such as hairdressers who have shops and have to comply with rules and regulations are not unfairly competing with individuals who decide to start opposing services run from home

MR MAGRI Mr Speaker I can understand why the question might have been have been directed to me given my commerce portfolio but probably more

accurately the question might have been posed to the Minister for the Environment. There are provisions in the current Environment Act that in particularly Division 6 pertaining to hairdressing premises, and as I understand it, whilst that Act has been assented to, the specific provisions in relation to hairdressers haven't commenced at this stage and I'm also aware that the Deputy Crown Counsel and the Environment Minister are currently working on enacting those provisions of that Act. I think just to go a little further, I think there's obviously other Acts involved that would need to be considered if somebody was to start a business from home, including the GST Act, Immigration Act and the Planning Act but I think there is sufficient legislation to ensure that the competition in relation to where those businesses are held from is done appropriately, thank you

MRS JACK Thank you Mr Speaker just a clarification of what the Minister said, the Deputy Crown Counsel and myself are working to a review of the current Environment Act, the current Public Health Act and I think the Bores and Wells Act as well. The Environment Act and the Public Health Act are only partially commenced in so many aspects and there is a doubling up in the Environment Act and some contradiction with regard to the Planning Board and our own Norfolk Island Planning and Environment Board Act and so there needs to be a cleaning up of the system if we are working towards joining the Acts together and having something that's far more efficient. It wasn't a review of getting the current Act started, it's getting the current Act reviewed and reorganized so that they are far more effective. Thank you

MR MAGRI Thank you Mr Speaker I've just got a question for the Minister for the Environment, Minister it's been brought to my attention by a fairly large number of people that the gathering of ducks in Emily Bay are attracted there to eat the left over fish food from the glass bottom boat operators, are causing an unintended detrimental effect to the continued enjoyment of that area with the ducks pooping all over the beach and it's also been brought to my attention that the taalaberds or pukeko's are consuming large numbers of gannet and whale bird eggs and young gannet and whale bird juvenile birds on both Nepean and Philip Islands. My specific question is simply whether you can assess the concerns of the residents I've talked with and report back to the House with the outcome of those assessments

MRS JACK Isn't it charming the variance in the questions one can have Mr Speaker. It enriches one's daily life and routine. Let me say as far as the ducks are concerned our legislation goes down to the high water mark so what they do in the Commonwealth waters would need to come under some individual marine park that perhaps may belong to our legislation or make legislation in agreement with the Commonwealth and I understand that Minister Magri has actually been meeting with AFMA people on the proposal to make marine parks in the Norfolk province and so I'll leave Minister Magri to that because actually I could pose a question in response from me so the duck issue, and yes, it is a valid issue and it is a cause for some health because I notice when I walk in the morning that there are more and more ducks down in that area so more and more ducks eating more and more food doing more and more natural bodily functions in Emily Bay is a cause for concern and we are all aware of the health issues and ear infections that have come up through the various years. Also the run off coming down through Town Creek is also being detrimental there. As for the taalaberds, I don't know whether the Minister was just referring to the problem and what's happened out on Philip Island, which is part of the National Park of the Commonwealth or is referring to the taalaberds down here on the Common. As for them out on Philip Island, I'm aware that the National Park some years ago or a few years ago did seek a permit allowing them to cull taalaberds out in the park and whether that was just for one year or over a period of years, the licence to cull I'm not sure but I can find out from the Minister. They are a natural predator and I believe they are on top of the food chain and there is a need for some but I will undertake to investigate the issues raised by the Minister and try and get a report done in making that report I'll also speak to the current manager of the National Park and perhaps we can come back with something for the House in November Mr Speaker

MRS JACK Thank you Mr Speaker I'll just go back to the Minister responsible for fishing and the question is, is it the intention to form Marine Park areas that deal with certain parts of the coastline of Norfolk Island and could the Minister just talk to that please

MR MAGRI Thank you Mr Speaker if it suits the Minister I've actually prepared a statement in relation to a Marine Bioregional Planning Process that is being undertaken by the Department of Environment, Water, Heritage and Arts at the moment and just to be specific about this question, it won't be Norfolk Island declaring Marine Parks, it will be the Commonwealth who are undertaking the process to declare such parks

MRS JACK Thank you Mr Speaker is part of the process to ensure full public consultation or is it just determined to come to you or this House and not to take it to the broader Norfolk Island community for input into such a proposal

MR MAGRI Again Mr Speaker it's a Commonwealth process. My understanding is that there are stakeholder consultations. It's a four year process. At this stage we've only had the one visit from the Director of the Department and I believe that arose out of a request from us. I would expect that the possible impacts for creating such parks are worthy of involving the whole community through several stages of consultations but I'll confirm that those processes are included in the Commonwealth's current processes

MR GARDNER Thank you Mr Speaker, a question, the Minister earlier this week made reference to the East Marine Bioregional Planning Profile which is part of and informs the process that the Minister has provided his previous answer on in relation to that. Mr Speaker my understanding of that profile document is it makes reference to the various provinces that exist in this East Bioregional area of which one is the Norfolk Island province and I'm not sure of just what size that is, but reference is made in that to a sea dumping site existing in the Norfolk Province and a suggestion that, that sea dumping consists of the dumping of chemicals within that province over a number of years. It doesn't state as I understand it, that, that practice has ceased, but I'm just wondering what assessment if any has been made on that practice and it's potential impact to the marine environment of Norfolk Island and the food chain of which we as top end consumers are an important part, and I just wonder if the Minister is able to make comment or provide some surety that an assessment has been undertaken, will be undertaken and as to whether that practice still continues today

MR MAGRI Mr Speaker thank you. I can assure Minister Gardener that his is not the only concern in this matter. The document that is released by the Department of the Environment, highlighted this concern and I approached Philip Vauxhall who is the Director of the Department who visited Norfolk Island to provide me some further information if possible on exactly the types of dumping that have taken place and exactly where those dumps were. What he did was to provide me with contact detail for Mat Johnson who is the Director of Ports and Marine Section in the Environment Assessment Branch of the Department of the Environment and he was able to just get me a quick email on I think it was yesterday that I received this email. After reading this email I believe that it raised more questions than it answered, but I'll just quickly read this email out for the benefit of the listening community. During my discussion with Phil we ascertained that the disposal in question was circa 1972. Since that time Australia became a party to the London convention in 1985 and the then more restrictive London Protocol 2000. the protocols limit sea disposal to eight categories of material, the most common of which in Australia is dredge material from ports etc. The different categories were, and I'll just remind everyone that this is arising out of the London Protocol 2000, the different categories are 1. dredge material, 2. sewerage material, 3. fish waste or material resulting from industrial fish processing operations, 4. vessels and platforms or other man made structures at sea, 5. inert inorganic geological material, 6. organic material of natural

origin, 7. bulky items primarily comprising iron, steel, concrete and similarly unarmful materials for which the concern is physical impact and limited to those circumstances where such wastes are generated at locations such as small islands or with isolated communities having no practicable access to disposal options other than dumping, carbon dioxide streams, carbon dioxide capture process for sea crustation and that's the limit of what is allowed to be dumped after the London Protocol of 2000. It says here under the protocol, chemical waste, munitions and any other materials assessed as toxic to marine life are not permitted to be disposed of at sea. I got back in touch with the Department and suggested that it's certainly a big step forward that after the year 2000 they could only limit dumping at sea to those things. Whilst that wasn't ideal the question was, what has been dumped prior to these protocols being in place and where exactly was it dumped so the Department is going to endeavour to try to provide a list of that question for me and I'll report back to the House when I get that information

MR GARDNER Thank you Mr Speaker, a supplementary question if I may to the Minister and I'm grateful for the comprehensive answer that he's given but is he able to seek an assurance from the Commonwealth that they have abided by the spirit of the London Convention or Protocol on sea dumping and whether those ships that appears to be continue to be able to dump those products in the Norfolk Province as it's referred to, are actually providing reports on what is being dumped and whether there are observers from the Department that ensure that only those products that are allowed to be dumped, are being dumped

MR MAGRI Mr Speaker those are the exact type of assurances that I'm attempting to get from the Commonwealth Government. I'm only a little surprised that we should learn of these activities now, through this process and if any dumping has taken place, why the Norfolk Island Government wouldn't have been informed earlier of such dumpings and I think it is a serious concern

MR GARDNER Thank you Mr Speaker, a question to the Minister for the Environment, Minister earlier this year we received the Stock Health report which indicated an issue with the common herd on Norfolk Island and the introduction or the existence of bovine viral diarrhoea virus, within the herd. Is the Minister able to advise what actions are being taken for the ongoing management of that virus within the herd and whether or not its eradication which I understand is possible, is being considered

MRS JACK Thank you Mr Speaker yes, the Minister hinted of this question the other day and I sought from the Environmental Officer that an email that she and the Norfolk Island Vet Candice Nobbs, are working on an information sheet for the BVD meeting which we will hold the week after next, and I'll be getting a preview of the draft brochure and we'll be asking all owners of cattle to participate in this because it's our intention to eradicate the disease

MR BRENDON CHRISTIAN Thank you Mr Speaker, I have a question for the Chief Minister. Minister is it the intention of this Legislative Assembly to run full term to March 2010 or will an election be announced earlier to give the incoming Legislative Assembly time to asses the budget well before the end of the financial year

MR NOBBS Thank you Mr Speaker as I think I've said on a number of occasions and I think I have the support of everyone around the table that we are committed to three years of hard work and that is still the intention. No doubt we will provide a lead in time to the election of declaring a date I would imagine probably in January, at the January sitting and in terms of budget preparation, we will at that stage also be going through a greater deal of the budget review process as well as the 2010 preliminary budget composition process

SPEAKER Thank you Chief Minister. Any further Questions? We move on

PRESENTATION OF PAPERS

Are there any Papers for Presentation this morning Honourable Members.

MR N CHRISTIAN Thank you Mr Speaker I table the revenue fund financial indicators for the month of September 2009. Mr Speaker the revenue fund financial indicators for the month of September 2009 will hopefully signal the end of the traditionally quiet winter period. Income from all sources currently stand at 84% of budget. Customs duty and interest on investments are in line with budget forecast but other taxes, dividends from GBE's, GST returns and income from other charges are all below budget projections and will have to be closely monitored over the next two months. Expenditure across the board has been limited to 89% of the approved budget and this largely is the result of all-discretionary spending above \$500 being referred to the Budget Review Committee for approval. Mr Speaker the budget Review committee comprises all Executive Members and the CEO of the Administration and normally meet each Thursday afternoon. Mr Speaker on a pro rata basis the revenue fund was expected to be in deficit by \$43,000 at the end of September 2009. The actual result is a deficit of \$237,000 and this is attributable to the fact that income from the sale of Administration properties have not yet flowed through. Mr Speaker the 2009 revenue fund budget seeks to derive \$1,035,000 from the sale of surplus properties and the result of the sale process should be included in next months financial indicators which will assist to bring the revenue fund budget more in line with original projections. Mr Speaker the 2009 revenue fund budget provides for \$49,000 of annual capital works and purchases expenditure, to date \$1,200 has been spent. Mr Speaker the revenue fund's estimated current assets and liability s at the end of September 2009 stands at total Current Assets \$2,873,500 and total Liabilities \$3,987,900 giving a net position of a \$1,114,400 deficit. Mr Speaker \$483,000 of that amount relates to long term employees entitlements which will not be called upon in a lump sum. The position that I have just outlined includes almost \$2.7m owed t the New South Wales Education Department. For cash flow purposes I have not authorised the payment of the Education account and the Norfolk Island Government will await the outcome of discussions with the Commonwealth in respect of short-term financial assistance to the Norfolk Island Government before finalising a strategy to pay the Education bill. Mr Speaker at the end of September 2009 the total cash at bank was \$5,354,400 inclusive of forward ticket sales. Which is an improvement of \$112,300 over the August 2009 cash balance. Mr Speaker the Norfolk Island Government is using cash from all sources to survive the aftermath of the Global Financial Crisis and to keep Norfolk Air afloat until the expected turn around occurs at the end of November 2009. As a result of this the presentation of the cash at bank figures has been slightly amended to portray a true account of where the funds actually resided in the Administration account with the major change accoutring between the Norfolk Island Airport and the revenue fund. Mr Speaker regular cash flow forecasts are prepared for the BRC and if visitor numbers upon which the budget has been based are achieved the cash position at June 30th 2010 will be approximately \$600,000 better than July 31 2009. That is Mr Speaker the cash balance at the end of this financial year for the entire Administration including Norfolk Air and exclusive of any Commonwealth assistance should be approximately \$6,000,000. Mr Speaker if this outcome is achieved in the current and recently passed economic climate and without assistance from the Commonwealth despite repeated requests for assistance going back to November last year, in my view, demonstrates that the Norfolk Island Government and community have indeed done well and I wish to publicly thank the Norfolk Island community for its continued support through what has obviously been difficult times. Mr Speaker Norfolk Air has just weathered another very difficult month with total income of \$1,394,350 offset by total expenditure of \$1,762,300 which results in a loss for the month of \$364,050 which was approximately \$200,000 worse than budgeted and reflects the deep discounting that has been necessary to attar ct visitors to Norfolk Island. Mr Speaker the high cost of maintaining two sets of cabin crew, one from Our Airline and the other being the locally based crew should be behind us as the Norfolk Air cabin crew were fully on line from last Sunday. Mr Speaker in an endeavour to return Norfolk Air to

profitability as soon as practicable an external review of Norfolk Air 's operation was commissioned by the Norfolk Island Government. The review was conducted by Resource and Revenue Management a Sydney based firm consisting of former Qantas employees and the recommendations contained in their report are being progressively implemented. The most immediate change being the withdrawal of the \$100 cash back offer at the end of October. Mr Speaker much work has been going on behind the scene in the Airline world and a new code share agreement is about to be signed with Qantas and Jeff Murdoch is endeavouring to put in place an interline agreement between the two airlines which would make it far easier for passengers who need to change terminals. Norfolk Air is also engaged in discussions with Qantas Link about the possibility of Qantas Link extending its Lord How service out to Norfolk Island to connect with Norfolk Air services., This would allow the reintroduction of the popular twin island holiday. Mr Speaker I am also able to advice you that subject to gaining approval from the French Aviation authorities in Noumea, by the end of next week Pacific Wings in conjunction with Our Airline and Norfolk Air will launch a twice weekly scheduled charter service between Norfolk Island and Noumea commencing early December 2009. Mr Speaker it is anticipated that the flights will operate on Tuesdays and Fridays. Thank you

MR SHERIDAN

Thank you Mr Speaker could I move that the paper be noted

SPEAKER

Honourable Members the question is that the paper be noted

MR SHERIDAN

Thank you Mr Speaker and thank you Minister for tabling these financials and I just ask in regard to my question in question time and his answer there, maybe it would be more appropriate if the Minister could itemise each individual GBE and have just one figure there, the total figure in the bank account seeing as the Minister is of the mind that there's no need for that when he's got \$3.5m to play with but I ask the Minister, Minister the debts outstanding here is some \$3.5m for the general revenue fund doesn't include the GBE's. Does the GBE's have any outstanding accounts of significance that are yet to be paid

MR N CHRISTIAN

Thank you Mr Speaker as far as I am aware all the GBE accounts are up to date

MR SHERIDAN

Thank you Mr Speaker. That's very satisfying to know Mr Speaker because just looking at that, as the Minister rightly corrected to me before, he said that he has \$3.7m available, now we had \$3.5m in our outstanding debts, I think we are sailing very close to the wind and I would just like the Finance Minister to just make some comment about just how concerned he is with regard to his position considering that if his debts are called upon, \$3.5m and we've only had \$3.7m available, it's a very sticky situation indeed

MR N CHRISTIAN

Thank you Mr Speaker yes I can reply to that. These sets of financials are prepared on an accrual basis so where a liability is known it is included and the \$3.5m that Mr Sheridan is referring to by far the largest part of that is \$2.691m, which is owed to the Department of Education. There's a further \$220,000 owed to the Australian Police, there is \$250,000 in employee's entitlements and once again, they cover such things as annual leave and the likes so you're not going to be called upon next month to fork out \$258,000 in one hit. Neither are you going to be called upon \$483,000 in the long term entitlements in one hit so we can manage our way through this Mr Speaker and that is one of the roles of the Budget Review Committee is to control the outflow of funds from the Administration but where do we go in the future, and I alluded in my statement there to the fact that we have requested assistance from the Commonwealth on a number of occasions and what I think I should do, is read for the benefit of the community a letter that was forwarded to the Chief Minister from Brendon O'Connor and copied in to me as a result of my writing to Lindsay Tanner seeking some form of

Commonwealth assistance. Mr Tanner has acknowledged that Norfolk Island needs some assistance and he has passed it over to Brendon O'Connor to provide us with that assistance and I don't yet have the detail but I can read the letter for you Mr Speaker and this should help the community understand what we are trying to do. The letter starts off, "Dear Andre, I've considered your letter of 31st July 2009 and subsequent correspondence on economic related issues. The first title is Economic Stimulus Funding. I have decided not to bring a request for Economic Stimulus Funding forward to the Australian Government. I have carefully considered the business case prepared by the Norfolk Island Government in the context of other available information. I consider the Economic Stimulus funding for Norfolk Island is best considered in the context of the Building Australia Fund. I understand that the Minister for Finance and Deregulation, the Hon Lindsay Tanner MP has written to the Norfolk Island Minister for Finance the Hon Neville Christian MLA informing him of his decision not to approve the sale and lease back arrangements for two fire tenders. Minister Tanner also informed Minister Christian that he would write to me with options to provide the Norfolk Island Government with short-term financial relief. I will inform you of my decision on those options shortly. Mr Speaker we have a senior officer in Canberra at the moment working with the Department on the detail of that relief package but I am not yet able to share any information with you or the community. The letter goes on. Capital works funding for Cruise Ship operations. The Norfolk Island Minister for Finance has also written to me asking for assistance with capital works for cruise ship operations. The Norfolk Island Minister for Finance cited the Australian Government funding cruise ship infrastructure on Christmas Island. I will not be considering that request further and have copied this letter to Mr Christian. Christmas Island is not a self-governing Territory but is directly managed by the Commonwealth. The Commonwealth has undertaken its own planning for the maintenance and replacement of significant assets in the Territories for which it has a direct responsibility just as Norfolk Island must in relation to its responsibilities. Now Mr Speaker this is where the letter gets very interesting. Further the grant is neither a grant nor stimulus funding. The port facilities belong to the Commonwealth. The announcement relates to planned capital works by the Commonwealth to upgrade its port facilities on Christmas Island within the Commonwealth existing capital works programme. Mr Speaker the letter concludes; If you wish to discuss this matter further, please telephone Tallis Richmond in my office on telephone number such and such. Now Mr Speaker I'm in the process now of contacting Tallis Richmond to ask him to draw to Minister O'Connor's attention that both Kingston and Cascade Jetties are Commonwealth property and it is entirely appropriate that they make some contribution to assist Norfolk Island in its endeavours to build a Cruise ship industry. Thank you

SPEAKER Thank you 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

Thank you Honourable Members the motion is agreed. Any further Papers for presentation Honourable Members. No. We move on

STATEMENTS OF AN OFFICIAL NATURE

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

MR MAGRI Thank you Mr Speaker. Last week I had the pleasure of meeting with Mr Phillip Boxall, a senior official in the Marine Division of the Commonwealth Department of the Environment, Water, Heritage and the Arts. Mr Boxall was visiting Norfolk Island as part of the initial stage of consultation on the East Marine Bioregional Plan. Mr Speaker, in order to inform Members and the community about this exercise, I will provide some background information. Australia's marine bioregional

planning programme is designed to provide a clearer focus on conservation and sustainable management of Australia's marine environment. It is a process that is underpinned by the principles of ecologically sustainable development and it takes an ecosystem approach in managing Australia's marine biodiversity and environment. Marine bioregional planning is currently being implemented across Australian waters. There are five marine regions for planning - the South-west, North-west, North, East and South-east Marine Regions. Norfolk Island is one of 14 provincial bioregions within the East Region. The Department envisages that there will be one level of protection within each bioregion, mostly in the form of a Marine Protected Area for all or part of the bioregion. The marine bioregional planning process is restricted to Australia's oceans and focuses primarily on Commonwealth waters, which in Norfolk Island means the area of Australian jurisdiction that extends from the high water mark to the outer limits of the Exclusive Economic Zone some 200 nautical miles from the shore. The program will deliver Marine Bioregional Plans around Australia under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and will fulfil the Australian Government's commitment to establishing a National Representative System of Marine Protected Areas as agreed in 1998. There are two major parts to the marine bioregional planning process: regional assessment and implementation of Australia's National Representative System of Marine Protected Areas. Regional assessment involves identification of the conservation values of each Marine Region, analysis of the threats to those values, and identification of measures required to protect those values to meet the requirements of the EPBC Act. Draft Marine Bioregional Plans are currently being developed for each Marine Region. A minimum 60-day public consultation period will follow the release of the draft plans and this will provide the main avenue for our community and interested parties to provide input to the marine bioregional planning process. Each Marine Bioregional Plan will describe key habitats, plants and animals; natural processes; human uses and benefits; and threats to the long-term ecological sustainability of a region. The Plan will also give details about the various statutory obligations under the EPBC Act that apply in a region, and describe the range of conservation measures that either already exist or are to be applied. Final Marine Bioregional Plans are scheduled to be completed by the end of 2010. Mr Speaker, during Mr Boxall's visit, he sought input about Areas for Further Assessment to be identified before the draft plan is produced. I strongly believe that this is where we can achieve a win/win outcome to both protect our traditional fisheries and uses of the waters around Norfolk Island, while at the same time achieving much greater control of commercial long-line and trawl fishing activity on the edges of the Box, which have the potential of seriously damaging our fish stocks. We have zealously protected the biodiversity of Norfolk Island's waters for the past 150 years and have carefully managed the fishery to ensure that it is sustainable. In fact, Mr Speaker, I personally believe that the Norfolk Island inshore fishery is the only one in our region that has been adequately managed over decades to be fully sustainable. That reflects great credit on Norfolk Island and particularly on our Fishing Association and its members. Mr Speaker, the Norfolk Island Fishing Association and the Norfolk Island Government has recently signed off on the Fishery Management Plan for the inshore fishery. I believe that the Marine Bioregion Plan can complement this by adding an extra level of protection to our offshore waters, without disrupting the existing fishing and commercial uses of the inshore and coastal waters. Mr Speaker, I will keep the Assembly and community informed on further developments relating to the development of the bioregional plan, including opportunities for public consultation. Thank you, Mr Speaker

MRS JACK
be noted

Thank you Mr Speaker could I move that the paper

SPEAKER
be noted

Honourable Members the question is that the paper

MRS JACK

Thank you Mr Speaker I just ask the Minister, the bioregional plan, is that another word for the formation of the marine park

MR MAGRI Mr Speaker no, the bioregional plan is the all encompassing planning document that includes the processes that will take place to declare these parks. A bioregional plan is a plan that is required under the EPBC Act and the basis of that plan is to inform the Federal Environment Minister on the specific environmental issues pertaining to decisions in relation to the EPBC Act

MRS JACK Thank you Mr Speaker then I ask of the Minister that if this is step one in a multi tiered process that the second tier which promotes from what I said, and correct me if I'm wrong, is that the next step could well be the formation of the marine parks, that my concern is that while everyone is focussing on, and rightly so, the fishing for the island and effects from external forces on our local fishing, that that's very admirable, but to also bear in mind that closer to shore, the traditional and cultural conservation that I see in any formation, so that rock fishing if you decide, from what I gather the plans must include, the park must include all types of the marine environment, so we are looking at inter coastal as much as sea mounts, so that if the reef is to be included, that if you are looking at perhaps inclusion of Cemetery Bay, or Emily Bay or Slaughter Bay, that the continued traditional uses close to shore are maintained just as much as the respect for the box is being actively sought as well, so that the hihi collection can continue, so that the rock fishing off Cemetery Reef can continue, that those issues are just as important close to shore as the other

MR MAGRI Thank you Mr Speaker I thoroughly agree with that sentiment and its probably important for me to specify that this process whilst I have put a leaning or a bias towards fishing activities within this process, this is an environmental process and it considers the entire ecosystem so just to inform the Minister about how the initial process works, is that we've been asked to comment on areas that may be of interest for further assessment to be a marine park, so one way or another there appears there will be marine parks declared within the Norfolk Island province. We have an opportunity to contribute to that discussion and it will be up to us should we agree to take that opportunity to declare areas for further assessment from within those areas or the agreed areas for further assessment, will become the marine park. Admittedly within the planning process, what they are looking for is representative areas of all types of the marine ecosystem including pinnacles, the coastal areas, off the shelf areas and that sort of thing. They want a representative of all those areas

MR GARDNER Thank you Mr Speaker, I, like Mrs jack, have some interest in the outcome of this process which I applaud, I think it's great, it's the way the world is moving and particularly with our interest on tourism the marine environment is particularly important to us and it is necessary that it be adequately and properly protected. Certainly there has been a lot of discussion in the past Mr Speaker and the Minister for Commerce and Industry has taken up the fishing opportunities with a great deal of energy and enthusiasm in this Legislative Assembly and he's to be commended on that, and in that process it's been made abundantly clear both on island and to our partners in the assessment process of any future fishing operations in Norfolk Island and likewise hopefully with this process, that there have been traditional management operations in place since 1856 and probably before that too, with the different settlements with the way that they've managed their environments, particularly the marine environment, and I know that the Minister has made a lot of that in his representations to the Commonwealth over the management plan for fisheries and I think that it's important that, that be recognised in this process now in discussing the marine parks and I guess what I'm hopefully looking for is an assurance somewhere in this process that the traditional rights and existing uses and things aren't just extinguished for the greater good for the Australian environment as a whole because it's absolutely necessary in all of these processes to recognise the local enjoyment and use of a place and which arguable obviously there's going to be people out there who will say, no it hasn't been well looked after, look at Emily Bay, it hasn't got the range of coral it had fifty years ago and that's because of human impact. That might be so, but still when you compare it with so many other places it still is a relatively pristine environment and it's something that he people of

Norfolk Island have a great deal of pride in, is the Emily Bay environment and the reef and everything else because it does provide them with so much enjoyment and it provides them with a source of food which is particularly important, but I just want to reflect Mr Speaker on the processes that we've encountered previously and I'm referring specifically to the Environment Protection and Biodiversity Conservation Act and how that was promulgated. The process it went through as far as consultation for Norfolk Island and what's ended up. Now I'm not going to go into the arguments of whether it was a good thing or a bad thing, other than to say, I recognise that it is an important safety net for the environment and I'm probably putting my head on a block there because it has had a significant impact on people's rights to use and ongoing use and enjoyment of places and back when that legislation was being promulgated we had representation from the Commonwealth and undertakings of a full consultation process with the community and the Norfolk Island Government of the day I recall made a significant submission to the development of the Environment Protection and Biodiversity Conservation Act in its then proposed application to Norfolk Island and argued that there were a number of local protective and legislative measures that were in place that could equally provide a similar if not the same level of protection as that which was proposed by the Environment Protection and Biodiversity Conservation Act. In a nutshell the result of that submission was absolutely no ticks in any boxes. Norfolk Island's view, the view of its Government and its people at the time was completely disregarded. I don't even think it was acknowledged in any of the subsequent documentation that came out and I know that we are saying that there will be the same consultation process that the Commonwealth's undertaken in relation to the bioregional planning project or process. We just need to make sure that our voice is clearly heard when it comes to those sorts of things, to ensure that we are not going to lose those particularly important traditional links and existing use rights of things that are very dear to the people of Norfolk Island. We need to find a way of providing the protection mechanisms and still retain those existing uses and rights that are in place. If and it's probably a big call but if the Commonwealth are keen to acknowledge the importance of that, I think that's a big step forward. Thank you

MR SHERIDAN Thank you Mr Speaker just listening to the Minister speak, it's very comforting to know that they have some concerns with regards to what Minister Magri has just alluded to with regard to the marine park, especially coming from Minister Jack with regard to her experience, and I presume she's talking from experience, of her concerns with regards to how the KAVHA area and the world nomination for KAVHA has come about where there is some concern with regard to the view shed and the lack of traditional use you might say now that's been restricted etc in those areas. It's great to see that maybe we have learnt from our past experiences, that now with this marine park being mentioned, that we don't go down the same path and lose what we already have where like I said, in previous times maybe some people have lost out, and their concerns may well have not been fully realised at the time and it's comforting to know now that maybe we have learnt as a whole that we have to not just take these things as they'll look after us. We have to fight for what we want ourselves Mr Speaker

MR NOBBS Thank you Mr Speaker and thank you Minister Magri for that information on the bioregional plans. I share the concerns of many of the others around the table today about the traditional and cultural access and the potential over riding of input in a consultation process and as Mr Sheridan points out, there have been consultation processes where perhaps our voices haven't been heard as clearly as we would like in the Environment Protection and Biodiversity Conservation Act and the like but I really only have one question that is separate to those questions with regard to the consultation process and that is that once these plans are drawn, does that then involve a renewal or an alternative monitoring system outside of what already exists for these zones, and if there are breaches within those zones, I would imagine they are the responsibility of the Commonwealth to pursue

MR MAGRI Mr Speaker just in response to those specific questions, the Commonwealth is aware that once these areas are declared they will need

its own funding and its own compliance criteria and it will be the Commonwealth's responsibility and they are aware of that issue. Just in response to a couple of the other things that have been said, I've made my point extremely clearly to Philip Boxall, the Director of the Department that in looking at the guidelines of this planning process, the key goals are not to effect the socio economic use of that area and I think that should exclude the box or the area that is so important to the social fabric and economy of Norfolk Island automatically and I'll be making that clear in my submission. I do think that given, again the goals within the process that we are going to have to include a small part of our coastline as a representative area within that marine park, an area for further assessment, but I think in the main the box should not be included. There is an opportunity for us to declare areas immediately outside the box that would prevent full scale commercial fishing activity effecting fish stocks inside the box, which I believe is a win/win opportunity for the Norfolk Island marine e co systems but we'll have to make sure that we articulate those properly in our submission. In relation to the consultation process I think that at this stage we need to be a little cautious but I think that we also have to recognise that the recent visit by the Director of the Department to involve us in his process, he's offered whatever consultation might be required at this stage and I certainly appreciate him coming over here and involving us at this stage. It certainly shows good faith at this stage of the proposal. I might also add that whilst this isn't a fisheries matter, I have referred to fishing quite a lot in this discussion and I'll also say that at this stage whilst we are looking for the final agreement by AFMA to our current fisheries policies, that we have had an extremely productive working relationship with AFMA as well and I certainly appreciate, and I think I'll mention an officer, Josh Davies, Beth Gibson and Vicky O'Brien from the AFMA Department. They've been fantastic through this process. There is one minor issue before that document will be finally signed off in relation to the use of the word "traditional" but I think I can reflect and support Minister Gardner's belief that Norfolk Island fishers have traditionally operated a sustainable fishery that they should be proud of

MRS JACK

Thank you Mr Speaker. Minister I'm glad that you used the words "good faith" in the process that's been to now and I hope that good faith continues given that you say the final plans for this have to be made by July next year, that is, nine, ten months away, so action needs to be occurring all the time. We are pushing for these consultative agreements and make sure that the consultation is here on the ground and I'm hoping that officers come back again to lead that consultation process and to be here for a substantial time in order to have a few meetings with the community as a whole and with various stakeholder groups and I'm just wondering, does this mean an increase of Commonwealth personnel and property on the island. Boats, marine rangers, or various rangers to ensure all of this. Perhaps it's too much detail and that's for further down the line but it will be interesting to see just how they plan on managing it and what fines etc can be brought into being

MR MAGRI

Mr Speaker should marine parks be declared in the Norfolk Island province, the Commonwealth may find itself having some sort of human resource attached to Norfolk Island to manage that area, if they are serious about the ongoing management of these areas but only the future will tell

MR GARDNER

Thank you Mr Speaker, just a comment on the marine park proposal. I think in a lot of people's minds what immediately springs to mind is a fenced areas, and you can't go there and there's no access and you know, don't come anywhere near it. As I understand it, and I hope the Minister can correct me if I'm wrong, marine park's don't generally mean that. In some instances they may restrict some access or some activities, but from my understanding and my reading to date, it generally does not prevent commercial activities or activities relating to ongoing use such as access, fishing, diving, boating, swimming, and the like but obviously it's something that people are very wary off, particularly after the restrictions that were imposed with the application of the EPBC Act in Norfolk Island. There's a need for people to clearly understand what the possible implications of the declaration of a marine park in the Norfolk province in any shape or form might mean for them and I just wonder whether as part of I guess a

preliminary information distribution that the Minister through the Administration might be able to make available either a brochure or something in relation to the establishment of marine parks or a website that people can visit as part of the information process

MR MAGRI Mr Speaker I'll endeavour to do both of those things. I've already requested from the Department more copies of the planning document that I was provided with and I will also endeavour to publish the relevant website. In relation to what you can and can't do in a marine park, there are quite a few different categories of marine park ranging from multiple use parks, where commercial activities can continue, right up to extremely restrictive areas where laying anchor might even be frowned upon. I also am aware that whatever sort of an area is declared, there is nothing in the future to prevent the restrictions within that category to be strengthened so whilst it might start off as a multiple use area there is no suggestion that sometime in the future it might end up being an extremely restrictive area and I think that the most appropriate people to make decisions about the waters immediately around Norfolk Island is the Norfolk Island Government and the Norfolk Island people and I think we should fight vigorously to make sure that we maintain as much day to day management control of that area as we can

SPEAKER Thank you Minister Magri. Any further debate Honourable Members. There being no further debate, the question is that the statement be noted and I put that question

QUESTION PUT
AGREED

Thank you. That statement is agreed. Are there any further Statements Honourable Members

MR N CHRISTIAN Thank you Mr Speaker I just wish to draw to your attention that at the end of Statements I will be seeking leave to table the GST quarterly report which I neglected to do in the Presentation of Papers part of the programme

SPEAKER Thank you Mr Christian. Are there any further Statements Honourable Members of an official nature. No. Then we put your question Minister. Thank you. You may now proceed

MR N CHRISTIAN Thank you Mr Speaker in accordance with section 19 of the Goods and Services Tax Act 2007, as Chief Revenue Officer I am required to report on the operations of the Act for the July to September 2009 quarter, to the Minister for Finance by 30th October 2009. Accordingly I provide the following information. Mr Speaker I'll start at point B rather than point A as point A goes right back to commencement of the process but point B, NSL. The GST Officer is still receiving payment of NSL. Payments received for the period 1st August 2006 to 30th June 2009 totalling \$604,133.40 with \$3.85 in NSL receipts being received in this quarter. C. Total Revenue. In total, staff within this unit has collected a net amount of \$15,051,657.98 since the commencement of NSL and subsequent GST. This figures includes GST/NSL received less credit payments and duty drawback rebates made to NBN holders. \$1,657,069.38 net was collected in this quarter. D. Duty Drawbacks. As at the 1st April 2007 the duty drawback figure was \$2, 202,072.65. Amount of duty drawback owing to NBN holders as at the 30th September 2009 stood at \$878,006.61. This amounts to a total of \$1,324,066.04 being claimed in duty drawbacks including \$107,727.13 in duty drawback rebates being paid out to NBN holders upon bona fide sale of a business since the 1st April 2007. \$82,274.65 has been claimed in this quarter. E. GST audits. Spot audits of input tax credits are regularly undertaken by the GST staff. Due to the requirement to list all input tax credits as from the July 2009 GST remittance form a large number of incorrect claims have been noticed and amended and additional monies received. These include claims for gas, personal and capital items, as well as claims for Australian GST and for non NBN holders. The GST office will continue to conduct spot audits. F. GST Review. The Review date came into effect on the 1st July

2009. G Staffing. In the GST office a staff member is on a year's leave without pay until the 25th June 2010. A part time employee has been employed to work four afternoons per week. The Chief Revenue Officer reports to Mr Bruce Taylor, Executive Director, Corporate and community. H. Prosecutions. Prosecutions did occur in this quarter, however court fines are still outstanding. Further prosecutions are scheduled for this quarter for non compliant NBN holders. Submitted in accordance with the requirements of the Act and for the information of the Minister. Shelley LeCren. Chief Revenue Officer. Thank you Mr Speaker and I table that document

MR MAGRI Mr Speaker I move that the paper be noted

SPEAKER Honourable Members the question is that the paper be noted

MR MAGRI Mr Speaker just a quick question on that. I've had unofficial representations from Members of the Chamber of Commerce in relation to a possible extension of the period where you are able to apply for your duty drawback. I understand that initially there was a limitation of five years set upon that where you could drawback an amount, I think about 25% of the GST you paid until you recouped the declared amount and the question from them was whether you would consider an extension of that period because it seems that some of the people, don't believe they will be able to recoup the amount that they probably should be able to recoup within the five year limit

MR N CHRISTIAN Thank you Mr Speaker certainly I think as we near the end of the five year period you would look at the outstanding and make a decision then

MR GARDNER Thank you Mr Speaker, my question was the same as that of the Minister for Commerce and Industry, it just related to the existence or the knowledge of a submission that had been prepared or is likely to be submitted to Government in relation to the extension of that time frame. Obviously when that's considered you would want to know where the line in the sand is going to be drawn because there are some goods in some shops that will never be sold and you know, you can't just run it out forever and a day

MRS JACK Thank you Mr Speaker just a question to the Minister I noticed he read out H Prosecutions. Prosecutions did occur in this quarter, however court fines are still outstanding. Further prosecutions are scheduled for this quarter. I'm just asking the Minister, is there an attempt made by these people to pay the court fines or are certain or all the people failing to make any attempt to pay the fines and if they are, do we need to look at the legislation and whatever Act to firm the requirements up or does he need more assistance in legislation to ensure prompt payment by people who are breaking the law

MR N CHRISTIAN Thank you Mr Speaker, no the GST legislation is quite adequate to cover the situation and once we successfully prosecute offenders under the GST legislation and the court is made a determination and awarded penalties and the like, if someone fails to comply with the decisions of the court there are mechanisms in place to deal with that. I am aware that there are a couple that are on the boil at the moment and in one situation it will probably result in an individual being the first to use Norfolk Island's recently passed bankruptcy legislation

MR ANDERSON Mr Speaker going back on to the extension of the period for payment, could the Minister for Finance look into the fact of ... it seems that people who own a business have had their full amount of duty payback paid to them. Shouldn't we be looking at the fact of, at the end of the five-year period, the same thing be applied to people who have stayed in business in that time. I don't see the distinction between those people who had a business and those who are still operating

MR N CHRISTIAN Thank you Mr Speaker, yes that will be a decision for the Legislative Assembly of the day. It's something that has been considered in the past. If for instance the Administration ended up with more money than it knew what to do with it might just make a decision to pay everybody out, but it's not a decision that I'm likely to make

MR GARDNER Thank you Mr Speaker, again a couple of questions in relation to GST generally as we understand around the table there are a couple of issues that have been or are being considered. One of those related to, as part of the GST review generally, was the application of GST to capital items in the island. I just wonder for the benefit of the listening public if the Minister is able to make some comment on where that process is at for considerations that have arisen from that, and the second item is in relation to the application of GST to export goods, particularly in an environment where our stated intention as far as the development of commerce policies and the like in Norfolk Island is to encourage as much as possible, diversification of local industry which would support our promise I guess for want of better words, that we were looking to diversify into other industry that is not wholly and entirely reliant upon tourism and I would welcome the opportunity for the Minister to make some words or comments on both of those matters

MR N CHRISTIAN Thank you Mr Speaker I think it's fair to say that all of the Membership of this Legislative Assembly are not opposed to allowing input credits for capital expenditure and with a view to that, we have asked the head of the Public Service to make some recommendations to us in due course and at this time the Public Service will try and quantify the financial impact on the Administration in allowing input tax credits on capital expenditure with a view to reporting back to us some time in December and if they can indicate that the impact is not likely to be too severe I would imagine that we could introduce changes into the House seeking to amend the GST legislation fairly early in the new year. In respect of GST on exports and the like, I am awaiting a ministerial. I know it's being worked on and it would be submitted to me in the not too distant future for consideration. That's all I can add at this time Mr Speaker

SPEAKER Thank you 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

That motion is agreed. Any further Statements Honourable Members. We move to Notices

NOTICES

NORFOLK ISLAND BROADCASTING ACT 2001

MR N CHRISTIAN Thank you Mr Speaker, in accordance with the provisions of subsection 10(6) of the *Norfolk Island Broadcasting Act 2001*, I give notice of my intention to issue a broadcasting licence as follows—

- The proposed licensee is Timothy John Brown.
- The reason for issuing the licence is to permit the licensee to conduct a Radio Broadcasting facility within the All Seasons Colonial of Norfolk Island premises.
- The proposed licence will, in accordance with an agreement with the Administration, provide a service providing, internal hotel advertising and information to its hotel guests.

The terms and conditions of the licence in addition to the statutory conditions applicable to all licensees will include a requirement that the broadcast be confined to a strength that extends to the All Seasons Colonial of Norfolk Island premises only and that it must not

interfere with the reception of any radio or television signals from other sources, and I move that the Assembly approve of the issue by the executive member of a broadcasting licence to Timothy John Brown for the purpose of a radio broadcasting facility for transmission to the All Seasons Colonial of Norfolk Island premises only. Subject to the conditions that the broadcast strength not to exceed 2 watts at the allocated frequency of FM102.6 at a strength sufficient for reception within the boundaries of All Seasons Colonial of Norfolk Island premises only, and that it must not interfere with the reception of any radio or television signals from other sources

MR NOBBS Thank you Mr Speaker I have a few queries with regard to what is being brought forward today and I suppose my first and foremost is should an operator under the Broadcasting Act be operating without a licence. What are the penalties and additional to that, if an operator is licenced and enabled to carry out their radio broadcast at whatever prescribed power, whatever allotted frequency that is ensured so that it doesn't interfere with other radio or television broadcast. Is there also consideration given to such things as the royalties component, the regulation of content and things like that

MR N CHRISTIAN Thank you Mr Speaker, yes they are all genuine queries that the Chief Minister has raised and what I will foreshadow is at the appropriate time I will be seeking to adjourn debate on this matter and I will talk with the Chief Minister and any other Member after the meeting and get a list of their concerns and I will attempt to address them all when the matter next comes before the House

MR SHERIDAN Thank you Mr Speaker I understand that the Colonial has been conducting trials with this radio broadcast over, I don't know how long for, but up to now. Has there been any complaints from residents from around the area with regard to these trials

MR N CHRISTIAN Thank you Mr Speaker, yes there have been some comment, though not necessarily complaint. I have received some comment that the statement is actually far more pleasant to listen to than VL2NI. I have received comment that it can be heard as far as the middle of town or picked up by some radio receivers and I wrote to, or requested the manager of Norfolk Telecom who generally deals with these sorts of things to seek some additional information from the technicians who installed the system and also from Tim Brown and I have found out that the station transmitter that was installed and being trialled has an output of something like 20 watts. Now in layman's terms Mr Speaker I don't know whether that's grunty or not. The Chief Minister may be able to fill us in there but I have been informed by the technical people that the transmitter has been internally detuned to have an upper limit of 2 watts of broadcasting power. Now whether that has been a sufficient reduction in broadcasting power to keep the station within the bounds of the Colonial, I'm not certain, but it's one of the things that our broadcasting officers will have to continue to monitor

MR ANDERSON Mr Speaker the only query I've got with this is as the station has been operating without a licence, what will happen if they don't abide by the conditions in future. If we couldn't stop it from doing it in the initial stage, how are we going to stop them in the future if they break the provisions

MR N CHRISTIAN Thank you Mr Speaker it's a difficult one and obviously as the Minister responsible I can't condone the breaking of any of our laws in Norfolk Island and if the All Seasons were to break the conditions of its broadcasting licence and the breach was brought to the attention of the relevant officers in the Administration I would expect them to take the relevant action including requiring the Colonial to further depower its transmitters or to cease transmission altogether. As Mr Sheridan has said, there has been some trial broadcasting occurring for quite some time and part of that I suppose Mr Speaker relates to the fact that they have made an application to be granted a broadcast licence but the Administration couldn't actually issue

one because we had no broadcasting authority. It had no Members at the time so you might recall a couple of meetings back where we actually changed the legislation and the Chamber here is now effectively the Broadcasting Authority to a degree so I think we are on top of things now Mr Speaker

MR BRENDON CHRISTIAN Thank you Mr Speaker, just a couple of questions to the Minister in relation to this. Minister who has the authority, you mentioned the manager of Telecom, and is there legislation empowered to enforce the guidelines and are there adequate penalties to ensure to deal with the breaches and has adequate research been carried out to ensure that the frequency being granted doesn't interrupt any other frequency. The Chief Minister mentioned eperbs or VHS or any other signals that may interrupt with the granting of this licence

MR N CHRISTIAN Thank you Mr Speaker the information that's been given to me and I can seek further clarification on this if Members wish me to, is that the frequency allocated to a station should not interfere with any other authorised broadcasting equipment as the frequency was allocated by AGMA as part of the installation process conducted by a firm engaged from within Australia who are familiar with doing this sort of work and familiar with working with AGMA so if it is not as its been reported to me, and someone draws it to my attention, then I will have to revisit the issue

MR BRENDON CHRISTIAN Thank you Mr Speaker, and I return to the first part of the question regarding who has the authority or the appropriate person within the Public Service that may have the authority to enforce the guidelines and are there adequate penalties in place

MR N CHRISTIAN Thank you Mr Speaker I'm sorry for the slip up there. I don't actually have a copy of the principle piece of legislation with me but I will come up with it for the next meeting

SPEAKER Thank you Mr Christian. Further debate Honourable Members. There being no further debate I call on the Minister

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

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

QUESTION PUT
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

SOCIAL SERVICES ACT 1980 - RE-APPOINTMENT OF COMMUNITY MEMBER OF THE SOCIAL SERVICES BOARD

MRS JACK Mr Speaker I move that for the purposes of section 8 of the Social Services Act 1980 this House resolves to recommend to His Honour the Administrator that under sections 4 and 6 of the Act that he re-appoint Dale Frances Hogden as a community member of the Social Services Board for a period of 3 years commencing on and including 15 October 2009 to 14 October 2012. Mrs Hogden's Membership has lapsed slightly and I would like to thank her very much for continuing her services in a volunteer manner that she has done for a number of years and I would like to commend all Members of the community who have come on to various boards as volunteers for the service they do as Members of the community in recommendations they

make to the various Ministers. Dale as I said is continuing her appointment and I just look for Members support in her reappointment. Thank you very much Mr Speaker

MR ANDERSON Mr Speaker as Chairman of the Board I might add that her expertise has been very valuable. Thank you

SPEAKER Thank you Mr Anderson. Further debate Honourable Members. There being no further debate, the question is that the motion be agreed to and I put that question

QUESTION PUT
AGREED

Thank you. That motion is so agreed

LIQUOR (AMENDMENT) BILL 2009

MR GARDNER Thank you Mr Speaker, I move –

1. That the Liquor (Amendment) Bill 2009 stand referred to the Impact of Bills and Subordinate Legislation Committee which shall inquire into and report on the implications of the provisions of the Bill including consideration of, but not limited to –

- a) the impact on current and future revenue streams to the Administration; and
- b) the impact on current administration employees including options for redeployment and redundancy.

2. The Committee –

- a) shall provide a progress report on its deliberations at the November 2009 sitting of this House; and
- b) shall complete its inquiry and table its final report no later than the December 2009 sitting of the House.

3. The Committee is empowered to send for persons, papers and records.

Mr Speaker I talked about this, or we all talked about this at some length at the last sitting of the House in relation to not only the provisions of the legislation that's before us but also the Chief Minister's motion that remains on the notice paper which was about seeking expressions of interest for alternative arrangements for the importation and sale of packaged liquor in Norfolk Island. Since indicating at that last meeting, my preference to want to refer the matter to a committee for enquiry, I think at that meeting it had the support of a number of Members around the table, but certainly within the community it generated some interest and with a firming of my view that it really was something that needed to happen so that the result or outcome of the enquiry would be a far better informed community, far better informed legislature so that we can make well informed decisions. Firstly about the issuing of licences and seeking of expressions of interest but secondly and more importantly, getting back to the principle of the disposal of Administration assets and I think it is important that we fully canvass the views within the community and this is an appropriate mechanism for doing that. A mechanism to gather the facts, consult widely with the community and then to distribute that information through the committee process. Clearly there is a great deal of confusion with the Membership of this House and the community and concern about the proposal for the sale of the Liquor Bond. Whether the proposal to issue two licences precludes or is intended to preclude the Administration's staying in the business of the supply of liquor and debate in the House at the last sitting indicated that it certainly was not the intent but it needs to be very clear in the legislation obviously so those sorts of things can be fleshed out in the enquiry process. The confusion and concerns I guess about whether the continued operation or involvement of the Administration in the supply of liquor is in accord with the current Government's aspirations and the Strategic Plan, concerns and queries that are being raised about the potential social impacts and whether they are alleviated or intensified because of a proposal to move them away from direct government control into public hands, the concerns about the staffing structure, the concerns about the revenue flows, which obviously are two of the issues that I've specified within the body of the motion itself

and concern and queries about the reason for wanting to dispose of the asset in the first place and clearly we are all aware of the discussion that's been had and to use the words of the Minister for Commerce and Industry, is it financially prudent to dispose of the Liquor Bond. Better to have the money in the bank than to have it locked into an asset, particularly during difficult financial times and I understand that perfectly and really, to explore the reasons to approach the Liquor Bond store in this way and having identified that it is an asset that would be relatively easy to liquidate to provide desperately needed funds in tight economic times and there are a raft of other ideas and discussion points that are being tossed around in the community and hopefully through the community process by inviting submissions all of those things can be explored so that we can go forward in comfort knowing that we have explored those things and that whatever decision may be at the end of the day, in whatever format that the Bill may want to progress in, whether its licencing, whether it's the establishment of a company, whatever it might be, whether we dispose of the asset in any event, at least those decisions can be properly informed. Mr Speaker the committee is an appropriate forum. The committee identified is an appropriate forum to enquire into this because the subject matter is the Bill before us and it is appropriate that the Impact of Bills Committee consider the provisions of the Bill and the implications arising from the provisions of that Bill and the impacts that, that may have on all of the areas of confusion or concern within the community so that they can be properly explored and as I said, not just those that I have specified, I've been very clear in the wording of the motion to identify identify that it just doesn't limit it to those two but it gives a couple of specific examples of areas of concern that we've had representations on including a representation that's been made to us by current Administration employees about the future of their jobs and what it might mean for them. They are necessary and important things that need to be enquired into. The committee by this motion would be empowered to call or send for persons, papers and records. That would allow the tabling and consideration by the committee of a whole host of papers that have been prepared on different issues and I talked earlier about the concept of a companies structure which I think the Minister for Finance had an interest in at one time, right through the gambit of options to what is before us at the moment which is the proposal to issue a couple of licences for the importation and distribution of alcohol in Norfolk Island. It does allow appropriate consideration of those provisions and enquiry to try and understand whether that is the best mechanism if the decision at the end of the day is made to proceed down the line for the disposal of the asset and the licencing. Perfectly appropriate and it will include the provision to the committee for consideration in its deliberations of all of that paperwork that's been provided to Members of the Legislative Assembly and I brought most of them up to the House with me today which are clearly entitled proposed sale of the Liquor Bond, deal with the Liquor Amendment Act, deal with amendments to the Liquor Act, deal with those things I've already touched on about the companies proposal and the like, there is a great deal of information out there but what it doesn't provide particularly to me and I think to many other people not only around this table but in the community is some certainty about the numbers, the directions, the reasons why this is being done and I think the Chief Minister and the Minister for Industry and Commerce on the radio earlier in the week tried to clarify the process that we were attempting to go through in the disposal of the Administration asset and it just provides an additional mechanism to ensure that if we make a significant decision to exit the industry and in my view it's a significant decision in the future of Norfolk Island so we need to make sure that we are very careful about the process that we go through and if the information is clear and concise to ensure that we can make an informed decision. As I said earlier the committee is able to and I trust it will make a call for submissions to make comment from the community from interested parties groups and individuals and subject to the passage of the motion I would wish the committee well in its deliberations and I look forward to its interim report at the November sitting and the final report for discussion and debate at the December sitting and I commend the motion to the House

MRS JACK

Thank you Mr Speaker I've no problem with this. Members and the community who listened last month would be aware of my view on our exiting of this industry and while my view is that I support the existing of this industry for

social reasons I'm not going to enter into semantics with Mr Gardner over this because realise that we are still involved with the legislative requirements and at the same time I don't want to give this asset away and I want to be informed that if we do continue that we have thought replacement strategies for revenue and that the staffing issue which is the second matter that Mr Gardner has mentioned, that those aspects are documented and that concerns have been considered and appropriate action been taken. My only comment is that the committee has the funds and the staff for this call, and apart from that if the funding and the staffing is available, I see no problem with it at all

MR SHERIDAN Thank you Mr Speaker I thought that we were discussing the Liquor Amendment bill which if I remember correctly is the possibility of issuing two import licences, isn't that correct. But everybody seems to be going on about the sale of the Liquor Bond. That may be a repercussion of the issue of two import licences. It may be the Minister's intention that if he's got the ability to issue an import licence to go into competition against the Liquor Bond ourselves. Competition we've said is good for the industry but I do know where Mr Gardner is coming from with regard to his motion and that's the possible impact of amending the Liquor Act so that there can be up to two import licences for the distribution of alcohol so it is appropriate that I would support Mr Gardner in the aspect that all impacts of the possibility of import licences being issued be considered. Now whether or not that is to get out of the business altogether, whether that is to open the field up for a private consortium to go into competition against the Administration such as Telecom and NIDS, that's not the first time that we have private enterprise in competition with Administration. It might make them pick up their game a little bit. We might be able to get discounts. We might even get deliveries and maybe we can get lower prices by playing one against the other so just in saying those few comments I will support this going to the committee. It has got a lot of impact if those couple of licences are issued to import alcohol and it is only appropriate that this House considers the impact on its revenue stream and its future in the business of alcohol distribution

MR BRENDON CHRISTIAN Thank you Mr Speaker, I believe if the process of investigating the issuing of licences or the selling of the Liquor Bond or call it what you wish is to proceed, and this would be the minimum requirements of the process I'm still unconvinced that it would be in the best interest of Norfolk Island to divest ourselves of one of our main sources of revenue based on what I believe is nothing more than a shortage of funds. I see in the motion before us today will give a clear and concise report on some of the main concerns that have been raised by Members of the community and Members of the Legislative Assembly. A question that I would like to ask the Minister is if he would like to inform the community and the House, do you know who is actually on the committee and can you inform the community and does the committee have the funds and the ability to engage relevant professionals that would be able to give professional advise based on such requirements that I see would be due to give the expert advise required for a report that will be accurate

MR GARDNER Thank you Mr Speaker, the make up of the committee and I will stand corrected on this as I understand, you yourself by default would be a Member of such a committee, but Madam Clerk is waving her head about so she obviously has taken issue with that, but as I understand it, it includes Mr Brendon Christian, Mr Tim Sheridan and also includes Minister Magri and the alternate as I understand it, Minister Christian but I'll just check that, I've got it here, it's Brendon Christian, Mr Magri, Mr Ian Anderson and the alternate is Neville Christian and this was a committee that was appointed at the outset of this Legislative Assembly so it's basically a standing committee constituted by those Members and Minister Christian operates as an alternate Member if one of those permanent Member that I acknowledged earlier is unavailable due to illness, is off island or nominates to be absent due to a conflict of interest or some other reason. I don't see that any of the permanent Members have a conflict of interest. We all in fact have a great deal of interest in the outcome of the deliberations of the committee. None of us directly benefit in any form from the proposal that is before the committee, the subject of the enquiry and I can't think of any finer

gentlemen than those three permanent Members to host this enquiry. As far as whether the committee has the funds or not, and Mr Brendon Christian has raised a very important point, and as I understand it there are funds for the operation of the committee's within the budget process and I note Madam Clerk is not waving her head about so I expect I'm correct in saying that and Mr Speaker I think you're confirming it, nodding your head, but to engage the experts, if we are going to make these decisions without engaging the necessary expertise, if the committee is going to enquire into them then what hope if the committee hasn't got the money has the Norfolk Island Government got, of getting the right advice so it's a matter of finding the necessary resources to properly inform the process

MR ANDERSON Mr Speaker Mr Gardner covered the whole subject pretty well when he spoke. I will certainly be supporting the motion and he did make one important point, that the committee in its outlook on Government enterprises, is that this could extend to other areas so it's a very important job that has to be done by this committee and there certainly are diverse opinions as to what we should do, out in the community and amongst the Members themselves and it's the committee's job to thrash this out and to come to a conclusion and I think it is the only way to go about doing this job properly and handling the whole subject of what we do

MR MAGRI Mr Speaker thank you. Just in relation to the motion I've just got a bit of a query in relation to why the Minister would think that the committee, whilst I agree they are fine gentlemen, would be able to do a better job than the Norfolk Island Administration who has been tasked with these exact questions and the complete due diligence process on the future of the Liquor Bond. I am happy to support the general motion if there's a general belief that this committee has the ability to do better than the Norfolk Island Administration but certainly the work that I've received back from the officers of the Administration have been exemplary and would easily be able to answer these questions but it would be interesting to see the Minister's point of view on that. In relation to the process that we are dealing with here, we're undergoing a review to see where the future of alcohol sales and the manner in which alcohol is imported into Norfolk Island, sold on Norfolk Island, should go, it's an extensive review. There's been no decision at this stage made to sell anything and I don't know how responsibly a decision could be made until the end of the due diligence process. I understand this subject has raised a fair degree of anxiety in the community and that certainly was not the intention and certainly from the feedback that I have received to date, I think each of us would be blind not to accept that there is a fair degree of community resentment towards doing anything too much different to what we are doing today. I intend personally to continue to support going through this process, I think at the end of this process we'll end up with a valuable management and resource tool available and I think at the end of the information we are going to be able to describe to the Commonwealth and to the community that the review has suggested a particular outcome and I'm not going to pre-empt what that outcome might be but certainly there's no doubt that the Liquor Bond is a significant community asset and we need to deal with it appropriately and one of the, and I've got a lot of information on it and quite a lot of letters in relation to this matter in which if this motion is agreed, I'll supply all of that information for the committee for their benefit. One of the meetings that I did have was with the social awareness committee and just for the benefit of the Members I will read out the Membership of the social Awareness committee and that is Allan Bataille, the Community Services Manager, Allan Buffett the Customs Officer, Rosie Saint, community citizen, Rev Rod Oldfield, church of England, Sgt Ed Sjollema, Sgt of Police, Barbara Shelley, Councillor, David McCowan, Hospital Director, Robin Quantrell, community citizen, Neil Solomon, School Principal, Michael Browning from the SDA Church and Bob Green from the Uniting Church and I think we can all agree that it's a fairly representative community group. I went to a meeting with that group and they were advising me on a whole range of decisions and they seemed to be in general support of continuing what we currently do. At that meeting I said that if they were able to articulate their concerns in a short letter I would read that letter into Hansard, and to complete that I will now do so. "Dear Minister, Liquor Amendment Act 2009. The Social

Awareness Advisory committee wishes to express its concern with the proposed introduction of the Liquor Amendment Act 2009 as it will have a serious impact on the community. Whilst acknowledging that the sale of liquor has become accepted by the community we feel very strongly that the arrangements for the importation and retailing should remain as they are at present with the Administration of Norfolk Island being in control as the sole importer of liquor into the island. At present the consumption of liquor creates problems that impact on the health of individuals and families whilst at the same time the Administration are responsible for the cost of some of those impacts through the provision of counseling services, health services and policing where the funding is provided from the proceeds of the sale of liquor. It is our view that for licences issues as proposed, then the licensees will not be contributing directly to these costs and their self interest will be in profit as the prime motivator. As a result of this, there will be an even more expensive product with an increased drain on individual finances. Previous attempts by persons/companies to assume control over the Liquor bond and to obtain monopoly in the sale of liquor have been rejected and this should apply also in this instance. Any issue of a licence will set a precedent for a possible increase in the number of retail outlets. If this occurred it would be compounded with the provision of other licences such as a drive through bottle shop. There is concern that general stores will be able to capitalize on the advertising within the licenced area and in the absence of a ban on advertising of liquor there will be a proliferation of advertising material. The legislation should include a prohibition on the advertising of any form. There should be a separate and secure area as is required of other liquor licences that are issued as the provision of such facilities would be sending the wrong message to the community. The committee is convinced that there are sufficient retail outlets where liquor may be purchased in small quantities from the clubs and hotels as off licenced sales. Whilst the number of retail outlets through Australia have increased, it is a proven fact that social issues relating to the excessive consumption of alcohol has also increased. There is a concern within the committee that a softening of the legislation will cause a corresponding exacerbation of the social issues in Norfolk Island. Two thirds of the issues presented in the counseling arena are alcohol related to the following – financial burdens increase, domestic violence increases, there is a break down in the family units, children grow up seeing drinking as acceptable and normal; and teens today are already caught up in a culture of drinking. As a Government the Legislative Assembly has a duty of care for the wellbeing of the community and to act in their best interest. The adoption of this legislation would be a retrograde step. Signed by Allan Bataille on behalf of the Members of the social Awareness Advisory committee. Mr Speaker I would support the Minister's motion but I just would hope that instead of going out and thinking that we don't have the experts in House that they would recognise that we have trained experts within the Administration perfectly capable of doing this job and I'm sure also that Minister Gardner would be able to concur with that. Thank you

MR NOBBS Thank you Mr Speaker I point out at the outset that I intend to support the proposal on the table at the moment but discussion with regard to the Liquor Bond and its ownership or otherwise within the Administration has been one that has raged for years and I would see the proposal before us today as one that would give us a structured report that would result from the consultation process, the data that has already been prepared in many areas as Mr Magri has already pointed out, and other data that may come to hand in that process. I look forward to it in that regard in that not only will it give us a clear assessment type report for us to make our evaluation and the community to make their evaluation but it will be on hand for future discussions in a similar context if other assets are to be considered in a similar way. I might must clarify two minor things that have been discussed and that is that the motion that I put to the House and the radio discussion that Minister Magri and I had were both about generating discussion on this and the consultation process, they weren't anything about a foregone conclusion, they were opening the gates to get the data collection and get the views of the community and that has been happening on a number of levels. Interestingly enough for me, I had one other aspect to this and that is, that in our Strategic Planning we committed at the start of this Legislative Assembly to also look at our core business and to assess how best the Administration the utilises its services, its assets and the provision of the services that

were appropriate to Government so this still fits within that bailiwick. In terms of some comments that were made earlier that is it a function of our assessing this through assessing core business or assessing it through prudent financial reasons and things like that, I actually think it is a responsible assessment of assets as has been done by all Government or the majority of Governments' affected by the global financial crisis over the last year or more and if I could just provide another perspective there, and that is, as the Minister for Finance mentioned earlier we have our Secretary to Government in Canberra or the last few days in discussions with officers in the areas such as finance and deregulation. In the Secretary to Government's report to me in the last evening on how those discussions had gone, he pointed out that it was very positive and open discussion however, from the officers there were some queries regarding the core business of the Norfolk Island Government, the operation of the GBE's and in particular seeking a better understanding of our involvement with the Liquor Bond so what we're proposing here is an evaluation and a reporting process and is a collection of data process that I support. If anything that I would add to that, would be that the range of feedback that I've had from various Members of the community has been as diverse as you can't possibly let it go for Public Service reasons or for revenue reasons; there have been others who have said you shouldn't be in that business as a Government or Administration; there have been others who have been concerned about whether any change to the existing regime would provide a less restricted access to underage drinking and things like that, so there have been a number of concerns that range across the full spectrum from social issues to assessment of Government core business. I see this committee as able to provide us as I said at the start, a structured report that we will be able to evaluate and the community will also have on hand to evaluate. Thank you

MR ANDERSON Mr Speaker just one small point and Minister Magri mentioned this, the Administration report being expert and possibly being more valuable than what the committee can do. The committee will obviously take a lot of notice of that report as they would any other information that they would see, and give appropriate weight to that report

SPEAKER Thank you Mr Anderson. Further debate Honourable Members. There being no further debate, the question is that the motion be agreed to and I put that question

**QUESTION PUT
AGREED**

Thank you. That motion is so agreed

FIXING OF THE NEXT SITTING DATE

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

MR B CHRISTIAN Mr Speaker I move that the House at its rising adjourn until Wednesday 18th November 2009, at 10.00 am.

SPEAKER Thank you Mr Christian. 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
adjourn

Thank you Mr Speaker I move that the House do now

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 brief matters that relate to serving officers on Norfolk Island who will soon be departing our shores and recognition of those senior officers contribution to the life and wellbeing of the people of Norfolk Island and the first one of those is the Sgt of Police, Ed who will be departing our shores shortly. He has been a very good Sgt of Police in Norfolk Island, a good organiser and a good communicator and particularly with his desire to want to consult with Members of the Legislative Assembly on a fairly regular basis on a whole host of issues and he's to be complimented for his initiative and his desire to want to work very closely with us and I'm sure that Sgt Parnell who will take over his role, who we have already met as part of some discussion over some liquor and road traffic issues will continue the fine tradition that Ed's established and I would like to on behalf of the Legislative Assembly Members and the community thank Ed for his contribution and wish him and his family well into the future on their departure from Norfolk Island

MEMBERS

Hear hear

MR GARDNER

Thank you Mr Speaker, the second acknowledgement that I would like to make is in relation to our Crown counsel Ron Holdsworth who will finish his term with the Norfolk Island Administration after a fairly lengthy period. Ron came to us I think in about 2006 or thereabouts right in the middle of dealing with the Glen McNeil murder trial and he very professionally and competently managed that trial process in Norfolk Island and I think without exception he has demonstrated to us that he had been very professional in his approach to the provision of advise and interpretation of the law in Norfolk Island during his term on Norfolk Island and likewise I wish him all the very best in his future wherever that may take him as I understand it, a quiet sojourn in Thailand or Malaysia or somewhere is on his agenda immediately on his departure from Norfolk Island and I hope he enjoys the sunshine and the cool beer of Thailand or wherever it might be, but good luck Ron and thank you very much for your dedication and service to the people of Norfolk Island

MEMBERS

Hear hear

MR NOBBS

Mr Speaker just a brief one to mention that as per usual we will be doing the Minister's Forum tomorrow at a time appropriate to the Broadcast Manager, and I think it's somewhere around 9am. Thank you

MR GARDNER

Thank you Mr Speaker, just in relation to the launch of the tourism brand on Norfolk Island which occurred on Monday evening and unfortunately there was some technical glitches which were associated more so with the unexpected arrival of vast numbers of people who showed a very keen interest in the launch of the brand on Norfolk Island and my apologies for those who were into able to hear the delivery of brand but it is important that outside of that forum I publicly acknowledge the4 massive contribution of so many people in this community and the officers in the Tourist Bureau, the Members of the Tourism Board in the huge amount of work that they've put into the branding process and the development of the brand in line with our own Strategic Plan endorsed by this House in 2007 and they are to be complimented on the work that they've done. I have had solid and very vocal positive support for the brand itself and the launch, despite the difficulties that were encountered and Mr Speaker that augurs well for the future of tourism in Norfolk Island and thank you to all of them

SPEAKER Thank you Minister Gardner. 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

The motion is agreed to. Therefore Honourable Members this House stands adjourned until Wednesday 18th November 2009, at 10.00 am

