



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
13TH NILA HANSARD – 1 DECEMBER 2010**

SPEAKER Good Morning Honourable Members, we commence with the Prayer of the Legislative Assembly.

PRAYER

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

SPEAKER Please be seated. Gentlemen if you wish to remove your coats feel free to do so. Please make sure your mobile phones are turned off. Thank you.

Honourable Members before we move to the formal proceedings in the House this morning, I would like to welcome to the Public Gallery Mr Robert Patch. Mr Patch is the Director of the Norfolk Island Section, Territories East Branch, Department of Regional Australia, Regional Development and Local Government. I understand that Mr Patch has only recently joined the Territories Branch and Mr Crean has asked him to visit, to meet the people of this Island and to familiarise himself with Norfolk Island. This is the second visit that Mr Patch has made in the last couple of weeks and I welcome you. For the listening public, I take this opportunity, it is my understanding that this evening, His Honour the Administrator, the Chief Minister and Mr Patch are co-hosting a meeting with the Community at Rawson Hall commencing at 5pm. I am sure the Chief Minister will make further reference to this. This meeting is to offer an opportunity for Community discussion on issues pertaining to the reform process and the ongoing partnership with the Commonwealth Government to provide a sustainable future for Norfolk Island. I would now like to welcome to the Public Gallery the Official Secretary, Mr Bruce Kelly and Mr Yarm Menzies.

CONDOLENCES

SPEAKER We move now to condolences Honourable Members. Mr Snell.

MR SNELL Madam Speaker it is with regret that this House records the passing of Thomas Clabby and Jill Berenice Westwood.

Thomas Clabby was born on December 10, 1918 in New Zealand, the twin of his brother Patsy. His father John was an Australian of some generations and his mother was Louisa Matthews of Dunedin. He and Patsy were the younger of nine children, eight boys and one girl. The family moved to western New South Wales in 1919 when the twins were six months old. Patsy died just six months later. Tom grew up in rural areas and received a Catholic school education. He had an original mind and detested being told that there were formal ways to do things. His irrepressible, mischievous and naughty nature meant many wallops with the cane. In September 1939 upon the outbreak of World War 2 he enlisted in the AIF as part of the Seventh Division and was shipped to North Africa where he became one of the Rats of Tobruk until brought home to fight the New Guinea campaign. He was on the Kokoda Trail. Serving on a supply ship he was torpedoed in the Coral Sea and spent ten days drifting on a raft until picked up, atrociously sunburned, by an American destroyer. After that, he fought on Bougainville.

Due to Tom's dislike of taking orders from pompous officers, he came out of the Army in 1946, a mere corporal with no medals and lots of time in the glasshouse for insubordination. After the war he worked on the Snow Mountains scheme as a driver of heavy equipment, and became a professional trucker. Tom never married. His fiancée was killed in a solo road accident and while he loved the ladies, he never found anyone to take her place. He suffered another very deep personal loss when his much beloved nephew Carl McCullough died rescuing a woman from drowning in 1965. It drew him and Carl's sister Colleen close together in mutual grief. Upon his retirement he lived with his sister in Katoomba and following her transference to full time nursing care he moved here to be with Colleen. Tom lived "Out Yenna", for seven and a half years during which time he made his mark on Norfolk in many ways. He gave Pete's Place a new front window and had an altercation with a tree in the Foodland parking lot. He flirted with numerous ladies on his rounds with his terrier, first Spotty then Bindy. Tom loved his food and ate lollies non stop. His time with his mates was vitally important. He loved to yarn and have a beer at the club, put a bet on a horse and adored a good joke. Tom's end was fairly rapid and beautifully managed by the hospital staff, nurses and doctors. Six weeks before his passing he was still driving around with Bindy and helping to make morning tea for the "Out Yenna" staff. To Colleen and Ric, and to his many friends this House extends its deepest sympathy. May he rest in peace.

Jill Berenice Westwood was born in August 1927 in Sydney, the only child to Everard and Beatrice Hedeman. Her father was an Accountant of Austrian descent. Unfortunately, Jill's mother passed away when she was only about 7 years old. This meant having to live with her Aunt whilst attending Primary School in Mona Vale. High school years at Manly High were whilst Australia was at war complete with blackouts, air raid sirens and air raid shelters. Whilst working as a Secretary at Young's Motors Collaroy, Jill met Ross who had recently been demobilised from the Royal Australian Air Force at the end of World War 2. Ross and a friend were operating a service station at Mona Vale Junction selling petrol and doing minor mechanical repairs. In 1947 Jill and Ross were married. Ross joined the Department of Civil Aviation in 1948, completing his mechanical apprenticeship at Mascot Airport. In that same year, Department of Civil Aviation took over control of the Norfolk Island Airport from the Royal New Zealand Air Force and by 1950 extra staff were required to maintain the equipment at the airport. Ross applied for a mechanic's position and was selected. In June of that year they arrived on Norfolk and rented a house from the Jones brothers in Burnt Pine. Jill quickly and happily adapted to life in her new home and a new life style. In those days she claimed it was perfect, belonging to two communities, that of the DCA airport clan and that special Norfolk Community. To her there was no better place to live and dreaded the possibility of getting transferred to other airports which almost happened on several occasions. Five years after moving here, in January 1955 Robert was born. Jill had many interests over the years. Some of them, being learning to speak German as part of her Austrian heritage; The Pitcairn-Norfolk genealogy and constructing all the Island Family trees; Island recipes and cooking and she could stand with the best in Whataway Wettles. Collecting local shells and photographing and studying the various mushrooms and fungi of Norfolk. Many happy hours were spent in her garden. Jill had great enjoyment on becoming a grandmother and she doted on her two grandchildren Kirt and Marguerite. For the last five years, Jill had the progressive onset of Alzheimer's disease. In the last two months she was hospitalised and passed away aged 83 years. Jill had lived here amongst us for sixty years. To Ross and Rob, to Kirt and Marguerite and to Jill's friends this House extends its deepest sympathy. May she rest in peace.

SPEAKER Thank you Mr Snell. Honourable Members as a mark of respect to the memory of the deceased, I would ask that we all stand in silence. Thank you Honourable Members.

PETITIONS

Honourable Members we move now to presentation of petitions. Are there any petitions this morning? No petitions this morning.

GIVING OF NOTICES

Are there any notices to be given this morning? The next matter on the Agenda Honourable Members is Matters of Public Importance.

MATTERS OF PUBLIC IMPORTANCE

Honourable Members the Chief Minister, yesterday afternoon proposed to me under Standing Order 81, that a definite matter of Public Importance be submitted to the House for discussion. I advised that the matter was lodged within the timeframe provided and have determined that it is in Order. The Matter of Public Importance being proposed by the Chief Minister concerns discussions on funding by the Commonwealth of Australia to address urgent economic and social issues in Norfolk Island. Standing Orders provide that the proposed discussion is supported by three Members. Concluding the proposal rising in their places as indicating approval, I look to you for that support Honourable Members. Thank you Honourable Members. I call on the Chief Minister to speak.

MR BUFFETT Thank you Madam Speaker. Madam Speaker, I talk to the House and the listening public this morning, about the meeting that Minister Anderson and I had with Honourable Simon Crean, Minister for Regional Australia, Regional Development and Local Government, in Canberra, last Thursday 25th November 2010. I thank Madam Speaker those who gathered in prayer at All Saints Church, to seek support and direction in our deliberations, on the Thursday we were in discussions with Minister Crean, and to the many others who wished us well in undertaking that task. The Meeting was very productive Madam Speaker. We concentrated our discussions on the immediate short term issues facing Norfolk Island, and ranged over some medium and long term matters. We confirmed the necessity to work together in a partnership, a co-operative approach, to ensure there is a net benefit for Norfolk Island and its Community and there is appropriate consideration of local circumstances. Prior to going to Canberra, the Minister and I had spoken of agreeing a Memorandum of Understanding between our two Governments, outlining each of our responsibilities in relation to any short term arrangements as well as a commitment to work together towards medium and long term solutions for Norfolk Island's future and we signed that Memorandum Madam Speaker and I table here this morning a copy of it. In the context of the discussions, Minister Anderson and I also provided Minister Crean, with a request for financial assistance. Minister Crean wrote promptly to the Prime Minister in this regard. As a part of an immediate response, a Commonwealth Officer flew out from Australia on the same plane as we did, that is last Sunday. This is his second visit in as many weeks. And as you have earlier described to us Madam Speaker Mr Patch is here to further familiarise himself as to how our arrangements work in this place. As you welcomed I do so also Madam Speaker. In the last 24 hours extending the spirit of an immediate response, Minister Crean's office has informed me that a funding amount of \$3.9 million to Norfolk Island has been approved, to cover the balance of this financial year; to be utilised to address urgent and unforeseen economic and social issues in Norfolk Island. I am pleased to announce that this funding will be made available and acquitted on a monthly basis commencing in December of this year, that is this month. I thank warmly, Minister Crean for his personal grasp of Norfolk Island's difficult situation, his understanding of the urgency of our need, and his exceptionally prompt and valued response. Only his personal commitment and participation could have moved the Commonwealth machinery to expeditiously provide the decision I announce today. There are of course conditions on any funding package and in this instance the funding is to be expended only for the purposes specified in the

Government's request to provide essential Government services. It is not to be utilised to meet the Norfolk Island Government's existing liabilities. In addition the Commonwealth Government will not assume any liability of the Norfolk Island Government. Minister Crean has foreshadowed a visit to Norfolk Island possibly in February 2011. We are agreed that the basis of the visit would be to cover more substantial talks regarding the medium and long term future of Norfolk Island as well as the progress of the implementation of the reforms pursuant to the Territories Law Reform Legislation which was passed in the Australian Parliament on Friday. As you can imagine there is much work to be done between now and then. I do remind everyone that it is early days, and I have mentioned early days on a number of occasions, however I am confident following the meeting with Minister Crean, that our two Governments will be able to work together to provide a sustainable future for Norfolk Island. I do add Madam Speaker that in addition to meeting with Minister Crean, Minister Anderson and I met with several other Members and Senators, amongst these was Senator Louise Pratt, the newly appointed Chair of the Joint Standing Committee Capital and External Territories. I congratulate Senator Pratt on her recent appointment there. Senator Pratt invited other new Members of the Committee to the meeting and we had lengthy discussions with Mr Luke Simpkins, the Member for Cowan, Western Australia, and Ms Gai Brodtmann, Member for Canberra, regarding the Joint Standing Committee's continuing interest in Norfolk Island. I also congratulate these two Members of Parliament on their appointments to the Committee. After Minister Anderson and myself returned on the plane on Sunday, we will all know around this table that I briefed Members of the House that afternoon and made a brief radio broadcast on the following Monday on the developments at that stage. Today I bring this detail to the House. As I have said, early days Madam Speaker, and there is a long road ahead of us. However, I am confident that our two Governments can grow this partnership to ensure a positive and successful future for us all in this place. I welcome the Community's involvement in that process of course. To facilitate this, and to do it promptly, both myself and the Commonwealth Officer will be available at an initial joint Community consultation evening, tonight from 5 o'clock in Rawson Hall. I invite and encourage those who would like to be there, to be there. I do emphasise that if you are not able to be there, there will be other occasions. This is an early arrangement, and needs to be early in the time frame that we need to address and we are commencing promptly, with both the Commonwealth and the Norfolk Island Government being present. Thank you for allowing this to be presented as a Matter of Public Importance Madam Speaker.

SPEAKER Thank you Chief Minister. Further discussion Honourable Members, Mr King.

MR KING Madam Speaker, I move that the Statement be noted and that debate on the question be adjourned until later time in the Sitting.

SPEAKER Are you proposing that be in relation to the Statement or the Paper that was tabled?

MR KING Well the paper...

SPEAKER Because that is not normal under a Matter of Public Importance, may I suggest you do the paper?

MR KING If you so desire Madam Speaker, if I can achieve my objective in resuming debate on the matter at a later in the day.

SPEAKER The question before us is that the debate be adjourned on the paper that has been presented to the House this morning? Those of that opinion say Aye, to the contrary No, are there any abstentions? The Aye's have it. Thank you. Further discussion on the Matter of Public Importance Honourable Members? Mrs Ward.

MRS WARD Thank you Madam Speaker and thank you to the Chief Minister, of course the Community has been waiting for an indication of a direction and I would like to thank of course Minister Crean for his personal commitment, I have no doubt, as I said previously, that he would understand the urgency of the situation. I do have a couple of questions, I am not sure if it is appropriate, if the Chief Minister is able to elaborate a sentence or two further on points where he talks about, the fact that there are conditions attached to the signing of the MOU and the exact words were specified services, whether the Chief Minister was able to elaborate on that point.

SPEAKER Chief Minister I look to you. Please be mindful of the fact that we have discussion on Matters of Public Importance, it is not a matter for debate because there is no question before the House. I will leave it to you if you would like to respond.

MR BUFFETT Yes, thank you Madam Speaker, I do want to be helpful in the process. Let me just prelude that part of the response by saying that all things are not yet tidied. But I want to let you know as quickly as I am able, about how the developments have gone, so I am able to say what I have today. To elaborate all of the details about the components might take another day or so to actually put all of that into place. But I can say this in response to your area, the specified areas relate to education, social service, in other words, those essential components within the Norfolk Island Communities needs. There will be a time to elaborate all of that Madam Speaker.

SPEAKER Thank you Chief Minister. Further discussion Honourable Members on the Matter of Public Importance? Looks like discussion is concluded but before I move along, perhaps I could look to the House for guidance, on where we shall resume debate on the paper that was tabled. Would you like that perhaps to be after the luncheon break, would that be helpful?

MR KING Madam Speaker, that was my objective to enable people, I mean I have caught a glimpse of the document being placed on the table. I would like to have an opportunity to read it and understand it, if I am to make any intelligent contribution at all it would be after lunch.

SPEAKER There is no disagreement on that I presume, that following the luncheon break we will resume debate on the paper that it be noted.

MR BUFFETT If facilities could be made available to make copies of the paper, I would be very pleased with that.

SPEAKER We can do that for you. Thank you. Next Honourable Members the next matter before us is Questions Without Notice.

QUESTIONS WITHOUT NOTICE

SPEAKER I look to you Honourable Members for Questions Without Notice. Who would like to go first? Mrs Ward.

MRS WARD Thank you Madam Speaker. The question is to Minister Nobbs. How much did the commissioned independent report into access to Telecom infrastructure cost? Did the assignment go through a tender process and from which appropriated area was it funded?

MR NOBBS Thank you Madam Speaker as indicated earlier, we sought specialist advice with expertise in both the telecommunications field, deregulation and appropriate initialisation for advice on those areas. As such, it was a selective

process. The invoice has not been presented at this time, however I am aware that is in the vicinity of around \$27,000.

MR KING A supplementary if I may. I would like to establish very early in the piece if we are going to get clear answers to our questions. On a Point of Order of relevance, Mr Nobbs has not answered the question that Mrs Ward has put to him, I call on him to answer the question as to where the funds have been appropriated in the budget.

SPEAKER Thank you Mr King. I would normally have expected, if that Point of Order, if it were to be raised, that it would have been from the person who asked the question.

MR NOBBS I am happy to take that Madam Speaker. I thought I had covered all of the question, however you quite rightly pointed out that there was a question where it was appropriated from. In this instance, in the budget appropriation, there was a discussion about an amount to be set aside to enable review of Telecommunications Act that did not make it into the final cut of the budget. In this instance it will be sourced out of budget areas within both Telecom and potentially out of my Commerce & Industry vote as well.

SPEAKER Thank you Mr Nobbs, in response to Mr King I haven't ruled that there is a Point of Order. Further Questions Without Notice, Mrs Griffiths.

MRS GRIFFITHS Thank you Madam Speaker my question is for the Minister for Commerce & Industry. At the last two Sittings of this House I have asked a number of questions relating to fuel handling, delivery and management. Given that a member of the business sector felt compelled to publically announce that until the situation was resolved he could no longer provide services to the Community. Can the Minister now advise whether the issue has indeed been resolved and is the resolution regarded as a permanent or temporary measure?

MR NOBBS Thank you Madam Speaker, thank you Mrs Griffiths, I did provide a fairly substantial answer to the fuel distribution issues in previous Sittings. But in regard to this particular matter, the operator had proposed a figure to increase the distribution costs to the service stations and the like on the Island. The Administration had sought some clarification on that figure. Obviously if we are to pass on a cost onto the Community to increase the distribution of fuel, then we want to be sure that it is justified. In the ongoing presentation of that information and the discussion with the Administration, a compromise was agreed to, that was, I think, almost some degree lower than the original proposed increase, which still satisfied the distributor of the fuel. That will, as far as I am aware, will be the ongoing arrangement until the finalisation of the tendering process for the new distribution of fuel. Whether it is the same operator or a new operator, is yet, unknown. Thank you.

MRS GRIFFITHS Thank you Madam Speaker, a supplementary if I may. Minister Nobbs, you are saying that the issue is still from July when the Expressions of Interest were initially sought that this issue hasn't been resolved through the formal process.

MR NOBBS Thank you Madam Speaker. No, the issue of the current distributor requesting an increase in distribution charge has been resolved, as I indicated, by a compromise. They are satisfied with that. However there is a tender process coming to finalisation for the distribution of fuel going forward.

MRS GRIFFITHS One further supplementary Madam Speaker, considering the tender process began in July, can the Minister give an indication on when this process is likely to be finalised and how long is the compromise in place for.

MR NOBBS Thank you Madam Speaker. I would imagine the compromise is in place until the tender process is finalised, as it seems to be an agreed position. The tender process that you talk about starting in July, actually commenced as an Expression of Interest in July. There was an Expression of Interest placed in the local advertising to enable people with that capacity to propose an interest in the distribution of fuel on Norfolk Island. That went through an assessment process, following that was the tenders process. The tenders process, as far as I am aware is coming to a close, and should be going through the normal tenders evaluation process and then coming to Cabinet.

MR KING Madam Speaker, a question for Minister Nobbs if I may. The Minister in the past has referred to the pontoon used in cruise ship unloading has been engineering certified. Can the Minister advise if the pontoon manufacturer still carries or assumes liability for the safety its product, the pontoon, despite the changes made to it to date. If the answer is no, who is liable for the safety of the pontoon?

MR NOBBS Thank you Madam Speaker. From what I am aware, the modifications to the pontoon, have been done with engineering oversight and I think from the manufacturers who were also part of the obvious construction of the pontoon, and certainly in terms of our risk management and our insurances we would absolutely ensure that it still has certification once modified.

MR KING A supplementary please. Can I ask that the Minister then table at the next meeting that certification.

MR NOBBS Madam Speaker, I would need to be certain that they have completed all of their work, however once all works are completed, the certification is in place, I certainly have no issue with tabling that.

MRS WARD Madam Speaker my question is to Mr Sheridan. The last meeting of the House Minister Sheridan said that he refused to wait any longer for the actuarial report on the Health Care and Workers Compensation Scheme and ordered that it be delivered post haste, has the Minister's order been carried out and can he now table the report?

MR SHERIDAN Thank you Madam Speaker and thank you Mrs Ward. Unfortunately yes, my request for that actuarial report to be provided to me forthwith has not happened at this point in time. I don't believe it is any fault of the Administration, it's actually from the consultant that we have employed to do this. We are just waiting for it to appear Madam Speaker so I can't really provide any more information, other than I have requested it be provided to me without anymore information going to the consultant, so it is just a matter of waiting until he is ready to provide it unfortunately.

MRS WARD A supplementary as I am just confused there. So the Minister is satisfied that the chap doing the report has all the data he needs from Administration to finalise his report?

MR SHERIDAN Thank you Madam Speaker. Yes, I am satisfied that the consultant has sufficient information to provide a report, he may wish to obtain more information, but unfortunately that information is at the depth of a computer or it's in the files that haven't been put into the computer as yet, but I'm not willing, for the past years data to be inputted before I get the report. That is the information that he was requesting, he has a certain amount of data already, like the previous 12 months, he

wanted to go back further, but that information has to be sourced from the files and be put into the computer, into the database, so that he could access it. There have been a few snags with regards to that, so I have said, that I was not willing to wait for that extra information to be provided and I wanted him to finalise his report. The reason why I wanted that, as at this Sitting, I intended to announce the changes to the Scheme, if there were to be any, but unfortunately that won't be able to be done until February now, as that is the next Health Care Levy Period, so if any changes to the Scheme come into force it will be in the February Levy I presume.

MRS WARD Thank you Madam Speaker. Mr Sheridan wasted no time in the question to him, he wasted no time in asking the Service to develop a pamphlet to clearly identify each Social Service Benefit and who is eligible to receive them. In the local media the Minister outlined the Aged Pension requirements, will the Minister extend his request to cover all other Benefits, plus Workers Compensation and Health Care Scheme, so that the Community can better inform itself on these matters?

MR SHERIDAN Thank you Madam Speaker, thank you Mrs Ward. Yes, that is an ongoing program you might say. I was surprised last week when there was no follow up from the initial aged care benefit. I was hoping that each week they would cover one or two areas, unfortunately the Officer that is responsible for this, has been on leave for ten days, so that may well have created the hiccup. But I would expect that this coming Saturday there will be further information in relation to Social Service Benefits in the local paper.

MR KING Could I ask another question in relation to Social Service Madam Speaker. Minister is it a fact that the Social Service Special Benefit is available and being used in the nature of an Unemployment Benefit, and I have not objection to that what so ever. But is that a fact because there is no other avenue available to local unemployed or under employed people?

MR SHERIDAN Thank you Madam Speaker. Thank you Mr King. At this point in time I am unaware that the Special Benefit is being provided as an Unemployment Benefit. It is there as a hardship benefit, if people come down and plead hardship, consideration is given by the Board for the access to some funds. But certainly not people coming down saying I haven't got a job, give me some money. No, it is not being employed in that way at all.

MR KING I'm sorry, for the purpose of clarification, a supplementary. Is it not a fact that the Social Services Special Benefit is available for people suffering hardship through unemployment and under employment?

MR SHERIDAN Thank you Madam Speaker and thank you Mr King. I suppose that would be one of the assessments that would be undertaken if they do come down and ask for a hardship provision, well if they are unemployed and they do have expenditure commitments, well then yes, I suppose that is one factor that is taken into consideration. But what I am saying is, just because they are unemployed, does not necessarily qualify them for a Special Benefit. There are a lot of other factors that are taken into account as well.

MR KING That is two bob each way that answer Madam Speaker. A Social Services question again if I may Minister. Can the Minister explain why it is apparently so complicated and difficult to review just one element of Social Services Policy, that is the Policy in relation to the treatment of one off lump sum payments.

MR SHERIDAN Thank you Madam Speaker. No, it is not difficult, I have requested a meeting with the Social Services Board on this matter and just due to

circumstances, that meeting has not taken place as yet, as I really need their input into this. Until that meeting is had, I won't be finalising that Policy.

MRS GRIFFITHS Thank you Madam Speaker. This question is for the Minister for Tourism. Six months ago the Minister advised that as part of his Tourism Initiative Package that he had written to the Federal Tourism Minister seeking co-operative promotions with Tourism Australia. Will the Minister inform the House as to the outcome of this initiative?

MR NOBBS Thank you Madam Speaker, thank you Mrs Griffiths for the question. Yes, quite rightly I did write at some stage ago to gain access to some of the Tourism Australia Initiatives and promotions. The response from that early stage was that perhaps we would need to buy in in the same context that the other States and Territories do. However, I am pleased to report on another level, on an Officer level, there has been discussions between our General Manager for the Tourist Bureau and Officer level within Tourism Australia that seems to be some access being gained there to promote Norfolk Island in that context.

MRS WARD Madam Speaker at the last meeting of the House Minister Sheridan explained in some detail the areas that needed to be covered when developing an environmental impact study on the proposed high temperature pit burner to be located at the waste management centre. Is the Minister now able to table that study?

MR SHERIDAN Thank you Madam Speaker and thank you Mrs Ward. No unfortunately I am unable to table to the EIS report, because it hasn't been presented to the Administration at this point in time, as I believe. The process there is that the EIS report would form part of the development application for the high temperature incinerator, the high temperature pit incinerator. So in essence, the development application would be lodged and then the public would have their chance to assess the EIS and the development application during the public exhibition, under the regulations that it needs to be gazetted for a period of time.

MR KING Madam Speaker, thank you. A questions for the Chief Minister if I may. The Chief Minister has previously undertook to prepare a fact book for presentation to the Commonwealth Minister and Officials, presumably Madam Speaker that fact book was to contain a factual and detailed appreciation of the Governments Financial Position, including that of the Airline, the Island Economy. Presumably also factoring to Government forward estimates of revenue expenditure and the contingent and actual obligations etc, economic outlook. Can the Chief Minister now table the fact book, or otherwise make it available to Members, if he can not produce the fact book can he explain why not?

MR BUFFETT Madam Speaker there has been a fact book prepared. It is basically an overview of how Norfolk Island operates in a wide spectrum. That can be made available to Members. I will ensure that happens.

MRS GRIFFITHS Thank you Madam Speaker. My question is the Attorney-General. Mr Anderson some time ago you stated that you were leading a Legislative Review Program. Can you advise the House of the process you intend to follow to conduct the review? How you intend to identify the priorities? What progress have you made to date?

MR ANDERSON Thank you Madam Speaker. Thank you for the question? The Cabinet Sub-Committee of the Attorney-General has met on one occasion to determine priorities and a way forward. At that meeting it was decided that the existing policies in all areas that needed review would be collected together. That process is continuing. That is as far as it has progressed.

satisfied with the current system with dealing with work place exploitation which was predicated upon a complaint being made by an employee was adequate. Does the Minister not consider that the issue of work place abuse of statutory rights and entitlements, particularly of foreign, non English speaking workers deserves a more compassionate, a more understanding and a more vocal response by Government?

SPEAKER In so far, I believe you are asking Minister for an expression of opinion? I suggest that you change the tack to record.

MR KING I can change it to be a little bit more succinct. Is it a fact that the Minister does not consider that the issue of work place abuse of statutory rights and entitlements, particularly of foreign, non English speaking workers, deserves a more compassionate, a more understanding and a more vocal response by Government?

MR SHERIDAN Madam Speaker, I don't know what more I can say than what I have said previously, as Mr King has indicated. Until these issues are brought to somebody in a position that they can deal with this, I'm afraid there is, we can't go up there and raid the offices, and drag in the workers and ask them how their employment conditions are.

MR KING Why not?

MR SHERIDAN Because we can't.

SPEAKER Through the Chair Mr King.

MR SHERIDAN Because it would be an abuse of their rights, and the Employers rights. The Employers table a contract with the Employment Officer detailing their employment requirements. Now if those employment requirements are not being met, then it would be up to the Employee to make a complaint. Until they make a complaint, the Administration or the Government just can't go in on hearsay that these things are happening. There is so much hearsay going on around the Community, that if we acted on every bit of hearsay, we would have a crew of investigators working 24/7. So to answer Mr King's question, until there are complaints made to the Employment Officer, there is nothing really that we can do, our hands are tied.

MR KING One supplementary. Would the Minister not consider an enhanced inspectorate to determine whether the conditions and entitlements are not being abused? Whether that needs additional supporting Legislation or not, as a policy objective, would that not be the ideal and appropriate and open way to go about this?

MR SHERIDAN Thank you Madam Speaker, thank you Mr King. Mr King I suppose if there is a problem out there and it's proven to be a problem. And when I say proven, if there is a need and that need comes from complaints, well then yes, I would consider a more enhanced oversight you might say, of that area. If there is not a problem there that has been demonstrated, well then, why would we go down that road?

MR NOBBS I'm looking to add a question to Mr Sheridan on this matter. That is just, within the structure for Employment isn't it the case that a Temporary Entry Permit establishes the work requirements for the Employer and the Employee, isn't it also the case that the monitoring of that can be carried out through the Workers Comp Scheme, isn't it also a fact that there is an Employment Conciliation Board and an Employment Liaison Officer to facilitate many of the things that Mr King is referring to?

MR SHERIDAN Thank you Madam Speaker. That is exactly right, this is what I am saying, there is contracts in place, yes the Employment Officer does have the ability to have a look at figures that are provided for Workers Compensation, to see whether or not these people actually are being provided with the hours that are worked in accordance with their permit. Until there are complaints made against the Employer in regards to the non-provision, or, I forget the words that Mr King used, the exploitation of these workers, until these complaints are made to the Employment Liaison Officer there is very little that we can do.

MR KING Madam Speaker I have a question on the same subject, but a different Minister. I would ask Mr Nobbs, although he may have been a little young to remember precisely the detail, I would refer him, if I can, to the front page stories that appeared in the Auckland Newspapers in the mid 1980's which painted Norfolk Island as an unsavoury place where workers rights were abused, and which cautioned workers against travel to Norfolk Island for Employment. In the interest of avoiding a recurrence of such bad publicity and preserving Norfolk Island's image as an attractive place to visit, will the Minister urge his executive colleague to take a more proactive stand on work place fairness?

MR NOBBS Thank you Madam Speaker I great delight in answering this question. I was well aware of some of those issues of Norfolk's, perhaps perception, peoples perception outside of Norfolk with regard to employment in Norfolk Island within my role as the Minister responsible for Employment in the last Assembly. In revising the Employment Conciliation Board and the liaisons through the Tribunal, the Employment Liaison Officer and the various other checks and balances that I also referred the question to Mr Sheridan about, we certainly tidied that up and in fact, Norfolk Island's reputation as an Employer stands very highly regarded now I would think.

MR KING So the real answer is yes?

MR NOBBS The real answer is that...

MR KING Is that a yes, that you are going to get on his back or not?

SPEAKER Gentlemen, through the Chair please.

MR KING He hasn't answered the question Madam Speaker, all I ask is for a simple answer and I get no simple answer.

SPEAKER If you would come through the Chair Mr King. The question is? No? No further question. Mrs Griffiths?

MRS GRIFFITHS Thank you Madam Speaker, my question is for the Minister for Tourism. Six months ago the Minister said he had planned a number of Airline initiatives designed to generate additional revenue, you included among them, increased tourism and an increase in the airline baggage allowance to 30kg's. Can you now provide some evidence that these initiatives have actually worked?

MR NOBBS Thank you Madam Speaker. I suppose the best way to provide that information is to supply the booking information for bookings that utilise those discounted services and perhaps the data on those people that needed the 30kg's baggage allowance benefit when they left Norfolk Island. I can certainly get that data from the Airline and provide it.

MRS WARD Thank you Madam Speaker, in the name of scrutiny and due diligence I ask Minister Nobbs the following question and it relates to Redem

Tech and the energy efficient target of its invention. Has independent evaluation been carried out and resulted in discussion with the Government and if so which suitably qualified international engineering firm has evaluated the energy efficiency target?

MR NOBBS Thank you Madam Speaker, I would actually refer Mrs Ward to the previous Hansard where I provided some responses which were direct from Redem Tech themselves in terms of going through their process. The information that I am aware of with regard to engineering certification and truth of concept and those issues is that they were using an operation, a global engineering company, called ARUP. However there is also another engineering group that works with their assessment as well, I just haven't got their name with me at the moment.

MRS WARD Madam Speaker I brought Hansard with me, so I can refresh the Ministers memory if he would like me too? When I asked the question on the energy efficiency target, and I quote as part of his answer, as he did send the questions off to Redem Tech which is strange in itself that the Government... The quote is that the energy efficient target will be discussed with the Norfolk Island Government prior to the on Island testing and following independent evaluation of the High Efficiency Generator, so my question is, has the independent assessment taken place and if so, has discussion been held with the Government?

MR NOBBS Thank you Madam Speaker and I appreciate the clarification, the original question was who is and when is. The answer to that is quite simply that I have no further information other than the information provided from Redem Tech.

MRS WARD Thank you.

MRS GRIFFITHS Thank you, I have a question for the Minister for Tourism and probably in light of Mrs Wards question, I wanted to ask the Minister for Tourism, can you provide an update on your alternative energy initiatives please?

MR NOBBS Thank you Madam Speaker. As mentioned, I did provide an update at the last Sitting which was direct from Redem Tech and the purpose of getting a response direct from Redem Tech was so that it gave separate overview of what was going on with this installation. At this stage, as I just stated, I have no further information from Redem Tech.

MR KING Thank you Madam Speaker, a question for Minister Nobbs. Madam Speaker attempts to have the Minister table documentation supporting his earlier claim that Norfolk Island contributed 10 to 15 million dollars to the Commonwealth Tax Coffers resulted in the Minister tabling at the last Sitting, I think it was the last Sitting, an official Commonwealth Government paper, which estimated that such a figure was not a contribution in tax dollars, but an estimate of the amount on which tax would be paid? Was this significant error, in the Minister's earlier claim simply a misunderstanding which skewed his thinking on the issue over a lengthy period? Skew, skewed his thinking. Do you take objection Madam Speaker?

SPEAKER Just be mindful of the implication.

MR KING Was the significant error in the Ministers earlier claim simply a misunderstanding which distorted his thinking on the issue over a lengthy period or was it a deliberate attempt to mislead the House?

MR NOBBS Thank you Madam Speaker. Certainly not misleading the House. I will just read what I said at the last Sitting, where I presented those figures. I had previously mentioned a figure of around 15 million dollars which attracted a tax contribution and formed the basis of the Norfolk Island's previously

calculated contribution to the Australian taxation system through exports, company income tax etc. I note that this paper is updated of 1996-1996 estimates and details around 21 million dollars in exports that attract an estimated tax take of \$5,806,709.

MR KING He encourages a supplementary questions Madam Speaker and it is this; is it not a fact that on a earlier occasion you stated that Norfolk Island contributed 10 – 15 million dollars to the Australian tax coffers? I know what you said on the last occasion and it is not compatible with what you said earlier.

MR BUFFETT I just comment that maybe it was an update Madam Speaker.

MRS GRIFFITHS Thank you Madam Speaker, my finally question to the Minister for Tourism. Six months ago the Minister advised he had taken a number of initiatives in consultation with Air New Zealand and others to bring sporting events and entertainment to the Island. Would the Minister provide the House with some indicators that his initiatives have been successful?

MR NOBBS Thank you Madam Speaker. Successfully in gaining Air New Zealand's interest, in complete in terms of establishing all the framework to satisfy both Airline's for how it will be implanted. So still underway.

MRS WARD Thank you Madam Speaker, my question is to Minister Anderson. I have not had time, clearly to read the MOU, but perhaps Minister Anderson can describe briefly what safe guards are in place in the MOU to ensure that further Commonwealth funding to the Island is spent in a way that will satisfy both the Commonwealth and the Community?

SPEAKER If I may Mr Anderson. I think really the question is anticipating a substantial matter which we will address later on in the Sitting, perhaps you could leave that until that time? Thank you.

MR KING I shall ask one of Mr Anderson thank you Madam Speaker. If I can find it. How can the Government's recent policy decision, that's on Notice, I shan't ask him that one, as he is going to answer that one later on. Let me find another. How is it Madam Speaker that a simple immigration requirement that jobs be genuinely advertised to local job seekers first can not be implemented?

MR ANDERSON Thank you Madam Speaker. I am not sure that I understand the thrust of the question. I am assuming the question refers to the process where an advertisement is placed in the Newspapers and the applicants are mislead by the statement, TEP Renewal. If that is what the question is referring too, that has been addressed and is currently with the Service. They have prepared a paper on it, which I disagreed with, and it has gone back for further consideration. If that is the question that was being asked, otherwise please feel free to ask another one!

MRS WARD Thank you Madam Speaker. At the October meeting Minister Sheridan stated very optimistically that there would be no limitations to Norfolk making applications for Round 3 of Federal Health Funding. Did Architects Without Frontiers arrive on the Island in late November as initially stated by the Minister and were they able to make practical contribution and was a substantial application accepted. Although I believe there is two days until the time lodgement closes, but are we well underway in that area, and were there any limitations?

MR SHERIDAN Thank you Madam Speaker and thank you Mrs Ward for the question. Yes that application under the HHF Funding or whatever it is, the third round, the application has been completed by the Hospital Director, there wasn't able to be too much input from the Architects Without Frontiers visit last week. Because

they were only over here on a scoping visit and they are yet to do any work with regard to that area. But what is happening with this application has been completed, it will be going out on the aircraft tomorrow. It will be carried over personally by a passenger, there is a courier organised, it will be delivered to Canberra by Friday afternoon, 2 o'clock is the closing time this Friday afternoon. It will be in Canberra by that time, but in that application there is a comment made that in the process that we are going through now with the new hospital project, more information will be made available to them around about March of next year. We are just flagging this on the application that the application in itself is incomplete with figures you might say, and some facts, that these facts and figures will be supplied to them in March next year. As to whether or not the application will be successful, I suppose it is in the hands of the Gods at this point in time, but we are hoping we do get a favourable outcome.

MR KING Thank you Madam Speaker. A question for the Minister for Tourism. Can the Minister identify the Tourist Bureau Publications which contain recent analysis of marketing data gathered as part of the official departure form and also advise the House the frequency with which new proposed exit surveys will occur.

MR NOBBS Thank you Madam Speaker. Just to clarify the first part of the question, you are asking what publications the survey information is printed off into? As in Industry publications?

MR KING To put it succinctly I am asking what recent analysis have taken place from the data provided on the rear of the departure forms.

MR NOBBS Thank you Madam Speaker, the main awareness I have of the recent reporting of that data I think was from the Chairman of the Board, who reported on it to the ATA, however he also provided the information that the new survey collection process and database will be much more aligned to provide advice to those industry areas directly and in some cases singularly. As a result of that meeting and I was at that meeting with the ATA, I suggested that the ATA provide the Bureau with a list of the data that they would see as useful in reports that were fed to them on a regular basis from the surveys collected.

MRS WARD Thank you Madam Speaker, to Minister Nobbs. Is the Minister prepared to inform the House how the working arrangement of the Tourism General Manager has been altered?

MR NOBBS Thank you Madam Speaker. There has been an alteration to the working arrangements for the GM for the Tourist Bureau. That's to facilitate some compassionate matters as well as to facilitate some closer access with our Australian Industry Reps, from what I understand, it went through a scrutinising process with the Board and both the ATA and Chamber of Commerce provided input to assess that program. The program as I understand it is, is 2 weeks on Norfolk Island and 2 weeks in NSW or in Sydney. In each of those time frames there is a work program, as far as I am aware, that designates achievements, KPI's and what business we will get out of that.

MR KING I wondered whether I might ask the Chief Minister whether the use of the term Cabinet to describe a meeting of Executive Members of the House suggests solidarity among the Executives, and whether the Chief Minister also has, under this new terminology the right to dismiss a Minister for misconduct?

MR BUFFETT Madam Speaker, the second matter first, the matter of appointment and dis-appointment is specified by Legislative Process, all of that at this time does not rest in the hands of the Chief Minister and Mr King who has asked me that question will understand those processes. The present Cabinet arrangement does

encourage a collegiate approach to matters and that is how the Cabinet is endeavouring to pursue its tasks at this time.

MR KING A supplementary I'm sorry. Chief Minister are you confirming then that you, as Chief Minister, have no means of disciplining one of your Ministers?

MR BUFFETT It depends what one means by disciplining. You didn't ask me about necessarily disciplining, you are asked me about dismissal and I have explained to you about that. Disciplining has many facets to it and there are times when the Chief Minister would want to counsel, whether you would call that disciplining and that may occur from time to time.

MR KING Madam Speaker I have a question to the Minister with responsibility for Immigration. Can the Minister inform the House what the current quota is for the issue of General Entry Permits under Section 19 and what is the level of uptake for the year? In general terms.

MR ANDERSON Thank you Madam Speaker, I don't know the answer to that, I will have to take it on notice.

MR KING A question to the Minister with responsibility for Employment. Can the Minister advise when the next adjustment is due to the minimum wage under the Employment Act 1988 and what will be the determining factors?

MR SHERIDAN Thank you Madam Speaker and thank you Mr King. Under the Legislation I'm not aware that there is a statutory requirement to review the minimum wage periodically, I think it is just done on a as required basis. I can agree with Mr King, maybe it is that time to review the minimum wage and there will be a lot of factors taken into consideration and I may even take that on board Madam Speaker and get back to Mr King after I have had some advice from the Service as to the way forward with the process of determining of what should be the minimum wage at this point in time.

MR KING Madam Speaker a question for Minister Nobbs in his capacity as the Chairman of the Airline Board. In the view of the apparent continuing significant operating losses of the Airline can the Minister, as Senior Board Member of the Airline and indeed as Minister with responsibility, offer some comfort to the Community about the future operation of the Airline in terms of A), do you have your pen ready? The Airlines ability to continue to operate. B) Whether there are alternatives to the current contractual lease arrangements and whether any are being pursued including changes to existing contract terms and C) Whether there are any initiatives, remedies or solutions being considered or pursued that will bring about some happy change in the fortunes of the Airline and its ability to deliver satisfactory numbers to our shores.

MR NOBBS Thank you Madam Speaker. Obviously the Airlines ability to continue to operate is something that we deliberate on quite heavily, not only in the Airline Board but also in the Cabinet, it is also featured in the discussions, as far as I am aware inter-governmentally and so in that regard we obviously intend to continue to operate the Airline with the assistance that we have received from the Australian Government, that should enable that to be facilitated easier. With regard to B) Whether there are alternatives to the current contractual lease arrangement and whether any are being pursued including changes to existing contract terms. We've spent significant time as a Board and myself as Minister responsible to discuss variations on the existing contract to get a better outcome, those discussions have lead to what potentially stands as a saving of some 2 million dollars on operational costs over a year, so there is certainly a remedy amongst those new discussions. However, those

variations to the contract are still under negotiation and are still yet to be signed by both parties, but certainly progressively being worked through. C) Whether there are initiatives, remedies or solutions that are being considered that will bring about some happy change in the fortunes of the Airline and its ability to deliver satisfactory numbers to our shores. Certainly, there are a number of initiatives that have already commenced, but let me just point out one factor and that is that, in many cases people point at the Airline and they say, it's the Airline. It's not just the Airline, it's the responsibility of the Airline and the Tourist Bureau and the Operators, the Accommodation Proprietors, the Retailers on the Island, it is a shared responsibility that we all have. But foremost, it is shared between, I would say, the Bureau and the Airline. The Bureau to raise the profile of the destination and the Airline to carry those people once they are interested and here. I can say that certainly from the Bureau's perspective, there are numerous initiatives in place to raise the profile on an ongoing basis and there are initiatives to provide airfares that suitably compliment those raising of the profile.

MR KING Thank you Madam Speaker. It was a touch obscure, but I'm going to let that pass for a moment, just to ask one simple clarification. Minister did you say that discussions under the current Airline contract with the other party, whoever that is, Air Nauru, have led to 2 million dollar saving in operation costs or will likely or hopefully lead to 2 million dollar saving in operation costs.

MR NOBBS Thank you Madam Speaker and I appreciate that in discussing this that it is still in the finalisation stage between both Our Airline, the Government and Norfolk Air. But yes, there are documented savings within that new proposal that should see a significant saving, of around 2 million dollars on an annual basis.

MR KING So it is not yet been saved, you hope to save it.

MR NOBBS Through the Chair. As yet, the new contract variation has not been signed.

MR KING Madam Speaker I have a question for yourself? Madam Speaker?

SPEAKER In my role as the Speaker?

MR KING Yes Madam Speaker. Shall I launch into it?

SPEAKER We will see where it takes us, it is most unusual. It can only be on procedure.

MR KING Well I merely wish to ask Madam Speaker. Whether it is fair comment to say that the poor quality of Hansard is in the main part attributable to insufficient out-moded and faulty equipment and secondly what positive steps is Madam Speaker taking to correct these inadequacies, so that Hansard is published in a timely and quality manner?

SPEAKER The question is taken on notice. Further Questions Without Notice?

MR KING I have another question for Madam Speaker if I may. Madam Speaker...

SPEAKER It will be taken on notice.

MR KING I refer Madam Speaker to the Cabinet Handbook and ask whether the adoption of the documents of Cabinet solidarity and collective responsibility sound the death knell for Madams consensus Government?

SPEAKER I note your humour Mr King. That question is Out of Order. Further Questions without Notice Honourable Members? No further Questions without Notice we move now to Questions on Notice Honourable Members.

QUESTIONS ON NOTICE

SPEAKER The first Question we have on Notice this morning is Question Number 80, Mrs Ward to ask the Minister to Tourism, Industry & Development.

MR NOBBS Thank you Madam Speaker, the question reads, as the Norfolk Island Government has decided not to deregulate the Telecommunications industry beyond the services presently permitted by the Telecommunications Act 1992, will the Minister explain legal, technical and competition regulation as it currently relates to Norfolk Island telecommunications and state which services are presently permitted by law? Madam Speaker, Mrs Wards question requires, firstly an explanation of [quote] "legal, technical and competition regulation as it currently relates to Norfolk Island telecommunications" [unquote] and secondly a statement as to services [quote] "which are presently permitted by law" [unquote]. Madam Speaker, these questions raise issues of some complexity. They are legal questions. They are questions on which lawyers may, quite reasonably, hold differing views. I do not intend giving a legal opinion Madam Speaker instead I table a comprehensive list of Telecom services, connection options and operating charges.

SPEAKER That paper is so tabled.

MR NOBBS Thank you Madam Speaker, Question 81 from Mrs Ward reads, is it the Minister's intention to table all reports that led to the Government making its informed decision not to further deregulate the Telecommunications industry on Norfolk Island? Madam Speaker although the report was a confidential and Cabinet document, I have requested the authors permission to table the document in this house to enable everyone to gain an understanding of the diverse areas of issue and potential financial impacts on the community and public purse. As soon as I have their response I will table that.

MR KING Can I ask a supplementary question please in relation to that matter. I ask the Minister and also the Chief Minister who may be able to answer, on what basis is it necessary to seek an authors approval of the tabling of a document.

MR NOBBS Thank you Madam Speaker in many cases with the communications directly from Minister to Minister or Minister to Officer or Minister to Contractor, are sometimes in a different context than they would be if they were to be presented as a Parliamentary document.

MRS WARD A supplementary on that what. Can I go back to Question 80 or is that inappropriate? I can cover it in 81, that is fine. Thank you, because I am asking if that report will detail whether that the Services that are presently permitted by law will only deal with Telecom, or will the Minister acknowledge that there are services that are provided by other Service Providers on Norfolk Island.

MR NOBBS Will I acknowledge that there are other Services provided by other Providers on Norfolk Island? I have acknowledged that previously in that those operators operating external to the network through wireless systems and the like, which we don't have issue with that. In my view, it was the access to the copper network and the ongoing commercial use of that.

SPEAKER I will just ask Member's to be mindful that question time is not a matter for debate. Thank you, there are other avenues available to us for that to happen. We move now to Question on Notice Number 82.

MR NOBBS Thank you Madam Speaker, Question 82 from Mrs Ward reads, will the Minister table all available reports and business plans relating to the following areas, and what I might do Madam Speaker so as not to make this too confusing, I will read the numbered area and the response straight after it. The first is South Pacific Island Network fibre optic project. No, at this stage I won't table the business plan on that. Legal advice at this stage indicates that tabling that information can be seen as breach of contract, with severe penalties. Number 2 The Cruise ship visitation to Norfolk Island. If Mrs Ward is referring to the risk analysis and the management plan, then the answer is yes. The Document prepared and finalised by stakeholders requested by myself for tabling, as previously discussed in past Assembly meetings this year, I table it.

SPEAKER That paper is so tabled.

MR NOBBS There is more yet Madam Speaker.

MR KING I was just wondering if you could tell the House what date that document is, sorry Madam Speaker.

MR NOBBS Madam Speaker this is the Norfolk Island Cruise Ship Industry Risk Analysis and Risk Management Plan version 2, issued November 2010.

MR KING Not 2008?

MR NOBBS However, I will just make it clear that there have been, that the only change, if any to this document, has been to refer it through the author to any of the stakeholders to ensure that their data was appropriately encapsulated in here. So whatever was in the original, is in that.

MR KING Was the original..?

MR NOBBS The original was a drafted copy.

MR KING You never did one, why don't you just say so.

MR NOBBS Point of Order Madam Speaker.

MR KING Get it off your chest, clear your chest.

SPEAKER Mr King, I am calling you to order.

MR KING Sorry Madam Speaker.

MR NOBBS Madam Speaker as I indicated earlier, a Risk Assessment had been prepared and was a substantial document, I asked that they ensured that it was appropriately prepared to be tabled in this House. There is no point me tabling a document that is inaccurate or not, or is seen by the stakeholders as

inappropriate. Number 3 deals with the Worley Parsons harbour assessment and this is with regard to making available the plans and reports. My answer to this is yes. As stated a number of times in this House I am happy to table this report when Worley Parsons release it, the CEO has written to Worley Parsons to facilitate this action. Number 4 deals with IT Power Group alternate energy report. Happy to table that report as well Madam Speaker. I have requested that report from IT Power Australia to table that. There is a final question attached within 82 which reads, is the Minister prepared to inform this House whether or not Members of the 12th Legislative Assembly were made fully aware of all details relating to the areas above? What factors convinced the previous Government that the projects are in the Community's best interest? Yes Madam Speaker each of these areas were discussed in past Members meetings. Diversifying revenue streams, providing industry opportunity and lowering freight charges are all in the Community's best interest.

MRS WARD Madam Speaker the Minister doesn't really need to provide any further detail because the answer to the question is they couldn't have possibly because 1, 2, 3 and 4 have not been released. Thank you.

MR SHERIDAN Thank you Madam Speaker, Question 83 from Mrs Ward reads, at the September Sitting of the House, Administration provided the Minister with a detailed response to a question on notice relating to the dumping of waste at Headstone including an acknowledgement by the Minister that a lack of legislation did not negate the need for firm Government policy in this area. Will the Minister demonstrate there is commitment to improve Norfolk's environmental record and would the Minister explain long term waste management including recycling, as described in a dot point in the Government's current directional plan and describe how solutions will be prioritized, funded and managed? Madam Speaker in response the Norfolk Island Government is certainly committed to continually improving Norfolk Island's environmental record and in particular the area of waste management. The Government acknowledges that the current method of burning waste at Headstone and dumping the residue into the sea is not the most desirable method of waste disposal. The Government needs and will consider alternative methods that are practical and affordable for a small community living on a remote island in the Pacific. These considerations are in line with the proposal being worked on at this very point to conduct burning at the Waste Management Centre through a High Temperature Pit Incinerator, results of this project will not be determined until the DA is considered in full to ascertain whether or not we can even do this. A long term strategy for waste management has not been developed as yet, and efforts have been focused on the more immediate actions in an attempt to reduce or eliminate the most pressing waste management issues faced by the Island. The Administration recently recommenced the export of recyclable materials by sending 45 pallets of aluminium cans to New Zealand, and steps will be taken to also export used batteries and asbestos from the Island. The Administration has also been in discussion with a company that wishes to take our scrap metal, and I am hopeful that this will also be achieved. Green waste is still being accepted at the Waste Management Centre despite the Argentine Ants infestation. Glass is also being crushed to create a product that could be reused in a number of ways. The Government is also interested in investigating recycling of other products such as plastic and paper and there has been interest in the establishment of a worm farm on Norfolk to eliminate our paper waste, as well as other products. The Government will, when time and resources permit, pursue the preparation of a longer-term strategy for waste management on Norfolk Island, which will include solutions on how these issues will be prioritized, funded and managed. At the moment the Waste Management Centre is doing the best that can be done with their limited resources.

MR NOBBS Thank you Madam Speaker, Question 84 from Mr King reads, at the last meeting of the House the Minister advised that he had full and proper legal authority for the disposition of Administration Bartercard dollars. Will the Minister obtain and table legal advice in relation to his handling of Bartercard dollars?

Madam Speaker I table the Cabinet SOI which is the Statement of Intention for Bartercard usage and establishes a procurement process for the usage of Trade Dollars.

SPEAKER That paper is so tabled.

MR KING I seek clarification, is the answer to that question placed on Notice, no.

MR NOBBS The answer to that question Madam Speaker is that there is a virtually identical procurement process utilized for the Bartercard Dollars.

MR KING Point of Order Madam Speaker. Point of Order on relevance Madam Speaker. It is a short succinct question requiring a short, concise answer.

SPEAKER Yes. I think the question before us, is will the Minister obtain and table legal advice.

MR NOBBS Certainly Madam Speaker.

MR KING Where is it?

SPEAKER The question has been answered.

MR KING Where is it?

SPEAKER Mr King.

MR NOBBS Thank you Madam Speaker, Question 85 from Mr King reads, what is the Government's pricing policy in relation to the sale of fuel? Number 2 does the policy preserve the Government's only stated pricing objective, that is, to price fuel so that the Government receives no more revenue than previously received from the former fuel levy? And will the Government now table for publication in the local press, its fuel pricing formula including all cost components contributing to landed cost and the margin of mark-up? Thank you Madam Speaker, the Government's pricing policy is to determine a wholesale price for fuel, by accounting for all known costs, levies and taxes and allowing a contingency for five percent of importers costs. With regard to part two of that which deals with the fuel levy. The Fuel Levy Act 1987 imposed a levy of 10 cents per litre, which was increased to the current rate of 20 cents in March 1994. The fuel levy is one of the elements included in the calculation of the wholesale price. Government revenue has increased with the changes to the fuel supply system in October 2007 because of the need to recover the costs which were not previously incurred. These costs are; invoice cost, waste management levy, distribution costs, wages and overheads, goods and services tax, fuel levy. These are all costs incurred by any fuel importer. Question three, will the Government now table for publication in the local press, its fuel pricing formula including all cost components contributing to landed costs and the margin of mark up? Supply and distribution contracts contain confidentiality clauses, so without written approval from contractors the Government is unable to publish those costs. The wholesale diesel and petrol prices are published each time in the newspaper as they change.

MR KING Can I thank the Minister for his brief, succinct and helpful answer.

MR SHERIDAN Sorry Madam Speaker, I'm half asleep! Question 86 from Mr King to myself as Minister for Community Services reads, in relation to the operation of the Toon Buffett Trust Fund. There is a list of eight questions Madam Speaker and I will answer them as I go. So the first question, can the Minister provide

assurance that all grants to date have been provided in accordance with the Trust Guidelines? Yes I can say that all grants to date have been in accordance with Trust Guidelines in that it is a two part process, the first part is the Trust Panel makes an initial assessment of each project against the guidelines and the listings of eligible and ineligible criteria. Madam Speaker, as part of the question I will table the ineligible activities and the eligible activities that form part of the assessment. The Panel makes a recommendation to the Trustees based on this assessment. Madam Speaker, just for information the Members of the Trust Panel are; Australian Government Advisory Member, which at this current time is Mr Russell Glover, a member sponsored by the Norfolk Island Government Nominee Mrs Marg Christian, and a Norfolk Island Community representative is Mrs Shelly Buffett. The Trustees then make an assessment of applications based on the guidelines and eligible criteria, in conjunction with the assessment and recommendations of the Trust Panel. Just for interest sake, the Trustees are; myself as the Executive Member responsible for the Environment, the CEO Mr George Plant and a person with experience in financial administration it was, until she just recently resigned, Mrs Cathy O'Sullivan. That position is yet to be replaced. Question two can the Minister provide assurance that all grants have been audited for performance, both in terms of grant outcomes and financial outcomes? Madam Speaker the guidelines and criteria have been refined over the years that the Trust has been in operation. Acquittal of funds and the requirement to report on the outcomes of each project has been in place since the Trusts inception. The financial audit requirements were introduced for Round three, therefore earlier rounds were not subject to financial audit. And part three of the question, can the Minister advise if there is a consolidated report available on the Trust at this time? Madam Speaker, there is not a consolidated report on the activities of the Trust since inception. There is a requirement for an Annual Report to be prepared by the Minister responsible. And I can say Madam Speaker that this is currently being undertaken. Reports on the outcomes of each round and minutes of Panel and Trust meetings are available in Administration Records, as is a separate file on each application. Part four of the question, can the Minister confirm that no grants allocated to date have been applied to commercial activities? Madam Speaker I have not gone through all of the previous applications to determine if commercial activities have had funds allocated to them. The Panel and Trust assess applications against the eligible & ineligible criteria, and I have no reason to suspect that their assessments would be outside of this criteria.

MR KING

But you can't confirm?

MR SHERIDAN

Ineligible commercial activities are addressed in ineligible criteria dot point number 22 & 23, which state; and like I said Madam Speaker, I will table those, 22: Subsidies for commercial operations including for; commercial nurseries or tree plantations, normal pasture species; and soil conditioning eg. Application of lime, clay spreading. 23 was Projects that are concerned mainly with commercial production and there is a disclaimer there, unless they are new to the region concerned and seek to demonstrate a more sustainable management of natural resources. So Madam Speaker, some commercial activities may be eligible but it would depend on the assessment and recommendation of the Panel and the Board to access funding. And part five, can the Minister confirm that the eligibility for grants by individuals or organisations is confirmed prior to grants being allocated? Yes, the Panel and Trust confirm eligibility in the process as described in earlier responses. Part six of it, can the Minister provide advice as to the balance of the Toon Trust funds at this point in time? Madam Speaker, the balance of the Toon Trust at 30th June 2010 was \$225,175. Since 30th June, Round 5 Grants have been approved which will reduce the balance by \$115,721 to \$109,454. Just as an aside to that, the Australian Government is holding an amount of approximately \$100,000 being the final payments of the conversion of Crown Lease to Freehold. This transfer to the Trust is currently being followed up by the Australian Government Advisory Panel Member. Part Seven of the question can the Minister ensure that when grants are allocated the recipients, purpose and funding level of the grant are made public? Details of past Rounds of the Trust have been published

in the Norfolk Islander. This will continue, including the funding level. And the last part of the question, can the Minister explain why he was unable to agree at the last Sitting to examine the preceding questions prior to approving further grants, when according to advice dated 12 November 2010 from the Trust Secretariat decisions on current applications had been delayed? Madam Speaker all I can is that the formal decisions by the Assessment Panel and the Trustees were finalized at meetings on the 2nd November, as advised at the last Sitting 3rd of November, so therefore as the finalized outcomes of the applications for this current round was finalized prior to the Sitting I could not examine the preceding questions in view of this Round. I am unaware of the correspondence that Mr. King refers to, so I cannot comment of the assertion that the applications had been delayed, the only delay is the processing of minutes and drawing up of contracts as they are yet to be finalized. The approval of the applications of the current Round had already been approved the day prior to the last Sitting. I table these couple of documents for the House's consideration.

SPEAKER

The papers are so tabled.

MR BUFFETT

Thank you Madam Speaker, Question 87 from Mr King reads, can the Chief Minister confirm in writing to the House what guidelines his Ministers are expected to follow in relation to the tabling of documents at the request of and for the information of the House, including the treatment of commercially sensitive documents, Ministerial correspondence, reports and the reasonable expectations of the House to be informed? Thank you Madam Speaker, the House doesn't have an established guideline in respect to tabling documents, other than those that may be covered by the Standing Orders and the like and maybe conventions about sensitive documents, legal advice and the like there. What has guided us to date has been the merits and demands of the individual situation that is in front of us. But I have prepared guidelines and I table them, and I can think this can be achieved by our next Sitting which is expected to be in January.

MR NOBBS

Thank you Madam Speaker, Question 88 from Mr King reads, at the last Sitting of the House the Minister referred to having received certified trading figures for 09/10 in relation to the Telecom business. Given that the preservation of Telecom's trading position formed the basis for the Governments recent decision to exclude private competitors from the copper network, can the Minister advise what the net profit of the business was for the period? The unaudited figure for net profit after depreciation for 09/10 was \$231,353.

MR NOBBS

Thank you Madam Speaker, Question 89 from Mr King reads, at the last Sitting of the House the Minister was unable to advise if the budget estimates for the Tourist Bureau were being achieved or whether the revenue fund subsidy has been paid in full or if regular expected instalments from the revenue fund have been received. Can he now so advise? The budget estimates for the Tourist Bureau are year to date, in line with budget expenditure. The General Manager and the team at the Bureau have implemented vigorous fiscal management and report every month on the financial operations to the Bureau. The targeted revenue budget contribution for the Bureau is not at year to date July to November 2010 expected levels. While the Bureau's core business is destination marketing, opportunities to improve revenue generation remain part of the Bureau and managements ongoing assessment of the Bureau's performance. Initiatives include reviews of the type of commercial merchandise and products sold at the Bureau and the Visitor Information Centre for retail revenue's, further development and sales training of VIC staff in handling phone and web enquires and improvements to display and customer engagement are all under consideration and or development.

MR NOBBS

Thank you Madam Speaker, Question 90 from Mr King reads, has the Minister been able to determine yet whether or not a balance sheet exists for the airline operation or does he still not know? Madam Speaker as I said in

that Sitting the Airline has now formed part of the Revenue Fund. Norfolk Air has a Profit and Loss account, a Cost Centre, but not a separate balance sheet because it is part of the Revenue Fund and the Revenue Fund owns the assets and liabilities of Norfolk Air.

MR NOBBS Thank you Madam Speaker, Question 91 from Mr King reads, what is the productivity rate for Norfolk Island's tourism promotion and marketing spend and how does it compare with competing destinations? Thank you Madam Speaker, productivity rate is measured by dividing the number of passengers or visitors to a destination by either overall tourism spend or specifically tourism marketing spend. The tourism industry trade average for productivity ration per pax is approximately \$50.00 spend per every passenger, that was using some Australian Data. The productivity rate for Norfolk Island's tourism promotion is, last year the ratio for total tourism spend versus passengers was \$73.34 and that is the entire spend across the Bureau, if you were just using the marketing expenditure that marketing was at a rate of \$46.34 per passenger. The year to date figures, based on total tourism spend is \$52.22, that's across the Bureau, and the marketing spend is on the ratio of \$16.62. Now that is a lower figure taken from the Accounts Spreadsheet and that looks lower than normal because some of the contract invoices haven't been presented, but they are about to be, so I would imagine that figure would come closer to aligning the \$46.34 that I mentioned earlier. The comparison against competing destinations is still under development with the GM for Tourism, liaising with the Commonwealth Department of Energy, Resources & Tourism, in order to access such comparisons from regional destinations. Obtaining competing destinations marketing spend and accurate visitation is often against commercial in confidence initiatives from those competing destinations hence the use of the Commonwealth Government as a source for such analysis.

MR NOBBS Thank you Madam Speaker, Question 92 from Mr King reads, how can the Government's recent policy decision to not accommodate self-funded retirees in the immigration system enhance much needed capital inflow? Were the more immediate economic advantages properly weighed against any possible long-term effects? In answering this Madam Speaker this is an Immigration policy decision, and perhaps the question more appropriately should be addressed to the Minister for Finance who has responsibility for Immigration. Mr King has previously raised alarm over his interpretation of the aging population and this Community's ability to support that aging population.

MR BUFFETT Thank you Madam Speaker, Question 93 from Mr King reads, can the Chief Minister table the Government's policy in relation to employment, in particular within the Public Sector and in general, within the wider community? Madam Speaker I have looked at a number of details about this and really the question in part has been asked before and responded to before. It might have been the last Sitting or the Sitting before that that came forward. But that particular question was particularly about the Public Sector and I responded by explaining a range of things there, and I won't repeat them there. But in that particular area there is Public Sector Legislation, there is Public Service Board Legislation, there are Human Resources Policy and Guidelines and some quite in-depth arrangements contained within those. But we don't have the same range of policy documents and legislation for the Private Sector and maybe Mr King was seeking some emphasis on that there. Yes we do have Employment Legislation, minimum wage provisions and the like, we know because there have been some mention to it about it today, with the immigration requirements have some employment linking in in terms with all of that. If in fact, the Member isn't able to adequately draw those together I am very happy to do so and summarise them so that they might have some overview so that you will see how not only the present Government but previous Governments have gone about business within the Community knowing that they exist.

MR BUFFETT Thank you Madam Speaker, Question 94 from Mr King reads, can the Chief Minister identify what economic indicators have been assessed or comparable data analyses undertaken to measure the decline in the Norfolk Island economy and to what extent has the government been able to identify sectors of the Community which will require greater Government consideration? I'll answer that in two parts Madam Speaker and I've got to acknowledge at the outset that this is a more difficult area in gathering information and being equipped to take appropriate measures. The question as it relates to economic indicators has in broad terms been answered previously by Minister Anderson and he answered by saying what I have just said and explained the difficulty in compiling traditional economic indicators within this small Community. The Government doesn't have the current capability to compile overall economic data on the Norfolk Island economy such as what we might term the Gross Territory Product, or the GTP in other places, instead it has been monitoring the status of the Norfolk Island economy using the indicators that is more readily available such as arrivals data, size of the ordinary resident population and it's relevant components, that is residents, GEP's, TEP's. This information is analysed and compared with financial indicators such as the income from taxes and earnings from Government business operations from previous periods on a monthly basis. During the mid year budget review process and during budget preparation this data, along with lead indicators such as forward bookings in the Airline is more closely examined to endeavour to produce estimates of the Island's economy moving forward. But the second part is to what extent is the Government being able to identify sectors of the Community which will require great Government consideration. This is seriously being addressed, the Government has indicated and identified that better information is required on a sectoral basis within the Community and since last June it has been looking at ways at extracting sectoral economic information from GST returns and it's now in a position to be able to obtain information based on the Australian Bureau of Statistics sectoral classifications on the relative contributions to the local economy by various sectors. So there is a better way to now draw that information together and the Minister for Finance is well about that task. The information, when the Administration moved to be able to do so, will compile that information on a regular basis, so that moving forward we will be able to make comparisons, it is not easy to make comparisons at this first stage. You will know that you need to erect your regimentation. But that is where we are moving at this moment, and hopefully that is helpful.

MR SHERIDAN Thank you Madam Speaker, thank you Mr King, Question 95 from Mr King reads, in light of the approaching festive season and for the interest of those employers, and may I add in there the employees, who remain confused, will the Minister confirm the fact that workers enjoy the following entitlements; 1. A double rate of pay where work is performed on a public holiday, 2. Alternatively a day off on full pay where a public holiday falls on a normal working day, 3. A rate of pay equal to one and one half times ordinary pay rates where weekly working hours exceed 40 and 4. A right to access a conciliation and arbitration system where these basic entitlements are not given. Madam Speaker in response, Section 16 of the Employment Act 1988 covers entitlements for Public Holidays in answer to part 1 and 2, in that an employer must in respect of each public holiday that occurs on a day normally worked by an employee and the employee is not required to work on the day, the employer must pay the employee their ordinary rate of pay for the hours normally worked on that day had it not been a public holiday, and give the employee a day's leave on the holiday. If an employee works on the public holiday that is a normal working day for the employee, the employer must pay the employee their normal rate of pay for the hours worked by the employee on the day, plus, pay the employee their normal rate of pay for the hours normally worked by the employee on the day, had it not been a public holiday. So in essence if one works on a public holiday then the pay rate for this day is double the ordinary rate of pay and if the employee is not required to work on the public holiday, but for want of the public holiday would normally work this day, then payment must be given at the ordinary rate of pay plus a days leave on the day. Madam Speaker, Section 23 of the Act deals with part 3 of the question, and when read in conjunction with the

Employment Regulations 1991, which states that 8 hours in a day and 40 hours in a week constitute the working week applicable to all employees in respect of employment of any kind. Section 23 states that an employee may refuse to work for longer than the working week applicable to the employee, but in the event the employee agrees to work longer than the hours in the normal working week, the employer is required to pay this employee 150% of the minimum hourly rate or in simple terms time and a half. Section 76 deals with the final part of the question in the rights of an aggrieved person. If an employee has a complaint about an action or decision made by their employer, they should contact the Administrations Employment Liaison Officer who will refer them on to a member of the Employment Conciliation Board. The three members of the Board, and they are Dick Massicks, Rick Kleiner and Debbie Simpson, are available to all employees and will attempt to solve any problems between the employee and employer in an amicable way through conciliation. A certificate must be provided by the Board to the person who brought the matter before the Board, this certificate will set out the result their decision and must provide detail of Section 82 of the Act which details further process if the employee remains aggrieved by the subject matter of the complaint to which the certificate relates. Section 82 details the requirement for an Employment Tribunal, which consists of magistrates that sit on the Norfolk Island Court of Petty Sessions and can issue orders in accordance with their decisions as governed by the Employment Act.

MR SHERIDAN

Thank you Madam Speaker, Question 96 from Mrs Griffiths, is it a fact that Water Assurance Scheme charges have been increased by some 24%? What is the Government policy in relation to water assurance scheme charges? The first part, no. Water Assurance Scheme charges have not gone up 24%. Water Assurance Scheme charges are set in accordance with the Water Assurance Charges Act 1991. This Act determines the fee units applicable for different types of uses, such as 13 fee units in relation to a house, for a restaurant, bar room or food shop 40 fee units, a specialty shop 27 fee units, shop other than a specialty shop 13 fee units. A tourist accommodation house charge is determined by a formula depending on the number of guests of which the house can accommodate and this will determine their yearly charge. The number of fee units for different types of uses has not increased over the years, but the value of a Fee Unit goes up in accordance with the RPI and the statutory formula utilised for the fee increase, and is as notified by Gazette Notice. Increases to Fee Units and fees payable under the Water Assurance Charges Act were notified most recently in the Gazette on 3rd August 2007 and on 7th August 2010. A fee unit on 3rd August 2007 was \$21.90 and a fee unit at 7th August 2010 was \$25.05. This represents over a period of three years a 14% increase, or on average 4.6% per annum. These rates become effective from the gazette date which is the 1st July. Water increases have not increased every year, although adjustments are made after increases come into effect. The water assurance charge for a house at 3rd August 2007 was \$285, and the charge from 1st July 2010 as Gazetted on 7th August 2010 was \$325. This represents an increase of 14% over a period of 3 years, in line with the fee unit increase. Just as an aside Madam Speaker, interestingly the RPI movement from March 2007 to March 2010 was some 26.6 points.

MR NOBBS

Thank you Madam Speaker, Question 97 from Mrs Griffiths reads, when responding to questions at the last Sitting about the Ministers proposed Economic Development Committee what exactly did the Minister mean when he said that as part of his assessment of economic proposal he would consider incentive schemes to assist capital upgrades for commercial operators on the Island, what capital expenses does the Minister have in mind? In answering this I will provide a bit of information, that is I have documented two separate proposals to the Public Service and members of Government that involve a capital upgrades scheme to tourist accommodation and also private sector retail, and what those proposals looked at was perhaps giving tax exemptions or breaks on certified or approved capital upgrades. One of those proposals or a similar one will make its way to the Economic Development Committee.

SPEAKER Honourable Members we move now to presentation of papers.

PRESENTATION OF PAPERS

SPEAKER Are there any papers for presentation today Honourable Members? Mr Sheridan I believe.

MR SHERIDAN Thank you Madam Speaker in accordance with Section 41 of the Interpretation Act 1979 I table the Child Welfare Regulations 2010.

SPEAKER Thank you Minister Sheridan.

MR SHERIDAN Thank you Madam Speaker, I'll just make brief mention on what these regulations entail. In the main it supporting regulations for the Child Welfare Act and these regulations are required so that the Child Welfare Officer can carry out her job and in the main there are a certain number of forms that are required under the Act to be filled in and these are details of the forms. And the forms are such as the Care and Protection Application, Proceedings Attendance Notice, Application for Assessment and Order, Notice of Emergency Action, Mandatory Report Form and a form for a Search Warrant. As you can see, these are just the forms that are required so that the Act can be implemented to its fullest and that the Child Welfare Officer can undertake her role as required by the Act.

MR ANDERSON Thank you Madam Speaker. Madam Speaker Section 2B2 of the Customs Act 1913 makes provision for the Executive Member to exempt goods from duty, where the duty payable is less than \$200, Section 2B5 of the Act provides that where the Executive Member has exercised this power, he shall lay a copy of the exemption on the table of the Legislative Assembly. I so table those exemptions, they being the sum of \$36.40 on the importation of uniform shirts for the Norfolk Island Commonwealth Games Team, the sum of \$134.21 on the importation of children's project blocks and supplies for Banyan Park Play Centre and the sum of \$65.80 on the importation of trophies for the Norfolk Island Netball Association.

SPEAKER Thank you Minister, those papers are so tabled. Any further papers for tabling Honourable Members?

MR ANDERSON Under Section 32B of the Public Monies Act 1979 I as the Executive Member responsible may direct in writing transfers between divisions, sub-divisions and/or individual items if there is a saving or surplus funds available elsewhere within the budget. Sub Section 32B1 provides that the Executive Member shall lay any directions given before the Legislative Assembly within two Sitting days of the making of a direction. I so lay those directions.

SPEAKER Thank you Minister.

MR ANDERSON Thank you Madam Speaker. The ones that everyone has been waiting for, I table the financial indicators for September 2010 having previously circulated them to all Members. These indicators continue to be presented in the newly revised format but unfortunately again it is without the statement of cash flows, which due to continuing computer issues is still not able to be produced. They remain indicators, not actual as I pointed out at the last Sitting. I hope to have the statement of cash flows for the November indicators. Subject to the usual data flow conflicts between the two computer systems being resolved I understand this is looking like it should happen. The October indicators are little changed from those of September. The bank balance including airline pre paid ticket sales on 31 October stood at \$3.03 million. Pre paid ticket sales are estimated at that time to have been \$2.75 million. The net worth

of the Administration is essentially unchanged at \$22.1 million. The changes are a reduction in accounts receivable of approximately \$1.6 million and a reduction in accounts payable of \$1.88 million. The difference is changes in inventories and the cash balance. These movements should be more clear when we have a statement of cash flows, at the moment they are based on estimates and they look like huge figures, but a statement of cash flow will make it more clear as to where the money is going and coming from. Dealing first with the areas not included in the revenue fund; healthcare as at 31 October had a balance of \$12,000 which is after the additional funding of \$250,000 provided at the start of the financial year. A further transfer of \$250,000 was scheduled for November. The healthcare fund at 30 June 2010 had a loan from the revenue fund of \$236,600 so adding the \$250,000 from July and the \$250,000 from November the amount currently provided to support the healthcare fund stands at \$736,600. The health fund is reported to have sundry debtors of \$59,000 and creditors of \$246,000 as at 31 October. A further advance to the fund will be necessary by March next year. The fund as it stands, remains unsustainable. Worker's comp account had a balance of \$151,000 and estimated debtors as of 31 October was \$25,000. KAVHA has a cash balance of \$267,000 as at 31 October. Returning to the Revenue Fund, the Airline incurred a loss estimated to be \$213,050 against a revised budgeted loss of \$292,000. The flown revenue is estimated to be about \$263,000 behind budget but expenses were also less for the month than budgeted for. Income in the revenue fund is estimated as at 31 October as being at 83.7% of budget. That is some \$2.4 million behind the approved budget. Expenditure to creditors, including capital, as at 31 October is estimated to be 90.15% of budget so is approximately \$1.91 million less than was budgeted to be spent. This is largely a result of the tight rein on expenditure exercised by the Budget Review Committee. GST is estimated to currently be at 92% of budget for October so a figure around \$590,000 is anticipated. The actual figures will not be known till early December. In summary October was a slightly smaller loss than we anticipated with revenue and expenditure continuing to be effected by the state of the economy and the lack of necessary visitors. I do not as yet have a feel for how November is travelling but members should be provided with financial indicators before Christmas. The announcement of the approval by the Prime Minister of the short term financing package will lift some of the weight from us and that will be reflected in my comments at the next Sitting. The funding that has been provided, \$3.9 million should raise the Community's hopes and further restore confidence in our immediate future. Thank you Madam Speaker.

MR KING Do I need to move the paper be noted?

SPEAKER Yes.

MR KING Well I will do that Madam Speaker.

SPEAKER The question before us is that the Paper be noted. Mr King.

MR KING I maybe wrong Madam Speaker but did I just now hear the Minister for Finance say that this sheet of papers is the newly revised format that we would be expecting on a monthly basis? Because if that is the case, then I have been sadly mistaken, I have been mistaken on a lot of things Madam Speaker, I have somewhere along the line interpreted the Minister's earlier statements in relation to new formats as meaning that we would be supplied with one, two or three pages of concise data. Perhaps a comparable set of data to reflect cash flows and we were just informed that the cash flow statement is not yet available in the format that he would require it. But I would be very, very disappointed that if every month they are going to be cutting down two or three trees to provide us with a bunch of papers which you need to have a Degree in Applied Mathematics to understand them. Much of this is dribble and meaningless Madam Speaker. It has to be looked at to be in a concise and readable fashion. That was most of the problem with the last Assembly. The Members were

approved for an approach to be made to Melbourne based Architects Without Frontiers for the possibility of producing documentation so that this project could proceed. Architects Without Frontiers are a non-profit organization working to mobilize the Australian design profession to assist communities in need, through delivering built projects. Founded in 1999, Architects Without Frontiers has worked in 12 countries on over 30 community development projects, including schools, hospitals, housing and community centres. Architects Without Frontiers core responsibility is to assist disadvantaged communities by providing building solutions to meet their needs and strengthening capacity in the communities. To achieve this Architects Without Frontiers connects non-governmental organizations, community groups and grassroots organizations with architectural service providers to deliver sustainable built outcomes. I was truly excited when Architects Without Frontiers undertook to progress this project and one of the first steps was to identify an architectural firm that would come on board and participate. Architects Without Frontiers suggested an architectural firm by the name of S2F to come on board as a project partner. Last week Leeanne Marshall the representative from Architects Without Frontiers who is the Architects Without Frontiers Projects Manager together with Andrew Kings the Principal Architect and CEO plus Philip Ward, Strategic Client Services Director from S2F spent 2 days on Island assessing the requirements for this project. I was delighted when S2F agreed to participate in this new hospital project. The way forward now is for S2F to undertake further site visits, and the community will have their chance for input early next year when they are on Island to progress this project. It is envisaged that by the end of March 2011, the Preliminary Design of the Proposed Hospital, Provision of Master Plan and Staging Program and Scoping Documentation with costings will be available and this will enable the Norfolk Island Hospital Enterprise to undertake Stage two of this project and that is funding the Hospital. Madam Speaker I can also report that prior to a new hospital being built, one of the biggest hurdles was the location of where to site it, last Thursday the Norfolk Island Hospital Enterprise signed an agreement to purchase the two blocks of land adjacent to the Hospital and Burglars Lane known as Teeny Menzies Block. This will be the site of the new hospital. This purchase has been made possible by private trust funds with no contribution by the Norfolk Island Government or the Commonwealth Government. These funds have been administered by private trustees over the years set up for this sole purpose, to assist the Norfolk Island Hospital Enterprise. I am thankful to the trustees of these funds that they acknowledged the appropriateness to allocate these funds for this purpose. It is with these details in mind that I am confident that at last the realization of a new hospital for the community of Norfolk Island is possible and ask that if any person would like to participate in any way in this venture to contact myself, the Hospital Director or the Norfolk Island Hospital Advisory Board. Thank you.

SPEAKER Are there any further Statements this morning Honourable Members. There being no further Statements, we move now to Presentation of Reports from Standing and Select Committees, and I will look to you Mr King just to see whether you were wanting too?

MR KING Regretfully no Madam Speaker.

SPEAKER Honourable Members I am mindful of the time. We haven't begun on the Substantial Matters, how would you like to handle this. I'm mindful also of the fact that you do have a public meeting this afternoon at 5 o'clock, so are we comfortable to break until 2 o'clock. That being the case this House stands suspended until 2pm this afternoon. Thank you Honourable Members.

SPEAKER Honourable Members good afternoon. Before I move to the order of the day that was postponed earlier this morning, Minister Sheridan is seeking leave to take a look at a paper that was omitted this morning. Leave granted? Thank you. Mr Sheridan.

MR SHERIDAN Thank you Madam Speaker I table the Audit Report for the year ending 30 June 2010 for the Norfolk Island Hospital Enterprise. If I could just quickly read a part of the Advisory Boards and the Hospital Directors Annual Report that goes with the Audit. The section that I will read out is the performance against budget strategic and business plan. The Norfolk Island Hospital Strategic Plan 2009 – 2012 states as its Mission, that the Enterprise is to work in partnership with the Government and the Community of Norfolk Island to provide continuing and improvement in the Health of the Community and the provision of sustainable, effective, efficient and affordable healthcare. Also to promote, improve and care for the health of the Community including its residents and visitors. This service provision must be achieved at the most economic cost. The Hospital Enterprise Business Plan 2009 – 10 supports this Strategic Plan by providing strategies to achieve the plan on an annual basis. 2009-10 subsidy of \$1,285,000 in cash flows enabled the Hospital Enterprise to be able to pay all of its creditors within 30 days of receipt of invoice. Hospital income varied across Departments which reflected in some areas the economic climate. Income for the year, including the subsidy was \$4,434,987 against the budget of \$4,300,900. Expenses were \$4,658,006 including depreciation of \$230,064. Madam Speaker, which gave an actual result, before depreciation of a small \$7,045 in the black. Madam Speaker the follow up of debtors remains a priority with all debtors over 60 days being sent reminders and those over 90 days who have not made contact with the Enterprise being summonsed through the Court of Petty Sessions. 90 day debtors, and this is at 30th of June, was \$275,645 which approximately 90% have payment agreements in place. Overall debtors is \$399,067 when regular pays including the Administration, the Department of Veteran's Affairs and South Cross and immunisations are taken into account. So Madam Speaker I will just leave that there, but I will table that so if anybody would like a copy of it, they are more than willing to obtain a copy of it. But there is just one interesting note that they did put in their report, and during the year I requested them to review the cancer statistics on the Island and as part of this report the Enterprise has identified 49 persons who have been diagnosed with some form of cancer and are either in remission or are continuing to receive treatment and then they give the breakdown of the types of cancers. They go on to say that since February 2007 there have been 17 deaths that can be attributed to cancer of some form. I only say that Madam Speaker as we have talked about this in the House before about the cancer rates here on Norfolk Island and if they are above those of Australia etc. I can't really say whether or not they are, I believe they would be slightly higher, but in a small isolated population, things may be thrown out of kilter. But if you look at those numbers there and working on a population base of say 1850 people that is about 2.7% of the population. I had a quick look this morning at some statistics for Australia and they don't actually give percentages, but they give numbers per 100,000 and I have broken it down, that they have in the main, that the top state would have five cases out of 1000 people, the percentage is less than 1% or something like that. So if you look at percentages, yes the percentages of cancer here on the Island would be 100 times more. But like I said, in small jurisdictions statistics can be blown out of proportion. But it was an interesting exercise to do, and it is something I will be monitoring and we will have some further discussion with regard to that over the coming period. Thank you Madam Speaker.

SPEAKER Thank you Minister Sheridan. Honourable Members we now move to resumption of debate on the question that the Paper be noted, that the Paper being, for the purposes of Hansard, Memorandum of Understanding entered into between the Commonwealth of Australian and the Government of Norfolk Island dated 25 November 2010 in respect with financial assistance for essential services in Norfolk Island. Debate Honourable Members and I look to Mr King.

MR KING Thank you very much Madam Speaker I want to say at the outset that I am grateful to have this opportunity to contribute, to make some contribution to this debate. Whether it is meaningful or not is for others to decide. I want to also at the outset to commend the Chief Minister for the action that he has

taken thus far in relation to this matter, where I said before, it hasn't been an easy time for him and to move along this road must be decidedly uncomfortable in some respects for him, we acknowledge that but I applaud his efforts nevertheless. The Memorandum of Understanding, I think fair to say, is not as I might have expected it to be. It is understandably a document which has at its focus, short term assistance. It is somewhat vague, but never the less sets out a number of mechanisms and obligations which will underlie the Commonwealth assistance, short term assistance which might be available. It stops short on detail Madam Speaker and it is left to me to decipher or interpret for example what Mr Buffett has said when he speaks about the short term package totalling some \$3.9 million and I have attempted to reconcile what he said that money might be used for. In one part of his presentation he spoke about using that money for urgent unforeseen economic and social needs. I'm trying to reconcile that with the words of the Memorandum of Understanding which says it will be used for specified essential services. If it is indeed the later, of course we must accept it is, because those are the words contained in the MOU, and those monies will be applied towards to simply keeping us afloat. Madam Speaker I get a distinct feeling that the question of short term economic financial assistance is not as clear and cut and dry as we would all like to think we were, including me, perhaps particularly me Madam Speaker. We were very quick to breathe a sigh of relief that the Federal Government had agreed to a level of short term relief. Perhaps it was convenient or naive to expect that all was saved because there was an agreement between the Federal Government and the Local Government that Norfolk Island would join the Commonwealth Income Tax arrangements. From my observations and discussions over recent days Madam Speaker I judge now that that is not the case and of course when you take a deep breath and think about it Madam Speaker you can see why that is not the case. It seems reasonably clear to me Madam Speaker, and maybe to others that the Federal Government or Federal Minister and I have had no personal contact with the Federal Minister, I judge that he has a strong desire that as much self Government as possible, at least self Government responsibility is retained locally and many will applaud that. Personally Members will know, that I would have liked further in roads to those responsibilities and transfers to the Commonwealth, that may not be what will occur, never the less, I accept that we are on the right road. Given that Madam Speaker it also seems clear that there is an expectation that we use our current powers, the powers that we do have and the responsibilities to the best possible extent to do our bit as well, not just sit on our hands and wait for the hand outs from the Commonwealth. I acknowledge Madam Speaker that we have very little resources to apply towards legislative and policy change, however, there clearly are a number of things that can be done within our means which will demonstrate political will and commitment to taking some responsibility for our economic redemption. From what I can assess Madam Speaker, the short term assistance on offer, will not be, as I said earlier, on its own to provide any great immediate economic stimulus and that is unfortunate. A very shallow, shallow analysis Madam Speaker that at best the short term relief will only allow us to stop the rot as it were, to prevent further financial deterioration. It will not allow us to recover our financial position to any measurable extent, it will only cover, as I mentioned, our current rate of financial deterioration, I made clear Madam Speaker that my first assessment is very shallow, but I will stand corrected if I am wrong, but that is my assessment at this time. I agree in any event that we must do our bit and turn our minds to measures that we might take to assist economic recovery. For example Madam Speaker it is also impossible to explain why we have not reviewed an Immigration policy, which in essence, has stood as it is for some 30 odd years. Why we have not reviewed that with the view to stimulate investment, but before Mr Anderson jumps down my throat and tells me he has been too busy, which I certainly understand, this is not something for which I blame him, it is something that we should have been alert to for some many, many years. Do Members really understand that we are living with Policies that were developed to regulate entry in a time when the economy was booming and aspiring immigrants were lining up to come to Norfolk Island. Do Members understand that what was known as the New Business Policy has been in place for twenty-nine and a half years and as far as I know has never been reviewed! The

objective of that policy Madam Speaker was two-fold. Firstly it effectively prevented investment in new business by a person other than a resident, with a view Madam Speaker to ensuring the benefits of economic growth went primarily to residents. Probably a worthwhile objective in those days Madam Speaker and maybe it was suited to the economic circumstances of those days. But it surely doesn't suit the economy of today when Norfolk Island is screaming out for new investment. Secondly Madam Speaker the policy provides no Temporary Entry Permits to be granted for working in the business, which was less than five years, this was designed, as I recall, to discourage speculation, speculation re investment if you will in businesses that were established and then flogged off for a profit in a short while. A profit indeed Madam Speaker, who should dare to aspire to make a profit! Madam Speaker it is equally hard to believe that this policy exists to this day and it should be thrown out as soon as we can muster up enough strength to tear it from the policy book. Madam Speaker we can and we should review the Government's policy tightening on retiree entry on the Island in the light of the more immediate economic benefits a relaxation of that policy would bring. Further Madam Speaker applying all aspects of Immigration policy, overriding weight must be given of economic benefits of an application, an immigration application. I am aware Madam Speaker that some business migration applicants are being offered Temporary Entry Permits, instead of the more secure tenure of a General Entry Permit, that can not be allowed to happen Madam Speaker, there must be a clear and uncluttered pathway to secure immigration tenure if we are to expect people to live and invest confidently in our Community. In a general sense Madam Speaker we must ensure, and I think this is a very important point, that the blind and rigid application of immigration policy does not blind us to economic prospects. Now I say that because there has been a tendency in Norfolk Island, over many years, to regard policy as being rigid law. It is not, and can not, and should not be regarded as such. It is a most important immigration objective Madam Speaker, there is room to do these things quickly and inexpensively and hopefully effectively. Madam Speaker, far be it for me to say, but Norfolk Island has to be more flexible in its gaming and wagering tax regime. I know I'm treading on dangerous grounds here Madam Speaker in respect with my conflict of interest but allow me a little latitude please. Much has changed in the regional industry in recent years, and we have not changed with the times. Far more attractive rates are available from jurisdictions close by, and we must learn to compete on taxes, may I say Madam Speaker that the businesses in which I am associated, are well established and I would not expect, and nor would I seek any larges or tax relief to flow to me. Madam Speaker we can learn to understand and accept that targeted tax relief has wider economic benefits, which translate over time to increased commercial activity and higher indirect tax revenues. Since Norfolk Island abandoned its variable import duty regime about 25 years ago, there has been no tool, no vehicle available for policy adjusted tax relief for targeted segments of industry. I am heartened in some respect to hear the Chief Minister say earlier on that some attention has been given to some examination and analysis of business classification data to determine levels of activity in various sectors. I would submit, pardon me Madam Speaker, to be able to identify those areas of industry that require that additional attention, through stimulus or tax relief. Madam Speaker, I suggest further, again I stress further, that it would be a worthwhile exercise to assemble known economic data and statistics on a regular basis for a professional interpretation and analysis, I know I have raised this before, and I hear the words that I think were spoken earlier on about the difficulties and the complexities in that area, but it is a known fact that there is economic data out there, it is in our books and records, it is in our newspapers, it is there to be gathered, collated, analysed and used. How else can the Government equip itself to make economic policy decisions? It has simply not proved to be sufficient to simply look in the bag of money. We all know about looking in the bag of money, and saying well that looks alright so let's just keep on doing what we are doing. Madam Speaker I have attempted in recent times to understand what the Government's policy is in relation to employment. I have not attempted to dig into, nor try to understand, but I do understand it to some degree, the recruitment process in the public sector, but I wish to clarify what, if any, objectives, policy objectives, the Government had in relation to

employing throughout the Island. How it wished to regard itself as an employer in the Public Sector. What level of expertise it aspired to and policy advice it aspired to, what measures it might take to achieve its objectives in relation to employment in the Private Sector, whether it has any overriding objective to provide a stable and attractive work environment for its own people. Recognising that its own people would provide greater economic input in the long term if they were encouraged by attractive employment to stay on the Island. These policies are not difficult to determine Madam Speaker, and I would suggest that once clear policy objectives are established, then decision taking would be so much easier. What can we do Madam Speaker to make our land more productive? What can we do in terms of policy to encourage people to return to the land? Have we turned our minds to that in recent times, in recent decades, I suggest not. I know these things are not easy Madam Speaker and I apologise if I'm starting to go on and on, and I certainly hadn't intended that to be an exhaustive presentation of what we might or might not do, I simply wanted to illustrate that it is possible, in an inexpensive way to make policy declarations. Which are not expensive, which we can put side by side with the stimulus monies which are going to be provided by the Commonwealth, we can be seen to be doing our own bit, and we can be doing it in an inexpensive way. I think that perhaps a specific think tank or a series of think tanks in that area would be particularly helpful, I get a clear message that we must be seen to be doing a lot more. Madam Speaker that is all I have to say at present, thank you.

MRS GRIFFITHS Thank you Madam Speaker, I too would like to recognise the efforts by the Chief Minister and the Minister for Finance in seeking to secure our financial future, at least until the short term through until June. I would also like to thank or express my appreciation to Mr Crean who responded very efficiently to our requests, firstly by going to the Prime Minister and then by sending Mr Patch over here to Norfolk Island. I appreciate having had the opportunity to read the MOU and welcome the recognition by the Commonwealth that it needs to work with Norfolk Island in partnership and also welcome the consideration of local circumstances. These are all very essential in regard to our way forward. I have to say that I agree with Mr King on many of the policy and legislative short falls that he talked about prior. Particularly on immigration, investment and employment. Our policy and legislative short falls definitely let us down and it is something that I have tried to elicit from the Ministers around this table over a period of time. It is essential that we and the Commonwealth work in partnership to look at where we are going. For at least the next 20 years to identify how we are going to get there. A strategy similar in nature to what the 12th Assembly had, and the Chief Minister most recently tried to achieve, and a strategy that we haven't either accomplished or begun to implement. We need to identify with the Commonwealth areas of responsibility and how we are going to measure performance on a way forward and to elicit our short, medium and long term priorities. Thank you very much.

MRS WARD Thank you Madam Speaker, I would firstly like to second every word that Mrs Griffiths has just stated. There is no Commonwealth take over happening here and there will be no bags of money falling from the sky and it will continue to be very much about us cleaning up our own back yard and refining the way we do business. This is the time for Government to demonstrate, not only to this Community, but also to the Commonwealth that we are serious about addressing and dealing with the hard questions. That will inevitably include privatisation incentive to private business and a move away from coercive monopoly, and I know that many of you around this table feel the same way. Thank you Madam Speaker.

MR SNELL Thank you Madam Speaker. Madam Speaker I hear with interest the words that have been said here this afternoon. Madam Speaker I have a different opinion on some of what has been said, although I do appreciate the financial contribution that has been offered to us in a statement by the Chief Minister this morning. But briefly going through the Memorandum of Understanding at lunch

time today we see areas within the document and I refer to one in particular, and I read, the Commonwealth was to provide financial assistance, Norfolk Island would need to work with the Commonwealth in a genuine manner to implement improvements to Norfolk Island's financial framework, Public Sector governance and accountability arrangements and agree to remain committed including policy to those reforms. Norfolk Island acknowledges that it would need to continue to publicly support the Territories Law Reform Bill 2010. So with every issue of help, there will be strings attached, and that is pretty standard for such arrangements I gather Madam Speaker. But Madam Speaker when we look at what has transpired for the last 31 years, and I say this with no cynicism what so ever, but rather out of the deep disappointment and the guilt arising from a deal we thought we have been one in good faith in 1978/79 and unfortunately it hasn't progressed to the state we would have hoped, but anyway Madam Speaker just to reiterate, let me give a little example of a short selection of what is perceived as failings and short comings on this matter. For example in 1978 part of a policy included the need for a proper feasibility study to be completed before the commencement of self-Government. Professor Gates was commissioned by the Commonwealth despite written advice from Gates to Councillors, that the report had been completed, and that the results were promising, this report never saw the light of day in Norfolk Island, this begs a rather large question, but importantly, the people of Norfolk Island were cast adrift without a feasibility study for a basis for financial planning. The infrastructure that was handed over in 1979 Madam Speaker was in poor condition. No financial contribution was offered or received towards the deteriorated infrastructure or other serious defects, places like the Cascade Cliff or the polluted ground water problem, the roads, hospital and so on. Norfolk Island was left with an inappropriately structured Public Service for the role that we were about to undertake and this power not handed to Norfolk Island until a further ten years had elapsed. No effort was made or offered to restructure the Public Service, not withstanding that one day there were all Commonwealth Public Servants, and the next day ours. But with differing and additional tasks this was and is a wielding choke around the necks trying to govern. The May 1978 policy statement, for which the 1979 Act was promulgated contained a provision which required a formal review of the progress review of self-Government after 5 years. The Commonwealth failed in its obligations in this regard as no review occurred and thus the crucially important opportunity to check and balance was denied. Madam Speaker this is perhaps the most crucial failing, had such reviews occurred, as the then formal Minister Ellicott had in mind, that both Governments trawling through the finances, budgets, forward planning, etc etc, the threat of financial insolvency which we see ourselves in today would have been averted with solutions implemented expeditiously. Norfolk Island never really stood a chance in exceeding in the long term without these important foundation stones being in place, but it got worse. The change to the important 1978 policy statement has since provided an opportunity to the Ministers and the Parliament to really rail road any hope of success. The May 1978 policy accepted by the then Norfolk Island advisory council, began to be changed without any consultation, dramatically sowing the seeds to the terminal illness which we see has resulted on the self-Government process. From the agreed policy of in part, and I read, whilst Norfolk Island remains part of Australia there is no requirement that in the same laws applying in Australia, and regulations that apply in Australia be applied to Norfolk Island. To the present that states that Australians living in Norfolk Island should be entitled to the same rights and benefits as applied to those in Australia. The difference between these two policies positions is stark. Along with this open opportunity became a variable series of seemingly orchestrated steps that began to zap the precious resources of the Norfolk Island Government. Herewith is a sampling of the many, many obstacles and demands that greatly interfered with the Island being able to focus on its day to day needs. Madam Speaker I am not going to go through all of those, but politicising the Office of the Administrator, Legislation dumping, accelerated partly due to the failure to recognise the policy of extensions for example the ratio once was 1 law in every 91 applied to Norfolk Island, that is Commonwealth Legislation, now it is was, several years ago, now it is 1 in 14. The sudden and most unexpected withdrawal of Norfolk Island from Medicare, despite having fairly negotiated a

forward. With regard to, Mr King mentioned, that the MOU was a little loosely configured, perhaps the problem with designating every single thing within the MOU is that you are likely to leave something out that hasn't been specifically specified. I think the MOU at this stage gives reasonable latitude for everyone to work within. Just with regard to economic stimulus. There are in my view, a couple of the areas that were put in the proposals and the costings arrangement for the \$3.9 million that assist us with some safety issues and in my view will also assist with economic stimulus. With regard to gaining assessment of our operation and other areas, taxation models and frameworks, that really is on a regular and new basis as it is, particularly with each time where we have clients who approach Norfolk Island to get a context of how they might establish a gaming operation on the Island. Lastly Madam Speaker I would just like to say, that once again, it is not a case of Norfolk in isolation here, it is a reality check about the entire global financial crisis, that affected a number of areas. It is very simple to sit and claim that it was just one Government or one area, or one Airline, or one anything. It is really quite foolish to think that we are excluded from the worst crisis in 70 odd years.

MR SHERIDAN

Thank you Madam Speaker I won't speak very long on this at all. I would just like to make a comment on the MOU and some of the comments that have been made about it, so that it to say that it doesn't go far enough and it doesn't represent what they exactly feel etc etc. But I would just like to point out at paragraph four there, this is only a very basic MOU. All it is is an agreement that the two parties will participate, so that we can have further discussion. Paragraph four says that if the Commonwealth was to provide financial assistance, the parties would enter into a detailed agreement which would set out the terms and conditions under which the funding would be provided. So there it is right there Madam Speaker and paragraph four, this is the detail that Members are seeking, this is only the initial document to agree that we will go down this path. If the Commonwealth agreed to provide the funding, then a further document will be provided detailing the details which would accompany the short term relief. Hopefully after that it will lead onto the longer term relief. First things first and we are concerned about our immediate future, so this is what we are concentrating on at this point in time. I take on board, I would just like to make a comment with regard to Mr King and his contribution to immigration and we all know that the immigration policy does need to be reviewed and we have attempted to do this over the many years, but reason or another, it hasn't got there. If I remember rightly, part of the Immigration Act, the Immigration Committee is given the responsibility of assessing the applications etc, but they are also given the obligation and the ability to propose matters of an immigration nature proposed matters where they think its lacking, I suppose where they can put in proposals where they could enhance it, etc, and Mr King being a member of the Immigration Board, has an ability to do that through his membership of the Immigration Board. So I'm just wondering whether Mr King has thought this through and brought his thoughts on immigration to the Chair of the Board so that they can be processed through the normal channels. I'm just saying you have the ability. I'm just asking you whether you have?

MR ANDERSON

Just briefly Madam Speaker thank you. Without wishing to be repetitive, this is very must stage one of the process. To use Mr King's words, to stop the rot, or covers more deterioration. The package that we were requested to prepare, was prepared on the basis that we were seeking urgent financial assistance and it was intended to be a stop gap measure, put in place fairly urgently and it was the pre-cursor to discussions on more substantive matters. The questions of review of Immigration, the questions of privatisation have already been raised as possible areas that will be discussed further down the track and given the intention of Minister Crean to visit in February, they're the sorts of issues I would see as being raised between now and February. Many others of course may be raised as well, there too, we addressed the immigration issue, we need to encourage investors or entrepreneurs to come in here, we need the investment, because we are not going to do it with our existing pool of funds. In respect to the commitments in relation to the

SPEAKER Further debate Honourable Members? There being no further debate, before I put the question Honourable Members I'm going to bring to your attention Standing Order 197, so that there can be no misunderstanding in the area of the Speaker. Unless otherwise ordered, all papers and documents presented to the House may be inspected, inspected, at the offices of the House by Members, and with permission of the Speaker, by other persons. The emphasis being on inspected at. If you are wanting the MOU to travel in a wider way, you will need to make alternative arrangements, it can not happen unless Standing Orders are suspended in order to accommodate that. I have been making this point to you for some time now, that I do not have the authority to take any document tabled here, to a wider audience. So if you could just bear that in mind, if you are wanting it go wider, it can't go from my Office. People can look at, no problem at all.

MR KING So we have been given a document in this House, but we can't show it to anyone?

SPEAKER I didn't say that Mr King, no. No not at all. All I can say to you is, I only have the power, the people, yourselves, Members of the Public to come and look at it in my Office. If you want it wider, by all means, it's up to Members to do what they wish with it. But certainly, I don't have that power to make it. I have been making this statement for quite some time.

MR BUFFETT Yes, Madam Speaker would it be helpful if I sought an order of the House that the paper be printed?

SPEAKER That would be helpful. Thank you.

MR BUFFETT I'm happy to move such a motion.

SPEAKER What I suggest is we amend the motion before the House.

MR BUFFETT Yes, the paper that I have presented is intended to be a public document, that is the very purpose of why I am tabling it.

SPEAKER That is why I am raising it with you.

MR BUFFETT If there is some other way that you would recommend to us that we facilitate that, I am very happy to move along whichever track.

SPEAKER We have a motion that the paper be noted, if the House is happy to have that amended and printed. I will take that as done? Thank you. The question before us now is that the House take note of the paper and it be printed...

MR BUFFETT I'm not too sure how you do that? But nevertheless...

SPEAKER That is a good question, I understand that one!

MR BUFFETT I think our intent is very clear.

SPEAKER We know the intent, alright, okAY. I put that question

QUESTION PUT
AGREED

That motion is so agreed, thank you. We move now to the Substantive Matters on the Notice Matter.

IMMIGRATION ACT 1980 - APPLICATION FOR GENERAL ENTRY PERMIT

SPEAKER Starting with the Immigration Act 1980, application for General Entry Permit. I look to Mr Anderson.

MR ANDERSON Thank you Madam Speaker I move that for the purpose of paragraph 17A(1)(e) of the Immigration Act 1980, this Legislative Assembly resolve that Michael Jon Porter Junior, Ashley June Porter and Eli Michael Porter be authorised to make an application for a general entry permit under the Act.

SPEAKER The question before us Honourable Members is that the motion be agreed to, Mr Anderson.

MR ANDERSON Thank you Madam Speaker. I move this motion for agreement that the persons named in the motion be allowed to lodge a general entry permit application. I emphasise once again it does not grant the people named any permit at all, it merely grants them the authorisation to lodge an application for a general entry permit. This is the second time such an application has been dealt with by this House, the first having occurred on 28 July this year. The persons named are foreign nationals and are the husband and children of a resident, Pauline Knapton-Porter. Mrs Knapton-Porter has returned from the United States and has returned to residency on the Island with her family. Her husband and children are citizens of the United States of America and all hold US passports. Under section 17a of the Immigration Act 1980 an applicant for a general entry permit must be either: An Australian or New Zealand citizen, An Australian or New Zealand permanent resident, A permanent resident of Pitcairn Island or the holder of a temporary entry permit for four out of the previous five years, or by resolution of this house be authorised to apply. This motion will provide the necessary authorisation. Mrs Knapton-Porter wishes her husband and children to be spared the wait, inconvenience and restrictions of four years as temporary entry permit holders. The same circumstances as we dealt with in the application in July. They are currently legally on the island with temporary entry permits. Mr Michael Porter Junior is, in the USA, a fully qualified and licenced painter and decorator and will continue that occupation on the Island as well as assisting Mrs Knapton-Porter in her food service business. Mr Michael Porter Junior is a fully qualified fire fighter and has already joined the volunteer rescue squad. The children are respectively four and three years old. Mrs Knapton-Porter married her husband on Norfolk Island in 2005 and she is a descendent of the Christian family. I am of the view the family members named should be authorised to make the application and commend the motion to the House. Thank you.

SPEAKER Thank you Mr Anderson. Debate Honourable Members around this table? There being no further debate, I put the question that the Motion be agreed to

QUESTION PUT
AGREED

The motion is so agreed.

NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ACT 1980 – RE-APPOINTMENT OF MEMBERS

Next item on the program today is Norfolk Island Government Tourist Bureau Act 1980, re-appointment of Members and this is in your name Minister for Tourism, Industry & Development.

MR NOBBS Thank you Madam Speaker, I move that this House in accordance with Section 4 of the Norfolk Island Government Tourist Bureau Act 1980

recommends to the Executive Member that he re-appoint Nadia Cuthbertson, Morgan Evans and David Porter to be members of the Norfolk Island Government Tourist Bureau for the period commencing 1 January 2011 to 20 April 2011.

SPEAKER Thank you. The question before the House is that the motion be agreed too. Minister Nobbs.

MR NOBBS Thank you Madam Speaker. I certainly thank the Board Members for their service up to this point and I also thank them for willing to carry out an extension to enable us to finalise the amendments for the Tourist Bureau Act. The discussions I have had with them, as well as the stakeholders for those amendments, have progressed along very well, and I anticipate that we will be able to present a draft Bill to this House at the next Sitting for everyone's consideration. Thank you Madam Speaker.

MR KING Thank you Madam Speaker, I am sure that these are all worthy people, but it occurs to me to wonder, whether these people support Mr Nobbs' proposed restructure of the Tourist Bureau and whether that might be the reason that he is re-appointing them?

MR NOBBS Madam Speaker, these people are volunteers Members of the Board and they do a good job on the Board. They are being reappointed on that basis, they are also representative of ATA and Chamber of Commerce, so I don't think that was a very tasteful comment.

SPEAKER Any further debate Honourable Members? Being no further debate, I put the question that the Motion be agreed to

QUESTION PUT
AGREED

The motion is so agreed

SOCIAL SERVICES ACT 1980 - APPOINTMENT OF COMMUNITY MEMBER

MR SHERIDAN Thank you Madam Speaker, Madam Speaker, I move that for the purposes of paragraph 4(3)(b) and sections 6 and 8 of the Social Services Act 1980, this House resolves to recommend the appointment of Raewyn Florence Evans as a community member of the Social Services Board for a period of three years commencing on the day on which the instrument of appointment is signed and recommends to His Honour the Administrator that he sign the instrument of appointment.

SPEAKER Thank you Minister Sheridan. The question before the House is that the motion be agreed to. Debate Honourable Members? Minister Sheridan.

MR SHERIDAN Thank you Madam Speaker, Madam Speaker, this appointment to the Board is to fill a vacancy which is on the Board. The recommendation has come from the Board itself. Raewyn Evans herself is happy to participate on this Board and I have no problem with her being on there either. I would just like the support of the House for the Motion.

SPEAKER Debate Honourable Members? There being no further debate, I put the question that the Motion be agreed to

QUESTION PUT
AGREED

The motion is so agreed

TOURIST ACCOMMODATION ACT 1984 – TRANSFER OF REGISTRATION LICENCE OF ONE UNIT FROM “CASTAWAY HOTEL AND APARTMENTS” TO “AHSTYK”

MR NOBBS Thank you Madam Speaker I move that for the purposes of section 15A of the Tourist Accommodation Act 1984 this House resolves that the registration of one tourist accommodation unit from the tourist accommodation house known as “Castaway Hotel and Apartments” may be transferred...

MR KING Perhaps not a Point of Order, I would just like to say for expediency, that the Minister simply say that he moves the Motion appearing on the Notice Paper on Number Four.

SPEAKER I will leave that in the hands of the Minister, thank you Minister.

MR NOBBS Thank you Madam Speaker, perhaps that is the way that we will deal with the second one. But just to make everyone aware of the detail, of what is actually under consideration here, I will continue.

SPEAKER May I suggest you start again Minister Nobbs.

MR NOBBS I was looking for a convenient place to restart it.

SPEAKER Let's start at the beginning shall we!

MR NOBBS Okay, I move that for the purposes of section 15A of the Tourist Accommodation Act 1984 this House resolves that the registration of one tourist accommodation unit from the tourist accommodation house known as “Castaway Hotel and Apartments” may be transferred from the place described in its current instrument of registration to portion Lot 21k Selwyn Pine Road, known as “Ahstyk”, subject to compliance with the following conditions: 1. Application for registration of a tourist accommodation house must be made in accordance with all applicable statutory requirements after the Executive Member's approval of the transfer under section 15A(2) in accordance with this resolution. 2. The premises to which registration is transferred must first, comply with statutory requirements for the ownership and operation of tourist accommodation; b. comply with statutory planning and building requirements for the siting and construction of tourist accommodation; c. be equivalent to a minimum 3 ½ Star standard under applicable Norfolk Island tourist accommodation grading standards; and d. any relevant planning approval must be obtained within 12 months of the transfer approval. Madam Speaker I will be seeking to adjourn this and leave it on the table for the duration until the next Sitting, so that people have time to get as much information on the area as they would like.

SPEAKER Question before the House Honourable Members is that the Motion be agreed to. Debate Honourable Members? There being no further debate around the table, Minister Nobbs I look to you for a motion of adjournment.

MR NOBBS Thank you Madam Speaker, I move that the debate be adjourned and resumption of the debate made an Order of the Day for a subsequent day of Sitting.

SPEAKER The question before the House Honourable Members is that debate be adjourned and made a Order of the Day for a subsequent day of Sitting of the House

QUESTION PUT
AGREED

That motion is so agreed, debate is so adjourned.

TOURIST ACCOMMODATION ACT 1984 – TRANSFER OF REGISTRATION LICENCE OF ONE UNIT FROM “CASTAWAY HOTEL AND APARTMENTS” TO “ROCKY POINT LODGE”

MR NOBBS Thank you Madam Speaker, I move to abbreviate some of the contents of this, and just acknowledge that it is a transfer from Castaway Apartments to Rocky Point Lodge, the same conditions apply and in the same instance, I will also be adjourning this.

SPEAKER Thank you, I take it Minister Nobbs that the question before the House is that the Motion appearing in your name on the Notice Paper be agreed.

MINISTER NOBBS Yes.

SPEAKER Debate Honourable Members? Minister Nobbs? Any further debate Honourable Members? No debate. Minister Nobbs.

MR NOBBS Thank you Madam Speaker. Madam Speaker I move that debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of Sitting.

SPEAKER Thank you Minister Nobbs. The question before us is that debate be adjourned and resumption of debate be made an Order of the Day for a subsequent day of Sitting, those of that opinion say Aye, to the contrary No, are there any abstentions? I believe the Aye's have it. The Motion is agreed. The debate is so adjourned. We move to Notice Number Six, Deregulation of Telecommunications. This Motion stands in the name of Mr King. Mr King?

MR KING Thank you Madam Speaker, I move that in the wider and best interests of the community this House rejects the recent Government decision to maintain monopolistic control of Norfolk Island's telecommunications and substitutes instead a decision to deregulate telecommunications to the extent necessary to allow private competitive use on reasonable terms of the Norfolk Island copper network infrastructure.

SPEAKER Thank you Mr King, the question before the House is that the Motion be agreed too. Mr King.

MR KING Thank you Madam Speaker, let me open my debate by saying these words. In my discussions with the Consultants, I advised that this report will need to stand up to an extremely high level of scrutiny, through Cabinet, through Members of the Legislative Assembly, through the Parliament and if necessary through the Courts. Madam Speaker, those are not my words, those are the words of Mr Nobbs, the Minister with responsibility for this issue and this Motion is about providing that scrutiny. I acknowledge Madam Speaker, as I have on previous occasions, that it is the Government, to whom we in the Parliament, have given these executive authority to deal with these decisions that they can rightfully take decisions such as this. I do not contest that. I do say however Madam Speaker that, the issue is one of such high public profile, and of such significant importance to the Community generally and specifically to the business centre and it is an issue which deal with commercial investment and economic development, it is one on which public debate has been taking place for

several months, and therefore one which should have been the subject of consideration by the Parliament as a whole, not just the executive branch. Madam Speaker importantly it is an issue with the Minister himself said on the 5th of June, that he would bring to the House for finalisation. On that basis alone, Madam Speaker, there is every justification for bringing this matter to the House in the form of this Substantive Motion. Because the Minister failed to deliver on his promise to do so. Madam Speaker, this motion is a responsible approach to the issue it is sensible, to openly draw together the various pieces of the arguments for and against which have pervaded the public domain over the past 12/13 months or so, to air the issue fully, to discuss the inconsistencies to the Government approach and examine the documentation and then make a decision in this place. That in fact Madam Speaker, would have been consistent with the Governments claim over the past nine months or so, to be fully transparent and accountable. And in that sense, the Government as I say, has failed. Madam Speaker, I should pause at this moment to declare my own vested interest, vested interest in what may be a positive outcome to the issue, to the Motion. Companies which I am involved in one or more ways, have an interest in high speed internet services, I have to say no one has spoken to me about this particular issue in that regard, but nevertheless, I state that interest here in the House. And it is fair to say that in my industry, that is the Wagering Industry, the faster the upload and download speeds of the internet, the greater the prospects for increasing the trade for those companies. That of course Madam Speaker, is not unusual, and it could be said of many businesses or investors, that prospectively a higher speed internet speed would increase commercial opportunities, I don't think anyone has any issues with that. That Madam Speaker, is my only conflict of interest, a prospective one. Neither I personally, nor any company which I am involved would gain any immediate or direct benefit from a positive outcome to this Motion, but nevertheless, I needed to make that statement Madam Speaker to fend off or leave myself open for some, perhaps immature criticism. Madam Speaker throughout the life of this issue, many references have been made to reports, evaluations, assessments, and the like. Not all of which have seen the light of day, and I know some of those things are reserved for Cabinet deliberations, I fully understand that. But this issue is now in the public domain. It was Mr Nobbs who said in relation to the final document, that lead to the Government's decision, that that document, the report must be capable of withstanding close scrutiny, to this point in time Mr Nobbs has not provided an opportunity to scrutinise this telling report or its terms of reference. It was Mr Nobbs who said he would bring this matter to the House for finalisation, not me, not Mr Snell, not Mr Anderson, it was Mr Nobbs who said he would. Mr Nobbs is now saying in response to questions to him in this Parliament today, that he will now seek permission from the authors of that report, to table it, to share it with his colleagues, a little late. I don't expect, given that background of undertakings by Mr Nobbs, that he would have any difficulty with the pathway laid out in this motion. Madam Speaker it will be very difficult, if not impossible for Members to fully inform themselves in relation to this issue today, but the motion should hopefully result in all relevant documentation being brought into the open for scrutiny and to enable Members to make a knowledgeable decision, perhaps next time, next time we meet. I get an indication from at least one of my colleagues on the back bench that there is a willingness to move that this motion be adjourned at an appropriate time. That is all I have to say thank you.

MR BUFFETT Is there going to be a Motion of Adjournment? I'm really not interested in having a whole debate today and a whole debate tomorrow. I am interested to have a debate, but there is going to be a motion...

SPEAKER I was just going to ask that Question, thank you.

MR KING There will be a Motion, whether it comes from me or another person on the back bench.

MR BUFFETT Put it now.

SPEAKER
table? Mrs Griffiths?

Further debate Honourable Members around the

MRS GRIFFITHS Thank you Madam Speaker, and I would like to thank Mr King for having this placed on the Notice Paper to encourage debate on the House. Madam Speaker I believe that a major contributor to our economic worries, global financial crisis aside, is our attitude towards the private sector. For too long we have crowded it out, the private sector is the driver of economic growth, and it needs a competent Government, not an overbearing one. It needs a Government that facilitates investment, not stifles it. This approach is not unusual in the Pacific, many Island Governments thought they too were best placed to deliver all essential services. The unfortunate consequence to this approach is that it diverts Government attention away from more pressing issues and it stretches our already limited resources. Knowing better we only have to look across the water to Tonga where within a year of introducing competition the tariff for almost all services dropped by more than 20%, the number of mobile subscribers and internet users were almost doubled within that year. Looking at our situation here, what I find most disappointing, is not only how long this issue has been around, but how it has been dealt with by this Assembly. We have heard for many months of reports, conferences, documentation which has raised many and complex issues to be considered by this Government. But unfortunately what we have, instead of a can do attitude, to work through these complex issues, our approach has been less than dynamic or co-operative. I wonder, consider the complexity of the issues raised, was there any substantial work done on costing the use of the infrastructure or the deregulating exercise, or whether it was all too hard, so better to do nothing. I am disappointed with this 13th Legislative Assembly's approach, Madam Speaker, we can not forget that a vibrant business community contributes substantially to the public purse. Twelve percent of the private sector's success is our success. Thank you.

MRS WARD Thank you Madam Speaker. I will speak to this Motion today. The story of Norfolk's telecommunication development is an interesting one. Ministerial views have changed over the years and the Norfolk Island Telecommunications Act 1992 and how it regulates what we are seeing here today is a complex issue. I will say from the outset that there are two sides to this debate. I do not for one moment doubt the Minister's efforts in reaching his decision and I thank him for the time he has given me in dealing with this matter. The Minister and his colleagues have taken a view, in our name, that it is not in the Communities interests to further deregulate the use of publically owned infrastructure. And the Minister has explained in his very brief answer to my Question on Notice Number 80, that the lawyers aren't able to agree on this question. So it is easy to see why the Government has found it difficult to reach a Policy decision. In the Question on Notice Number 80 the Minister was able to table the current operating charges for Norfolk Telecom and under 1.9 leased circuit, NIDS continues to have access under the Telecoms Service and under the law, and I thank him for that. And what we are seeing is a Government position that works to protect and maintain the status quo. I would also like to say from the outset that I commend the move made by the Technical Team at Norfolk Telecom, they wrote an article explaining their position in the Islander dated November 13. At the end of the day, if it is deemed not in the public interest to further deregulate, because the pie isn't big enough, then the Community must be absolutely confident that a Government monopoly is working as efficiently and effectively as humanly and technically possible. The trouble is that without having had opportunity to consider the independent reports, the ones that the Government has studied and the Minister is attempting to table, I can not make an informed decision on whether or not the Government decision has been made in the Community's best interest. I am assuming, or hoping, that each Minister will now be able to tell the Community how and why they reached their decision on this matter. I have questions for the Government, for example, the Minister referred to other reports, where are they and what did they say? Was the CEO of Administration or the Telecom Manager given the chance to make comment on the reports and what did they

say? Does the report assume that Telecom is the only service provider as I have seen written in the media over recent months, because that is simply not true. I could start to get bogged down on economies of scale or diseconomies of scale and confuse people even further but the question is really is; did the report recommend competition or not? Were the authors of the report left to guestimate growth, and on what basis, Telecoms activities? How was potential growth in the market place assessed? Was it determined factoring Telecom as a monopoly or did it consider that we currently have another server? Over recent months the Minister Nobbs has had one catch cry, protection from the loss of revenue and protection of publically owned infrastructure and he hasn't diverted far from that. It has been his common theme presumably because he couldn't think of anything else to throw in? But by stating this loss of revenue theme again and again it has become clear to me that Government over the years has become more and more reliant on money made by Telecom, Telecom has been used as a cash cow, and the Government is terrified of losing that revenue. Fear is a debilitating thing; it restricts the mind, it in some cases paralyses rational thought. And if it is true that the Ministers major concern is the perceived loss of revenue and if he has convinced his colleagues that this is the case, then we as a Community are in trouble. If the Government is incapable of putting its mind in a place that begins to work on policy that seeks to diversify our economy then we are in trouble. But Madam Speaker, you know I have faith and I feel strongly that the Community is now firmly behind the need to support reform, as is the Government, that the Commonwealth is willing to assist in our continued path of self government and that with their assistance we will find ways to diversity and grow our economy once again. Yes, that will take time, but I do believe that is the intent of both Governments. And both have made a firm commitment to that. This includes part of the agreed position taken by the Chief Minister with the Commonwealth Government, a commitment to embrace the mainland taxation scheme. This is the very step that will allow us to free up the Government hold on business and diversify the way the community is taxed. This is about creating a fairer system. I would suggest that we have to think very seriously after we have had opportunity to read the reports, or the independent report, to move away from the latest Government decision which that has everything to do with domination, and work in partnership with the Commonwealth to find more productive options. And yes, as I said, after the MOU debate I am talking about privatization and competition; these are policy decisions that will take time to consider properly, with all information provided to all Members. This is no time to let anything fall into the too hard basket. I know that Mrs. Griffiths is particularly passionate about the next stage. But like her I would always argue that competition is healthy and leads to benefits for the Community. We have seen a place strangled by a protectionist mind set for long enough now, to understand and see that it doesn't work. Competition is the best way to create efficient and effective service, try and convince me that a monopoly is always on the ball, that defies human nature. Let us start working for a different outcome; work to give Administration a policy direction which says, for example, as part of the 2011/12 budget we need to factor in a potential revenue loss from Telecom because the Government sees the benefits in allowing competition on Telecom infrastructure, for example. And as long as a framework is set that will regulate competition then we must consider that. Because competition rewards enthusiasm and punishes apathy, and I am not accusing telecom of indifference, be sure of that, but competition is healthy, it make us work harder and keeps us on our toes. Telecom employees particularly understand that we are in a rapidly changing market and imagine if we could leave the technology world to those who have a true passion in this area, and that includes, clearly, NIDS today as an example and Telecom. Imagine giving them ownership and that can happen in a truly transparent why, now that a mainland taxation system is on the horizon, it can be done with Community confidence and without tall poppy syndrome and paranoia taking over. If this Government is going to argue that the resources required to properly assess deregulation today is beyond our means, is this not an issue to be raising right now, or between now and February with the Commonwealth? Let us demonstrate to the Commonwealth that we are not crippled by fear, that we are ready to embrace telecommunication and economic growth with their assistance. We have now entered a true partnership arrangement; let us use that

for the sake of this and the next generation. We all know that decisions that we will need to make in the next twelve months and beyond will be hard ones, yet they have to be made. We are not here to entertain the public; we are here to focus on the real problems the Island must tackle for its survival. It has been argued, and I will make one more point on completion whilst I'm at it, thank you Madam Speaker, it has been argued for many years that there is insufficient space for competition, the Airline has often been used as an example, but do we intend to cripple area because of this belief? And I'm sure that Madam Speaker will back me up here, we are restricted only by our imagination. I understand the practical implication of less revenue perhaps in the short term, but I would ask every Member here today and those in the Community to think beyond the short term, to push aside the fear of the unknown and embrace the idea of the world of competition. That is all I ask at this stage, is just to agree to consider thinking outside the square. However daunting that may be. And I will at an appropriate time Madam Speaker move a Motion that debate be adjourned. Thank you.

SPEAKER
Members? Mr King.

Thank you Mrs Ward. Further debate Honourable

MR KING
contribution to the debate.

I simply want to say, and applaud Mrs Ward for her

MR NOBBS
Thank you Madam Speaker, I will enter the debate with a simple response, that should clarify some of the considerations given to the Governments decision not to enable competition within the Telecom Network. Norfolk Telecom has operated not only as a Telecom Service Provider, but as a revenue generator for this Community and a support arm for a delivery of services for the Public Service. Many of the revenues earned in Norfolk Telecom through the ranges of services, but in particular, incoming international telephone traffic, are used to cross subsidise costs of providing services to the members of this Community. It becomes quite evident when assessing a pricing structure that will stand scrutiny for fair and competitive pricing, that the costs of services for all Norfolk Island customers would need to increase to the cost of deliver of that service without subsidisation from outside sources. Madam Speaker what that equates to, is the entire Community would be required to pay a higher telecommunications charge, just to enable a private operator access to pricing, which wasn't seen to be anti-competitive. Reduced revenues to support infrastructure and replacement, will mean new charges being put in place, Community Services and pension Benefits for the network would also have to be reassessed, essential system upgrades would need to be budgeted on a different basis. Legislation would have to be prepared by legal experts in the field of Telecommunications and the initially costings for that Legislative change is particularly prohibitive at this stage. Madam Speaker, I would suggest that at some point, that we do adjourn, to resume when the review of Telecommunications competition document prepared has been made available to all Members for their broader understanding of the issues and considerations when evaluating competition within the Norfolk Island network. I have already contacted the authors to facilitate that release which I have spoken about earlier. A couple of other interesting comments come to mind after hearing some of the views around the table, I have noted that the use of the term protectionist mindset, it hasn't necessarily always been a Governments view about the protectionist mindset, we had a referendum about the Liquor Bond for example, which was about privatisation and private access and expanding the network within there, there was some remarks there made about whether I coerced or managed to get my view across to the other Ministers. Each of the Ministers was provided with a copy of the report for their own assessment, with regard to the discussion of this in the context of inter-Governmental discussions, I certainly suggest that if the opportunity arose in the conversation that was just recently had in Canberra, that certainly it should be given some profile in there that this was looked at at a number of levels. That is probably all I need to say for now thanks Madam Speaker.

SPEAKER Thank you Minister Nobbs any further debate Honourable Members before I look towards Mrs Ward? Mr Sheridan.

MR SHERIDAN Thank you Madam Speaker. I am not going to say too much on this, the decision has been made and I don't intend to support the motion, specifically where it says instead of substitute and to allow deregulation without any other further consideration, the Cabinet has the ability, well if the Minister would want too, if the Minister wants to review it at a future date, well he can. I look at it in a very simplistic way, because, I am simple person, I am not too technical, I don't get into those technical world of telecommunications, but I view, in telecommunications, and this outside provider wants to join into the copper network, and then provide virtually a full service as Telecom does, I see this as in the same vein as if I was to install a generator at my home, and then punch into the existing power lines and start selling electricity to the Community with no input into the infrastructure. Now it is really one and the same, you have to pay your way. Now Telecom has to provide for the services around the Island, and if the pie was split smaller, into two, Telecom would still be the main vehicle for the maintenance for all the communication lines etc around the Island. The second provider wouldn't have, they would just look after their own internal mechanisms, so the cost then would have to go onto the Customers that Telecom provide for, and those costs would increase greatly, and this is one thing that did come out of the report. Those costs would have to increase greatly, now I don't think all those costs, well it could I suppose, you could put that onto the second provider, and just totally blow them out of the water with the price per line, but that is not the way. It comes down to a fair and equal share of the infrastructure that these telecommunications support. And this is where Norfolk Telecom has the responsibility of providing that, if they were to lose half their market share of customers, then it is only natural that the cost of everything would increase, and that is what I don't want to see happen on Norfolk Island.

MR KING Thank you Madam Speaker. I think I will leave it to another day to respond in detail to some of the extraordinary statements made by Mr Nobbs and Mr Sheridan. I will respond in a moment, despite Mr Buffett's wishes to put the matter to bed for the time being, I have a further contribution to make Chief Minister. I will try not to repeat myself on the next occasion and perhaps confine myself to just respond to some of the statements that have just been made. Others will be aware, of course, that there was a press release in the paper last weekend, by the relevant private operator, NIDS Service, which reflected that they too had examined the Government's decision, and analysed its position in relation to this access of copper wire, as you would expect them to do. They somewhat, tongue in cheek, Madam Speaker, placed a favourable spin on the Government's decision, relying on the Government's statement that the Government will only allow services presently permitted under the Telecommunications Act, and that because they, NIDS, had such permission, prior to the embargo, that the Government decision meant full steam ahead, an embargo Madam Speaker which I have to say, has no apparent or specified authority at law, and for which no plausible explanation has ever been given, other than to say that it was a temporary measure to allow the Government to determine appropriate pricing. A difficult, let me just say, on the issue that was raised by Mr Nobbs and Mr Sheridan today, but I am disappointed that Mr Sheridan has already announced his decision to oppose the motion, I guess this is a reflection of the new found collective responsibility and solidarity of the Cabinet, that is all very good. But I am disappointed that he is not going to keep an open mind about this. Let me say, that if we are to say that we find so much difficulty in pricing the leasing of a piece of copper wire, how is it, that we were able to arrive to the figure, I think it is \$10 per month, for a piece of copper wire connection for a telephone. Presumably, the very same factors, about capital recovery and profit margin were brought into play when determining that price, what other factors, what different factors apply in this case, I'll tell you, none, not a bloody one. Madam Speaker, clearly the Government does not agree with NIDS interpretation as they put in the paper, however the Government's decision, the press release, however it is

interpreted, its objective is clear, the copper wire infrastructure is not to be open for wider use by private enterprise. I say wider use, Mr Deputy Speaker, wider use, because the Government already allows the use of the copper wire by foreign providers, like Telstra, Vodafone and Optus, assuming that the recent, or the proposed roaming agreements have now been completed, that is certainly the intention. They use it on a commercial basis and would you believe Mr Deputy Speaker, that the Government allows unrestricted use of the copper wire by private operators for dial up internet services and has done so for the past 15 years. How odd is that? Madam Speaker the issue as mentioned has been on foot for well over 12 months, we have listened to a whole host of questions and answers in relation to the matter and often the questions have lacked clarity due to a lack of technical knowledge, I'm in the same boat as Mr Sheridan, but which were formulated in an attempt to bring the handling of the issue out in the open. The answers to those questions have been evasive, obscure, unhelpful and inconsistent and have left Members of this House no further informed. And interested parties in this Community no better placed to understand where the issue was headed. Madam Speaker the Government has in its recent press release sought to put its stamp of authority on the issue and put it to bed. Lets look at the Governments published reasons, lets keep this commentary, this debate, this contribution in mind between now and the time we make a debate on this. The Government has commissioned an independent report on this matter and that has contributed apparently to a change of heart in some respects. It has certainly played a major part in the Governments decision, an informed decision says the Minister. We are left now to wait apparently until the author of that report dares to give his permission that it be circulated among Members. Are we to wait for that before we make a decision on this Motion. What if it takes 2 months, 3 months, what if he doesn't give the permission, bad luck we don't get to undertake the scrutiny that Mr Nobbs offered to us in unequivocal terms. Let me quote from the Governments decision paper or the press release Madam Speaker. "Awaiting program of events, legislative change, pricing structure and irregularity regime all need to be compiled and made operational". Madam Speaker this certainly seems to suggest that a decision such as the Government has made was taken because it was the easiest way out, that to make an alternative decision in favour of reopening access to the copper network was just all too hard. Madam Speaker the Government has known for over a year that legislative change, both substantive and subordinate might be necessary and indeed the Governments off stated reasons for the continued unexplained or poorly explained delays in this matter has been that a pricing structure was being worked on. On the 10th of April Minister Nobbs said we do need to ensure that in going along the lines of assessing access to our infrastructure and cabling that we are doing it appropriately and the fees and charges suitably apply to cover costs and implementation, his words not mine. That was 7 months ago Madam Speaker and that sounded to me as I'm sure it did to other Members and other members of the community that a decision had been made to accommodate access to the network subject to charges and facilitation. What else was it meant to convey Madam Speaker. It was fully consistent with the Governments publicly stated position 2 years ago when the Minister then of those days whilst Mjinister Lopy Christian said in relation to copper wire access that he would and I quote "treat NIDS and Telecom the same, you can't get any fairer than that". Madam Speaker in May this year the current Minister, Minister Nobbs met with local private investors who had sought continued access and that is NIDS as we've been talking about. He said in the House consequent upon that that there had already been considerable work done by his legal team, let me quote again "significant work had been done by Norfolk Telecom Management with the Legal Services Unit for some time now to urgently develop appropriate terms and conditions suitable to allow for processing of applications for access to the Public Communications Network and Infrastructure". What do I have wrong Madam Speaker, can't I or anyone else hearing those words attached to them their ordinary meaning. Can they mean something other than what they mean in the ordinary sense. Madam Speaker those words are consistent with statements made by other persons involved in the matter time and time again over the past 12 months. The Chief Executive Officer wrote 10 months ago and I quote "Lease line terms and conditions will cover the standards for equipment to be connected

to the lease and are currently being prepared to assist you with your application for further leased circuits". Once again I didn't say those words, they were said to NIDS by a person in authority. Does that indicate anything other than a desire to accommodate subject to pricing and perhaps facilitation. That list is endless but the piece de resistance Madam Speaker is contained in the letter written by the Minister Mr Nobbs to the then Chair of the Joint Standing Committee Senator Kate Lundy in I think June or July of this year, certainly this year. Let me quote from that Nobbs to Lundy. "The Norfolk Island Government letter is to allow competition in the communications area". This was published in the Norfolk Islander for the whole world to see. The Norfolk Island Government letter policy is to allow competition in the telecommunications area. The issue under assessment referring to the NIDS case in the Senators earlier letter to the Proprietors of NIDS is not whether NIDS or any private operator are permitted access to the infrastructure but the determination of fair and equitable access fees. I didn't say it, Mr Nobbs said it. Madam Speaker I understand that I can be accused of quoting out of context and of being selective in my choice of quotes, I get that all the time but the reality is I can find no indication anywhere in any of the statements or documents that the Government was looking at anything other than pricing and supporting legislation. To turn around now and say that it's all too hard and resource intensive is just too much to swallow. It suggests Madam Speaker that perhaps there never really was any political will to accommodate private enterprise. Some might say or be drawn irresistibly to a conclusion that the whole process of dealing with the matter over the past year has been a sham directed at excluding private access at all cost. Madam Speaker the Government has said in their press release and I quote "deregulation would result in a reduction of revenue for Telecom and this to the public purse". That has been repeated today as an assertion by Mr Nobbs. This is not being demonstrated. Certainly not to me, it may have been in the quiet dark secluded corners of Cabinet, but it certainly hasn't been demonstrated to me in the slightest and I call on the Minister to show that this is true. Madam Speaker the Government has said and I quote again "The entry of further players in the Telecommunication area will necessitate a review of current Telecom Fees and Charges and that they cannot afford to forgo any Telecom revenue". That assertion has again been repeated today. It is in my view in the nature of scare tactics. If this was the case and if it was a relevant factor it is now emerged as a relevant factor then why was it not stated over a year ago or in fact at any time during the debate. What the Minister is saying to the community is that if the Government allows greater access to the copper infrastructure then they will pay for it, then the community will pay for it as increased costs. Madam Speaker there is no demonstrated basis for that statement and again I challenge the Minister to show that this would be the case. There are a whole host of factors which would need to be considered before this definitive assertion could be made. What for example would be the expected take up of abandoned and unused copper wire in favour of mobiles of which the Government presently receives no income whatsoever. What level of taxes and fees would be earned from greater commercial internet activity, what additional GST would be earned and importantly what health and educational benefits would be gained for the community. Madam Speaker earlier this year, 6 months ago Mr Nobbs sought some data from private operators, NIDS to enable some sort of cost benefit analysis. It is my understanding that NIDS Proprietors in fact provided data to the Minister. His response to this according to Hansard was to evaluate and assess the data himself and provide a report to Cabinet. I have no difficulty with that but Madam Speaker I'm doubtful if any type of cost benefit analysis has in fact been done. If it has then I will stand corrected, actually if it has then I would ask what experience the Minister himself has to evaluate and assess commercial activities. Whatever the case I ask Members be provided with that data, supplied by NIDS and that the Minister provide a summary of the weight that such data received in the consideration of this matter. Madam Speaker I suggest that if any increase in Telecom charges were to follow any further privatisation then it will be simply to reverse the effects of poor business decisions made in the past by Telecom and the Government and the Administration. We'll discuss that a little later on. Madam Speaker it said as part of their reasoning and repeated here again today that revenue protection is uppermost in their minds particularly revenues limited by a small marketplace. Madam Speaker lets

visit the argument of the protection of Government revenue in just a moment. For the time being lets look at the Governments argument that Norfolk is a small marketplace and you just can't keep dividing up the small cake, well Madam Speaker of course it's a small marketplace. You don't have to be Albert Einstein to understand that and anyone that's ventured into commerce and trade will tell you very quickly after a few months trade, but that hasn't stopped the Government doing precisely the opposite of what it's doing in this issue or what it says it's trying to avoid in this issue when it suits them. It seems Madam Speaker that it's perfectly ok for the Government to encroach on private sector industries without any regard whatsoever to cutting up the cake into increasingly smaller pieces as Mr Nobbs has alluded to in this issue. The small cake made no difference to the Government Madam Speaker when it wanted to make an incursion for example into the stationary and the computer hardware industry at the Post Office, now selling toys come Christmas or the Café industry at the Royal Engineers Office or the fuel industry, made no difference whatsoever on those occasions and that's three that immediately come to mind Madam Speaker but when you look at the outcomes of those incursions you can't but agree that in each case the activities were better left to private enterprise. It's yet to be shown that the sale of stationary and computer equipment copiers and teddy bears and toys for Christmas is yet to improve the bottom line performance of the Post Office which has been lagging for years and years and losing money hand over fist and the marginal trading outcomes of the Royal Engineers Office, what was the trading outcome last year \$11,000 - \$12,000 loss for the year, that's not my idea Madam Speaker of a commercially attractive business operation. It really suggests that its activities would be best left to private enterprise and the Governments involvement in the fuel industry, lets just pause there for a moment Madam Speaker and have a look at what that's done to the community since the Government became involved in that private sector activity the price differential between mainland remote area fuel prices and Norfolk Island prices has blown out from some 50% differential to almost 100% and that means 1 of 2 things Madam Speaker or maybe both that the Government cannot or does not operate this business in the best interest of the community but operates it as a taxation device and a means of subsidising the huge dividends paid to fuel importers who Mr Nobbs entered into a cosy deal with during his time as Chief Minister and maybe enough said about that just for the moment. Madam Speaker there is an element of truth in the accusation from private enterprise that the Government does not play on a level playing field. There are certainly no consistency of thinking in the decision the Government has made. What it is saying to potential private investors for Norfolk Island is that there is no clear policy thinking by the Government of the question of its own involvement or intrusion into private sector business activities, that it will encroach on private enterprise when it wishes, when it chooses but close the door to private sector investment in its monopolised telecommunications industry when regional evidence is that the consumer has benefited greatly in terms of pricing and product through deregulation. Why should it be any different here Madam Speaker in Norfolk Island, because the Government says that they wish to protect Government revenues which they say is part of their reasonings that they are unable to forego part of the Telecom revenue. Madam Speaker lets look just briefly at the recent financial history of the Telecom and supposed revenues that we are protecting and determine for ourselves the accuracy of that as a relevant factor in the decision. There is no nett revenue to the community through the operation of the Telecom business and there hasn't been for some 3 maybe 4 years. In fact there has been a nett cost to the community through the operation of the business not a nett return. You'd be better off Madam Speaker on the face of it at least that in leasing the entire business to private enterprise or maybe even sell it hollus bolus. To suggest Madam Speaker that by excluding private enterprise and competition from the copper wire the Government will protect revenues as to use the words of the former Finance Minister a load of hogwash. Some might use more colourful descriptions Madam Speaker but I don't wish to incur your wrath. There are Madam Speaker no nett returns to the community from Telecom at the present moment they are non existent. In Mr Nobbs press release which is the Governments documented decision Mr Nobbs raises the issue of cross subsidisation, it says there are elements of cross subsidisation. It's not really clear to me what he means

by that but he can tease it out a little later on if he wants or on the next occasion we talk. I think that maybe he is suggesting that if Telecom did not subsidise the Radio Station, the Television Broadcasting and he even mentioned on the last occasion that spoke about this the Administrations Management Fee when he last attempted to run this argument I think last month, then Telecom would nevertheless run at a profit. I say Madam Speaker do not believe it. Today I fall short of saying that the Minister, I stop short of saying that the Minister has been misleading today when he said that the profits for the 9/10 financial year of the Telecom undertaking was some \$213,000 plus positive nett profit. I find that very very difficult to believe given that the performance over the last 3 or 4 years has been a reduction of profits into the negative regions by about 4 or \$500,000 every year, each and every year. Nothing has changed in the past year that would indicate to me the ability of Norfolk Island Telecom to turn that around. Now that's a rather bold statement and I'll take a lot back of what I say about Mr Nobbs' management, Ministerial management ability if that proves to be the case in an audited fashion. If that figure accurately reflects the deductions of the Administrations fee, the subsidisation of Radio Stations and Television Stations and the like, so there is a challenge Mr Nobbs. I suggest Madam Speaker that you cannot disregard of course legitimate business expenses as Mr Nobbs purported to do on the last occasion he ran that argument, nor can you hide from the fact that the operations of those Radio Stations and the Television have been part of the Telecom business long before, long before its profits eroded or declined from its peak of \$1.5m per year. During the conduct of this long debate in this Chamber Madam Speaker Mr Nobbs was given every opportunity to demonstrate the accuracy of one of his most outrageous claims that redirected telephony had noticeably and adversely impacted on Telecoms profits. I remind Members that he failed to do that and in fact he failed to justify his assertion in any way or form. If he has justified this accusation behind closed Cabinet doors then lets all see the justification. Madam Speaker neither is it appropriate for the Minister to hold Telecom out as a business with huge nett revenues which must be protected from potential attack from private pirates, it's just not so. In fact it might just be that private sector competition could provide the incentive needed for Telecom to operate more efficiently and profitably and for the Government to adopt properly considered sound policy and make better quality commercial decisions. You have to wonder if whether Telecom was still making its \$1.5m per year that the Government may have a different attitude and approach to competing in a commercial sense. Unfortunately Madam Speaker it seems to strike out on both counts, it's neither making the profits of former years nor is it competing in a commercial sense and in that regard the community is the loser because the business education and health sectors which would benefit most will suffer denial of the additional innovative and increasingly popular services recreational gaming, social interaction, research, music, downloads are all positive, positive services which can be provided better and more efficiently by higher speed service. Madam Speaker Mr Nobbs has also been given more than one opportunity in this House to explain precisely why and where Telecoms loss of profits occurred. The fact that he did not take those opportunities, well he took them but he didn't take them very succinctly or persuasively but perhaps he knew the answer, that he didn't want to confess that the deterioration occurred on his watch as Chief Minister during the term of the last Government. The rot set in shortly after the election of the last Government Madam Speaker when the government proudly announced that international calls would be reduced in cost because of the new deal the Government had done. The Government even promised that the nett revenue of Telecom would not be affected. What happened Madam Speaker – wrong, the nett profits fell by \$400,000 in the following year on a nett basis but it didn't stop there Madam Speaker, the following year Mr Nobbs' Government decided in their wisdom to dramatically reduce international call cost by some 80 or 90 percent, the result Madam Speaker another fall of \$400,000 in profits bringing to a total loss some \$800,000 in nett profits in 2 years, directly as a result of the most appalling and ill considered financial commercial decisions by any Government at any time, a decision taken on Mr Nobbs' watch and I remind Members again that this loss was not in the area of internet services through the operation of competitive services which is the focus of this issue but solely in the area of outgoing international calls. So any fall in

Telecoms revenues in its capacity to pay dividends to the community Madam Speaker can be sheeted home solely to poor commercial decision for which responsibility rests quite clearly with the Government. Madam Speaker of course it is difficult to know where the Government drew the advice from and which it made these decisions but as far as I can see and as far as other Members perhaps saw only some 8 months ago when no one in the Administration could explain a fallacious overstated \$2m increase in sales it's difficult to know who in fact manages the Telecom business. It seems to me that there's a micro managing Minister of Government, a cabinet of collective would be commercial Managers, a Finance Manager who doesn't talk to the appointed Business Manager who apparently manages something, some other aspects of the business other than its finances and a Chief Executive Officer who probably wishes it would all go away.

MADAM SPEAKER Mr King we're moving, I've given a lot of latitude here this afternoon. I would ask you now to not move where you are moving into the Public Service thank you without invoking 72a.

MR KING I'm sorry

MADAM SPEAKER I'm just asking you to be mindful that your straying to an area where I need to call you to order

MR KING Far be it from me to criticise anyone in the Public Service. Madam Speaker many in the community would find it difficult to have faith and confidence in business decisions which were taken in a commercial environment of that background. Highlight this Madam Speaker as recently as last month NIDS were given permission to migrate 2 existing circuits within the copper wire network. That appeared on the face of it to be a good will gesture on the part of the Government except Madam Speaker that the approval didn't allow the use of the circuits for internet services, well done Madam Speaker foot a bother? I think that it should be reasonably clear that Government policy in this matter is not soundly based at least not on the surface. Of course Madam Speaker there might be factors which we do not know about and which are not reflected in the Governments published position, if there are then let's see them and let's understand them. We might even begin to understand the point at which and the reasons for the Governments change of thinking in this matter, that is from one where access will be provided subject to proper pricing and on the basis that NIDS and Telecom will be to quote "treated fairly and equally" to one where it refuses all of a sudden to accommodate any further use of the copper wire network supposedly for reasons which were there all along but which were obviously not previously considered relevant or solid, a decision not soundly based Madam Speaker, treatment by the Government which leaves a sour taste in the mouth of private enterprise, behaviour which discourages private investment and a slap in the face of existing commercial and trade and the wider community which would clearly benefit from faster and better services than those which can be provided by the Government. The Governments decision smacks of being driven by a desire to reserve for itself certain commercial services which it may if it gets it's act together may be able to provide at some time in the future and that is just not good enough Madam Speaker. Madam Speaker let me close by highlighting the fact that private operators involved in this issue have never asked for deregulation of telecommunications, in fact they have never used that word. These operators Madam Speaker invested a great deal of money on the basis of a clearly articulated policy of government to provide a level playing field for telecommunication providers. They accepted without explanation the Governments temporary embargo on their further use of copper wire network whilst the Government embarked upon an exercise in developing appropriate or determining appropriate charges. I say further use Madam Speaker because this private organisation had already received approval to access the copper wire and this is all they have sought for the past year or so agreement to continue an approved access that they have not sought deregulation at all. What happened many months ago Madam Speaker clearly satisfies the requirements for contract, commercial contract formation, the elements of offer and

acceptance and further Madam Speaker the commercial contract went through a period of performance by both parties, NIDS paid the consideration and the Administration provided access, that is of course until they decided on an embargo of highly questionable status. I find it very hard to get away Madam Speaker from the likelihood, setting aside the morally repugnant aspects of it, I find it hard to get away from the likelihood that the Administration Government had been exposed by their conduct to a breach of contract claim. There are possible serious consequences which could cost the Administration a lot of money. Madam Speaker I complete my contribution at this point in time.

MADAM SPEAKER Thank you Mr King. Honourable Members have we reached the stage where Mrs Ward move adjournment of debate.

MRS WARD Madam Speaker I move a Motion that debate be adjourned and made an order of the Day for a subsequent Sitting.

MADAM SPEAKER Thank you I put that question.

QUESTION PUT
QUESTION AGREED

ROAD TRAFFIC (AMENDMENT NO 3) BILL 2010

MR SHERIDAN Thank you Madam Speaker. Madam Speaker I present the Road Traffic (Amendment No 3) Bill 2010 and move that the Bill be agreed to in principle, and I table the Explanatory Memorandum to the Bill. Just before I do get on and say a few words I'll just read the Explanatory Memo into Hansard as is the norm. Madam Speaker this Bill is the result of various recommendations made by the Road Safety Committee. The Norfolk Island Police and the Office of the Registrar of Motor Vehicles following a period of public consultation. The principle amendments are for the inclusion of detail provision covering the issue of provisional licences, the wearing of cycle helmets, travel on the back of open trucks and the wearing seatbelts. The Bill also affects a name change for the legislation so that it will be known subsequently as the Traffic Act rather than the Road Traffic Act. Section 1-3 provides for the short title, for the Bill to become law upon gazettal of assent and for reference back to the principle Act. Section 4 affects change of the name of the principle Act. Section 5 affects the various amendments to the principle Act that are made in the various items of the Schedule. Madam Speaker Item 1 inserts into Section 3 a number of new definitions for expressions that are used in the Act. The Act makes the distinction between a bus and a minibus, clarify the meaning and the content of the Motor Vehicle Register, defines a passenger and provisional licence and makes it clear that a reference to the Commonwealth includes a Commonwealth Authority. New definitions are inserted describing novice driver and prescribed concentration of alcohol or PCA. Item 2 reduces from 1 year to 3 months the time within which a person resident on Norfolk Island must obtain a drivers licence rather than rely on a recognized licence issued in another place. Item 3 clarifies that the Section 8 requirements of Third Party insurance by making a reference to motor vehicles including mini buses as one class and buses as the other. Item 4 amends the provision of subsection 9 (4) allowing registration of a private hire vehicle so that it may be allowed if the vehicle can carry no more than 11 passengers is a minibus rather than 8 as in the provisions amended. Item 5 clarifies the terminology of the amended subsection 10 (3) but does not intend to change its meaning. Item 6 extends the class of vehicles that can not be registered under Section 11 to include vehicles exempt from registration and provides a definition of an exempt vehicle that includes motor assisted pedal cycles, motorized wheelchairs, lawnmowers and golf buggies as well as other such vehicles exempted by regulation or provided that they comply with the regulations. Item 7 has the affect of inserting the same penalty provision in Section 12 for the transferee of registration of a motor vehicle who fails to apply for transfer of registration as is applied to the transferor who fails to give notice. It also

requires that the transferee of registration has third party insurance in respect of the vehicle. Item 8 repeals a now redundant transitional provision (subsection 14c (3)) concerning inspectors of motor vehicles. Item 9 repeals and replaces the existing provision of Section 15 concerning the requirement to hold a licence before driving a motor vehicle on the road. There are 6 kinds of licence that may be held. A person who drives a vehicle on the road without an appropriate licence commits an offence. Special provisions relate to the conditions attached to a provisional licences such as the hours of driving, unless the Registrar has otherwise endorsed the licence, the prohibition of acting as a licenced driver for a driver of a motor vehicle who holds a Learners licence, driving with more than 1 passenger. The amendment also includes provision for the reissue of a new Learners licence where the holder has been disqualified from obtaining a Learners Licence. Item 10 repeals the existing Section 16 dealing with Learners licence and replaces it with 2 new sections. The new Section 16 deals with Learners licence and is in the first 4 subsection substantially the same as that repealed except that a Learners licence is to last for 1 year rather than 3 months. The additional 3 subsections requires the fixing of L plates and prohibits against riding a vehicle which is modified from the manufacturers specifications and provides for penalties for failure to comply. The new Section 16 a makes special provision for the provisional licence which are issued for 2 years and require a driver to show P plates while driving. A provisional driver must not drive a modified vehicle and if disqualified from obtaining a provisional licence can only be reissued such a licence that continues for a full 2 years. Item 11 amends Section 17 so that a licence issued to a person of 70 years (previously 65 years) is valid for 2 years and (3 years) for other people. Item 12 inserts a new subsection A requiring the opening and maintenance of a Registrar of Drivers Licence. Items 13,14,15 and 16 amend various sections so that reference to a provisional licence is to be included. Item 17 inserts a number of special provisions applicable to provisional licences that include the power to endorse a class of vehicle that, and the hours and location where and when vehicles may be driven. A holder of a provisional licence that is endorsed is deemed not to hold a licence unless driving in conformity with the conditions endorsed. The holder of a provisional licence for a motor cycle is not permitted to carry a pillion passenger during the first 12 months of issue. Item 18 amends the penalty provisions of Section 32 – driving under the influence of drink or drugs to include provision in certain circumstances for mandatory cancellation of licence and disqualification from obtaining a new licence for 12 months from conviction. Special provision is made for the distinction between novice drivers, drivers of commercial vehicles and other drivers as regard to the level of PCA found present. Item 19 inserts into Section 38 provisions requiring the wearing of helmets while riders of the cycle (defined in Section 3 of the Principle Act) and imposes penalties on parents who fail to ensure compliance by their children under 16 years while allowing for 2 warning before proceedings can be taken. Item 20 inserts a definition of prescribed cycle helmet into Section 38. Item 21 inserts a new Section 40 A dealing with the carriage of persons on the back of open tray trucks or utility vehicles (Subsection (1)). Children under the age of 5 years may not be carried there at all and persons over that age must be seated and the size of the tray extend at least 150mm above the floor. The section makes it clear subsection 2 that the prohibition of carriage of young children does not relieve a person from liability, criminal or civil arising from the carriage of persons of any age (whether above or below the age described in subsection 1). This means that a person may be found to have acted negligently in a given circumstance or to have driven dangerously even if not in breach of subsection 1. It is not intended that this provision should affect the law as it would be were subsection 1 not enacted. Item 22 inserts 8 new sections after Section 44C dealing with the fitting and wearing of seatbelts and child restraints. Section 44D requires the wearing of seatbelts by drivers of moving motor vehicles (or vehicles stationery but not parked) unless reversing or exempt. Section 44E required passengers 16 years or older to wear seatbelts in a moving vehicle (or a vehicle stationery but not parked) providing there is a seat available with a seatbelt and the passenger is not exempt. Person must not sit in the front row seat unless there is a seatbelt or there is no seating position in another row. Section 44F required the driver of the motor vehicle to ensure that passengers under 16 years is appropriately restrained in compliance with the section and that if a

passenger is under 1 year the passenger is properly fitted into a suitable approved child restraint. Section 44G provides conditions of exemption which in general are that the person is exempt under a law other than the Traffic Law and the person is not sitting in the front row of seats unless that other Law permits the person to sit there, specific exemptions are given to a person engaged in the business of door to door delivery requiring the person to get in and out of the vehicle at frequent intervals, and the vehicle is not travelling at a speed of greater than 25 kilometres per hour and to passengers in a police or fire services vehicle or ambulance and if the person is not in the front row of seats unless there is no other seat available. Additionally, a person may be granted a certificate of exemption under another law, but the conditions of exemption must be complied with and the certificates produced on demand. Section 44H makes it an offence to tamper with a seat belt to render it inoperative or less effective. Section 44J provides time limits for compliance, thus following this section coming into effect, a period of 12 months is given before all vehicles must be installed with seatbelts, unless exempted, or they can not be driven on the road or registered. After six months a vehicle that has not been previously registered on Norfolk Island can not be registered unless it has been fitted with seat belts, if after three months if a vehicle has already been fitted with seat belts, they must not be inoperative or defective. Section 44K make it clear that having airbags fitted does not excuse a vehicle from being fitted with seat belts or a person from wearing them. Item 23, then sub section 47K(1), in order to extend provisions concerning demerit points to Learners and Provisional Licenses, Item 24 inserts a new Section 52C, making it clear that offences under the Act are not to be mentioned as prior convictions in criminal proceedings if the convictions for the offence does not include the possibility of imprisonment as a penalty or a possible fine of more than 20 penalty units. Madam Speaker that ends the Explanatory Memo, I would just like to say a few other words, in addition, Madam Speaker in addition to the Explanatory Memo I would like to make the following observations. These amendments have come about after a very long time of consideration, not only from myself, but prior Assembly's, and as I stated before the Road Safety Committee, the Community, experts from overseas, the LSU, the local Police and the Administration, just to name a few. Apart from the professional advice that has been sought from various agencies, Community input was requested via two press releases in April and again in May this year. I thank the Community persons input for their various views and it was noted that not all views were the same and in some cases views were in complete contrast to another person's view. The comments that were received ranged from increasing the age to drive cars up to 17, 3 years on "P" plates, zero tolerance on alcohol, driver education a must, bike licence age be lifted to 16, differences on the policy on kids on back of trucks, and of course some commented that things should not change at all. One fact that did arise and I completely agree is that Norfolk Island is different from mainland precincts and that the Islands requirements for road traffic laws should be coached with this in mind. This does not negate the obligations of the Legislature to provide laws that are made to ensure that the community is safe for themselves but also safe from others. I believe this is one of the main reasons as to why road traffic laws are necessary and that is to protect the Community and protection from other road users, of course legislation will only protect the Community if they obey the laws which are legislated for their benefit. Whilst some of these changes are minor and attempt to add clarification to some areas of the Act, other changes will ensure debate, some great debate, but I ask Members to not read the Bill and denounce it in it's totality, what I intend to do is leave this Bill on the table for a month and at the January Sitting once debate has been completed and any amendments made, if possible, I intend that the Bill when being voted on, be voted on clause by clause, if necessary, so as to give Members the opportunity to bring into law certain aspects of the Bill but maybe not all of the Bill. Item one of the Bill brings clarity to definitions in the area of bus and minibus of which means that a minibus and Madam Speaker I will just clarify some of the items, it might be a bit repetitive, but if you could just bear with me. Item one of the Bill bring clarify to definitions in the area of bus and minibus of which means that minibus can carry no more than 11 passengers, up from 8. This enables newer and modern vehicles that can carry up to 11 passengers, to be driven by a person on a normal C licence. It also defines the meaning of novice or

novice driver which refers to a driver of a motor vehicle who is under the age of 18 years or the holder of a learner's licence or a provisional licence. It also defines prescribed concentration of alcohol or PCA by referring to 4 levels of PCA ranging from novice range PCA to high range PCA of which would dictate the penalty if convicted of an offence. Item 9 indicates that there are six types of recognized licences and that it is an offence to drive a motor vehicle on a road unless the person is a holder of one of these six licences. These six licences are a learners licence, of which item 10 details the requirements for this licence class, some of these requirements are that a learners licence cannot be issued until they have attained the age of 15, the holder of a learners licence must display a L plate at all times and the vehicle that the person is driving cannot be modified from the manufacturers specifications, with a couple of exceptions to the fitting of tires or rear spoilers. There is also a provisional licence, of which Item 10 also covers the requirements for this licence class, some of these requirements is that the applicant has attained the age of 16, has held a learners licence for at least three months. It is intended that the provisional licence remain in force for a period of two years after its date of issue and that a P plate sign be displayed at all times. The holder of a provisional licence is also limited to driving vehicles not modified from the manufacturer's specifications, other than tires and rear spoilers. The other four licence classes are a driver's licence, a probationary licence, a special licence and a recognized licence. Item 11 raises the age to 70 years of age before the restriction of two year licences come into play as mentioned prior. Madam Speaker Item 17 details special provisions applicable to provisional licences which I have detailed in the Explanatory Memo but in particular the class or description of motor vehicles that the holder of the licence may drive and also the hours and locations. It also indicates that the holder of a provisional licence shall not during the first 12 months of issue of the licence drive a motor cycle with a passenger. Item 18 provides for provisions for PCA for novice drivers which makes it mandatory that the licence is cancelled for not less than three or more than six months. It also provides penalties for the driver of a commercial vehicle if the PCA is greater than zero and this is the mandatory loss of licence for not less than three months or more than six months. This provision has been inserted with the knowledge that the commercial vehicles are usually larger than a normal sized vehicle and cater for our tourism industry and/or are providing a commercial service. Item 18 also provides for the penalties for the low range, mid range and high range of PCA. Item 19 provides that a rider of a cycle must wear a prescribed cycle helmet and provides for penalties, as well as penalties to parents of a child under the age of 16 who do not comply with this provision. Item 21 provides for how a person must travel in or on a motor vehicle as provided in the Explanatory Memo. Item 22 provides for the wearing of seatbelts by drivers, as well as passengers under and over 16 years of age. It provides for the restraining of a passenger in under one year of age in an approved child restraint that is properly fastened and adjusted. If the child is over one and under 16 years of age, then they must be restrained in a suitable approved child restraint that is properly fastened and adjusted or occupy a seating position fitted with a suitable seatbelt and wear such a seatbelt. Item 22 also provides for exemptions from wearing seatbelts and also time frames for compliance for the fitting of seatbelts. It is noted that if a vehicle is fitted with seatbelts that are operable then these seatbelts must be worn upon notification of assent is published in the Gazette. With the introduction of updated vehicles, more powerful and designed to travel faster and handle better, together with improvements in road construction and the like, legislation has to keep pace with these changes so as to enable the safe passage for our road users. The Legislature has a responsibility to the whole Community, not to just a few mates, but to the Community as a whole to ensure that they are safe whilst travelling on our roads. This responsibility has been invested to us by the Community to look after their needs for them. This is a responsibility that I intend to not take lightly, and the last thing that I would like on my mind is that I negated to legislate in areas, where I had a responsibility, and a Community member died or was seriously injured because of my failure to ensure that this Community is protected. Madam Speaker all this may seem harsh on the surface but it is with the Community's safety and interests in mind that I bring this Bill to the House.

MRS WARD Thank you Madam Speaker and thank you to Mr Sheridan this is as an exposure draft as the Minister has stated and I would like to, sorry, the Bill has been introduced, I will carry on, as it makes no difference to my input at this stage! I thank the Minister, and that makes more sense to the long lead up, the Minister has provided Members to examine the Bill, thank you. I think it is worth noting or mentioning, that this Bill is not a bolt of lightning from Canberra, the Road Traffic Legislation is a local issue and it is Minister Sheridan and Minister Sheridan alone that has tabled this Bill. For many this Bill represents the dreaded seat belt question, and the Bill also proposes changes to the way children in particular, travel on the back on the trucks and they are just the two points that I will pick up on today if I may. Because they are very contentious issues in the Community and they are probably the ones that the Community will debate the most, when Minister Sheridan approached me some months ago on these questions, my response was, and I will be very honest, you are not taking my kids off the back off the truck when I loaded up with the bikes and the boards and drive to the beach every Sunday. And I'm pleased to say that this Bill does not propose to change any of those personal freedoms, it does however stipulate sides of 150 millimetres, and the tray back passengers must be sitting down and it is proposed that a child under five may not travel on the back of a truck. I believe these are reasonable measures and I am open to that proposed change. Seat belts, this matter was so contentious that seats in this parliament have been lost and won over it! And I recall in 2003, the one candidate that stood on a policy platform that said no to seat belts and was elected. That is a powerful message and I am very aware of the anti-seat belt sentiment still felt in the Community, I know, because I hold this view too. However, is it time to review the statistics and take note of new data, the Minister believes it is, and as the representative of this Community, I am obliged to do that also. We are all here to logically address the data and confer with people we represent and discuss the suggested changes within the Bill and then to vote in a way that allows us to have a clear conscience and know that we have made the right decision, not for ourselves, but for the Community as a whole. I think it is important to say that legislative changes do not appear out of fresh air as Minister Sheridan has said, but if I could just reiterate that changes are a result of dedicated people spending hours of their time, often voluntarily going through scenarios and trying to make changes that will have positive effect, so I thank those people, not just the police and the registrar, but also the people that make up the Road Safety Committee, I understand it is a thankless job, but I can assure those people mentioned and the Community that I will take serious note of their suggestions and recommendations. The Road Bill, the Traffic Bill, has the ability to divide us, it is a major change in policy direction and many people have already provided logical and well considered input into this issue. But I encourage everyone to consider these changes, particularly if you are personally affected, or feel you will be personally affected by the amendments. Our small Community has the ability to directly lobby all Members of this House and I would encourage them to use that ability before mid January. Thank you Madam Speaker.

MR KING Thank you Madam Speaker. Firstly I would like to congratulate the Minister for being so bold to bring this forward. And congratulations as well, as I think, I may stand corrected, that this is probably the first substantive policy related legislation that has come before this House, and that's not bad, one in nine months. It is contentious stuff indeed and he gwena ketchet! He gwena ketchet, and I gwena ketchet because I'm going to support these things in essence, we have to, we have to think seriously about the protections awarded by seat belts and helmets. There is no argument for not doing it, so I am going to stand next to you up the pub and we can both ketchet. Just don't send them out to me when dem se done fe you. Unfortunately though, I hear a lot from Mr Sheridan about what the Bill does, he read the Explanatory Memorandum in detail and goes on to add some further comments about what is intended to be achieved, but he doesn't say much about the rationale and justification behind some of these provisions or what his policy objectives are, I know what his policy objectives in there but I really would like to hear them sometimes. Perhaps on the next occasion the second reading, I will hear some explanation as to the magic behind

increasing the mini bus prescribed from eight seats to 11, what is the magic in that. What is the magic in 150mm sides on the back of a truck to supposedly prevent children from falling off, that is not going to stop too many children from flicking off, what is that six inches, isn't it? Six inches. Where is the magic in that? What is the rationale for that? What is the rationale for making someone hold a learners permit for a whole year, I'm not saying it's a bad move, but why are we doing this? Why are we increasing it from three months to 12 months? I understand the issue of learners and people on provisional licences only driving vehicles that aren't modified, or modified from specifications of the maker or manufacturer, but what does that mean in essence, I don't even know what a rear spoiler is to tell you the truth! An indication of my age suppose! But who is going to tell what modifications have been made? How is that capable of being administered? I am not quite sure. Perhaps he is going to explain all these things to me, there seems to be a couple of gaps in the law from my reading of the law which I will talk to Mr Sheridan about privately, but if he is not intending at the next reading to talk about justification and the rationale behind some of these changes, perhaps he could then arrange some briefing for me with someone to explain the whys and wherefores, but I will support the objectives of the Act. Thank you.

MR SNELL Thank you Madam Speaker. Well I'm certainly not going to support it in its present form. Madam Speaker there are too many holes in this, there's too many if's and but's, there are some questions as to why are we doing this, even though Minister Sheridan has given a very detailed explanation, I know there is research in the files, there is the nominal defendant scheme that is probably part of it as well. But there are so many issues associated with this, Mr King bought up many months ago, about the size of our police force, are we going to need extra policing to administer the decisions that are contained in this piece of legislation? The requirements of seat belts doesn't worry me too much, but there are other areas such a bicycle helmets, making it compulsory for children to wear helmets, and if a child gets caught and he hasn't got his helmet on, the parent is liable. Come on! Get real! You are going to sue the parent for not making his child wear a helmet and the child goes around the corner and takes it off!? There are just other issues with this as well Madam Speaker. It begs the question again, that we are picking on the children, that we are making it more difficult for them, we have no public transport in Norfolk Island to speak of. We are restricting them to 10 o'clock at night, if they get, if they are five minutes late, they get penalised, there are no if's or but's, it's in the law, if they are not home, or off the road by 10 o'clock, suspension of licence for not more than six months and so on. I'm willing to debate this clause by clause with Minister Sheridan in due course and there are other areas that I am certainly not happy with, but I will leave it there Madam Speaker.

SPEAKER Thank you Mr Snell. If you as Deputy Speaker could please take the Chair.

DEPUTY SPEAKER Thank you Honourable Members we will continue on with the Road Traffic Amendment Act, any further discussion, any further debate? Ms Adams.

MS ADAMS I think Mrs Ward must have read my mind. What I am going to say today is probably diametrically opposed to anything else that is said around the table. The Explanatory Memorandum to the Road Traffic Amendment Number Three Bill spells out the principle amendment proposed in the Bill, they're the issue of provisional licences, the wearing of cycle helmets, travel on the back of open trucks and the wearing of seat belts. And regrettably, well not regrettably, Mrs Ward used these words, fear is a debilitating thing, it paralyses the mind, you can be crippled by fear, in your previous debate. And it is on that basis that I am unable to support the thrust of this Bill, which for me, has its genesis in fear. And a belief that as a Community that we are unsafe and in need of protection from ourselves and from others. This is not the first time that legislation seeking to deal with most of these matters has been before

the House. The 10th Assembly passed legislation to introduce seat belts, the 11th Assembly revoked that decision under Community pressure. The 12th Assembly toyed with the notion of provisional licences, but changes were not made to the law at that time for a number of reasons. Do not think that what I am going to say is something that I have taken lightly. Because the Bill before us today has allowed me to really question my core beliefs about life, and about what those beliefs mean to me. And why in my open remarks I have said that the bill has its genesis in fear, fear of the unknown, fear of the big what if, just fear. And through that fear we would seek to impose laws on this tiny Community which has for 154 years been cocooned in a safe sanctuary. In fact, it is this very belief that we are a safe destination that has been one of the key promises that we have made to our visitors in our tourism marketing strategies. What is happening to us? Do we see ourselves now as so unsafe that we would put in place six classes of drivers licences? As it is proposed in Clause 9 of the Bill. But I digress. Today in my debate, it is principally around the seat belt issue. And this question of fear. On Thanksgiving Day, last Wednesday, the 24th of November, at the 10am Service at All Saints Church, I particularly paid attention to the opening lines in the Prayer of Thanksgiving. Which was said by all those who had gathered to give thanks and I quote the first two lines that we all read aloud. Gracious God we humbly thank you, for life and health and safety, and for the spend of the Island on which we live. We gave thanks for that point in time that we were safe, as safe as we are today, safe even though we are as yet, not required to compulsorily to wear seat belts. This understanding led me further to ponder my core beliefs, which believe me are not beliefs not shared by me alone in this Community, they are certainly shared by many of the people who voted for me. And so I am speaking for many in the electorate. This understanding led me to ponder the Book of Ecclesiastes Chapter three, and I am sure you will know the chapter from which I am going to read the first few lines. To everything there is a season, a time for every purpose under the heaven, a time to be born, and a time to die, a time to plant, a time to pluck what is planted. And therein lies a great truth for me, and for others of similar view. This truth for me, is that nothing happens by accident, luck, chance or coincidence. And that the word fear translates into false evidence appearing real. Fear only relates to something that has not yet happened and as Mrs Ward rightly pointed out, it is a debilitating thing and it can paralyse the mind. So let me just weave in a couple of stories for you, to break the seriousness of this issue. Some 30 years ago, my younger son and I in our little blue starlet car, were driving along Rooty Hill Road, looking for the dog. At the time we had reached the driveway to Mike Johnson's place, and on reaching that point, around the corner at Annie Dong's, came this motor bike, with two young lads on it, screaming around the corner, no helmets, no shoes. They didn't take the corner as they should have taken the corner and in fact the bike went down on the ground. But so fast was the bike travelling, that they and the bike just skidded along the asphalt and the impact of that bike and the two young lads without helmets and shoes on was such that it my, the drivers side, and pushed the wheel up into my car and flipped my car onto its side on the bank, in order to give just enough time for that bike with the two young lads on it, to continue uninterrupted underneath my car and come out the other side and walk away with gravel rashes on their bodies. Those young lads today have grown up and have families of their own, some of you around this table will remember some of this other little story that I'm going to share with you and that is, as it is very relevant to the point that I am making, no accidents, coincidence or chance or luck in your life. You will remember some years ago, a young couple, late at night, probably after Paradise, it could well have been, thought they were going to park above Fredicks Age, above that very high cliff at Cascade. I don't quite know what happened, but they didn't park, instead they went over the top. They didn't make the bottom, and the reason they didn't make the bottom and sat quivering in their car until dawn came and it was light enough to see, that was the fact, that in the whole of the cliff of Cascade, on the path that they were travelling was that there was this one steel post, in which their car became impaled and it held them there until dawn and they could see where they were and walk away. Dem ole sullen would be se tull, god nor wunt dem yet. They didn't say they were luck, dem tul, god nor wunt dem yet. Dem's time nort se up. So if the general consensus is, that we must do something about seat belts, then let it

only be the compulsory installation of seat belts in all motor vehicles and I stress all motor vehicles without exception. This would then allow the driver or passenger, or passengers, the freedom of choice, and the ability to exercise their free will as to whether or not they wish to be strapped in a moving vehicle, because I am sure that there are as many statistics out there which confirm that the people strapped in the vehicles in their seat belts, are equally at risk as those who were not. The driver and passengers then get to chose whether or not they feel safe, rather than us, the Members around this table, telling them they are not. In concluding my debate on seat belts, I do have a couple of questions for Minister Sheridan which I would ask that he consider before resumption on the Bill in January, and I apologise Minister for not having giving you notice of these earlier. Clause 22 of the Bill deals with the specifics of seat belts and I suggest that the proposed Section 44E1 needs to be amended to read, a passenger in or on a motor vehicle that is moving or stationary, but not parked, must wear a seat belt if that passenger is 16 years or older, and I am happy to sit down with you and explore that a bit further. Also proposed Sections 44D, 44E and 44F and proposed Section 44J, they do not seem to tie together, now I might be missing something, so we can explore this through together, but portions 44D, 44E and 44F make it an offense to not wear a seat belt, Section 44J would seem to give a person 12 months to install a seat belt. Does this mean that a vehicle is already fitted with a seat belt that a person must immediately commence to use them and if the vehicle is not so fitted, you can drive without a seat belt for up to 12 months whilst the seat belts are being fitted. I may be missing something, but I would like us to explore that together, because if in fact that's how it is sitting at the moment, I see it as a bit discriminatory. Okay, because they are either unsafe now, everybody is unsafe now, well no body is unsafe, that is the point I am trying to make. We did discuss at our meeting of Members whether or not the historic vintage or veteran vehicles should have vehicles in them, if there are to be seat belts in them, I believe it should be everybody, and that the age of the vehicle isn't relevant. As I said, there are a number of other issues in the Bill that I will discuss with you privately before our next Sitting. Notwithstanding I would like to ask you whether it is really intended in proposed sub Section 15(6) in Clause 9 of the Bill, that a person caught driving a motor vehicle on a road, whilst his or her licence is suspended, is liable to conviction of 12 months imprisonment or the payment of a fine of 50 penalty units or both. Once again I may be reading this incorrectly, but if it is in fact correct, it would seem unreasonably harsh. Thank you for listening. My greatest desire is that our beautiful Island does not become over regulated with unnecessary law and that of course is a matter of opinion. Something that I am very passionate about, Norfolk Island needs to preserve its uniqueness and not become homogenised. Thank you Mr Deputy Speaker.

DEPUTY SPEAKER

Thank you Ms Adams. Any further debate

Honorable Members Mr Sheridan.

MR SHERIDAN

Thank you Mr Deputy Speaker. If I could just make comment on a couple of comments that have been raised so far, so I don't lose all train of thought, and I will respond fully in a more explanatory way, you might say, at the next Sitting. But just picking up on a couple of the dot points and some explanation, and some reason as to why the riding on the back of the trucks, we came to a compromise you might say, it was discussed long and hard, and the main reason that we are trying to achieve here is stop people standing on the rear of trucks. Then we thought about the age of the children etc, so then we said if they are under five years of age they much be enclosed in a cabin and six years and above they are a bit more sensible to sit on the rear of a truck, but they must be seated. With that little bit of safety and there has been some mention by a safety expert that we have had some commentary on from in Australia saying that 150mm's does not seem very high, it won't stop a child going over, and it won't, but it will assist if, and this is where the compromise comes in. It will assist if you are seated on the tray of the truck and if you had to swerve to miss a cow or a pothole or something like that, and you slip, at least you have six inches buffer to stop you, you might say. The reason why we chose six inches, there was a feeling that it

should be 300mm's, which is a foot, and that is ok if you are on a truck if you already have a high tray sides that are moulded, one of the moulded sides, but over here, a lot of the utes have their own trays that they have built themselves etc, and it was decided that 150mm as virtually the size of the trimmed down 8 x 1, and that is 200mm and then you trim it down and it comes down to 180, so we thought that a lot of timber is cut for 6 x 2, which is 150mm x 2 inches, which a lot of people use for the sides of trays. So it was a compromise, it is what people already use, so we are trying to accommodate and just standardising things so that, so they have to sit on trays of the truck, the trays of the truck had to have some sides on it, people must not stand etc. So that was just a couple of reasons there. The reason why L plates must be held for 12 months instead of three, and this came about because all the information that you do read when doing research through your road traffic experts etc, will indicate to you that a young person is still learning after 12 months, they are still learning after three months, they are not fully equipped, they are not fully adaptable to the roads, to the laws, to the sudden incidences that may take place on the roads, so all it is is a time factor and this mirrors some legislation overseas, where it used to be 12 months on L plates, I'm not sure if it is in Australia or whether it is two years now. It is just a period that was felt was more suitable than three months. As for modifications for tyres and rear spoilers for these people on L plates and P plates, this is so that these kids or these people, or are learning to drive, I won't say kids, because I didn't get my car licence until I was 27, so it would have happened to me, I would have had to be on L plates for 12 months at 27 years of age and then on P's. It is inexperience that you have when driving on the roads, so that you can't modify your vehicle, sup it up you might say, sup it up, so that it goes faster than the design from the manufacturers and this is the reasoning, it is to stop these young kids on buying a car and then supping it up. Rear spoilers I believe are only for show on the back of the vehicle, nice looking things those spoilers, it's a nothing, it's just a pretty thing. Bicycle helmets, again, there was a long debate about bicycle helmets, as to the reasons why, and if they shouldn't, and it came down to, we do have a responsibility to ensure that the kids who are riding around have some sort of protection to their head, if you look at the results from surveys undertaken through bicycles groups, the chances of a head injury are greater when they fall off a push bike. So it is just something that we feel that we must try and get in, so that we protect our children a little bit on the push bikes. I never wore a push bike when I grew up, and I suppose that is maybe some reason for my thoughts now, but, maybe they are a bit off, but I used to fall off my motorbike all the time too, but that is another story. So this is just some explanation as to why we have gone down that road. Hours of operation, I think Lisle mentioned that the hours of operations was just like a licensed meal, you are restricted from 6 til 6, this gives you a greater ability for them to be restricted, but it will most probably go through til 10 in the evening, not necessarily until 6 in the afternoon, so there is the ability to say to sunrise to sunset or until 10 o'clock, gives the registrar, so if somebody comes for a work license they can have that for longer. There is flexibility in this amendment. I will just make a couple on Madam Speaker's one, that one that she mentioned on paragraph 15(6) about the 50 penalty units or 12 months imprisonment, but you have to look at what it is for, a person must not drive a motor vehicle on the road while a license held by the person is suspended, or the persons disqualified from holding a license or its cancelled, these are, it is meant to be harsh so that the people that who have already lost their license, they don't think it is a nothing thing, oh well we'll just go and drive anyway. Penalties are meant to be hard to ensure that whilst their license is suspended or cancelled, that they do not drive on the roads. It is purposely couched that way that that penalty in that instance is quite severe. This is what the person has to take into mind, if their license is cancelled or suspended for a period, they have to chose, ok, am I going to drive and risk 50 penalty units, which is \$5000, \$100 a penalty unit I think it is, something like that, so it can be quite an expensive exercise, that is the choice that they then make, they can't complain about the penalty when they get caught. So that is just a couple there and seatbelts for 16 years and plus, again or under 16, 1 years to 16, it is couched that way, as these people really aren't mature enough, haven't got the brain development to make that rationale decision for themselves, so we make that decision for them. And this is some of the reasoning why this has gone into this Bill.

We have had some long and hard meetings about it, we have thrown out some stuff, we have brought some stuff in, we have gone through a lot of scenarios, but in the end, we think that it is best for the Community to accept, and this is what I have put on the Table, and I will expand further on it at the next meeting in January.

DEPUTY SPEAKER Thank you Mr Sheridan. Any further debate Honourable Members? There being no further debate, I call on Mr Sheridan.

MR SHERIDAN Thank you Mr Deputy Speaker. I move that the debate be adjourned and the resumption of the debate be made an Order of the Day for a subsequent day of Sitting.

DEPUTY SPEAKER Thank you Mr Sheridan

QUESTION PUT
AGREED

I think the Aye's have it, the debate is so adjourned. Madam Speaker the chair?

ORDERS OF THE DAY

ADMINISTRATION TELECOMMUNICATIONS INFRASTRUCTURE – USE BY PRIVATE ENTITIES

SPEAKER Honourable Members we move to Order of the Day Number One. Mr King, you have the call to resume?

MR KING Madam Speaker I seek to remove that Item from the Notice Paper.

SPEAKER Honourable Members I look to you for guidance, is leave granted to withdraw Item Number One from the program. Thank you that motion is so withdrawn. We move now to the Fixing of the next Sitting Day. Mrs Griffiths.

FIXING OF NEXT SITTING DAY

MRS GRIFFITHS Thank you Madam Speaker. I move that this House at its rising adjourn until Wednesday 19 January 2011 at 10am.

SPEAKER Thank you Mrs Griffiths, any debate Honourable Members? There being no debate, I put the question that the motion be agreed to

QUESTION PUT
AGREED

The Aye's have it. The motion is so agreed. We move now to the adjournment. I look to Mr Snell.

ADJOURNMENT

MR SNELL Thank you Madam Speaker. Madam Speaker I move that the House do now adjourn.

SPEAKER Thank you Mr Snell. Is there any debate Honourable Members? Chief Minister?

MR BUFFETT Madam Speaker, flags tomorrow, Tuesday the 2nd, will be lowered as a mark of respect for the National Memorial Service being held in

Greymouth, New Zealand for the 29 men killed in the mine disaster and Norfolk Island offers its condolences to families who have lost their loved ones in the mine disaster and the flags equally in Norfolk Island will be lowered to recognise the National Memorial Service.

MR SHERIDAN

Thank you Madam Speaker. I would just like to make brief mention of our International sporting activity that is coming to conclusion tomorrow afternoon, and as everybody would be aware, we have had the World's Champion of Championships held up at the local Bowling Club up there in the middle of Burnt Pine over the last 10 days and I must say that I have marked a few games, I've thoroughly enjoyed doing that role and I've talked to a lot of players up there and they have thoroughly enjoyed Norfolk Island. But as I said Madam Speaker, the finals are tomorrow, so if the Community would like to go up there and watch some terrific bowls being played, I was up there just from coming down here after lunch, and unluckily Carmen Anderson, for Norfolk Island, got pipped in the tie breaker, virtually on the last end to qualify for the finals. So she lost that to Jan Khan from New Zealand, so 10am tomorrow morning is the ladies final, between Joyce Lindauers Thomas Freyer, and Jan Khan from New Zealand and at 2pm in the afternoon, is the men's final and it is Thomas Sheriff from Australia playing Andrew Todd from New Zealand. I wish those four players the best of luck and I'm happy Madam Speaker to tell you that I'm marking the 2pm game. So I'm looking forward to some good bowls.

SPEAKER

I am sure I speak on behalf of the House to wish everybody well in the finals and the Norfolk Island Bowling Club for having the courage to host such a wonderful event for this Island. Further debate Honourable Members? Mr Snell, please take the Chair.

MS ADAMS

I will try and be brief. This issue is important to me, to record this in Hansard today, history will record that on the 26th of November 2010 the Territories Law Reform Bill 2010 (Commonwealth) passed through the Senate unamended and now awaits assent. History has also of course recorded my opposition to the passage of the Bill without substantial amendment. That record is held in the Hansard of the JSC when it visited earlier this year. The Bill has passed the Federal Parliament, and now we must get on with making it work for us. It is just another challenge in the annals of time that this wonderful Community will rise to meet. Earlier in today's proceedings the Chief Minister raised a matter of public importance and I am sure that his announcement will bring a degree of interim financial comfort to the Norfolk Island Government. I wish at this time to speak on another, though related matter, and that is to record into Hansard my appreciation to the Shadow Minister for Territories, Michael Keenan MP, for his supportive words during debate on the Territories Law Reform Bill. His words were strong and the message on behalf of the opposition clear and while time today does not permit reading into Hansard the full text of his debate I believe that it is important for our history we record into our Hansard some of the key words spoken by him in the House of Representatives on 15 November 2010. So that there is clarity as to the potential impact of this Bill on Norfolk Island. And I quote from Shadow Minister Keenan's debate. This Bill makes radical changes to what has been put in place in 1979. The Territories Law Reform Bill 2010 will change radically the governance, electoral and financial administration of Norfolk Island. The changes are substantial and the way the Island is governed will not be the same, end quote. Shadow Minister Keenan goes on to say, Although the coalition supports the Bill in principle, we do have some reservations, and of course the Norfolk Island Government has previously expressed significant reservations about this Bill. We in the opposition are specifically concerned about the increased bureaucratic processes that this Bill entails, and we believe they will place in some circumstances an undue burden on Norfolk Island's limited public service, end quote. Mr Keenan gives clear recognition of the fact that the Norfolk Island Government and the Islanders were conscious of the need for administrative reform to ensure greater transparency and accountability; he also acknowledges that the Norfolk Island Government was keen to work with the

Commonwealth to find arrangements that they believed might have been more suitable for the way that Norfolk Island is governed. It is important that this fact is recorded in our Hansard. Mr Keenan said it was the belief of the opposition, quote, that it makes very little sense for us to inflict the full horror of Australian bureaucracy on an Island of 1,500 people and we will seek to move what we believe are sensible amendments to at least allow the Norfolk Island Administration to attempt to do some of the things in a way that might be more appropriate for an Island of their size; specifically we would like to do that in relation to privacy provisions and the freedom of information regime. End quote. History of course, will record that the amendments proposed by the opposition on 16 November 2010 to achieve this objective were unsuccessful. History will also record that whilst the Opposition did not support all the amendments originally proposed by the Norfolk Island Government, Shadow Minister Keenan acknowledged, and I quote, it is important as a Parliament that we acknowledge and give due respect to the Norfolk Island Government by detailing the concerns that they have expressed in the past about this legislation, and he went on to detail those concerns. Mr Keenan acknowledges the reason why the Norfolk Island Government did not continue to press on with the original amendments it had proposed to the Bill and we around this table are fully aware of what transpired in that respect in order for us to receive short term financial assistance for the Community of Norfolk Island from the Commonwealth Government. It is important to note that the opposition sought to ease the bureaucratic weight that the legislation entails and Mr Keenan pointed out, quote, freedom of information as it relates to the Commonwealth of Australia and privacy as it relates to the Commonwealth of Australia involves incredibly extensive legislation. It would place significant burdens on the very limited Administration of Norfolk Island and we do not believe that there is necessarily a case for such a small administration to be exposed to the full weight of this enormous bureaucratic undertaking, end quote. He concludes his opening debate by urging the parliament, the Commonwealth Parliament, to explore a way with the Government of Norfolk Island by which we can find mechanisms that are more suitable for a territory of our size and population with obviously a very limited administrative capacity for an administration that governs, quote, only 1,500 people. So where to from here? We await Royal Assent to the Bill, and as far as I know at this point in time, that has not been given, so that it may pass into law. As I said, the Chief Minister has this morning tabled a Memorandum of Understanding signed between our Government and the Commonwealth Government. And at the time I wrote this, I said, I am without having the benefit of knowing the content of the MOU I cannot know whether the questions I will now pose to the Minister for Finance are answered in the MOU; nor do I know whether or not the commitment to be part of the Australian taxation and social welfare systems may be negotiable. The MOU still doesn't answer some of the questions. I therefore look to the Minister for Finance for guidance please on the following; and I'm not asking that he respond today. I just want them on Hansard. One, what are the immediate administrative and financial implications to Norfolk Island when the Territories Law Reform Bill receives assent. From reading the commencement provisions in the Bill it would seem, a) that significant changes to our financial arrangements commence immediately on assent. b) that the Commonwealth Administrative Appeals Tribunal Act 1975; the Commonwealth Privacy Act 1988 and a substantial part of the Commonwealth Freedom of Information Act 1982 commence on 1 January 2011. So my question then is, is the Administration of Norfolk Island and the Norfolk Island Government administratively geared up to meet these timelines? Thirdly, has agreement been reached with the Commonwealth Government as to who is to meet the administrative and resource costs flowing from the application of this new Commonwealth legislation to Norfolk Island? And 4) if that cost is to be born by Norfolk Island, do we have an indication of what that cost may be. To conclude Mr Deputy Speaker, and this is very important, I urge everyone in our Community, and especially our young Islanders to make themselves aware of the potential implications of the decision taken in good faith, and I stress in good faith, by our Government that we become part of the Australian taxation and social welfare system. To our youth, remember it is your future and the future of your children that is under negotiation. Talk to one another; ask questions; talk to your elders; don't listen to rumour; find out the facts for yourselves by writing to or

contacting your Assembly Members; even by writing to Minister Crean and if I can be of assistance in that process, please phone me. This is why I stood for the Assembly.

MR KING Just briefly Mr Deputy Speaker, two observations also for the purposes of recording and including in Hansard. Firstly, there are a number of Speakers in relation to the Bill that came from the opposition ranks. One of them Mr Sinclair, from, I think in Western Australia, made a remarkable observation, that Kingston was a place with a fascinating cemetery but nothing much else, but a bunch of ruins and a bunch of cows. A Member from one of the Brisbane Seats, a National Liberal I think from Queensland, made an observation that we have a quaint system of taxation on the Island where we work one day a year, one week per six months instead of paying tax, that underscores the oppositions real knowledge about Norfolk Island about the basis on which they raised their opposition to the Bill, I will record that to Hansard. I also record my uncertainty and disquiet in relation to Madam Speaker, who is relied upon to act in an impartial manner to Chair meetings of this House, coming to the floor in the House and debating, and indeed in my view, inciting opposition to the Government's stated position, policy position on matters. Thank you very much.

MS ADAMS Perhaps Mr King could point me to that part in my debate which was in opposition to what the Government has done. I do believe I said, that the Government has acted in good faith, and I repeat in good faith, I have made absolutely no comment in this Chamber that can, in anyway, adversely reflect on this Government. I am not down on the floor as the Speaker, I am down here on the floor, and we have had this philosophical conversation in my room. At the time I gave you quite clear understanding of my position, which is a position that is shared in many other Commonwealth Parliaments, where the Speaker, in fact in the ACT's you might recall, the Speaker of the ACT is actually the Shadow Minister. He puts questions on Notice, debates on...

MR KING Subject to Parliamentary agreement...

MS ADAMS We will end the debate there. Thank you.

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

QUESTION PUT
AGREED

I believe the Aye's have it. The motion is agreed. This House stands adjourned until Wednesday 19th January 2011 at 10am.

