



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
13TH NILA HANSARD – 2/9 MARCH 2011**

SPEAKER I, as Speaker of the Legislative Assembly, having taken the Chair at the appointed time on 2 March 2011, and a quorum of Members not being present within the time prescribed under standing order 35, I herewith adjourn the House until Wednesday 9 March 2011 at 10 am

RESUMPTION OF SITTING – 9 MARCH 2011

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.

SUSPENSION

SPEAKER Good Morning Honourable Members, due to technical difficulties being experienced with the recording equipment, I now suspend this House for one hour until 11 am

RESUMPTION

SPEAKER Honourable Members we now resume. The broadcasting equipment is now fixed and I turn to Mr Snell. Condolences please.

CONDOLENCES

MR SNELL Thank you Madam Speaker. Madam Speaker it is with regret that this House records the passing of Pieter Dirk Johannes Swynenburg; Laurence Pinney Parker; Juliete Quintal and Ernest Francis Quintal. Pieter Swynenburg was born in 1930 in Den Helder, Holland. He was the second eldest in a family of three brothers and four sisters. Peter did his schooling in Holland and on completion he wanted to join the Foreign Legion, but that didn't happen. He then decided to go into the Merchant Navy and travelled to many places around the world. Upon returning to Holland Peter did an apprenticeship as a yacht builder. He married Maria in 1960 and three years later they migrated to New Zealand. They were expecting their first child. Peter had \$100 in his hand, unable to speak a word of English and knowing no one on this side of the world, but fortunately they met a lovely Dutch couple who befriended them. He was an architect in the process of doing the architectural work on the South Pacific Hotel so Peter decided to come to Norfolk and help with the building of the South Pacific. Consequently, he fell in love with the place, bought a block of land and brought Maria and their young son Peter to Norfolk to live. After building his own house, he started his own building business. Pieter built many houses and shops on Norfolk and because his background was a yacht builder, he was asked to build lighters for the unloading of the ship. As this was his proper trade, he took great enjoyment and pride in building the lighters. He proceeded to make lighters Numbers 7, 8, 9, 10, 11 and 12. The last two are still in service today. In 1981 he stopped working for himself and went to work for a construction company in a job that took him to New Zealand and Sri Lanka

for approximately ten years. He came back to the island and started working for himself again and lived in the house on Mission Road with Maria. Maria died in January 1998. This was a tremendous loss to Pieter. Four years later, he retired. He kept himself occupied with his birds, dog, garden, doing odd jobs and having holidays to Holland. Pieter had a very wicked sense of humour right up until he passed away, always gave his friends and the nurses cheek. He had the pleasure of his sister in law's company on his 80th birthday and was awaiting the arrival of his two brothers, Gerrit and Willem, from Holland. To his three children, Peter, Karin and Juanita, his three grandchildren Kez, Mya and Kassandra, to his family in Holland and his friends here, this House extends its deepest sympathy.

Madam Speaker, Laurence Pinney Parker was born in Balmain in 1923 the son of Frederick Parker and Elizabeth Nicholson. He had 5 brothers and 1 sister. He married Phyllis Newby in 1947 and they had 4 children - Lisbeth, Stephen, Deborah and Fred. They settled in Rozelle and a short time later moved to Henley. The whole family enjoyed a happy life style on the water - fishing, skiing and catching illegal sized crabs and prawns. Laurie had his own automotive engineering business in Newtown specialising in engine reconditioning, racing cars and boats. He retired at the age of 55 at which time he and Phyllis moved to Currarong Beach. There they both enjoyed more fishing and bowls. He was a member of Currarong Bowling club and also enjoyed making his own home brew. He gathered much enjoyment whilst scavenging around the local tip where he collected useful cast-offs and turned them into such things as pot bellied stoves and trailers. He designed and built a dumb waiter for their new two storey home. They moved to Noosa to be closer to their daughter Libby and not long after that Laurie had a stroke which drastically changed their lives. Libby was then diagnosed with breast cancer. After Libby passed away, they moved to Norfolk to be closer to Deb and Ikey. They had always enjoyed their long and many holidays on Norfolk, loved the lifestyle and had made many good friends here. For the last 10 years Phyllis dedicated her life to caring for Laurie. They often commented on how wonderful it was to be spending their last years in such a peaceful place they called home. They were married for 63 happy years. To Phyllis, to their children, 10 grandchildren, 14 great grandchildren, including Jodie's baby girl Miri born on the day of Laurie's passing at the age of 88, and to his many friends, this House extends its deepest sympathy.

Madam Speaker, Julie Quintal nee Juliet Blucher, was born in Norfolk Island in 1944. She grew up on Norfolk and was the "rotten egg" of Waggar (Daddy Bill), and also in Sydney where she joined Hagar and Star to undertake her schooling at Woollahra and then at Darlinghurst Primary. As she grew, so did her interests. Dancing became her passion and eventually she joined friends to form a formidably talented group that, amongst many achievements, went on to dance in Sydney's Polynesian Club, affectionately known by a number of people here, as the Polly Club. This gave Julie an outlet for her passion for dance and many hours were spent dancing the evenings away. At this time she met and married Rick Quintal and their daughter April was born. This was the start of Julie's love for her children and grandchildren, with Carissa, Britney, Dylan, Taj and Zya following. Julie's life was based around her children. She extended her love of family by being the pivot to bringing her natural sibling family together. Today they live in many parts of New Zealand, Australia and in Norfolk Island and Julie worked at getting to know them all. Only a couple of years ago Julie said that she would love to see them all together and worked hard promoting the concept of bringing them here to Norfolk. This came to fruition as best as it could when they all arrived just prior to Julie's passing. Life had its challenges for Julie, its ups and downs, its good and its bad and there are many stories to share. Julie will be sadly missed. To April and Carissa and their partners, to Britney, Dylan, Taj and Zya, to Julie's brothers and sister, Bruce Levey, Kevin Adams, Judith Anderson and Leo DeChesne and to her many friends on Norfolk this House extends its deepest sympathy.

Madam Speaker, Ernest Francis Quintal, affectionately known as Ernie, was born in 1940 on Norfolk Island to Fred and Dorrie. He had three sisters, Eileen, Joy and Shelley. Ernie grew up in Norfolk until the family left in 1951 for Australia. There he attended St. Ives Public School, completing his schooling at Hornsby High School. Following that Ernie studied plumbing and gas fitting at Hornsby TAFE and soon finished his apprenticeship. His family then moved to a new house in Lalor Park where they shared many happy times. Ernie showed his caring

nature by supporting the family through some hard times by caring for his sisters and beloved Mother. In 1963, Ernie met Lavinia at ballroom dancing lessons in Sydney City. Two years later they married in 1963. Ernie opened his own plumbing business in 1968, better known as E. & L. Plumbing. The business grew to be a great success. In 1970 Ernie and Lavinia had their eldest daughter, Jacqui and in 1972 was blessed with another daughter Kaaren. Ernie always had time for his girls even after a hard days work. They remembered dressing him in rollers and ribbons; putting make up on him and dancing with him to Michael Jackson. Ernie had a great love of animals and his daughters always knew that if they brought a stray home Ernie would let them keep it. This love of animals continued on Norfolk where he rescued stray cats. Not only at home but also at the Hospital, where he was affectionately known as 'Catman'. Lavinia and Ernie returned to Norfolk in 1998 where he started work at the Hospital. He loved his job there where no task was too great or too small. Outside his Hospital duties he was willing to help anyone who needed it as he was a 'Jack of all Trades'. Ernie was a quiet achiever and will be sadly missed by many in this community. To Lavinia, Jacqui and Kaaren, to his dearly loved grandchildren Monique, Jaz, Harrison and Charlotte, to his many friends and relatives, this House extends its deepest sympathy. Madam Speaker, may Pieter Dirk Johannes Swynenburg; Laurence Pinney Parker; Juliete Quintal and Ernest Francis Quintal rest in peace

SPEAKER Thank you Mr Snell. Honourable Members as a mark of respect to the deceased, shall we all stand in silence. Thank you Honourable Members. Chief Minister I look to you this morning.

MR BUFFETT Yes, thank you Madam Speaker. Madam Speaker, I have to advise the House that in the last hour I have received advice from the Office of the Administrator that Mr Craig Anderson has resigned his office as Minister for Finance and the Attorney-General, effective from today. He remains a Member of the Legislative Assembly. Madam Speaker I will read the letter that His Honour the Administrator has despatched to me. Dear Chief Minister, Resignation of the Honourable Craig Anderson MLA. I hereby advise that I have this morning received the resignation in writing of the Honourable Craig Anderson MLA as Minister for Finance and the Attorney-General. Under the provisions of Section 14.2C of the Norfolk Island Act 1979, that resignation was effective upon its delivery to me. Mr Anderson has indicated that he will remain, for the time being, a Member of the Legislative Assembly. I have written in similar terms to the Honourable Robin Adams MLA, Speaker of the Legislative Assembly, advising her of the resignation. The letter is signed, yours sincerely, Owen Walsh, Administrator. Madam Speaker, I of course regret this resignation and I pay tribute to the dedication Mr Anderson has brought to his role as Minister, this the 13th Legislative Assembly. I acknowledge his qualifications and the experience in various spheres which he applied with appreciated value to his Ministerial role. Particularly he has been invaluable in his participation in discussions with the Commonwealth and Minister Crean and I warmly thank him for that.

LEAVE OF ABSENCE – MR ANDERSON

Mr Anderson isn't present today, he is unwell, I seek leave for Mr Anderson Madam Speaker as a Member.

SPEAKER Thank you Chief Minister. Is leave granted Honourable Members? Leave is so granted. Mrs Ward?

LEAVE OF ABSENCE – MRS GRIFFITHS

MRS WARD Thank you Madam Speaker. I seek leave of the House for Mrs Rhonda Griffiths.

SPEAKER Thank you Mrs Ward. Is leave granted Honourable Members? Thank you Honourable Members. Leave is so granted. We move now to the next matter on the programme, which is a Matter for Public Importance.

MATTER OF PUBLIC IMPORTANCE

Honourable Members, the Chief Minister last evening 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 subject is a briefing to the House on discussions with the Federal Minister, the Honourable Simon Crean, MP, Minister for Regional Australia, Regional Development and Local Government, about short term funding for Norfolk Island, and that is until the conclusion of the Financial Year, 30 June 2011. And a presentation of a Norfolk Island Road Map, developed in partnership between the Norfolk Island and Commonwealth Government's. Honourable Members, the Standing Orders provide that the proposed discussion is supported by three Members including the proposer standing in their places. Thank you. The matter having been supported by the required number of Members rising I call on the Chief Minister to speak. Thank you Chief Minister.

MR BUFFETT Thank you Madam Speaker. Madam Speaker, this morning I present to the House and to the listening Community, who provided of course our equipment is now operational. I provide a briefing, that is information on discussions with the Commonwealth, these discussions have focussed on two broad fronts, firstly, as in the Notice that I gave you Madam Speaker, firstly short term funding, that is to cover the period to 30 June 2011. And second, long term sustainability, that is, in this category, offering projections for the next five year period. Beyond 1 July 2011. I initially presented these factors to the House on 3 November in 2010. And advised at that time an arranged Canberra meeting with the Honourable Simon Crean, Minister for Regional Australia, Regional Development and Local Government within a period of three weeks of that being said. I stressed at that time, the urgency of short term funding and also explained that it was very early days in the development of plans for the long term sustainability for Norfolk Island. That meeting with Minister Crean took place on 25 November 2010. And it centred upon the short term urgency. And at a Sitting on 1 December 2010, that is within days of the meeting with Minister Crean in Canberra, I was able to advise the House of the Commonwealth's agreement to the funding of \$3.9 million dollars to cover the balance of this present financial year. These funds commenced to flow to Norfolk Island before the end of the month of December and those funds continue to flow. It was foreshadowed at that time, especially given the volatility of the airline costs, there maybe a need to supplement this \$3.9 million dollars to see us through to the end of the financial year, June 2011. Indeed the need for additional funding has proved to be correct and the Government has documented this request to Minister Crean. At the joint Government meeting in Canberra on 25 November, we foreshadowed a Norfolk Island visit by Minister Crean and this has come to pass. Minister Crean visited Norfolk Island from 14 to 16 February 2011. And I thank those that gathered again in All Saints Church to seek support and direction in the deliberations of that meeting. I also thank those that wished us well in our deliberations. Minister Crean's visit was invaluable, he spoke to, and he heard from a huge range of Norfolk Island residents. The Government's were able to elaborate their views on both the additional short term funding bid and longer term sustainability plans. No decisions were taken on that visit. However, in the environment in maintaining momentum to discussions we proposed to meet within a fortnight of that visit in Canberra, again. And this too has taken place. Further meetings with Minister Crean by Minister Craig Anderson and myself, two meetings in fact in Canberra, took place on Thursday 1 March and Wednesday 2 March in 2011 and obviously these are the most recent substantive discussions between the two Government's continuing to work in partnership to deliver a better future for the Norfolk Island Community. May I now again focus again on the two broad issues Madam Speaker, short term funding and long term

sustainability. As discussed the most recent meetings in Canberra last week. First, short term funding; in addition to the \$3.9 of December 2010 the Norfolk Island Government has made a supplementary bid for \$3.2 million dollars to see us through to June 2011. This as I have mentioned earlier was foreshadowed when we made our first bid, although the identification of the exact amount was not able to be made at that time. Last week Minister Crean advised us that he was not yet able to give a response to this request. And to assist his further consideration he wished to have further detailed examination of our finances and some forensic financial examination of the Airline's operation and its contractual arrangements, this of course was readily agreed. In fact, such examination of the Airline operation was of the nature we signalled when the Commonwealth first engaged a Consultant and erected that Consultancy some weeks ago. But in making this agreement I stressed the urgency of the need for funds in Norfolk Island. The response was to promise the engagement of the firm of Delloyts to have them deployed on the Island by the Sunday following our Wednesday discussions. And Madam Speaker that happened, that has happened, a team of six from Delloyts arrived last Sunday and are now at work and are scheduled to deliver the report to the Commonwealth by the end of next week. Second Madam Speaker, long term sustainability, collation of information and discussion has taken some time and Officers of both Government's has worked on this project and I acknowledge with thanks their work. And Minister's have met at their level in the discussions, we have earlier and I have earlier described in walking through this paper. We have agreed a document, a document suitable for both Governments to use as a basis to consult with their respective home teams, we with our elected Members and the Community and the Commonwealth to consult with the various Ministerial and Departmental Authorities. This document is the road map. The road map is the key milestone in our discussions. However remains subject to endorsement and a Community Consultation process. Minister Crean pointed out to me that there are significant fiscal implications associated with many of the measures identified in the Road Map, which requires Federal Government approval and whilst this process is still underway, I am in a position to table this Road Map today to provide the Community here in Norfolk Island with vital information as to the discussions that the Minister, my colleagues and I have undertaken. This Road Map is to provide leadership in formulating solutions, it is to enable dialogue, consultation, in our case amongst Members and with the Norfolk Island Community. Madam Speaker I table this Road Map. I will allow Madam Clerk to collect it in a moment if that is alright with you Madam Speaker?

SPEAKER
is tabled?

Thank you Chief Minister, that paper

MR BUFFETT

Thank you, I will use the document itself as I continue to walk through this issue. I table this Road Map Madam Speaker and I would like to walk through its provisions. It is a 10 page document, it is a framework. It's the detail of many provisions that are yet to be decided, the detail that is. That is what the consultation process is about, the pro's and con's on some elements are yet to be delivered. Fact Sheets are to be produced to elaborate some components and to assist consultation and to assist deliberations. There is a brief introduction to this paper Madam Speaker and then a heading which is marked "A Road Map for Change". I would like to read through this part of it Madam Speaker. This Roadmap has been developed in partnership between the two Governments and is subject to budget outcomes from both the Commonwealth and Norfolk Island. Its purpose is to describe the reforms needed to strengthen; the Island's economic diversity to provide a sustainable and growing economy, to strengthen the Island's social cohesion and resilience, to strengthen the Island's unique heritage and its environment. The paper records that Tourism has been the Island's principle industry for many years, but the number of tourists has been in steady decline for the past decade. A direct consequence is that the Island's economy is no longer sustainable in its current form. The Norfolk Island Government has been unable to operate without cash injections from the Commonwealth and without governance reform and economic development, this is

unlikely to change. The Island's infrastructure is also declining and the Island's economy, without reform and development, will not be able to fund much needed replacement and improvement of critical infrastructure including the ports, roads and essential services. And it describes the local input, leadership and commitment to change from the Norfolk Island community, the Norfolk Island Government and the Australian Government. The components of this Road Map cover, and I've got seven dot points here Madam Speaker and I will work through each of them. Governance through providing a stronger, more open and transparent form of government, building on the reforms in the *Territories Law Reform Act 2010*. Economic development through quick action to address barriers to tourism, particularly reform of air services, access to the Island, and facilities for cruise ships. Enabling the Norfolk Island Public Service to provide good financial and policy advice and effective services to the Norfolk Island Government and to the community. Social services including immigration, health, welfare and education through removing barriers to business investment, access to adequate health care, support for vulnerable citizens and providing educational opportunities to all, but particularly for young people. Access to benefits provided by the Australian tax system and a fair contribution to the tax system in return for the benefits. Preserving and enhancing the environment and heritage attributes of the Island including the Kingston and Arthur's Vale Historic Area and the other natural areas of Norfolk Island and recognizing their contribution to the economy and Community. And it is also to extend Commonwealth laws to the Island to promote improved economic growth and diversification. This document, this Road Map addresses these issues Madam Speaker. The Road Map then has seven headings, and I'll mention the seven headings and I will dwell upon each briefly. The headings are these; Governance Reform is one, the second is Economic Development, the third is Public Sector Management, the fourth is Immigrations, Health, Welfare and Education, the fifth is Taxation, the sixth is Environment and the final and seventh is Extension of Commonwealth Laws to Norfolk Island. Each heading has a similar layout Madam Speaker, it firstly mentions aspirational goals in terms of each and then asks the questions and answers the question, why is it important. Then it sets out in a timeframe sense, matters for immediate attention and then the balance over a five year period. So I will start with the first; Governance Reform is the first. And in terms of Aspirational Goal it says this, the Aspirational Goal that Norfolk Island has a form of Government that is affordable, sustainable and meets contemporary standards for transparency, accountability and efficiency. A model for the Norfolk Island Government that meets the needs of the community through a mutually acceptable and appropriate form of modified self government and is consistent with contemporary models for state, territory and local governments, but is modified to take into account the unique circumstances of Norfolk Island. Why is that Important? To provide a sustainable future for Norfolk Island. It then goes through the time frames, in other words the actions, and the immediate action, there are three that are listed here, and the first of course is consult with the Norfolk Island Community on this Road Map. The second is to inform the Community on the need for change and for local leadership to drive the changes; and the third is demonstrate to the Community the need for cooperative partnerships between the Norfolk Island and Australian Governments, the immediate part. Then it goes on to say that in 2011 and 2012 some things, and then 2012 and 2013 other things. So the first In the year 2011 – 2012, consult with the Norfolk Island Community on the preferred model of self-government; develop the legislative changes necessary to implement those governance changes; consult with the Joint Standing Committee on the National Capital and External Territories; and implement an appropriate structure for the operation of the Kingston and Arthur's Vale Historic Area. Then moving to the years 2012-13, make the necessary amendments to the Norfolk Island Act to implement the agreed modified arrangements are to come out of all the consultative processes. So that is what it says in terms of Governance, the first point. The second point has the heading Economic Development and I mention these Aspirational Goals reading from the paper. Aspirational goal's; that the private sector economy is diverse, vibrant and robust, driving growth and driving prosperity; tourism is focused on delivering a high quality and high value offer to attract visitors, with the removal of barriers to this as the highest

priority; Norfolk Island is a domestic destination for Australian visitors; Norfolk Island's culture and heritage is valued, preserved, enhanced and recognized for its value to social and economic outcomes; and positive action to encourage diversification and broaden the Island's economic base. And then again the question; why is this important? Tourism is the Island's principal industry and both Governments will pursue objectives to remove barriers to it. And then the actions in the series of years, in a similar fashion to the first that I mentioned, the immediate action; the Commonwealth will provide resources to enable advice to be sourced by the Norfolk Island Government on the provision of air services; both Governments to identify and remove barriers to tourism with particular reference to reducing costs of travel; implement changes to the immigration, customs and quarantine regimes to reduce barriers to tourism and other investment; and the Australian Government to consider waivers for the loans for the airport runway improvement and Cascade Cliffs. They are the immediate factors and then it goes onto the year 2011-2012, both Governments to work together to: identify, cost and plan the major capital works needed to strengthen the Island's economy and services, with particular reference to port facilities, the hospital and the school and develop business cases for consideration by both Governments; examine opportunities to improve the tourism experience on Norfolk Island such as sealing selected roads, access to coast, walking trails and modest tourist facilities; update and implement the Tourism Strategy for Norfolk Island; develop and implement a land use plan and town planning strategy; and importantly undertake a socio-economic study, which is beyond the study which is presently being done today for Norfolk Island. And then moving onto the years 2011-15, both Governments to work together to: review the National Park Threatened Species Recovery Plan for Norfolk Island; implement the highest priority recommendations from the development studies for major capital works on Norfolk Island; and facilitate opportunities to widen and diversify the economy. And again in the years 2012-15, continue approved minor capital works and initiate any approved major capital works. So that is in terms to the second dot point entitled Economic Development. The third is entitled Public Sector Management. And the Aspirational goal is expressed an efficient Public Service that meets the needs of the Norfolk Island Government and the Community. And why is this important? The answer to ensure the Public Service is well positioned to deliver services and facilities that meet the needs of the Community while working efficiently and at a consistently high standard. And in terms of this particular part, actions again, immediate actions: firstly the Commonwealth to fund an external review of the financial performance and financial sustainability of the Island and to provide advice on effective systems of financial management to the Norfolk Island Government; the Commonwealth to fund an external review of the Norfolk Island Public Service to provide recommendations for reform and restructure; and third point for the Commonwealth to introduce Finance Minister's Orders. They are the immediate factors to move onto the year 2011-12, both Governments to work together to: introduce the outcomes of the external review of the financial performance and financial sustainability; and secondly to introduce the outcomes of the external review of the Norfolk Island Public Service. And in the year 2011-12, both Governments to work together to: build capacity within the Norfolk Island Public Service, including succession planning and training. So I move to the next point which is point four, entitled Immigration, Health, Welfare and Education, the Aspiration Goal is there should be a sustainable population with access to health, social welfare and education services comparable with the broader Australian community. Why is that important? The answer here is to encourage economic development and sustainability for our place. The action list says this, the immediate actions are to be similar to those that I have already mentioned in item two, under Economic development. In the years 2011-12, both Governments to work together to: remove barriers to business investment on Norfolk Island, including allowing Australian citizens to operate new businesses on Norfolk Island; consider ways to improve facilities to ensure access by the Community to contemporary health services; consider ways to provide facilities and opportunities to provide excellent education outcomes on the Island for future employment; design a model that provides a full transition of Social Security and Medicare over the period from 2012-2013 through to 2013-14; investigate the expansion of educational opportunities

for tertiary and vocational education; develop a land use plan that builds a sustainable economy and environment for Norfolk Island; and review application of the *Migration Act 1958*, a Commonwealth Act, to Norfolk Island in order to enable its full application. From 2012-13, both Governments to work together to: extend *Social Security Act 1991*, that is a Commonwealth Act to Norfolk Island. Social security arrangements to discourage non-resident unemployed moving to Norfolk Island; extending Commonwealth health funding to Norfolk Island for example Medicare and PBS; and jointly develop an aged care strategy for Norfolk Island. Moving on to the fifth point which is headed Taxation and the Aspirational Goal is; participation by the Norfolk Island Community in the Australian taxation system. Why is this important? To allow the Norfolk Island people to enjoy equal benefits to that of the wider Australian Community. And again it lists the Action parts, first immediate: that both Governments to include discussion of the transition to full participation in the Australian tax system in Community consultations. After June 2011, to facilitate applications for tax file numbers by residents of the Island and for the years 2011-12 and the following year 2012-13, those years to provide dry run returns, dry run returns. In 2011-13, both Governments to work together to: Community education provided in relation to Australian income tax arrangements, including making e-tax available at selected public places for example the library and administration buildings; and develop and communicate a transitional model for the introduction of the Australian Taxation system. In 2012-13 the Commonwealth to develop measures to assist with the introduction of the Australian tax system and 2013-14, the Australian tax system to apply in Norfolk Island, subject to implementing transitional arrangements addressing the wage and price impacts of imposing income tax. This paper also specifically says that Commonwealth GST will not apply to Norfolk Island and the Norfolk Island Government will continue to have its own tax regime. The sixth point is headed Environment. Why is this important? First of all the Aspirational Goal. Norfolk Island's environment is protected, enhanced and assured by effective management and Community consultation and participation. And again why is this important? To ensure that the Island's environment and heritage is protected and improved to provide the key component of the tourism industry and is a healthy and attractive place to live. And the actions, the immediate; both Governments to agree the management arrangements for the Kingston and Arthur's Vale Historic Area. And in the years 2011-12, both Governments to work together to: develop a waste management strategy; and develop a AQIS pest and disease survey. And moving on to 2012-2013, both Governments to work together to implement the waste management strategy. The final heading Madam Speaker is the Extension of Commonwealth Laws to Norfolk Island and the Aspirational Goal here is participation by the Norfolk Island Community in the rights and obligations of members of the Australian community. Why is this important? To promote economic and environmental consistency through legislation. In terms of actions it mentions this; in the period 2011-14, consider extending the following Commonwealth laws to Norfolk Island, and this range is specified here: *Australian Bureau of Statistics Act 1975*; *Bankruptcy Act*; *Corporations Act*; *Insurance Act*; *Insurance Contracts Act*; *National Consumer Protection Act*; *Private Health Insurance Act 2007*; and *Trade Practices Act*. In the years 2011-15, progressively extend appropriate Commonwealth laws and the associated support agencies, to Norfolk Island on a portfolio by portfolio basis, including Community consultation and education programs. In 2012-2013, to develop a program for both Governments to work in partnership to further the extension of those laws that might be agreed to extend in Norfolk Island. That concludes that document. Ten pages Madam Speaker and as I've said, I table it. What next in terms of that paper Madam Speaker? It is our plan to ask the newspaper for it to be published in the newspaper on the weekend. I had foreshadowed Madam Speaker a public meeting for this Friday. So the paper could be presented and the comments made and the consultation process commence, however departmental Officers are not able to be located by this Friday in the Island. Therefore it is now foreshadowed for Rawson Hall on Friday 18 March, which is the following week. I will confirm this when I inturn have firm dates from the Australian Government as to their attendance. And copies of this Road Map will be available at that public meeting. I'll equally be able to identify methods of responding to this Road Map, post this process of presentation, that is, present response in the

consultative process, collation of response, display of the responses and the like, but I will talk of that at a later time and provide the public meeting details Madam Speaker. May I now turn to a related matter. You may not want to listen to me for much longer. I know it is a long matter, but I thank you for your patience Madam Speaker and Members. May I now turn to a related matter, the Community Survey, this document. In two parts, and individual form and a household form, this survey is presently underway Madam Speaker, it is designed to assist both the Norfolk Island and Australian Governments in its decision taking to secure long term sustainability and security for Norfolk Island. You will see that this survey that knits with that, which I have endeavoured to spread out in terms of the Road Map. And it is to assist by providing a base of information on the economic and social circumstances of Norfolk Island. All the forms should have been delivered to households by this time within the Island, and the survey forms are requested to be completed tonight, tonight, this Wednesday and completed forms should then be returned to boxes at the Norfolk Mall and the Post Office tomorrow, Thursday 10 March. I say this Madam Speaker, if we are genuine about wanting to build a better future for our place, please demonstrate that we are helping ourselves by filling in this form, I encourage people to do so. I thank people who have taken the trouble to attend the two public meetings, the first a number of people, the second, I think illustrates that people have received the forms and reasonably understood them well, so the second meeting did not require a number of people, there were probably under 20 at the meeting held yesterday afternoon. Although the meeting helped those I'm sure, that attended then. Madam Speaker they're the matters that I asked if I may cover in a Matter of Public Importance and I thank you for your forbearance in listening to that, it is an important step for Norfolk Island. And thank you for responding Madam Speaker.

SPEAKER Thank you Chief Minister, before I open the matter up for discussion amongst the membership. Would you consider a motion in respect of the Road Map that it be printed, which would facilitate my office in making it available?

MR BUFFETT I am very happy to do that Madam Speaker.

SPEAKER Thank you, the question is that the paper be so printed.

**QUESTION PUT
AGREED**

The matter is now open for discussion Honourable Members. Minister Sheridan.

MR SHERIDAN Thank you Madam Speaker. Yes, I was going to suggest that the statement be noted and printed anyway Madam Speaker, you beat me to it. I would just like to make a brief mention on the Road Map, that the Chief Minister has virtually read it verbatim you might say, he has gone through each of the seven areas, and I would just like to show my support for this Road Map. And I would also like to show my gratitude to the Public Service, the Officers, both here on Norfolk Island and in the Commonwealth who have done a great deal of work to get this paper together so that both Government's could agree upon it. It has been a long journey you might say Madam Speaker, discussions as you know, and everybody would be aware has been going on for quite some time now and the compilation of this paper has taken many forms and many recommendations and suggestions from both parties. Have come and have gone back and have come back again and have gone back, so this is a paper that has resulted from consultation and it's been good consultation Madam Speaker, and like I say, I would just like to thank the Officers who have compiled it. I would just like to reiterate a couple of areas that the Chief Minister has commented on, and I would like to make a very firm point, that when this Road Map, and I will just read it again the paragraph, this Road Map describes the changes needed to Norfolk Island circumstances it requires local input, leadership and commitment to change from the

Norfolk Island Community, the Norfolk Island Government and the Australian Government. Madam Speaker I don't want the Community to go off running and start making wild assertions and assumptions because this paper has still to be further refined, it is here, it has been tabled now so that the Community can have some input into it. We couldn't put on the table months or weeks ago a paper that wasn't agreeable to both parties, so at first we had to come to a position, of course that position has been reached, with the tabling of the Norfolk Island Road Map. So I just urge the Community to fully read it, to contact yourself Madam Clerk, Madam Speaker or the Clerk, to obtain a copy of it, like the Chief Minister has said, it will be printed in both the Norfolk Islander and Norfolk Online and I don't know whether the intention is to print some copies off and make them available say at the library or the Post Office, I will leave that up to you. But just further going through the Road Map and in a couple of areas there in particular in my area, Social Services, Health, Welfare which also includes Immigration and Education, the intent is to make Norfolk Island a more prosperous place, it is removing barriers, it is access to better Health Services, support for our, as our say, our vulnerable citizens, whether they be elderly, whether they be in the work force and unable to earn sufficient income to fully provide for their families, for their children. And in saying children, this will obviously support our children, our young children through education and it says throughout the document, seek input from the Community, so I urge the Community, as I said before, to read this and make that input. I would just like to make a couple of comments on the document and I see that one of our big areas is our economic development and there are things that we will consider, and they are long awaited considerations, so that we can strengthen the Island's economy, is in regard to port facilities, a new hospital, even though I am well on the way to getting some plans drawn up for a new hospital, of course the funding will be the big critical issue as to whether or not this does come to fruition, so I appreciate the inclusion of the hospital. The School, business cases for consideration by both Government's. So we are trying to enable some facilities to be put in place so that the local economy can prosper, new activity can take place so that we are not fully reliant on our Tourism to support Norfolk Island. Norfolk Island's Community you might say. I note it also says in here to develop and implement a land use plan and town planning strategy. I believe it is the Commonwealth's intent that how we restrict or monitor our Immigration, our population growth, is through our planning and I believe that is where the intent of that comment in the Road Map has come from. They believe that we should restrict our immigration, our Community size you might say, by some proper use, or limited use of our available land and that will be done through the review of the Norfolk Island Plan, because we have already got a plan, but I would assume that would mean we would have to review this once again. Just further moving along through the paper, and it's immigration, health and the welfare section, as the Chief Minister has said, the aspiration goal is to achieve a sustainable population with access to health, social welfare and educational services comparable to the broader Australian community. Now I know there has been a lot of talk, a lot of discussion in the Community about comparing us to a likable sized community in Australia and what services they have, one can argue that we have better services, maybe better access to services than a remote Australian community has in the main. In the main some of those smaller communities have to travel hundred's of miles to access some of the facilities that we do have here, but I believe that, with these reforms that this paper talks about, it might enable the population to increase to a degree so that we are more sustainable, we have a very small workforce here and to provide for all the wants that this Community needs, is very difficult for a small Community. So I have no objection to our population being increased, but it has to be monitored, it has to be done in a careful way and this is where the input from the Community will be essential, the comments that are made, or the timelines that are made in this paper, they are not set in stone, they are the goals that we would like to achieve, but of course, like everything, if it is open for discussion all these things open and the time frames are open for adjustment, so don't get carried away by what is in the paper, because it is an agreed position and it is aspirational goal, and as I said, it is all open for discussion and I urge the Community to take that on board. I would just like to mention briefly on the taxation, and taxation on Norfolk Island is a very, well it is a very hard topic to discuss, some

people would like it, and have the benefits that come with it, some people don't want it at all, they want it to remain here as we are now, but we know that if we remain here as we are now we will find it very hard without some further review or reform of the way we raise our dollars, we will not be able to continue, and that has proven to be the case through our economic circumstances that we find ourselves in now, that of course has been brought about by our having to carry, you might say, Norfolk Air, but still, without Norfolk Air, our financial circumstances were such that we would have had to reform our taxation measures somehow or another in the future, it has just come a little bit sooner than maybe we would have liked. The only comment that I do like to make in regard to taxation is the commitment by the Commonwealth that GST for Norfolk Island will virtually remain our own, I don't know whether that is good, I don't know whether it is bad, it is good in the sense that we maintain it for our own uses, but in the Australian sphere I believe, the GST tax is virtually full and they have their state meetings and they divvy the pot and whether or not we would be better of being included in that pot, I don't know, that is something we will have to discuss further and I would like to have further discussion on that. I also am delighted to see in the environment section that we have taken up in the areas to develop a proper waste management strategy, we have struggled over the years to fully come to terms with our waste disposal and in the main it has come down to a lack of finances to fully implement a suitable system that can fully discharge, get rid of our waste that we generate, so I welcome in 2011-12 and it is right upon us, a commitment to work together to develop a waste management strategy and also to complete an AQIS pest disease survey, which is on the drawing table at this point in time, but then this will enable us to have proper quarantine controls in place for Norfolk Island, for proper qualities in place, so that then we may be able to import fruit and vegetables and maybe trees that we don't have here at the moment, I see Madam Speaker rolling her head and it's nearly fallen off, but if we do this in a proper way, it will benefit all. It will also benefit our exports, it is just not limited to imports. So as I say, the extension of the Commonwealth Laws to Norfolk Island, again, these are going to be extended, following reviews of the laws, so they just won't be extended en masse. They will be considered, each law will be considered, each Act will be considered by both Government's and then hopefully if they need to be adjusted they can be to suit Norfolk Island's circumstances. So just finishing up Madam Speaker, as I said, I urge the Community to grab a copy of the paper, read through it and make comment where they feel that they have too. Thank you Madam Speaker.

SPEAKER Thank you Minister Sheridan. Further discussion Honourable Members? Mrs Ward? Minister Nobbs? I'm in your hands Minister Nobbs.

MR NOBBS Thank you Madam Speaker. I thought would enable others around the table other than Government also to have a go into this. My contribution is quite brief, and that is to point out that this is a historic moment for Norfolk, this is a area of constitutional change, in much the same way as we went through with the Territories Law Reform Act. The Road Map is an agreed inter-governmental consultation document, so it is agreed by both Government's in this format to be put to the Community to have precise information to evaluate to give consultation process and to give feedback on. And that is key, the consultation process that we go through now will set Norfolk on a platform of how we operate into the future, so there can be no excuse for anyone on Norfolk Island not engaging in this. With regard to the revenue diversifications and the various other areas within the document, there is certainly a welcome collaborative approach with the Commonwealth and I see many good partnerships that present themselves in this document. I certainly, as I say, encourage everyone to engage, to look at the document, to provide feedback, to do an analysis, particularly in business sectors with regards to business investment and the like so that they can do an evaluation that they can then feedback to the Government's to ensure that the way we move forward is the best possible way. Thank you.

MR SNELL Thank you Madam Speaker. Madam Speaker before I just make a few comments on the introduction of the Norfolk Island Road Map, I

needs, and delivery of services, it is about how we will contribute to the Commonwealth and become eligible for a range of Commonwealth Funding and Grants. I'm going to take this opportunity Madam Speaker to again thank the Federal Minister the Honourable Simon Crean who is the Minister for Regional Australian, Regional Development and Local Government. The Minister is a veteran of politics and it would appear that he and our Chief Minister and Minister Anderson, have developed a rapport. Once Simon Crean had become our Federal Minister the two Government's immediately started working together dealing with both the short term measures that needed to be taken and the long term. We have that before us now, that is the Road Map. It is to be published, as the Chief Minister has moved, to be presented to the public for their comment and I also encourage everyone to read the document and follow the consultation process. And the Chief Minister as he has stated, is in the process of constructing, or will in time inform the Community of that process in partnership with the Commonwealth and the Community will be fully informed on how and where best to have their say. One of the directions that came about last November, was that Norfolk Island would participate in the Australian Taxation and Social Security Systems, the discussion regarding taxation and participation proceeded on the understanding that there would be a net benefit to Norfolk Island and its Community and that there is appropriate consideration of local circumstances. Our uniqueness has been honoured by both Governments, the details particularly in the area of taxation are still to be determined. The Road Map is extensive, the extension of the National Migration Act, is an area that I will be very active in. And I hear Mr Sheridan will be too. I'm not convinced that planning is a robust enough mechanism to control land use, however I also note that there is to be a full report into our Plan and Land use, so instead of fearing the possibilities, I intend to fully inform myself and in turn talk to the people in the Community who may have the same concerns. In general, the Community appears to be split on this issue, but if one drills down a little, there is one main concern, and that is population control and how it relates to our ability to deliver services and how it will affect our fragile environment. That Madam Speaker is a very real concern, and one that should not be ignored. Some in the Community have clearly given the message to the Commonwealth, that opening the door will save the Island. Policy development is essential in this area, and growth must be developed, but only at a sustainable rate. Infrastructure must be relevant, and our fragilities, environmental and others must be measured and considered. We should all think about the shape we want to leave the Island in for the next generation. Having said that Madam Speaker, the Minister for Finance and Immigration, who was, Minister Anderson, has shown leadership and he had already published the policy objectives in relation to population growth, and that was generally welcomed. The Chief Minister committed to do the right thing, to move forward. I applaud the man who has the strength of character to acknowledge that somewhere along the path of internal self-government, that changes needed to be made, changes that would ensure long term financial sustainability of the Island, but also that social and morally responsible decisions would be made. That is to allow our children to be eligible for grants and benefits as other regional children and teachers enjoy. There should be no shame in what the Chief Minister has done, it is just plain reality, something that had to be faced. For others this is the first glimmer of hope at the end of the tunnel, this is about coming out of the cold, this is about breaking out of the isolation and becoming part of the national story, about contributing to it as valued Members and enjoying the rights and benefits. It is now the responsibility of the Chief Minister and his Government to bring forward the Government direction. This is it, this is the Road Map, this is a direction that I support 100%, I am committed, it is a big task, with tight time frames, but together, in partnership with the Australian Government, we can achieve our goals. It is also now the responsibility for every Member of this House to adopt a leadership role, I represent many who are already converted, they saw sense, the sense of change years ago, others are not so sure, they are uncertain of what that will mean and they have lots of questions, but we must not fear the unknown. If unsure, ask the questions, and listen to the answers. Some will need to acknowledge that they have seen the wonderful days in a business sense and that plans didn't turn out to be adequate enough, do not let fear or greed destroy what both Government's are trying to

secure for the future, join this Government in reclaiming those good fortunes and at the same time, to allow Norfolk to remain what she truly is, first and foremost, the home of its residents. I think that everyone understands that the short term cash injection from the Commonwealth isn't only about keeping the Public Service employed, this is about maintaining supply to and service from the Hospital, the School and Telecom for the internet. And most importantly it aids us to continue running the airline and keeping a plane in the sky to service the Tourism Industry. But for me, the Road Map is not just about financial security or development, the most important task for this Government is dealing with the Governance Reforms. We as a Community must appreciate the Government on the Island is too big and we simply can not afford it. The Road Map provides options to seriously consider in relation to the reduction of responsibilities, some will remember I called for a reduction in responsibilities to a level the Island could afford when I was campaigning. There is still work to be done in amending the *Norfolk Island Act 1979*, The Territories Law Reform Bill went part way to addressing the issues, now we must deal with the financial arrangements as to raise all revenue on Island, to cover 103 scheduled responsibilities is not sustainable. And the fact that the Act excludes us from accessing the same privileges as other Australian's is self limiting and wrong. Everyone knows the reason for this, it is because we don't pay income tax and that will change. In some ways this is a generational change, the Chief Minister and others of his ilk, have that amazing ability to be resilient and adapt to change. There is so much more to the Road Map, as I said, the Chief Minister has explained there are seven headings, so I will leave it here for today and I will certainly be attending the Community meeting on Friday the 18th, and naturally I would suggest that all who can attend, do so. If you are having trouble coming to terms with the direction that the Government is taking, think of us as a layer in a marble cake, a distinct colour, but still part of the same cake. Thank you Madam Speaker.

MR KING

Thank you Madam Speaker. I understood that you were to move to the floor to offer a contribution, is that not correct? Thank you. Madam Speaker I should say at the outset, that I am not going to indulge in sentimentality or philosophies or analogies and nor do I intend to go into any great detail into the content of the document, it is now in the public arena and there will be significant debate, I guess fiery debate in certain places. Which couple of us attend frequently, I look forward to some of those debates with some interest, with some trepidation. Madam Speaker, it is not a document or a way forward that everyone is going to embrace wholeheartedly, it is not, from my part entirely, what I would have wanted. But I never ever expected to achieve every detail of what I wanted, it is however heading in a general direction which is in general conformity of the platform, the Norfolk Labor Platform that I stood on at election time. In that regard it has my support, my wholehearted support. I realise there is a lot, a long way to go, some may choose to term it other than a Road Map, without being disrespectful to the effort that has been undertaken, which has been vast, and for which I am very thankful. It perhaps doesn't contain all the detail that one might find on a Road Map, but Mr Buffett has explained that. We understand that there is a lot of detail to set in place, had the detail have been required today, we would have had, I guess, two or three volumes of large terms sitting on the table, rather than an eight or ten page document. Madam Speaker I had resolved in my mind to listen carefully to what the Government was going to say to us, we have entrusted the Government with an authority to go out and lead us in this matter, we put them there, we expect them to come back to this House and relate to us in very clear terms what the position is that they have adopted, that has not been relayed to me in very clear terms today and that disappoints me, and that may well be that by the time that this debate is over, that I may be satisfied in that respect, but at the moment I am not clear in my mind that this document that this document reflects a Government position. Mr Sheridan was very clear in his expression, he spoke in terms of it being an agreed position, I welcome that description, perhaps it was unintentionally that he be so precise in that regard, if he regards that as being an agreed position then I accept that to mean a position agreed by the Norfolk Island Government and the Federal Government. If that is the case, thank you very much, let's move on from that. Mr Buffett wasn't quite so rapturous in his

description of it, he said it remains subject to endorsement and Mr Nobbs said it remains a document that it is an agreed inter-governmental consultation document, which is a rather flowery description, perhaps artfully, perhaps intentionally avoiding any expressed support for the position contained in the document. I would like to hear that expressed support for the document from both Mr Nobbs and Mr Buffett, if that is not the case, I remain very disappointed, it has to go out to the Community as a document which has Government support, this is what we hope for you Community, this is a document, a way forward which is supported by your Government, the Government that was put in place by a representative group of individuals.

SPEAKER Point of Order Mr Nobbs?

MR NOBBS I would be looking at Point of Order, 56, thereby Mr King is making his own interpretation of our words, and in particular with regards to my words, I was very clear, that the inter-government, as in both Governments had agreed to and supported this consultation document. Thank you.

SPEAKER I understand that you have used the facility of the Standing Orders to explain the statements you have made.

MR KING I'm sorry, your ruling Madam Speaker?

SPEAKER Sorry, I was just elaborating, I don't take a point of order there Mr Nobbs, Standing Order 56 is designed, a little bit outside of where we are at the moment, but I take your point. Mr King if you could please just keep that in mind. If you would like to continue your discussion.

MR KING Thank you Madam Speaker, I am not sure what I am expected to keep in mind, but I will endeavour to do so. Madam Speaker I am not being argumentative here, and I apologise if I have interpreted Mr Nobbs' words incorrectly, for heavens sake if he had have wanted to utter very clearly, concisely and precisely that this is a document that he regards has having the combined support of the Norfolk Island Government then he bloody well should have said so.

SPEAKER Please watch your language Mr King

MR KING I will Madam Speaker. But I am not being argumentative about it, but if he wants to contribute to the debate a little later on and elaborate his position, well he's perfectly at liberty to do so. So if it does go out Madam Speaker to the Community as a document that has the Government's support, I am sure that is what the Community expects out Government to do. It expects our Government to put out to them a position that the Government feels is the way forward, let us know what you think, that is the nature of the consultation effort which I feel is required. I am disappointed Madam Speaker that it has taken so long to arrive at this position, I understand the politics involved, I understand the difficulties, to me the writing has been on the wall for a long time, the position that we have arrived at is not one that has simply popped out of the GFC, it is one that has developed over time. I hope that this provides an exciting start to the debate which has to occur on the way forward. I again thank the Government on their efforts and I look forward to the debate within the Community. I will indeed be participating. Thank you Madam Speaker.

MR BUFFETT Madam Speaker, thank you. I just want to say one thing, so there is no doubt about the matter. This paper that I have presented, the Road Map, is the Government endorsed Road Map. Very clearly, it is the way that the Government recommends that we move forward, we then move with it, to the next stage, which is the Community consultation stage and ask the Community what do you think about this and we receive the feedback. Nothing is clearer than that and I state it now.

SPEAKER Any further discussion Honourable Members? In that case I will ask the Deputy Speaker to take the Chair.

DEPUTY SPEAKER Thank you Honourable Members, I call on further debate on the Matter of Public Importance. Ms Adams.

MS ADAMS Thank you Mr Deputy Speaker. In entering the discussion today on the Matter of Public Importance about the Norfolk Island Road Map I wish to make my position quite clear. That position remains as firm today as it was when I was elected as a member of the 13th Legislative Assembly twelve months ago. My position then as it is now is that - It is time to build bridges and mend fences. It is time for the Commonwealth Government of Australia and the Legislative Assembly of Norfolk Island, on behalf of the Norfolk Island Community, to return to the negotiation table with mutual respect for one another, and in their deliberations on our Island's future, to be always mindful of the uniqueness of Norfolk Island and its historical origins. Constructive respectful dialogue must form the basis of any discussion on Island issues, including governance, finance and environmental sustainability. Mr Deputy Speaker I believe that the Chief Minister and Minister Crean have been honouring that process. That they have returned us to the negotiation table; that there is mutual respect for one another; and that in their deliberations they are endeavouring to be mindful of the uniqueness of Norfolk and its historical origins. However, more importantly Mr Deputy Speaker I stood on the platform for true democracy, government of the people, by the people, for the people, and justice and fair play for all. Mr Deputy Speaker when the ministry of the Norfolk Island Government for this Assembly was chosen I stood firmly behind the choice that David Buffett be the Chief Minister; I saw him as being the Island elder. I continue to support that choice and I commend him for the hard road on which he is walking on our behalf. The mantle of leadership is a heavy burden to carry and he is carrying it with grace. However there comes a time, and I believe that that time has now arrived that the Chief Minister can no longer walk that hard road alone. The *Norfolk Island Act of 1979* is the closest that Norfolk Island can come to having a constitution. Change to the Australian constitution can only happen through a referendum in Australia. Major governance change on Norfolk Island of the degree that is currently on the drawing board should equally only be made through the referendum process. We are not yet of course at that point where a referendum should be held. There is much community consultation yet to take place. The Norfolk Island that we know today is about to change in a major way, it has been 155 years and the way it is now going to change is perhaps the most momentous, that has happened along the road, if the Road Map before us becomes a reality. I do not propose to make comment today on the road map as it is time for the Community to access it, read it, digest it, discuss it and make their views known. It belongs to you, the Norfolk Island community. The point I will make today though is this; Minister Crean made it clear in public forums during his visit that the decision on the way forward for Norfolk Island is our decision to make and I was heartened by the comments attributed to Minister Crean at the Official Launch of the Darling Downs and South West operations of Regional Development Australia on 8 December 2010 and I quote from his speech, "We must recognize that to achieve sustainable outcomes we must empower local communities to make decisions and have a greater say in how their social, economic and environmental wellbeing can be met" unquote. I am also heartened Mr Deputy Speaker at having received an Open Letter written by long time residents of this Island titled "To the People of Norfolk Island and the Government's of Norfolk Island and Australia". The open letter proposed to us "A Plan for Norfolk Island" under the heading of "A Little Bit of Help to Help Ourselves". This letter supports the view attributed to Minister Crean at the Darling Downs launch which I have just quoted. Let us make sure that in our considerations of the Road Map that we remain mindful of the need for our Road Map to clearly demonstrate a willingness to help ourselves. In my election speech I made a promise to the voters that if major constitutional and governance change is to happen on Norfolk Island that that change should only happen with the consent of the Norfolk Island Community. We are a Community of very diverse views on what the way forward should be. There are those

who want full integration into Australia. There are those who want partial integration into Australia. There are those who wish to see no change and there are those who wish for self determination in free association with Australia. It is not for me, or any Member around this table, to say which way is the right way. The only certainty before us today at this time, is that whichever way we choose will have consequences and once the road is chosen there can no going back. The die is cast. But what I will say, and say with absolute certainty in my mind, that it is not for the nine Members around this table to make a final decision on the way forward for Norfolk Island without ascertaining through proper process the will of the people whose lives, and the lives of their children, will be affected by the changes that are being proposed in the Road Map before us today. In conclusion Mr Deputy Speaker I wish to put the following onto the negotiation table for consideration in the very near future. The idea is not mine; it has been put to me by a number of people in the Community; however I totally support the idea and it is this. That there should be a third party at the negotiation table. That that party should be a totally independent entity chosen from outside Australia and Norfolk Island; a watch dog, because I can't think of another word, on process to ensure that every change that is mooted by either side at the negotiation table is measured against the guideline in the MOU, and I quote, "that there will be a net benefit to the Norfolk Island Community and there is appropriate consideration of local circumstances". And so Chief Minister I encourage you to give this idea serious consideration and to hold discussions in appropriate places perhaps to set the idea in motion. It can only give credibility to the processes being undertaken. It could be likened to election monitoring, which happens around the world, where a third party is brought into the process. A number of possibilities have been put forward in Community discussion as to whom the third party could be. Another Commonwealth country; or the Commonwealth Parliamentary Association, or the United Nations, or the Pacific Forum, it matters not which one. The issue is the independence of the third party and their ability to objectively assess when a decision will have a net benefit to Norfolk Island and when it will not. Thank you Mr Deputy Speaker.

MRS WARD Thank you Mr Deputy Speaker, I would just like to clarify one point, because I misunderstood what the Chief Minister said at the beginning, and that was the Road Map still needed endorsement, Government, Norfolk Island Government endorsement, but the Chief Minister has now clarified that this Road Map does have this Government's endorsement and it is now open for Community consultation. I'm not of a mind that we need a watch dog to watch what is going on, I certainly have confidence in the Federal Minister Simon Crean and I have faith in our own Chief Minister. There are certainly areas that will be debatable, let's do that. But I think when Minister Crean, and our own Chief Minister and Government, and the Speaker included are of a mind that this process should be about local input, then we need to use that. The process is open to Community consultation, everybody who lives here should be the ones to decide. Thank you.

DEPUTY SPEAKER Any further debate Honourable Members? There being no further debate, Madam Speaker, please take the Chair.

SPEAKER Well Honourable Members have we concluded discussion on the Matter of Public Importance at this time? I am now going to look at the time.

MR BUFFETT Yes, I was going to suggest that we do that. Madam Speaker, may I say thank you for again, hearing the presentation and thank you for the comments from those Member's who have made a contribution at this stage about this Road Map. Thank you Madam Speaker.

SUSPENSION OF SITTING FOR LUNCH

SPEAKER Honourable Members I am mindful of the time, it is 12.40pm, I look to you for guidance as to whether you would like to suspend now for a luncheon break and resume at 2pm? I think that is generally agreed by the signals around the table, this House now is suspended until 2pm. Thank you Honourable Members.

RESUMPTION OF SITTING

Honourable Members, we resume the Sitting and we are at that point in the programme where we call on Presentation of Petitions, are there any Petitions to present this morning. Giving of Notices are there any Notices Honourable Members.

QUESTIONS WITHOUT NOTICE

Mrs Ward Thank you Madam Speaker. My question is to Minister Sheridan. Is it a fact that a new type of termite has been reported on the island recently and if so, is there an apparent threat to the islands homes or anything else in that matter.

MR SHERIDAN Thank you Madam Speaker and thank you Mrs Ward for the question. I actually did have a short statement to make about this white ant but I'll just answer the question now Madam Speaker. Madam Speaker there has been a bit of conversation in regard to the discovery of white ants/termites in properties located in New Cascade Road. Whilst the discovery is not new this issue has developed into an issue considering the Argentine ant issue and the inability to eradicate as yet. Madam Speaker Mr Ron Von Gough from Amalgamated Pest Control here on Norfolk Island has had termites identified and is currently treating these properties. Ron has also imported commercially produced termite traps as this has been indicated the best method to control these termites. These termites traps can be baited with bait and also poison which would then be transported back to the parent colony, shared amongst the termites and then destroy their nest. Madam Speaker the Administration health Building and Quarantine Section is monitoring the activity and will assist in the treatment for termites where necessary. So Madam Speaker that's all about I can put on the issue at this point in time is that the termites were discovered by a private contractor on the island and he is dealing with the issue and our Quarantine Section of course is monitoring the situation so that we're aware that it doesn't spread to become a problem like the Argentine ants.

MRS WARD Thank you Madam Speaker. My question is to the Chief Minister. Is the Chief Minister at liberty to table the Commonwealth Commissioned and Funded Independent Report into the running of Norfolk Air.

MR BUFFETT Madam Speaker no I'm not able to do that at this moment but I just give you this explanation. I have asked the Commonwealth their approval to release that report, they explained to me that it is still being finalised and when it is complete although they haven't given me an exact date for it to be complete, when it is complete the Commonwealth has advised me that they would see no difficulty I it being provided to people who might request a copy. So I can see that is the way forward but it has not reached that stage.

MR KING A question in the nature of a supplementary to the Chief Minister. Chief Minister on what basis does the Commonwealth Government not support the proposed variation of the contract between Air Nauru and the Administration.

MR BUFFETT Madam Speaker I'm not too sure that I can point to a particular place where that is a definite statement by the Commonwealth, I could be corrected about that but Mr King seems to be authoritatively saying that there has been

such a statement. I'm not aware of that but I may need my memory refreshed but I'm not aware of that.

MRS WARD Thank you Madam Speaker. The question is to Minister Nobbs. Would the Minister briefly outline the administrative process for the compilation and publication of the Monthly Visitors Statistics.

MR NOBBS Thank you Madam Speaker. In brief those statistics those are collected and collated at the Immigration Department, they then go through a process where they are entered into the database, the database is then used to provide a format of those numbers to the NIGTB the Tourist Bureau and then there is a reconciliation process between the 2 entities to ensure that the passenger statistics being promulgated from the Bureau in line with the original immigration data collected.

MRS WARD Supplementary to that one. Is the Minister part of the process which deals with the compilation and the final ticking off of those figures.

MR NOBBS Thank you Madam Speaker thank you Mrs Ward. The answer is yes.

MR KING Thank you Madam Speaker. A question to Mr Sheridan if I may. Can the Minister advise whether a policy decision has been taken to progress strata title legislation and if policy has been established what costing and resource implications have been identified as is the practice set down by the Government in its cabinet handbook.

MR SHERIDAN Thank you Madam Speaker and thank you Mr King for the question. The question of strata title on Norfolk Island I suppose is not new it's not something that is discussed now our building regulations for Norfolk Island plan but I have undertaken, I have raised a SOI Statement of Intent to investigate the possibility of introducing strata title legislation into Norfolk Island. At this point in time all I've passed from the Service is I had an initial discussion paper written up which I distributed to all MLA's for comment and the comment that I received did not indicate that it was necessarily would be objected to, so I've taken it one step further like you said and I've raised that Statement of Intent and we are in the process now of with the completion of that Statement of Intent I was going to ask the Administration, this hasn't been done as yet, the next step is to ask the Administration to compile a white paper for want of a better word in regards to the possibility of introducing strata title to Norfolk Island, what would the ramifications be, what legislation would need to be changed, what affects it would have on our legislation and as Mr King has said what costs would it entail. So we are in the very early stages of trying to identify whether or not strata title would be suitable for Norfolk Island and so that's just where I am at with this issue. It's only at the discussion stage, no firm policy has been made, the only decision that has been made is to investigate it further.

MRS WARD Thank you Madam Speaker. My question is to Minister Sheridan. Has the Minister received actual report on Healthcare and Workers Compensation Scheme.

MR SHERIDAN Thank you Madam Speaker and thank you Mrs Ward for the question. Yes this question seems to be one that comes around and around and around and I can say that I have received another draft report, when I chased this up I think it was after the last meeting. I wanted to get the completed report in my hands as soon as possible. What has eventuated is that I have received a draft report again with comments from the person, Russell McGuire who is actually compiling the report saying that they are just finalising some figures from the figures in the Figtree system to enable more analysis so that the final report will be provided when those figures are analysed but it is interesting to note that, because the healthcare is in dire

straits, well it is in dire straits because the Revenue Fund has had to prop it up something like half a million dollars in the last 12 months. So we are trying to reach some conclusions on how best to address the problem and until I get the actual ? report I can't really address it and it's interesting that the draft report says here that no decision should be based solely on this report. So it's a report that you don't hold much sway in you might say Madam Speaker but what I can indicate to the community that is in the June period for the healthcare Levy I believe they should be expecting a rise in the levy to compensate for some of our you might say lack of increasing the levy in line with our Norfolk Island RPI yearly, it hasn't been included for so long now that everything has caught up with it and it's lagging behind. So that's just an initial indication but until I get the full report Madam Speaker I'm loathed to say exactly what would happen to the scheme.

MRS WARD A supplementary please Madam Speaker. The Minister mentioned a rise of the healthcare levy. Would a persons income or lack of income be taken into account or will this be a general rise across the board for the population.

MR SHERIDAN Thank you Madam Speaker. I haven't given that too much thought analysis at this point in time it would be envisaged that the Healthcare Levy would rise by I don't know \$20 \$25 a quarter, that's just early indications but until I do see that final report and I'm hoping that it is here well before June so that we can look at sort of getting this Healthcare Scheme back into line so that it does provide the benefits that it is designed to do for our residents.

MR KING Thank you Madam Speaker. A question for the Chief Minister please. Chief Minister Members have been advised at an informal meeting that the justification for the cost of attendance at the Tourist Ministers Council and the Standing Committee Attorney Generals is that better relationships need to be erected with people that travel and attendance at these Ministerial meetings might assist this process. My question to the Chief Minister is who came up with that explanation. If there is no better justification than that why are we attending these expensive get togethers.

CHIEF MINISTER Thank you Madam Speaker. I'm unable to give a response in terms of where that quote might have come from but I'm happy to examine that if it's provided to me but I can give some response to the factor that has been identified here which is Norfolk Island's participation in Ministerial Councils and the two that you have mentioned relate to tourism and to the legal area, the Attorney General's area. One of the things in the road map that has been identified is a closer interrelationship between those things that happen in the Australian scene and in the Norfolk Island scene so that Norfolk Island may share in the benefits, the wider benefits that are available in the Australian scene. It also talks about the extension of legislation from the Commonwealth's sphere into the Norfolk Island sphere. It talks about the interrelationships that might give Norfolk Island greater benefit in entering the tourism sphere. So if you just use those 2 broad spectrums for a moment you will see that if we are to gain distinct advantage in the benefits that may be derived there then we need to be in the business of participating and knowing the scene so that we can know where best to plug into systems that will deliver for Norfolk Island, whether they be in the tourist industry in the 2 instances we have just mentioned, tourist industry or in the legal area. When we come to Statements I will have a Statement prepared by my former colleague Mr Anderson in which he outlines the benefits that he has seen in terms of attendance at SCAGG which is the legal area and it might just illuminate and elaborate what I am saying now. So whatever the Statement is that Mr King has referred to I'm again saying that I'm happy to look at that if that's provided to me but I just present those factors that I have just put on the table now so that one can see the broader spectrum and the benefits therefore for Norfolk Island in participating in those. I should also say that in our

discussions with Minister Crean I identified with him the values that I've just explained in Norfolk Island being such a participant. Thank you.

MRS WARD Thank you Madam Speaker . My question is to Minister Sheridan. At the last meeting of this House the Minister informed us that he had received a draft environmental Impact Statement on the proposed pit burner and was now expecting that that would go to the development application stage. Is it a fact that the development application stage is based on a draft report and is it normal practice for the process to reach that stage without endorsement or at least comment from Members of the Assembly.

MR SHERIDAN Thank you Madam Speaker and thank you Mrs Ward for the question. Yes this is another long standing issue Madam Speaker the Environmental Impact Study that goes with the development application for a pit incinerator at the Waste Management Centre and yes I have received a draft report and that was some time ago and had some gaps in it that needed to be filled. I can say that those gaps in the EIS have been filled, I had a discussion with the Consultant this morning and she has completed that task, you might say, and what's holding it up at the moment is she's waiting for some more updated drawings from the Works area of the Administration, the Works Depot area, these guy are going to put together the pit incinerator so that she can put these drawings into the EIS and the development application for submission to the Planning Officer. Madam Speaker the process of bringing something like the EIS to the House for endorsement prior to the submission, I don't think by law or anywhere that it is required, it's just part of a development application that is being undertaken by the Administration, they are putting it together and it's just a requirement under out Planning that for a project of this type and EIS needs to be completed to go with it. So once I do get it and I perceive that the once the developmental application has been completed and it is envisaged that by the time the Planning Officer comes back off holidays by next Monday this development application should be on his desk waiting for him, but I have no objection to giving to MLA's the copy of the EIS that goes with it but there will be an opportunity for the community and Members to view the application when it's put out as part of the planning requirements, that's when it's put out for public consultation etc Madam Speaker. So that's where it stands at the moment.

MRS WARD Supplementary to Minister Sheridan. Is it a fact that as part of the development application process that the notification of that is gazetted and so the community are made fully aware that they are able to make a submission.

MR SHERIDAN Thank you Madam Speaker. Yes that's quite correct that's part of the planning process, the development application and one such as this and yes it will be gazetted, it will be on display in various areas within the Administration for a period of 28 day I believe it is and that's purely and solely for the benefit of the community so they can have input, whether it be favourable or not favourable Madam Speaker so yes that is the process, it will be on display, it will be gazetted so the community will not be left out of the process.

MR KING Can I ask a question in the nature of a supplementary to Mr Sheridan. Can the Minister advise whether the appropriate development and planning processes have been followed in relation to the shifting of dirt in the RESA Project at the southern end of the airport.

MR SHERIDAN Thank you Madam Speaker and thank you Mr King. In regards to the RESA Project, I'm not aware that anything has been untoward, they are just moving soil from the area of the Airport down to the RESA area and I believe that they intend to take some soil from a corner which is a road reserve which again they

could do work in the road reserve without getting a formal approval you might say. So yes as far as I'm concerned the approval is all in order.

MR KING Question to Minister Nobbs Madam Speaker. Can the Minister advise whether after all this time he has managed to secure some direct contribution from the cruise ship industry for harbour and port fees or is there still no contribution.

MR NOBBS Thank you Madam Speaker. In the discussions we had with Carnival Cruises in Sydney recently, and I had a feeling that I had already reported on this there was a discussion on the ongoing provision of harbour facilities and that there would be a cost attached to that. That cost is still under the negotiation process and that's probably all I need to say on that.

MRS WARD Thank you Madam Speaker. My question is to Minister Nobbs. Is the Minister prepared to table the Wally Parsons Report referring to the harbour.

MR NOBBS Thank you Madam Speaker. Quite prepared other than the fact that we don't have a report from Wally Parsons at this stage, as I reported earlier the CEO's requested that at this point in time we don't have it.

MR KING Thank you Madam Speaker. Question for Minister Sheridan if I may. Can the Minister provide an explanation regarding the fact that whilst preliminary testing of island cattle suggested 72% of island cattle were BVDV antibody positive, a subsequent costly testing and immunization programme failed to identify one persistently infested beast.

MR SHERIDAN Thank you Madam Speaker and thank you Mr King. Yes this goes back to a couple of years ago I suppose when that initial testing was done by the Veterinarian on Norfolk Island in conjunction with one of our bi-annual roundups and the data that I have seen and the data that was provided to me indicated that there was a severe case, or widespread BVD disease within the stock of Norfolk Island. As to the programme of going down to eradicate this disease and the inability to identify any cattle that are deemed to be a persistent carrier, the only indication that has been coming back to us is that the cattle who are infected, if they are not a persistent carrier you know they can get infected and it's like the flu, well after a while well you get over it and then your not a carrier anymore. There are only a certain amount that have both positive and negative antibodies so they are a persistent carrier and the only explanation that can be given to me by the Planning Officer who was in charge in the Administration area but through the Veterinarian on the island who has conducted these tests is that the cattle that have been the consistent carriers or both negative and positive carrier have been culled in the period in between because the stock owners have become aware of what to look for in cattle of who may have this disease so they have taken that opportunity to get rid of them, so it may have worked in our favour that when the whole programme was carried out that they have not identified one cattle that is a persistent carrier. So at least Madam Speaker, and I haven't got all the results back as yet I still thing they are testing some calves, because this goes on for about 9 months after the programme initially finished because they have to test the calves, and on completion of that we can unequivocally say that Norfolk Island is BVDV free.

MRS WARD Thank you Madam Speaker my question is for Minister Nobbs however I understand that the CEO has been a very busy man in recent weeks and that the Minister may not be able to table the IT Power group Report into alternate energy options for Norfolk Island.

MR NOBBS Thank you Madam Speaker. I do have a copy of that report but not with me at the moment. In a later part of this Sitting perhaps I'll be able to retrieve it and bring it up here and table it.

MR KING A further question for Mr Nobbs Madam Speaker. Can the Minister advise whether the inactive, Honeywell satellite landing system purchased at a cost of some \$1m some years ago is in an operable state and being adequately maintained and whether the Government has attempted to sell the dormant asset rather than let it simply depreciate and deteriorate.

MR NOBBS Thank you Madam Speaker. I'll only give advice as far as I'm aware and that is as far as I'm aware the unit has been calibrated in line with the calibration schedule to keep it up to date and as a useable asset. With regard has the Government looked at selling that item, in the past I am aware that other Governments have looked at that as a saleable item but the return on it was very very small and by keeping the options open of retaining the equipment it's been seen as a benefit to enhance the landing opportunities in inclement weather.

MR KING A question for Mr Sheridan Madam Speaker. Minister could you explain the major changes in the Governments recently amended free dental policy and what the underlying policy objectives are.

MR SHERIDAN Thank you Madam Speaker. Madam Speaker I was going to table the actual Dental Policy during Presentation of Papers so if Mr King would just like to wait until then and I can talk to the paper when I table it.

MRS WARD Thank you Madam Speaker a question for Minister Nobbs and I'm referring to the Funding Agreement with the Commonwealth signed in November. What information is the Commonwealth seeking in relation to island power supply and is it a fact that there may be opportunity for Norfolk Island to benefit from Commonwealth Government Alternate Energy initiatives once certain areas of our partnership are more clearly defined.

MR NOBBS Thank you Madam Speaker. In the Funding Agreement there was a requirement for a report on the Electricity Generation operation and costs to be made available to the chief Minister and it was to cover all areas of income and expenditure for the Power Station as I understood. As far as I'm aware the report has been finished at least to a draft level and with regard to access to Australian energy initiatives it would be remiss of me not to point out that we've had quite a substantial access to the tax scheme however in assessing the power generation costs through the report to the Chief Minister it will certainly enable the Commonwealth to understand our generation costs and perhaps offer some alternatives.

MR KING A question for the Chief Minister Madam Speaker. Could the Chief Minister explain why the end of financial accounts for the 09/10 year have not yet been tabled and whether it is a fact that as the Auditors were to sign off on the financial statements now they would issue a qualified Audit Report in relation to a financial aspect of the Airline operation.

MR BUFFETT Madam Speaker I need to take that on notice given that is in my colleagues area and I've got to acknowledge that I'm not across every item in that particular portfolio given the announcement that I made earlier in the day, but I will endeavour to do that and respond to Mr King so that he may be informed.

MR KING Madam Speaker a question for Minister Nobbs. At the last meeting the Minister declined to table the requested documentation relevant to the spin project as to quote "Legal Services Unit has advised him not to" as it would be a breach of contract and in the same meeting the Minister had no problem providing

contact detail relation to fuel delivery. My question to the Minister is can he help the House understand his selective openness.

MR NOBBS Thank you Madam Speaker. I don't consider that I'm offering a legal opinion. The information that I provided with regard to fuel was not specifically from the contact arrangements but it was with regard to providing the community some surety that there was some interim or handover arrangements.

MR KING A question for the Chief Minister in the same plane and I appreciate Chief Minister that you have been very busy, I understand that but please understand the frustration of the backbenchers in not knowing what to accept in relation to tabling of documents but there had been an undertaking that you would have available some guidelines in relation to tabling of documents and what we as mere backbenchers might expect.

MR BUFFETT Thank you Mr Deputy Speaker. Mr King is quite right Mr Deputy Speaker I did indicate that I would endeavour to prepare and present guidelines there and I've got to say that that has not transpired to date. I apologise for that but I'll endeavour to have it by our next sitting. I think I probably said that last time but I offer assurances again.

MR KING Thank you Mr Deputy Speaker. My apologies for the repetitive nature of the questions but they do recur from time to time such as this one to Mr Nobbs. At the last meeting the Minister stated that there needed to be substantial changes to and an introduction of performance indicators to the contracts of the agencies that operate within Norfolk Tourism. Can the Member inform the house what changes have been made to these contracts and whether he is prepared to table the indicators in relation to their performance.

MR NOBBS Thank you Mr Deputy Speaker I will need to take that on notice obviously the contracts have certain areas within them that are confidential and will require a legal advising to me on those.

MR KING A further question for the Tourism Minister. Is the Minister now available to provide some specific data on the success or otherwise of his 30kg baggage allowance initiative.

MR NOBBS Thank you Mr Deputy Speaker. First and foremost I actually can't take the kudos for the 30kg baggage allowance although I do endorse the initiative. From what I'm aware though the initiative came out of a collaboration between the Chamber of Commerce and Norfolk Air. I'm certainly able to take it on notice to get some information as to how many people utilise that 30kg allowance.

MR KING Thanks Madam Speaker I have a question to somebody, to Minister for Commerce who I understand is Mr Nobbs. Can the Minister advise if it is Government policy to allow an Employment Agency and the only Employment Agency on the island to maintain a master/servant relationship after placement of an employee in a job has occurred, bit of a curly one.

MR NOBBS Thank you Madam Speaker I will take that one on notice and perhaps Mr King and I could discuss that on the basis that it may cover a number of areas including the Employment Act.

MR KING Madam Speaker I have a question that I would put to the former Immigration Minister. I will outline the question but I don't necessarily expect an answer now but I nevertheless put that question to the Chief Minister. Can the Chief Minister explain if it is possible within the Immigration law and policy for an Employment Agency on Norfolk Island to assume responsibility for the obligations of an

employer under Immigration law and policy when in fact that Agency does not actually provide the work or the supervision for the particular employment.

MR BUFFETT I think I should examine that Madam Speaker and I think Mr King is expecting that I do that.

MR KING And I have a supplementary on this issue which clearly when I've finished these questions will be seen as one matter which is causing me some concern. In circumstances where any Employment Agency continues to extract a percentage of a persons wages after their placement in an employment position on the basis that the Agency remains their employer who in fact is responsible for the observance of the Immigration laws.

MR BUFFETT I'll encompass that in the response that I mentioned earlier Madam Speaker and if there are others of that nature that Mr King might have on his list well I just.

MR KING Well there are and I might like the Ministers to get their heads together but I'm just going to direct some similar questions to Mr Sheridan in his response to industrial relations and employment. The first being can the Minister explain Government policy in relation to an Employment Agency withholding part of an employers wage for an indefinite period after the employee has been placed in a position.

MR SHERIDAN Thank you Madam Speaker again whilst I'm really unaware of the process of the private sector and their employment role with finding placements for people wanting work again it would have to be investigated, it would have to be taken on notice so that a fully comprehensive answer could be supplied to Mr King.

MR KING Supplementary please Madam Speaker. In circumstances Minister where an Employment Agency holds itself out to be the ongoing employer of a person that he has placed in a particular position and from whom it will continue for an indefinite period to extract a percentage of their wage who is responsible for ensuring that the minimum terms and conditions and standards of employment and who will be held to account for any offences committed under the Employment Ac.

MADAM SPEAKER I think we're starting to stray a bit into a legal opinion but I'll leave it to you Minister Sheridan.

MR SHERIDAN Thank you Madam Speaker again I'll have to take that on notice, what I could say would really depend on what's in the contract between the person who is looking for the work and; the person who's put themselves up as an Employment Agency. So yes there is quite a few issues there that would have to be delved into further and I'll take that on notice.

QUESTIONS ON NOTICE

SPEAKER The first Question stands in Mr King's name, number 116, directed to the Chief Minister

MR BUFFETT Madam Speaker the question reads, On 03 Nov 2010 the Chief Minister advised that the Norfolk Island government had agreed with the Commonwealth government that it is "necessary to urgently achieve short term solutions as well as working co-operatively to ensure long term sustainability of the Norfolk Island economy through structural reforms to the Island's Governments arrangements and participation in the Australian Taxation and Social Security Systems". Given the urgency expressed in this statement made four months ago and the fact that the economy

continues to slide without any promise of short-term economic solutions or long-term certainty, can the Chief Minister explain precisely what the 3 November statement meant, with some emphasis on what he meant by “participation in the Australian taxation and social security systems”? Madam Speaker I think the answer in terms of that might lie in the Road Map that I addressed earlier in the day and for Mr King’s information I might refer to those headings number 4 and 5 which relates to social welfare in the first instance and secondly to the taxation regime in the next and I think that probably gives it an encompassing answer there. So I then might move on to the next Madam Speaker which is 117

SPEAKER Thank you Chief Minister. Moving to Question on Notice No 117, Mr King to the Chief Minister

MR BUFFETT Madam Speaker the question reads At the last meeting the Chief Minister gave extensive credit to his Tourism Minister for his tourism initiatives and made mention of “measurable outcomes”, the achievement of benefits and the improved judgment of his Tourism Minister, all without being specific. Given that the Chief Minister provided not one single example of a positive outcome from the Tourism Minister’s initiatives, what specifically is his support of the Tourism Minister based upon? The first thing I should say is that I did respond to that question I thought in substance when we were at our last sitting but I will elaborate somewhat so that it might give some further information. The measurable outcomes to which I referred included these. The Minister outlined at various stages a number of things which have been able to be measured. One for example when we commenced this 13th Legislative Assembly was to centralise the Norfolk Island Government Tourist Bureau offices and its Visitors Information Centre. That has been done. It’s been achieved. It has reduced costs. There is better communication between those two entities and effective use and improvement in use of Administration buildings, so there’s one specific. I in fact made mention of it when I answered the question before but I spell it out again. Another is that there has been put into place closer co-operation between Norfolk Air and the Government Tourist Bureau and that has been done and there is a greater co operative working arrangement between those two organisations which means there is improved co ordination for tactical and destination marketing and combined initiatives. Without a doubt there has been improvement there. The difficulty of course is still continuing to be delivering sufficient people to Norfolk Island but there is an outcome there that is measurable. Another is that the Minister met with Air New Zealand executives to demonstrate Norfolk Island commitment to both the airline arrangements and to various programmes and that was very, very important because Norfolk Island at that time was on the critical list but the result of those discussions and representations removed Norfolk Island from the critical list as far as Air New Zealand is concerned and a positive commitment from Air New Zealand and air New Zealand Holidays. Better deals in the marketplace for travel to Norfolk Island. Another initiative was, and this is including in New Zealand, a twelve month profile building programme in New Zealand and the outcome of that was the New Zealand representative developed proposals for a twelve month programme of continuous advertising in various print and radio media and that has enhanced our promotion with Air New Zealand holidays for special Norfolk Island deals. Similarly in terms of airline operations the Minister was involved in the simplification of the Norfolk airfare structure from seven levels at an earlier time to I think the present one is three, although that might vary marginally but in terms of moving it from a large number to a manageable and easily seeable arrangement that has been a positive outcome, so really what I’m trying to say Madam Speaker is that in reference to the Tourist Minister’s initiatives there are some examples and there have been positive outcomes and obviously with those positive outcomes, it leads me to say what I said earlier, that there is support for the Tourist Minister in his role, and I compliment him on those examples

SPEAKER Moving to Question on Notice No 118, Mr King to the Minister to Tourism, Industry & Development. Minister Nobbs

MR NOBBS Thank you Madam Speaker the question reads At the last meeting, the Minister said he would seek a report on discussions that were taking place at officer level with Tourism Australia on cooperative marketing. Can the Minister advise why in the 6 weeks that has since passed, he has not been able to provide that report? Thank you Madam Speaker I have no issue with circulating it, however, I think this came to my desk on the 3rd March and as we've been involved in a number of other matters it hasn't been circulated. It is now done

SPEAKER Moving to Question on Notice No 119, Mr King's to the Minister to Tourism, Industry & Development. Minister Nobbs

MR NOBBS Thank you Madam Speaker the question reads Can the Minister offer the community some promise of a greater future likelihood of cruise ship disembarkation than the current unloading rate of 33% and if not, why was the likelihood of an extremely low disembarkation rate not identified and advised to the Norfolk Island community at the outset? Madam Speaker both Carnival Cruises and the Norfolk Island Government have committed to do everything possible to improve the successful visitation from cruise ship passengers. Two separate unsuccessful disembarkations were caused by the Ship's Captain aborting the landing after viewing the pontoon installation process at Cascade and by the staff Captain's opinion of the sea conditions at Kingston. Proposed remedies to those situations are to install the pontoon prior to the arrival of the ship and to improve communications with the Staff Captains, a matter discussed at recent meetings with Carnival Cruises. Just one other aspect is that the P and O Rep considered that they had 50% disembarkation rate on the basis that the ship's actually arriving in port at Norfolk Island and unloading passengers as opposed to two of the six cruise ships which were diverted away from Norfolk Island some consideration distance away from the island due to tropical cyclone and in one instance four meter swells in the southern ocean

SPEAKER Thank you Mr Nobbs. Moving to Question on Notice No 120, Mr King to ask the Chief Minister

MR BUFFETT Thank you Madam Speaker the question reads How does the Chief Minister justify and support the statement by one of his minister's to an industry organisation questioning that organisation's support of the Territories Law Reform Act, when the Norfolk Island Government itself committed through its funding agreement with the Commonwealth, to public support of the reforms, objects and purposes reflected in the Act? If I'm to respond to this I would appreciate Mr King providing me with some further detail really. It talks about one of his Minister's and I'm not too sure which one he is referring to. It talks about an industry organisation without necessarily telling me which industry organisation. I'm better equipped to respond and do some research if Mr King is able to fill in those details

SPEAKER Thank you Chief Minister moving along to Question on Notice No 121, Mr King to the Minister to Tourism, Industry & Development. Minister Nobbs

MR NOBBS Thank you Madam Speaker the question reads Will the Minister provide an update on the airport runway emergency safety areas project, including;

- a) Budgeted costs, expenditure to date and expected overall costs, treating each end of the runway separately,
- b) CASA approvals and engineering certification.
- c) Expected completion dates?

I have a response from the Airport Manager who is overseeing the project and I'll read it as follows. Section a) of the question. The completed costs for the RESA at runway 11 was \$1m capped at that figure by the then Legislative Assembly executives. RESA at

runway 29 during the three week lifetime has consumed \$27,740 with the expected total to be around the \$300,000 mark. The CASA approvals for both completed RESA works won't be provided until both projects are completed. RESA at Runway 29 is yet to be completed with a target of not later than date of 30th June 2011. Engineering drawings were completed for both runway ends at the time of commencing work on RESA at runway 11 and also is now providing guidance for the RESA at runway 29. With regards to part c) of the question, expected completion dates as outlined earlier, RESA on the end on runway 11 is complete and while RESA at runway 29, June 30th 2011 is the not later than finish date with the actual finish expected to be during the month of May

SPEAKER Thank you Mr Nobbs. Moving to Question on Notice No 122, Mr King to ask the Minister for Community Services

MR SHERIDAN Thank you Madam Speaker and the question reads, Will the Minister provide an update on progress with an independent and professional assessment of the integrity of the water assurance scheme pipeline? Madam Speaker the audit of the Water Assurance Scheme was to be commenced earlier this year or calling for expressions of interest to undertake this work. In an email dated the 7th February the Planning Officer indicated that he was planning leave from the 21st February to the 11th march and he listed his work load for the next two weeks prior to his departing on leave. The expression of interest for the audit of the Water Assurance Scheme was on this list. Unfortunately by the 18th February and with an updated email as to the progress of the Planning Officer's workload, the expression of interest for the audit was still yet to be completed. Another factor compounding this issue was that during the mid year budget review the \$25,000 which was identified for this audit was taken out of the budget as being identified as not being a critical task at this point in time with the funds available for the Administration being in very short supply. Madam Speaker I'm still hopeful that funds will be identified to enable this task to be completed and it is my intention to discuss the way forward with the Planning Officer on his return from leave which I believe is this coming Monday

MR KING Madam Speaker a supplementary question, Minister isn't it a fact that you in this House described this as a priority project in the interests of public health and has that changed

MR SHERIDAN Thank you Madam Speaker, no in my opinion it hasn't changed, thank you Mr King. It is a priority issue for myself in regards to public health etc, but in light of our financial dire straits it was taken out. It initially was identified but it got...

MR KING it got relegated

MR SHERIDAN It got taken out and if I'm to still fulfill this task I'm going to have to try and find some funds from elsewhere within the scheme which I'm hopeful that I can do

SPEAKER Thank you Mr Sheridan. Moving to Question on Notice No 123, Mrs Ward to ask the Minister for Finance and The Attorney-General and I'll look to you shall I Chief Minister

MR BUFFETT Madam Speaker yes, I'm not in a position about that one at this moment

SPEAKER That will stay on notice. Moving along to Question on Notice No 124, Mrs Ward to the Minister to Tourism, Industry & Development. Minister Nobbs

MR NOBBS Thank you Madam Speaker the question reads, In the September 2010 sitting of the House, questions were asked about the outstanding debt to New Zealand Telecom and repayment of that debt. The Minister stated "it's in an early stage of discussion with the executive of Telecom New Zealand and that an installment program would seem to be within our means". What is the current outstanding amount owed to NZ Telecom by Norfolk Island and isn't it a fact that repayment of the debt is beyond our means? Thank you Madam Speaker the total amount owing to Telecom New Zealand as at 28th February 2011 is \$1,182,506. Repayment is beyond our means and is currently the subject of negotiations between the Commonwealth and Norfolk Island and Norfolk Island and TNZI

MR KING A supplementary question Madam Speaker I wonder if the Minister can tell me whether that \$1,182,506 debt includes the missing invoices of which he was unaware

MR NOBBS Thank you Madam Speaker that is the outstanding amount in its totality. We are obviously ...

SPEAKER Thank you Minister Nobbs. Moving along to Question on Notice No 125, Mrs Ward to the Minister to Tourism, Industry & Development. Minister Nobbs

MR NOBBS Thank you Madam Speaker question 125 reads, In relation to the Norfolk Air 2010/11 budget:

- a) is it a fact that the Airline CEO under estimated Airline losses for the year by \$4.5M and if so, what are the consequences?
- b) other than passenger numbers and average fares what additional incorrect assumptions were the projections based on?
- c) what are the performance based indicators for the Board of Norfolk Air and similarly, for the Airline CEO, to ensure accountability to this community?

With regard to part a) of that, no it is not a fact that the Airline losses for the year have been underestimated by \$4.5m. The last rolling reforecast for the year end loss stands at \$5.141m versus the budget forecast set in April/May last year of \$1.515m thus the forecast loss is some \$3.6m more than was forecast when the budget was framed. As it applies to budget versus that rolling forecast as at mid February the following figures relate. With regard to the budget revenue was at \$22,310,000. Expenditure was \$23,830,000. the reforecast shows a revenue of \$16,840,000 and an expenditure of \$21,980,000. What that demonstrates is that the expenditure has not increased, in fact it has reduced. Without exception all expenditure line items are within or below the forecast budget. On the revenue side the reforecast for passenger numbers for the year is down by almost 19% versus the budget with average fares also being some 12% lower than budget. As a result of the lower passenger numbers and to some extent reflecting the lower resident population on the island and overall lessened demand, freight and mail receipts are forecast to be some 6% lower than budgeted. The primary assumptions in framing the budget was that the 10/11 financial year would start to see some recovery in visitor numbers to the island, that using numbers still short of 08/09 visitors but seeing an increase of almost 10% on the 09/10 outcome. Much of this recovery was built into the second half of the 10/11 financial year and sadly it has not eventuated and in fact we will see total second half visitor numbers decline substantially versus the 09/10 number. This can be put down to a range of factors, many of which have been discussed at length. Lack of destination profile in the market, increased competition from many other destinations, self funded retirees seniors markets still being in the doldrums after the GFC related to their superannuation funds etc. The decline in average fares is directly related to selling more event inventory at lower end prices in an effort to stimulate travel to Norfolk Island. In answer to part B) the response is that I do not believe there were other incorrect assumptions. In terms of the Board Norfolk Air was established to ensure a regular passenger air transport to Norfolk Island and the intention was to stimulate the economy and retain confidence in Norfolk Island as a

destination. The Board is keeping a watchful eye over the finances of Norfolk Air and is concerned as everyone is at the continuing losses being experienced but without an air service to Norfolk Island we would have a significantly reduced tourism industry apart from visitors from New Zealand with a likely resultant collapse in the economy. As part of the discussions with the Commonwealth resources have been provided to enable the Norfolk Island Government and the Commonwealth to obtain advice on the best outcome regarding the provision of air services. Lastly the Airline CEO has specific performance criteria and accountability defined in his contract

SPEAKER Thank you Minister Nobbs. We move now to Question on Notice No 126, Mrs Ward to the Chief Minister

MR BUFFETT Thank you Madam Speaker the question reads, Will the Chief Minister inform the community of observations and recommendations made in the Independent Commonwealth consultant's report into the running of Norfolk Air and was it within the consultant's scope to provide a projected revenue loss for the coming financial year? Madam Speaker I've partly responded to this in a question I answered without notice earlier in the day. I pointed out there that the report is yet to be finalised and that it is in the Commonwealth's hands in that context, and as soon as we have that there was projected that there would be no difficulty in providing the report and it would be in that context that this detail would come forward

SPEAKER Thank you Chief Minister. We move now to Question on Notice No 127, Mrs Ward to the Chief Minister

MR BUFFETT Thank you Madam Speaker the question reads, Given the normal consequences of breaching a commercial contract, can the Chief Minister advise whether adequate insurance is held against claims for private business losses caused by the termination of satellite services by New Zealand Telecom? Madam Speaker you will of course know better than all of us that a question is not able to seek a legal opinion as stated in Standing Order No 104 5(b) and so my answer will not be so framed, obviously. I am not able to comment on insurance arrangements that may be held by New Zealand Telecom of course, New Zealand Telecom is mentioned in the question to me, what I can provide to the House is an extract of what I am advised is taken from the Telecommunications Act 1992 and section 56(a)(1) of the Act states this – the Administration is not liable for loss resulting from and it goes (a) to (f), (a) an interruption in the supply of Telecommunications service by whatever means caused, (b) a disconnection of a Telecommunications service or (c) a delay in connecting or reconnecting a Telecommunications service or (d) a failure, variation or defect in any facet of a Telecommunications service or (e) a failure of equipment or (f) compliance with the direction of the Executive Member to disconnect, remove or deconfigure line link or satellite disc and no action, suit or proceedings may be brought against the Administration in respect of such interruption, disconnection, delay failure, variation, defect, removal, direction or reconfiguration” end of quotation

MR KING A supplementary question please Madam Speaker. For the purposes of clarification was your answer no

MR BUFFETT I've given you the answer

SPEAKER Moving along to Question on Notice No 128, Mr King to ask the Minister for Tourism, Industry & Development. Minister Nobbs

MR NOBBS Thank you Madam Speaker the question reads, (1) What contingency plans are in place should New Zealand Telecom decide to terminate Norfolk Telecoms satellite services as a result of a breach of contract? and (2) Is it technically possible, as part of a contingency plan, for Norfolk Telecom to redirect their services into and out of Norfolk Island via any other on-island satellite service provider in

the event of termination by New Zealand Telecom and has any other provider been approached to provide this contingency? Thank you. With regard to question 1, there currently is no contingency plan in place should Telecom New Zealand decide to terminate Norfolk Telecom's satellite connection. To date Telecom New Zealand has not provided any notice that the satellite connection will be terminated and the discussions are positive and ongoing. Part 2, current technical setup involves utilising and connection to, Telecom owned satellite earth stations capable of handling carrier grade telephony, internet services, virtual private networks, leased line circuits and mobile services including roaming and SMS facilities, which are subject to various carrier agreements. In today's world almost nothing is technically impossible however, the transfer of these services to another satellite operator is in my view a practical impossibility. I am also advised that there is no other carrier grade on island provider that is capable of providing the range of communications services that is in operation on Norfolk Island or provides the international connectivity that is required and equivalent to that which is currently provided by Telecom New Zealand. No other provider has been approached

MR KING I have a supplementary question Madam Speaker. What did the Minister mean by saying there is a practical impossibility to negotiate alternative plans for the redirection of services into and out of Norfolk Island and the question did not relate to the entire range of services. It related to the maintenance of a basic range of communications in a contingency plan

MR NOBBS Thank you Madam Speaker first and foremost we are not in a situation where we are needing to be forming contingency plans as the discussions as I said are ongoing and positive. They are also discussions whereby we have involved the Commonwealth with us to discuss the ongoing provision of Telecommunications services to Norfolk Island

SPEAKER Thank you Minister. Moving to Question on Notice No 129, Mrs Ward to ask the Minister for Finance and The Attorney-General and shall I look to you Chief Minister

MR BUFFETT Madam Speaker yes, 129 and 130 are to the Minister for Finance. I am able to respond to 130 but the other will have to wait for another occasion Madam Speaker

SPEAKER Number 129 will stay on notice

MR BUFFETT Thank you Madam Speaker. This question is, Is it a fact Minister that the assessment by your colleague in September that the Norfolk Island Government had the financial capacity to clear the NZ Telecom debt was incorrect and therefore is it a fact that your colleague misled the House? Madam Speaker in September 2010 it was believed that the Norfolk Island Government had the financial capacity to meet payments to Telecom New Zealand International because a repayment plan had been proposed to TNZI which could be met from the budget allocation for Norfolk Telecom and in that context of course, I don't believe that the Minister with responsibility for Communications misled the House

SPEAKER Thank you Chief Minister. That concludes Questions on Notice and we move now to Papers

PRESENTATION OF PAPERS

Are there any Papers for presentation this afternoon Honourable Members

MR BUFFETT Madam Speaker I am speaking without notice in effect to cover some matters that would be in the hands of the Minister for Finance. This

is the Customs Act 191, Approved Exemptions, section 2B2 of the Customs Act makes provision for the executive member to exempt goods from duty where the duty payable is less than \$200 and section 2B5 of the Act provides that where the Executive Member has exercised his power, he shall lay a copy of the exemption on the table of the Legislative Assembly and I so table those exemptions Madam Speaker

MR BUFFETT Madam Speaker under section 32b of the Public Moneys Act 1979 the Minister responsible may direct in writing, transfers between divisions and subdivisions or individual items if there is a savings or surplus of funds available elsewhere within the budget. Subsection 32b1 provides that the executive member shall lay a direction given before the Legislative Assembly within two sitting days of the making of the direction and I so table those directions. They are virement arrangements as Members will readily recognise

MR BUFFETT Madam Speaker, this is a report to the Legislative Assembly pursuant to the provisions of the Immigration Act 1980 about Declarations of Residency. Paragraph 34(20) of the Immigration Act requires that the executive member report to the Legislative Assembly not later than the 31st March the number of Declarations of Residency granted under section 33 during the year ended on the previous 31 December. I now accordingly report that there were 36 Declarations of Residency granted during the year ended 31 December 2010

MR NOBBS Thank you Madam Speaker I table the Inbound passenger statistics for January 2010. These show a figure of 1,698 visitors to the island and I need to point out that we continue as a Government to support an array of destinations and tactical advertising through our Tourist Bureau and through combined private sector and Government endeavours. Recently the Norfolk Island Government Tourist Bureau and the UTC Coordinated Road Show involved the showcasing of Norfolk Island and the diverse visitor experience with tours, accommodation and more to large numbers of potential travellers and wholesalers. Around 40,000 for example filed through the Sydney Flight Centre Expo that we were part of, with that Expo exceeding sales in a one day period against the previous year. Overall the response was very positive with our industry partners as well as people seeking destination information for visitation to Norfolk Island. The GM for Tourism and the CEO for Norfolk Air both reported that wholesalers had shown great interest in Norfolk Island as a destination to sell. In particular siting the self famil programme as a great initiative that would gain Norfolk Island not only better support but better understanding of the destination. Community involvement in these promotions was strong and much appreciated with four reps and eight operators promoting Norfolk Island as a fantastic destination. I would also like to acknowledge the community involvement in the various initiatives such as the current Imparja television advertising, the Westpac Bank promotion of the island, B & J Events and Cudo organising team and the various other individuals and groups who are supporting events, groups and visitations to our island. Air New Zealand have also provided some great offerings in the market and these are seeing renewed traveller interest from New Zealand. Tourism and air services were featured highly within our intergovernmental discussions of course. Madam Speaker as Minister responsible for Tourism I can assure you that no stone is being left unturned in utilising promotional opportunities for Norfolk Island. I appreciate the work being done on many levels by our officers, the Bureau, the Board, the airline and our industry reps who are working towards more tourists coming to Norfolk Island

MR BUFFETT Thank you Madam Speaker, subsection 11(1) of the Public Moneys Act 1979 provides that a head of Trust Fund may be created by either enactment or by written instrument. Paragraph 11(1)(a)(b) of the Act provides that an instrument creating a Head of the Trust Fund shall be laid before the Legislative Assembly within two sitting days after the making of that instrument. On the 20th December 2010 the Minister executed an instrument creating a Head of Trust Fund under the Act to be known as the Commonwealth Financial Assistant Account and I now

table that instrument and move that it be noted. The purposes of the Commonwealth Financial Assistant Account are to be a repository for monies provided by the Commonwealth for the purposes specified in the funding agreement dated the 16th January 2010 made between the two Governments and, of course in terms of lodging those funds, there is the provision that they are to be spent in accordance with that funding agreement that I've just quoted to you, and I table that instrument Madam Speaker. It's creating the head of that trust fund

SPEAKER Thank you. The question before us is that the Paper be noted. Any debate Honourable Members

QUESTION PUT
AGREED

The ayes have it, the Paper is so tabled and noted

MR NOBBS Thank you Madam Speaker, I'm tabling this letter from Strategic Economics Consulting Group Pty Ltd being the authors of the report previously tabled entitled Review of Telecommunications Competition on Norfolk Island. The letter retracts a paragraph in the report which describes a carrier as Tier 3 or 4 internet service provider and categorises the service quality from such tiers as being less than tier 1 or 2. The particular carrier objected to the statement and requested this restriction be tabled in a similar manner to the report. Whilst Strategic Economics Consulting Group Pty Ltd accepts to retract the statement irrespective of the merits of the request for retraction it does so to prevent diversion of comment away from the substantive conclusions on the Telecommunications competition relevant to Norfolk Island contained in the report.

MR SHERIDAN Thank you Madam Speaker I would just like to table a Policy on Dental Treatment for Children and Pregnant Women. Madam Speaker just before I table this, I'll just give a bit of background. The last policy on dental treatment for these types of people on Norfolk Island, children and pregnant women, was tabled in the House in July 1985 so its due time for it to be reviewed and I'll just read through it. It is fairly short, and it just says Norfolk Island Government provides free preventative and restorative dental treatment at the Dental Clinic on Norfolk Island to preschool children, school children, students and pregnant women. To be eligible persons must be or whose parents are residents within the meaning of the Immigration Act 1980 and who are ordinarily resident on Norfolk Island or hold a General or Temporary Entry Permit under the Immigration Act 1980 and who are ordinarily resident on Norfolk Island. Madam Speaker it carries a definition of preventative and restorative dentistry and preventative states that dentistry concerned with maintenance of the normal masticating mechanism by fortifying the structures of the old cavity against damage or disease and restorative - dentistry concerned with the restoration of existing teeth that are defective because of disease, trauma or abnormal development to normal function, health and appearance. It includes crowns and bridge work. Madam Speaker it then classifies 4 types of people who are eligible and they are pre school children, children attending the Norfolk Island Central School, students from the Norfolk Island Central School who are in receipt of a Bursary or Scholarship attending further education or training overseas and who are not remunerated as a trainee or apprentice or is a self funded former student completing Years 11 and 12 overseas, and it also details the standards for the pregnant women. They state that they are eligible for dental treatment, for dental examination plus any preventative treatment and any treatment for conditions that would be detrimental to their health whilst pregnant free of charge. Madam Speaker all those 4 classifications all read virtually the same in that they receive free preventative and restorative dental treatment but should restorative dental treatment be required the patient must pay for the external laboratory fees. The only difference there is that for pregnant women any restorative dental work is to be at the patients expense. Madam Speaker the intent behind the policy, like you said it's updating policy from 1985 and the 1985 policy

virtually had those 4 classes of people in there and it made available free dental treatment. The intent of this new policy, whilst very similar, the intent is to enable school children here on Norfolk Island to maintain their teeth in a healthy condition you might say, in a healthy condition and so that they are able to obtain free dental services for preventative as I said and I stated the definitions and the basic restorative dentistry. If the work needs to be done offshore for the restorative work i.e crowns and bridge work, the cost of those offshore work will be carried by the patient. So any restorative work that is undertaken in the Norfolk Island Dentistry will be free it's just the cost that is incurred offshore has to be carried by the patient and Madam Speaker this is you might say it's a balance between providing wholus bolus free dental treatment, it's an encouragement for people to maintain their teeth in good working order you might say but where there is a hole or two and the normal wear and tear on your teeth well that treatment is provided free but when you do need crowns and bridge work etc this will come from people who don't look after their teeth, you might say neglect their teeth and it's seen that the community shouldn't have to bear those costs you might say and with the pregnant women policy it say there that they will provide treatment for conditions that will be detrimental to their health whilst pregnant free of charge and any restorative dental work is to be at the patients expense. The intent there Madam Speaker is that healthy teeth for pregnant women is essential to the health of the child that they are carrying so it's beneficial for the pregnant woman to receive free treatment to ensure that their teeth are kept in a healthy state, but again if they present to the Dentist with a mouth full of teeth that need substantial restorative work those costs would have to be borne by the patient so it's just finding that line between what is provided free of charge and what costs are borne by the patient Madam Speaker.

MADAM SPEAKER

Further Papers for Presentation.

MR NOBBS

Thank you Madam Speaker. I spoke earlier about the IT Power Renewable Energies Report for Norfolk Island and I table that report now.

STATEMENTS

CHIEF MINISTER

Thank you Madam Speaker. Madam Speaker I firstly make a Statement about the SCAG Meeting a recent Ministerial Council. There was an earlier question that was raised in Questions Without Notice about this and the two might be moulded together for some information. The first meeting of the Standing Committee of Attorney General for 2011 Madam Speaker was held last Friday and Saturday in Wellington in New Zealand. The New Zealand Minister for Justice Simon Power chaired the meeting and the Attorneys from the Commonwealth, Northern Territory and Victoria were present with the Attorney General from Queensland being present for parts of the meeting by telephone. The South Australian Minister for Industrial Relations State and Local Government Relation and Gambling represented his State and Departmental representatives were present from the ACT, NSW which we know is in caretaker mode, Tasmania and Western Australia. My Colleague Minister Anderson represented Norfolk Island and I'm really reading from items that he has prepared in terms of this Report, represented Norfolk Island in Norfolk Islands capacity as an observer at the meeting. Consideration was initially given to the changing of the Standing Committee to be a Standing Committee of COAG. The new system was agreed to at COAG on the 13th February and 7 strategic priorities are being developed by SCAG for submission to COAG for their consideration. The operation of the Standing Committee is under development and will be subject to further input at the next meeting. Norfolk Island is expected to retain it's observer status as no changes to the participants were raised or were discussed. As a matter of interest 12 standing Councils will be established and they are in the areas of and they are listed here, Health, Community Housing and Disability Services, School Education and Early Childhood, Tertiary Education Skills and Employment, Transport and Infrastructure, Police and Emergency Management, Law and Justice the SCAG replacement, Federal Financial Relations, Energy and Resources, Environment and Water, Regional Australia, Primary Industries.

So there will be many Councils that will have direct relevance to Norfolk Island or need to monitor their development in the context of that which I'm just describing to you. Time was spent discussing the classifications of computer games and mobiles and online games. There are at least 50 computer games that are classified R 18 plus or are banned that can be accessed in Australian States and Territories and the matter will be further discussed at the next meeting when it was agreed a decision would be made. Legal Aid Reform was discussed generally in the New Zealand context but they have relevance to all jurisdictions. Funding was also touched on briefly with the Commonwealth noting that it had a substantial budget for Legal Aid but the States and Territories still are considering it to be inadequate. The Commonwealth commented on the implementation of the Trans Tasman Treaty on Court Procedure which will be enforced in the second half of 2011. Trans Tasman Proceeding Act 2010 extends to all Territories so it applies to Norfolk Island. It will simplify the situation where proceedings are carried on by parties in the 2 countries and that it will also simplify enforcement of Trans Tasman judgments. Its objective is to encourage trade and develop a single economic market. Of particular relevance to Norfolk Island is a national plan to reduce violence against women and the implementation of a national scheme for domestic and family violence orders. The scheme will require model legislation to be introduced in all jurisdictions to allow automatic recognition across jurisdictional orders of orders. That will mean an order made on NSW will be applicable in all other jurisdictions. The system will operate through the Federal Crimtrack system operated nationally by the Police and provided we have access we should also be able to be part of the new system and the Commonwealth is investigating funding and will report back to a subsequent meeting. A national proposal is being developed to allow the reporting of detected cyber crime in an attempt to establish the extent of the problem and determine policies to deal with it. Victoria initiated discussions to consider options for developing a legislative response to address cases of obtaining, forwarding, displaying or publishing of privately obtained sexual images without consent and this will be developed further at a subsequent meeting. Laws relating to cults were considered as a part of out of session papers and it was agreed the law as it stands is adequate at present. That gives an overview that has been prepared by my colleagues in terms of his presence at SCAG and you will see that it is quite wide ranging and there are things that we will be compelled indeed to address in the Norfolk Island context and if that be the case then we need to know how it ticks how it functions and to have context to be able to address the issues expeditiously when that is necessary and to do it the best way that will fit into the Norfolk Island scheme things. I compliment Minister Craig on both his attendance and covering those issues and representing us well. The next SCAG meeting is scheduled for Adelaide in July of this year.

CHIEF MINISTER This is about the GEP quota. Members will know that normally each February the Minister who has responsibility for Immigration brings forward a Motion to the House to set a GEP quota for the 12 months that is to follow. The Immigration Act says the Minister may, may set a quota and it's with that in mind that it has been decided and the Cabinet has endorsed that in order to encourage population growth in order that we are genuinely seen to be moving to reduce barriers that we will not set a quota for the next 12 months. That simply means that there are no GEP applications that are subject to there being a quota place available. We need further residents and this is an indicator of our willingness to walk along that path.

MR KING Madam Speaker I have a Statement of an official nature. Madam Speaker I wish to make an official Statement as Chairperson of the Public Accounts and Estimates Committee. As Chair of the Public Accounts and Estimates Committee it is my intention to convene a meeting of the Committee to conduct in terms of Standing Order 20 B a specific examination of 3 items which form part of the Public Accounts of receipts and expenditure namely 1) a receipt and expenditure of barter card dollars 2) expenditure of public monies on a report entitled Review of Telecommunications Competition on Norfolk Island dated December 2010 and 3) the financial capacity to satisfy contractual obligations with New Zealand Telecom

TOURIST ACCOMMODATION ACT 1984 – TRANSFER OF REGISTRATION LICENCE OF 1 UNIT FROM VIEW REST INN TO CUMBERLAND CLOSE RESORT AND SPA

MR NOBBS Thank you Mr Deputy Speaker. I move that for the purposes of Section 15 (a) of the Tourist Accommodation Act 1984 this House resolves that the registration of 1 tourist accommodation unit from the tourist accommodation house known as View Rest Inn may be transferred from the place described in its current instrument of registration to Portion 38 D (1) Taylors Road known as Cumberland Resort and Spa subject to compliance with the following conditions. Condition 1 – Application for approval of Change of Ownership of the tourist accommodation unit must be made in accordance with all applicable statutory requirements after the Ministers approval of the transfer under Section 15 A (2) in accordance with this resolution 2. The premises to which registration is transferred must a) comply with statutory requirements for the ownership and operation of tourist accommodation b) comply with statutory planning and building requirements for the siting and construction of tourist accommodation c) the 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.

MR NOBBS Thank you I'll just briefly add to this one but this is reinstating our unit licence for a previously licensed unit on that property that is going through a comprehensive refurbishment at the moment. So I endorse this Notice on the Notice Paper and what I would hope to so is actually progress this one through today.

MR DEPUTY SPEAKER Is that agreed Honourable Members. Mr Nobbs you may speak.

MR DEPUTY SPEAKER Mr Deputy Speaker I put the question that we progress through all stages. I put the Motion that the Motion be agreed to.

QUESTION PUT
AGREED

ANSWER TO QUESTION ON NOTICE NO. 107 RELATING TO BARTECARD DOLLARS

MR KING Thank you Mr Deputy Speaker. I move that the House take note of Minister Nobbs answer to a Question on Notice No 107 asked at the 19th January 2011 sitting of the House relating to the handling of Administrations Barter card dollars. Thank you Mr Deputy Speaker. At the last sitting of the House Minister Nobbs was asked a Question on Notice. Is it not a fact that there is no legal advice authorizing or supporting the Ministers handling of Bartercard dollars. Mr Deputy Speaker he simply declined to answer and effectively with a heir of apparent contempt dismissed me by saying that he had better things to do than pursue legal advice because simply because I thought he had something to do with bartercard dollars when he reckoned he didn't. Mr Deputy Speaker I ask you what sort of an answer is that apart from the dismissive and some what arrogant nature of the answer it sadly seems to be a reflection or indication that the Minister perhaps does not understand what Ministeria responsibility really means. Mr Deputy Speaker over the past 6 months or so the Minister himself has conceded 2 important things in relation to this issue. Firstly that there is or there was a considerable amount of bartercard trade dollars held by the Administration. He said in September that there was some 110,000 bartercard dollars held in credit by Norfolk Air and secondly and importantly he conceded that the bartercard doll amount was reflected as a balance sheet item in the accounts of the Airport. Now Mr Deputy Speaker as far as I'm aware Mr Nobbs has ministerial

responsibility for both those areas and unless he's been removed by his colleagues in recent times he's also Chairman of the Airline Board. But now Mr Deputy Speaker he seems to have turned his back on that executive responsibility that was given to him or vested in him by this House but maybe just maybe Mr Deputy Speaker I'm barking up the wrong tree. Perhaps Minister Nobbs has passed the responsibility for bartercards to the Chief Minister or perhaps Mr Sheridan. Maybe they can offer the level of assurance that I require as to his handling of assets belonging to the community, an assurance that they have been treated in accordance with the laws put in place to safeguard those assets of the community. Mr Deputy Speaker it is Mr Nobbs' fault and Mr Nobbs' fault alone that I'm moving this Motion today. It provides me with an opportunity to debate an answer. It is a device which is not used very often in this House. I don't know whether it has been used previously but it's a device or use of a device which puts the Minister on notice that the subject matter of the answers given to this House does not stop at the point of providing an answer. Mr Deputy Speaker Mr Nobbs almost got there in November last when he replied to a very clear question of whether there is full and proper legal authority for the disposition of those dollars when he said "yes I would assume that they are given the approval that they have gone through". Yes I would assume that they are given the approval that they have gone through whatever that meant clearly Mr Deputy Speaker but somewhere in there one could gauge that the Minister thought that everything was kosher. Naturally enough Mr Deputy Speaker I was entitled to reject those words as an absolute assurance. They were far too vague so I asked at the following meeting On Notice if Minister Nobbs would obtain and table legal advice in relation to the handling of the Bartercard dollars. He said under some encouragement that he would but of course we know that he didn't supply and at the last meeting he simply told me to go and jump, mind my own business. Mr Deputy Speaker Mr Nobbs said in November last in relation to this issue that and I quote "the utilisation of those Barter card dollars goes through very much the same process as the Budget Review Committee process for Public Service expenditure" end of quote. I think at a subsequent period in time or immediately prior to that he tabled in this House a Statement of Intent, I'm not particularly in favour of what those Statement of Intent really mean but on reading it again this morning there is an indication that he intended to develop some new committee called the Barter card Expenditure Review Group for heavens sake which job it was going to be was to determine the processes that were followed in disposing or using these dollars was followed the law. We have not had any further than that and in any event that committee as is the Budget Review Committee would be an adhoc committee and not have the force of law and it cannot whatever it does override what is required to happen as law. It is the Public Monies Act of course Mr Deputy Speaker which protects community funds against unauthorized expenditure and that law provides very clearly that only in specified circumstances can public monies be spent without the approval of this House. But before Members start jumping up and down and tell me that those Bartercard dollars are not real dollars, let me say this Mr Deputy Speaker that Bartercard dollars are an asset of the Administration or the community, they belong to the community, even the Minister of course has confirmed that that Bartercard dollars are not monopoly money, their disposal or expenditure must be dealt with according to law, anything undermines confidence in the rule of law. Why would the community be required to respect the law when our own elected representatives appear not to. There is one more final point that I would wish to make and it is this. We are all equal in this forum in this House. There really is no hierarchy, expect that which is reflected in the office of the Speaker. We are all equal. This House appoints Ministers to exercise executive authority and to provide leadership outside the House. This House gave them that authority and it is to this House that they are accountable and to that end, it is acknowledge widely and authoritatively that the primary role of this House is to examine and challenge the work of Government, that is inescapable. In a speech given in 2009 by the Speaker of the House of Commons the Right Hon John Berkow he spoke of the collective rights and duties of Members of Parliament. He said that Minister must concede that they are reasonable to backbenchers if meaningful accountability is to be achieved. It would be naïve if Ministers of the Norfolk Island Government, Ministers

appointed by this House were to anticipate in these deeply troubled times the serious question marks hanging over our immediate political past and uncertainty shrouding our future that the level of scrutiny would remain at the low and almost meaningless levels of the past. The community have a right to know and understand what is happening here and I'm sure that I and my fellow backbenchers would use whatever parliamentary device is available to us to do our job to ensure that Ministers do theirs. Thank you

MR NOBBS

Thank you Mr Deputy Speaker. In a nutshell I can answer this. Yes Mr King has barked up the wrong tree. In earlier questions that have been with the handling of Bartercard dollars I have tabled a document which outlines the process that Bartercard expenditure is to go through which is, as Mr King has mentioned, through the Bartercard Expenditure Review Group, much the same as the Budget Review committee, which using exactly the same membership and the same process to ensure that the expenditure is scrutinised. In that same document there is reference to the fact that we obviously want to make sure, that even though Bartercard are in perhaps a grey area, that they comply with the Public Moneys Act. That is on the first page of that document when that is there so that we are where ever possible with regard to the Bartercard dollars going through an approved process that satisfies scrutiny and satisfies audit. If you are to look at the levels of scrutiny for Bartercard expenditure as opposed to normal cash expenditure with regard to the Budget Review Committee the Bartercard Expenditure Review Group is one level, but on a fortnightly basis there is also a report generated from the airline on any incoming or outgoing expenditure with regard to Bartercard. The auditors have obviously had involvement with us in assessing Bartercard, both its registration of its value in our audits and this is the external auditor as well as the management of that asset. I have certainly made contact on a number of levels to ensure that whatever way Bartercard needs to be recognised under the Public Moneys Act that it should be. With regard to Mr King stating that I'd fobbed him off, the fobbing off was to whether I was personally handling the Bartercard dollars. I don't personally handle the Bartercard dollars. They go through this process so the answers had been given in quite some detail and as a result and as I said, we do have other things that are important commitments. We have made sure that this is an accountable process and that the audit process, the Bartercard Expenditure Review Group and the fortnightly reporting of the Bartercard provision is as airtight as could possibly be

MS ADAMS

Mr Deputy Speaker I want to make my position quite clear here in entering into this discussion. This motion in fact is a procedural motion which has been used to facilitate substantive debate. As the motion reads, that the House take note of Minister Nobbs answer and that is all it is asking. Us to record our vote in its current form and I have no difficulty in voting aye when we come to the vote but I am only noting an answer given at an earlier sitting. I make absolutely no comment on the substance of the answer. There are other vehicles available to the House in order to deal with substantive matters and I just wanted to make that quite clear that I am more than comfortable to vote in favour of the motion which is just noting an answer given in this House. Thank you

MRS WARD

Thank you Mr Deputy Speaker and I appreciate Madam Speaker's input. I think the point here that is important to be made is that if the Cabinet thinks it would go unscrutinised by this House then it underestimates the expectations of the community, the community, and I'm afraid that I am not totally satisfied with Minister Nobbs' response to Mr King's debate. I wish that I had been and I think he's perfectly reasonable in questioning Minister Nobbs in relation to the Bartercard dollars and it would seem that the document that was tabled was a Statement of Intention and that it still is a work in progress. I don't see that there's been anything finalised by that and what I did find was a tabled statement, was in the form of the group called Bird, which funnily enough consists of the Ministers. They are the ones who are wholly and solely responsible to approve or decline Bartercard spend, it states over \$25,000. the two main objections of the Statement of Intent were absolutely

compliance with the Public Moneys Act and how it would enable an audit process. That's what I would like to see. Is how that process is developed and a document that states that. You understand the Bartercard dollars became part of our process through tickets sold by Norfolk Air and therefore they are an asset of the Government and should be managed in the same manner as any similar asset. Bartercard dollars are the closest thing to cash and should be treated in exactly the same way. They should be appropriated. There should be a procurement policy and an ordering system. I'm just not satisfied that, that is being carried out. Thank you Mr Deputy Speaker

MS ADAMS Mr Deputy Speaker I hear clearly what Mrs Ward is saying but I again come back to the wording of the motion. There is, from where I sit, absolutely no imputation in this motion that there is anything wrong. The Bartercard dollars are not being handled correctly. We are only being asked to note the Minister's response to a question on notice. If there are difficulties with Bartercard procedures then put that motion on the Notice Paper. Don't... let us not draw imputations and conclusions around a document that is just asking us to note an answer. I just need to make that point clear from where I sit

MR KING Just very briefly Mr Deputy Speaker let me make it very clear as well. I thought I had made that adequately clear that I saw this motion only as a means of enabling debate on an answer to a question. I want to make it very, very clear that I am in no way suggesting that the funds have been misused or used for inappropriate purposes. That is not my point. My point is that I am not satisfied that those moneys and dollars are being expended in terms of the Public Moneys Ordinance. They may be and I spoke about an intention to examine that matter under the Public Accounts and Estimates Committee because it's not only me that needs to be satisfied in that regard but I do want to make that point. I'm not suggesting that there's any misuse as it were or inappropriate use of those moneys. Thank you

DEPUTY SPEAKER Is there any further debate. Then I put the question that the motion be agreed to

QUESTION PUT
AGREED

Thank you. That motion is agreed to. Madam Speaker would you care to take the Chair

APPOINTMENT OF NORFOLK ISLAND GOVERNMENT AUDITOR

SPEAKER We turn now to Notice No 5. This was in Minister Anderson's name but Chief Minister I look to you now to pick up this, thank you

MR BUFFETT Madam Speaker I move that the Legislative Assembly recommend to the Administrator that under section 51 of the *Norfolk Island Act 1979* he —

- (a) appoint CST/Nexia, Chartered Accountants of New Zealand, a firm in which at least one of its members is a registered auditor within the meaning of section 51A of the Act, to be the Norfolk Island Government Auditor in relation to the inspection and audit under section 51C of the Act that relates to the financial year ending 30 June 2011; and
- (b) determine that the terms and conditions of appointment of the Norfolk Island Government Auditor be —
 - (i) a base fee of \$61,150 for the financial year ending 30 June 2011;
 - (ii) the reimbursement at their actual costs of out of pocket expenses incurred in relation to the appointment up to a maximum of \$11,000.

In terms of explaining this Madam Speaker, as Members will recall that we agreed that the Commonwealth Auditor would enter the lists and be the external auditor in terms of Norfolk Island's public accounts and related matters and indeed we had considered that

would be in place to attend to the year that is the subject of this motion. It has now been clearly signalled to us by the Commonwealth that, that organisation will not be in place to cover the year which is addressed by this motion and they have thus indicated that we should take this course to engage these auditors. These are the people who have been auditing our books for the last couple of years so they do have familiarity with the accounts and we are extending the time for a further twelve monthly period until the Commonwealth Auditor General comes into play and this appointment is made pursuant to the Norfolk Island Act 1979 which says this, subject to section 51A the Administrator shall on the advise of the Legislative Assembly appoint a person or firm to be the Norfolk Island Government Auditor and also determine the terms and conditions of employment including remuneration of the auditor and you will recognise that those provisions are in the motion that I have just read to you and it is on that basis that I commend this motion to Members

MRS WARD Thank you Madam Speaker this is disappointing to yet again, Norfolk Island has to appoint CST Nexia. Not because they are not a reputable firm. That's not my point. I'll lead on to my point. It was in reading the Territories Law Reform Bill back in December, it was understood that the Commonwealth Government was to provide and fund an Australian Auditor General to carry out the external auditing and it would appear that somewhere along the line, transitional provisions were inserted into the Territories Law Reform Bill ~ I think that was between the change of Federal Governments. It's certainly not enough reason to suggest for a moment that the partnership is abandoned or angry words were exchanged, but it's disappointing to see that the Commonwealth has not held up its end of the deal. Especially when so many in this community are doing their best to open their hearts and trust. Timelines is a necessary part of building trust. I don't want to dwell on that, but the fact remains that this Government, the Norfolk Island Government must find some \$72,000 to fund an external audit which has not been budgeted for in this years Appropriation Act. No doubt this matter has been addressed by my Ministerial colleagues at the mid year review but the point stands. These funds were not appropriated at the beginning of the financial year and they are to be extracted from somewhere. I don't know where. One thing's for sure, it will mean that one area will have to have it's funding reduced or cut entirely as a result. I see this as purely another hurdle. We'll take a deep breath and soldier on, no doubt. Thank you. I will support the motion Madam Speaker

MR SNELL Thank you Madam Speaker I totally agree with the sentiments expressed by Mrs Ward. When you consider that it was at the request of the Commonwealth at the time, that we show better accountability and transparency. Particularly in our accounting process and we abided by the request of the Commonwealth to appoint their auditors as being a show of our support in their concerns and now to be told as Mrs Ward has explained, that we now have to go back to the system to which was in place prior to the request by the Commonwealth. I will support the motion thank you

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

QUESTION PUT
AGREED

Thank you. That motion is so agreed to

APPOINTMENT OF AUDITOR FOR NORFOLK ISLAND GOVERNMENT TOURIST BUREAU

MR NOBBS Thank you Madam Speaker I move that for the purposes of subsection 18(1) of the *Norfolk Island Government Tourist Bureau Act 1980*, the Legislative

Assembly resolves that CST/Nexia Chartered Accountants of New Zealand, appointed as the Norfolk Island Government Auditor under section 51A of the *Norfolk Island Act 1979*, be the Auditor of the Norfolk Island Government Tourist Bureau for the financial year ending 30 June 2011. This is merely a process in the function of establishing the auditor's role for both the overall audit but specifically for the Government Tourist Bureau

SPEAKER Thank you Minister Nobbs. Debate Honourable Members. There being no further debate I put the question that the motion be agreed to

QUESTION PUT
AGREED

Thank you. That motion is so agreed to

COURT OF PETTY SESSIONS (AMENDMENT) BILL 2011

Notice number 7 stands in Mr Anderson's name so I look to you Chief Minister

MR BUFFETT Thank you Madam Speaker. I present the Court Of Petty Sessions (Amendment) Bill 2011 and seek leave for the Bill to be considered through all its stages at this sitting

SPEAKER The question before us is that leave be granted Honourable Members for the Bill to be considered through all its stages at this sitting. Is leave granted? Thank you. Leave is so granted

MR BUFFETT Madam Speaker I move that the Bill be agreed to in principle and I table the explanatory memorandum in respect of this piece of proposed legislation

SPEAKER Thank you Chief Minister the question before the House is that the Bill be agreed to in principle. Debate

MR BUFFETT Madam Speaker this Bill proposes to make provision for certain cases to be held in a place other than in Norfolk Island or the Australian Capital Territory. The *Court of Petty Sessions Amendment Act 1991* makes provision, it's a new section 33B, for the Court, in the exercise of its criminal jurisdiction, to sit in the Australian Capital Territory, if in the circumstances the Chief Magistrate is satisfied that the nature of the proceedings is such that it would be contrary to the interests of justice for them to be conducted in Norfolk Island. The provision has no application in a matter where only a pecuniary penalty can be imposed, but otherwise may be implemented at any point in a criminal proceeding if the conditions of the provision are complied with. At that time the Chief Magistrate was a Magistrate of the Australian Capital Territory so you can see the connection there, and it was considered reasonable for any such proceedings to be conducted there. While the section has never been implemented, it is considered prudent with the appointment of the Chief Magistrate whose principal court is situated in Parramatta, that is, in New South Wales, that the section be amended so that it would be possible to conduct proceedings meeting the criteria of the section to be held in this case New South Wales. So it's extending the provision, not just Norfolk Island, not just ACT but also in New South Wales and this Bill makes provisions in its amending form to cover that. It's quite simply in its process and that's the thrust of what it's all about Madam Speaker. I commend the Bill to the House

SPEAKER Thank you Chief Minister. Debate Honourable Members on the question that the Bill be agreed to in principle. Being no debate I put the question

QUESTION PUT

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

QUESTION PUT
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

NORFOLK ISLAND GOVERNMENT TOURIST BUREAU (AMENDMENT) BILL 2011

SPEAKER We move now to the second presentation of Bill by leave and Mr Nobbs I give you the call

MR NOBBS Thank you Madam Speaker I seek leave to present the Norfolk Island Government Tourist Bureau (Amendment) Bill 2011

SPEAKER Is leave granted Honourable Members. Leave is granted thank you. Minister Nobbs

MR NOBBS Thank you Madam Speaker I present the Norfolk Island Government Tourist Bureau (Amendment) Bill 2011 and move that the Bill be agreed to in principle and I table the Explanatory Memorandum to the Bill

SPEAKER Thank you Minister Nobbs, the question before the House is that the Bill be agreed to in principle. Debate Honourable Members

MR NOBBS Thank you Madam Speaker. I'll read from the explanatory memorandum. It is quite details and three pages of clause schedule and item information, however, I will read the top paragraphs of the explanatory memorandum to help people gain an understanding of the content and the intent and I would ask that the whole explanatory memorandum be included in Hansard. The intent of this Bill is to change the organisation structure of the Norfolk Island Government Tourist Bureau as established under the *Norfolk Island Government Tourist Bureau Act 1980*. The revised structure will resemble that established for the Norfolk Island Hospital Enterprise under the *Norfolk Island Hospital Act 1985*. To that end the Norfolk Island Government Tourist Bureau will retain its name and corporate identity but the powers (including employment) of the Bureau and day to day management of Bureau activities will be exercised by a general manager. There will be an Advisory Board, of 6 persons nominated by the Minister in accordance with a resolution of the Legislative Assembly (two of whom may be nominated to the Minister by a recognised association). These members will hold office for 2 years and may be re-appointed. The Minister will appoint the chairperson. The general manager will be appointed by the Minister on the recommendation of the Advisory Board. The NIGTB Advisory Board will act in relation to the Bureau in the same way as does the Hospital Advisory Board to the Hospital Enterprise. The Advisory Board will be a source of advice on strategy and direction regarding the Bureau and development of the tourism industry.

Clauses 1-3 of the Bill provide the usual short title, commencement and cross reference to the principal Act being amended.

Clause 4 adopts a Schedule that sets out the various amendments to be made to the principal Act.

Clause 5 changes all references to "executive member" in the principal Act to "Minister" following passage of the *Territories Law Reform Act 2010* (Commonwealth).

Clause 6 makes some consequential amendments to the *Public Sector Remuneration Tribunal Act 1992* by changing a section reference in the definition of a “public sector employee” to conform with the changes by the Bill and also takes the opportunity to correct, in the same definition, an incorrect section reference in the *Norfolk Island Hospital Act*.

The Schedule sets out the changes made by clause 4.

Item 1 inserts into the principal Act definitions of “Advisory Board”, “member”, and “recognised association”.

Item 2 permits the Tourist Bureau to use the name “Norfolk Island Tourism” as a business name without registration under the *Business Names Act 1976* while making it clear that the use of the name does not have any effect upon the powers, rights and responsibilities of the Bureau.

Item 3 repeals section 4 of the principal Act and substitutes a new section 4 as follows—

Section 4 establishes the Norfolk Island Government Tourist Bureau Advisory Board (abbreviated as the “Advisory Board”). This provides that the Advisory Board has 6 members appointed by the Minister on the advice of the Legislative Assembly; that the general manager and employees of the Bureau, cannot be members (it is left open that members of the Legislative Assembly, including Ministers, are eligible for appointment but there is no requirement that any be appointed); that the Advisory Board can still act if there is a vacancy in membership; that except for half of the first term members, members hold office for 2 years and are eligible to be re-appointed; and that if a vacancy occurs for any reason the vacancy must be filled only for the remainder of the term of the person being replaced in accordance with a resolution of the Legislative Assembly. The first members are appointed in a staggered way so that half will be appointed for only 18 months following which their replacements will be appointed for 2 years thereby establishing a staggered board with half being replaced every 2 years for the full 2 year term.

Item 4 established that a recognised association to be declared as such by the Minister, must be incorporated as an association, be established to promote tourism in Norfolk Island (and for related purposes – such as organising tourist events), and have at least the prescribed number of members. The amendments also alter the number of members who may be nominated by a recognised association to 2 (at present 1 or 2), and replaces a reference to the “Bureau” to the “Advisory Board”.

Item 5 repeals sections 6, 7, 8, and 9 of the principal Act and substitutes new sections as follows—

Section 6 empowers the Minister to appoint delegates (previously “deputies”) to act for a member who is absent from a meeting or unable to discharge official duties: if a member ceases for any reason to be a member the appointment of the deputy lapses. The amendments require that a member nominated by a recognised association can only be represented by a delegate also nominated by the same association and similarly a member who is a member of the Legislative Assembly can only be represented by a delegate who is also a member of the Assembly.

Section 6A provides for the chairperson to be appointed by the Minister and sets out the powers of the chairperson. It is made clear that the chairperson has no executive powers (meaning that he or she cannot act on behalf of or bind the Bureau in any way) but is responsible for the conduct of meetings, acting as a conduit between the Advisory Board and the Minister and for the issue of reports of the Bureau. A member appointed by the Minister (other than a member who is a member of the Legislative Assembly) to be Deputy Chairperson may exercise the powers of the Chairperson.

Section 7 provides for members to resign or for a member or delegate to be removed by the Minister for misconduct or incapacity.

Section 8 provides for meetings of the Advisory Board as determined by the Chairperson or upon request from the Minister or the other 2 members of the Board. Three members of the Advisory Board constitute a quorum and decisions must be by majority. The chairperson has no casting vote. The Advisory Board must keep minutes of its meetings and may determine its own procedures.

Section 9 provides for the appointment by the Minister, upon the recommendation of the Advisory Board, of a general manager of the Bureau and upon such terms and

conditions, not otherwise provided for in the Act, as determined by the Minister upon the Advisory Board's recommendation. If the general manager is absent, not able to perform his or her duties or the position is vacant, the Minister may appoint an acting general manager but such appointment cannot extend for an aggregate time of more than 6 months in any continuous period of 12 months.

New section 9A sets out the duties of the general manager. He or she has the day to day management and control of the business of the Bureau: confidentiality in relation to matters set out in subsection (1) and requires that he or she keep the Advisory Board informed about the operations of the Bureau. The amendments make it clear that the general manager has a duty to be timely frank and honest in his dealings with the Advisory Board.

New section 9B sets out the powers that may be exercised by the general manager in carrying out his or her duties. These are things necessary or convenient in connection with or incidental to the performance of the Bureau's powers and functions (which means that he or she cannot do anything that the Bureau is not competent to do lawfully). The various powers that may be exercised are those of the Bureau set out in section 11 of the principal Act; the employment of officers and staff for the Bureau and their duties and responsibilities and in making any such appointments the general manager must conform to Human Resource Policies adopted by the Bureau.

New section 9C authorises the Minister upon the advice of the general manager and the Advisory Board to appoint a deputy general manager and the deputy may act in the office of the general manager if the Minister has not appointed an acting general manager in accordance with subsection 9(3).

Item 6 inserts several new sections setting out the principles to be adhered to by the Bureau, the functions and powers of the Advisory Board and a requirement on the Board to provide reports, as follows—

New section 11A sets out the broad principles to be complied with by the Bureau as a corporate entity. These generally reflect the principles applicable to the Norfolk Island Hospital and have particular reference to the development of the tourist industry, the preservation of the ecology of the Island and recognition that the place of the Island as a home for its residents is of paramount importance.

New section 11B sets out the functions and powers of the Advisory Board that are also reflective of the functions and powers of the Hospital Advisory Board and in particular are to provide advice to the Minister and guidance to the general manager in his or her day to day management of the Bureau in accordance with government guidelines.

New section 11C requires the Advisory Board to provide the Minister with an annual report (each financial year) for presentation to the Legislative Assembly and such other reports as may be required. It is expected that the members of the Advisory Board who represent a recognised association will regularly report to and keep the association informed of the activities of the Board as well as keep the Board informed of the views of the association and its members.

Item 7 repeals section 12 of the principal Act which provides for the employment of persons by the Bureau (to be replaced by the provisions of the new section 9D empowering the general manager to employ staff).

Item 8 inserts an additional power (in subsection 15(1)) for the Minister to give directions to the Bureau concerning the financial and accounting procedures of the Bureau.

Item 9 inserts a new section 15A to empower the Minister to notify the Bureau of general policies of government that are to apply to the Bureau.

Madam Speaker just in brief we've come a number of steps and stages since I first tabled the exposure draft in September of last year. There has been discussion and consultation with community Members, groups such as the ATA and the Chamber of Commerce and obviously around the table with my colleagues, various radio and print media information has been made available and of course I've welcomed discussion and feedback from all of the Members including discussion and feedback that I've had from the NIGTB and the GM of the NIGTB. It is worth my noting in tabling this documentation that in moving forward to place Membership on the Advisory Board I've had discussion with the ATA and the Chamber of Commerce to suggest to them that they may install their Presidents within the Advisory Board to ensure that there is the highest level of

inter communication between the Board and those bodies which up to this point in time I think there has been perhaps a lack of communication in both directions. One from the relevant bodies with their issues, making them known to the Board and in the reverse with perhaps providing issues relevant to their bodies that are currently under review by the NIGTB Board so I'm happy to say that those Presidents of those Organisations are quite keen to be involved in this process and to have an involvement on the Advisory Board

SPEAKER
Members

Thank you Minister Nobbs. Debate Honourable

MRS WARD

Thank you Madam Speaker, I will weigh in at this stage of debate because it has been a very controversial exposure draft. I will say right up front though that at this stage I'm inclined to support the Minister's amendment Bill. I think it's just important for the community to know that this Bill is being taken very seriously and that people who have raised concerns are being listened to. Arguments that were presented to me from people within the tourism industry were forceful and I thank those people for their honesty. I'm not convinced that the changes will take away the power of the Board to influence the Minister. I'm going through people's concerns here. It will take away their ability to commit funds to projects but it will not stop them from collectively developing great initiatives and presenting them for serious consideration but I think everyone has to realise, and most people do realise, that the Government's budget is a projected budget or a planned budget and so when great initiatives are presented there needs to be sometimes, be lengthy lead-in times because money is simply not being put away for those fantastic ideas or money has already been spent on other projects or contractual arrangements. In my view there will be absolutely nothing to stop the Advisory Board if it were to become an Advisory Board from planning and coming up these great ideas, but of course there is that process, of the strict path that must be adhered to, must be followed, because the Tourist Bureau is dealing with and asking to have their ideas paid for by the public purse. There is an argument that too much power is put into the hands of the Minister and that he or she may know nothing or very little about the workings of the tourism industry. Well that perhaps is a fair point but at the same time, that is why a professional General Manager is employed in that area. Do I personally believe that the day may come when the entire structure is examined. Yes I do but that's not the question that is before us today. To suggest a General Manager may not have the strength to stand up to the Minister is possible and so a strong and receptive Board is ideal with Members who are not afraid to speak their mind but I do not believe that their power will be diminished by becoming an Advisory Board rather than a Management Board. There's an argument that the Board should comprise of professionals recruited off island. If they came with years of local knowledge relevant to Norfolk Island and if these people wanted to do the job out of the goodness of their hearts, in other words, for free, that might be a wonderful thing, but this community is currently subsidising the tourism industry by over \$2.5m by the Tourist Bureau and the airline and that is just the budgeted figure. I've not mentioned the airline losses. We simply do not have the money for such luxuries. I think that a change would actually help alleviate the perception of conflict of interest but those in the industry. There will not be the ability of the Board to make decisions or spend money in isolation. There is a balance to be drawn and a level playing field should always be the goal. Now I'm at a loss to see how management versus advisory would influence outcomes. I actually think, or I'm tending to think that the advisory would lessen potential problems. I thank Members of the community who have shared their ideas and I thank some of them for their free and frank advice. I appreciate they may have conflicting views although the majority out in the industry appear to support the Minister's Bill. I will go on to support the Minister's statement that there has been full and open consultation taking place with stakeholders and the exposure draft was tabled four months ago and numerous drafts have been formed so there have been extensive work done on this piece of legislation. There's just one more point and that is a point that people in the community come back to. They highlight this, and that is from the... and the Minister might help me here... the

Tourism Strategic Plan written by John King and it's point 3 point 6 and it says and I quote "...becomes a jointly owned and operated organisation". Clearly people interpret this differently and I am prepared to investigate this point further before it comes to the Legislative Assembly and before we take a final vote on this Bill. Thank you Madam Speaker

MR SNELL Thank you Madam Speaker. This has been around for some time now, the amendments to the Norfolk Island Government Tourist Bureau as it stands and it has been controversial. I've had some difficulty in accepting that the Bureau would no longer have a management board but an advisory board. In my term in the Tourist Bureau we found it acceptable that the Tourist Bureau Board run the Tourist Bureau, not the General Manager. However, in the past few years and particularly from about 2005 onwards, we've seen a shift away from the Board being the Tourist Bureau and the General Manager and Ministers and others have taken the lead in advising and directing how the Norfolk Island Government Tourist Bureau should operate. I share the concerns of the present Minister that there are some aspects that have happened over the last few years that have raised grave concerns not only within the Legislative Assembly and in the portfolio of the tourism Ministers responsibility but also in the community and I refer to the issuing of contracts of which I believe some of them were not presented to the Board at the time which resulted in huge sums of public moneys b being committed without due consideration and not proper legal advise and also the Tourism Minister at the time not being aware of such contracts being issued. I realise that the board is the buffer to the Minister and the Board has had certain responsibilities. Like others, I have concern at the current structure of the Tourist Bureau and I hope in addition to this, that in the near future a full review of the effectiveness of the Tourist Bureau be conducted at a given time. At this point Madam Speaker I support the amendment Bill

MR KING Thank you Madam Speaker. It is interesting to see the high level of debate at first reading. That's good. If I say now that I have no intention of supporting this Bill it's not because Mr Nobbs is the initiator of the Bill. I have some difficulties with this. I see it as a retrograde step going back to the days when there was no statutory support for the operation of the VIC or the Tourist Bureau in an era when Board's are corporatizing and becoming separate statutory bodies, we are going kind of backwards. Everywhere else, there's a trend towards keeping away from political interference and allowing industry to organise and operate the marketing and promotion of the island as being participants who are most likely to provide the best outcomes. We are actually going the opposite way. There are other reasons. Mr Nobbs may have convinced himself that this is the panacea to all the ills of the bureau that have manifested in one form or another over the past few years. I don't see that at all. I see some of the problems of the past few years and the responsibility for those problems being shot home directly to the political arena and the Tourism Minister at the time. That's where the ultimate buck stops and I know that I've been saying that again, and again, and again, but that's the reality of the democratic system that we find ourselves in. I can't see them being managed or dealt with any more efficiently under a system like this where more responsibility is placed at the feet of the Minister and less at the feet of the people from the industry, is going to be any solution at all. I'm interested to hear that Mr Nobbs, the Minister has spoken to some of the industry organisations. I too have spoken to them over the months that this thing has been around and I've not received from them any great indication of support for this. I understand there's been some change in some of those industry organisations and I'm willing to have a listen to that but at the moment if called upon to vote on this today I would vote against it. With everything that's happening around us, I don't believe that this thing should be given the priority and the resources that it has commanded. Thank you

MR SHERIDAN Thank you Mr Deputy Speaker. I won't say too much, but I do believe I made mention of this exposure draft. I myself don't have any problem with the Board being relegated to an advisory role instead of a regulatory type

role where they can give direction to the General Manager of the Board. I think in paragraph 11(b), the function and powers of the Board, I see there that the Advisory Board is to advise the Minister and I would have thought that the Advisory Board would advise the General Manager and the Minister might be able to put me right there but I see it as a Board side stepping the General Manager and coming directly to the Minister. Whether that's the intent or whether it's supposed to go through the General Manager, the Minister might be able to put me right there, because I see then in paragraph 9(a) Duties of the General Manager, that in the performance of their duty the General Manager shall directly report to the Advisory Board so I would think it would be a conduit, the Advisory Board through the General Manager to the Minister and then it flows back down that way instead of that direct access from the Advisory Board to the Minister. I see that as a bit of micro managing and it should be left up to the General Manager to manage his area. That's what we employ these professionals to do and that's why I don't have a problem in this being relegated down to an Advisory Board, because I think that's the proper thing to do. We employ these professionals to run certain areas and yet we give them a Board that they are supposed to take direction from. I think that's wrong. Just those couple of comments but I'll partake some more in next months debate

MR NOBBS

Thank you Mr Deputy Speaker just to clarify that, the reporting from the Advisory Board to the Minister is more on perhaps a quarterly, six monthly or yearly basis and there is still reporting that is from the General Manager to the Advisory Board but what that is to enable is if there are issues that the Board is finding with General Management, then they have the opportunity to highlight those issues. What we are really trying to do here is to establish a management structure but still have a check and balance on it so that the Advisory Board is not muted when it comes to being able to report on issues that they see in their Annual Report or where ever, to highlight it if something could be improved. Mr King spoke earlier about moving away from Advisory Board's and the like but he also made reference to where the buck stops. In effect the buck stops with the Minister. At the moment, under the current processes and board structure there may be commitments made that are totally unknown to the Minister, there may be processes that are engaged in that don't necessarily comply with the Public Moneys Act. This is aimed at sorting out those issues in particular.

MS ADAMS

The Bill before us today for consideration I believe is dated 8 March 2011 which was circulated yesterday and regrettably at this moment in time I haven't had the opportunity to check through the Bill. However, on the 2nd February I did circulate to all Members a four page document in which I made comment on the Bill which was before us at that time, an exposure draft, which at that time I think was a 14 January 2011 Bill. So some of the concerns may well have been picked up and I take that on board but I just will for the record make a couple of comments and the Minister may be comfortable to respond to those now. The first issue I had was that the 12th Legislative Assembly adopted a five year tourism strategy for the period 2007/8 to 2011/12, which in the absence of a decision to revoke or amend it, continues in place today, so as far as I am concerned at this moment in time, that five year tourism strategy is what is the current document today and the strategy is a comprehensive document dealing with a broad range of issues, many of which have been picked up since its inception in 2007. The part to which I probably turned myself the most was the section of it under the heading Tourism Industry Management Structure. And I should pause there for the moment in case there is a perceived conflict of interest in that I own one tourist accommodation house called Lavendula Garden Cottage. I don't see it's relevance to what I am going to say but I'm saying this anyhow so that it is clearly on the books, but I have a very keen interest in tourism on Norfolk Island and so this strategy, I'm only just going to mention one paragraph from the Tourism Industry Management Structure and that is, the lack of a broadly representative industry organisation however leads to significant dislocation within the tourism industry and disengagement by many participants in the general direction and affairs of the industry. This situation is

represented by many reports of disunity and lack of co operation within the industry received during the consultation process and observed during various visits. This is the gentleman, Mr King who gave the strategy. Furthermore the tourism industry has developed a strong dependence on Government to accept and undertake almost total responsibility for its direction and future and my concern expressed to Members and the Minister at the time of my paper in February was that the 2011 Bill at that point in time was only paying lip service to the recommendations contained in section 3.6 of the strategy. That the only point being picked up in the Bill is the staggering of the term of the Members of the Advisory Board. The Bill would not seem to support the premise that Norfolk Island Tourism become a jointly owned and operated organisation between the Government and the Norfolk Island tourism industry or that NIT Membership be sought from tourism industry operators and other stakeholders and beneficiaries. Now I am aware that the Minister has, and he may have done more since this earlier Bill, that we are only paying lip service. If we desire for the industry to be part and parcel of the management of the industry we need to give the representatives out of the industry a meaningful role to play and I think that was what Mr King was endeavoring to achieve and so my point that I am making is, if there is a provision in the Bill which gives the Minister an option, and the Legislative Assembly an option to put representatives on the Advisory Board it should be mandatory, not optional, if we want the tourism industry on board. Now Minister you may have picked this up so I'll leave that til later. I still am to be convinced of the need or the management board to become an Advisory Board. I held the view and still hold the view, yes one of the issues was management of the funds by an earlier board. I think that's quite clear. However, the Tourist Bureau is now on Smartstream accounting system with similar front face at their cost centre as is the Legislative Assembly cost centre and provided requisitions are raised against relevant line items in the cost centre, before expenditure is committed there is no reason why the Tourist Bureau's finances are not fully accounted for. I remain of the view that the proper management of funds in this way would seem to negate the need to change the status of the Board and the Tourist Bureau and to change the management role. I won't say any more about that today as it's unfair to me to continue on without taking time to look at the Bill but I did propose some fourteen questions/issues in the earlier Bill, mainly technical/procedural. I don't know whether they've been picked up and once again once I have a look at the Bill if they have thank you Minister. Thank you

MR NOBBS

Thank you Mr Deputy Speaker. Yes in answer to your question they have been picked up and form part of the Bill in front of us today. The bottom line with the current system is that everyone is a manager but no one is accountable. That needs to be rectified not just on accountability for funds but on accountability for managing forward strategies and policy. You spoke with regard to community representation and out of the Tourism Strategy I'm well aware of the combined ownership proposal within the Strategy for representative groups and community to have a stake in the Tourist Bureau. That's exactly the reason for engaging with the Presidents of those recognised bodies so that there can be no mistaking the importance of their role and them having a stake in forward movement of the Tourist Bureau . it is worth noting that if you really review the way that the Tourism Strategy proposes that, that there is buy in from the various groups. It is a shared financial commitment as well as an ongoing management commitment so at this point it's not something that's on the table or has been brought to me in any way that I can shape it or do anything in that regard. There are a number of areas that this Bill tidied up. What it doesn't do is make the tourism Minister the manager of the Tourist Bureau. The Tourism Minister regardless of who it is will still be set back from the Tourist Bureau. It will be up to the Advisory Board to work on strategies and policies that they will then work with the General Manager to establish so that a budget proposal comes to the House to satisfy those strategies and initiatives from the Tourist Bureau to move forward. Unfortunately what's happened in the past is that hasn't always happened, so in a nutshell, this is not trying to politicize the Tourist Bureau or make as I say, a Minister a manager of the Tourist Bureau. it still retains that separation but it establishes a management framework and an accountability framework.

MS ADAMS Just to make it quite clear Minister I wasn't in any way suggesting that we were politicizing your role. That was not in my space. My only comment was in relation to the strategy, ownership by the industry and partnership with the Board. I quite clearly understand that you are shifting the role from the management Board to the Manager in effect and I'll reserve further comment on that. I just wanted to make quite sure that I wasn't in any way attacking or suggesting that you are politicizing this here but I do have this view about strategies that are adopted by a parliament, and it was a parliament that adopted it, and this parliament did nothing to change the former parliament's decision and therefore it is a reasonable presumption that it is still rolling and sometimes it is good for us to turn around and remove or move a motion that says, we won't do this any more. We are going to do this in another direction

MR NOBBS Thank you Mr Deputy Speaker and thank you Ms Adams, but just to reiterate, I'm not moving away from the Tourism Strategy. I'm encompassing the Tourism Strategy where we are able, by inserting the Presidents of those groups to ensure they have the most direct access and buy in into the process

MS ADAMS I thank him Mr Deputy Speaker for that response

DEPUTY SPEAKER Thank you Ms Adams. Any further debate Honourable Members. There being no debate I look to you please Minister Nobbs for a motion

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

DEPUTY SPEAKER Thank you Minister Nobbs. The question is that debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting and I put that question

QUESTION PUT
AGREED

The Ayes have it. Debate is so adjourned Honourable Members

REPORTS FROM STANDING COMMITTEES

SPEAKER Honourable Members, move now to Order of the Day number 1 and we resume debate on the Report of the Impact of bills and Subordinate Legislation Committee on the Employment (Amendment) Bill 2011 and Mr King, you have the call to resume

MR KING Thank you Madam Speaker. This is moving in a satisfactory direction. We've had a discussion in another forum about how the Minister might proceed and at an appropriate time, given some direction from yourself, I will move a motion

SPEAKER I think it's an appropriate time now Mr King if you move that motion and then we have something before us to debate and the Minister can come in and speak

MR KING Well I move Madam Speaker that recommendations numbered 1, 2 (a) through to and including (e) and 3 (a) and (b) of the Report of the Impact of Bills and Subordinate Legislation Committee on the Employment (Amendment) Bill 2011 be agreed to and the remainder of the Report be noted

SPEAKER Thank you Mr King. The question before us is that the motion be agreed to. Debate Honourable Members. Mr King

MR KING Thank you Madam Speaker if in the fullness of time a detail stage amendment Bill comes forward and that has been foreshadowed for today, to give effect to those recommendations mentioned in that motion then I would be a happy chappy, given the amount of work and effort that the committee put into the preparation and examination of the issues and the publication of the report. There are some recommendations that are not taken up by the Government. Of course being Chairman of the committee I saw them as being worthwhile recommendations and the ultimate would be of course to have those adopted and implemented. That is not to be the case. I respect Mr Sheridan's call on that although I would from time to time remind him that there are some deficiencies that remain in those areas and perhaps they would be left for another time to deal with so having said those few words I'm not sure that anything else is expected of me at this particular stage and I would pass the debate over to other Members

MR SHERIDAN Thank you Madam Speaker and thank you Mr King. Madam Speaker I've just prepared a couple of pages here that I would like to read out in response to the Impact of Bills report but firstly I would like to acknowledge the Impact of Bills Committee for the work that they've done in providing full consideration by this House, a well researched and argued document which assists greatly with the Employment (Amendment) Bill 2010 aims and these were; the two aims initially were to remove the eligibility of workers compensation in respect of work related stress arising from or caused by reasonable employer management decisions or proposed terminations from employment or disciplinary action and to establish a statutory basis for the Employment Liaison Officer as the manager for the Employment Department and supervisor of employment inspectors and workplace related matters under the Employment Act as well as being the primary decision maker under the workers compensation scheme. Madam Speaker the committee makes an interesting observation in its foreword, one of which is best to keep in mind when attempting to establish the difference between stress related injury and psychological injury. The committee recommends to note, and Madam Speaker this comment has been taken from the Comcare Guidelines and reads as such ..."in the past claims for psychological injury were often referred to as stress claims. It is important to note that this is a simplistic and inaccurate description. Stress or stressors are something that people undergo every day of their lives. It is part of normal human functioning and actually keeps the heart pumping and our bodies working. The term psychological injury is more accurately used to describe a range of conditions relating to the functioning of people's minds. While often prompted by workplace stressors, these conditions can be caused by physical injuries, diseases, exposure to toxins, or underlying psychiatric issues. " Madam Speaker I thought that was a quote that was needed to be read out today because it really does describe the difference between what stress is and a psychological injury and I do take that on board. Madam Speaker this Bill was referred to the Impact of Bills Committee back in July 2010 and whilst it has taken some time to reach this House back in January I've taken on board the committee's concerns in regard to the poor quality or unavailable facilities, which hampered the completion of this report. I would just like to reiterate and this in no way reflects the ability of the committee in doing their work, but I would just like to reiterate what I said at the last meeting, that it's taken some six months for this report to be tabled, and it's a time frame that does not assist myself when attempting to develop suitable legislation in this area and I also note a couple of things, and the first is that the committee had little response to their advertising for witnesses to appear before it, and I note that apart from the official witnesses, the committee secretariat had to personally contact witnesses to appear and looking at the list provided it was disappointing that no employers of major businesses were interviewed so as to obtain a broader view from the community. Madam Speaker I also note that the committee sought to complete a greater review of the Act than the Bill actually required. Whilst I can understand the reason why the committee went down this path, the items

that they have identified obviously need rectifying and will be rectified as part of a longer term strategy in reviewing the Act in its totality. The main object of this Bill as stated previously were two simple matters, to remove eligibility of workers compensation claims in respect of work related stress which is caused by reasonable administrative actions, and to fully establish a statutory basis for the position of the Employment Liaison Officer. Madam Speaker I acknowledge that the Bill as presented may not have been as clear as it could have been and I accept that the drafting of the Bill was inadequate for the attention of the Bill. The reason for this I accept responsibility as I had the responsibility to ensure that the Bill reflected the requirements as reflected in the drafting instructions. The main problem that arose was that this Bill was initially requested by the previous Legislative Assembly and presented as an exposure draft at the February 2010 sitting last year and then expired when the election took place (in March). I assumed responsibility for this area and retabled the Bill in the July sitting last year without properly reviewing the drafting instructions. These circumstances resulted in the referral of the Bill to the Impact of Bills Committee and upon reflection it was a good course to go down, but as I said it was a par 5 course and it's made the job of providing an amendment to the Bill more accurate as the initial intention. Madam Speaker of the items that the Impact of Bills Committee recommended I intend to pick up all five, as well as two minor amendments that have been identified in an amendment to the Employment (Amendment) Act 2010 later in this sitting, if agreeable by the House. Madam Speaker these five items being the definition of disease based on the definition in the Safety and Rehabilitation and Compensation Act 1988 (Clth; deleting the definition of significant injury as detailed in the Bill and replacing with an employment contribution test so as to allow a determination of significant degree as found in the new definition of disease; the removal of reference to contractors, sub contractors, and volunteers from the definition of employee as the intent of the Bill was to include self employed persons if they were working their own business and are a Member of the workers compensation scheme; the rewording of section 45 to more clearly express at the exclusion of work place stress claims, from compensation is limited only to those claims where the cause is said to be employer action or decisions which are determined by the ELO to be reasonable administrative action or decision and to allow the ELO to investigate any claims of non compliance with the Employment act, especially workplace bullying and harassment. Also in the last point, the provision of the ELO be amended to more clearly reflect the powers and function of the proposed statutory office as included in the Employment Act. Madam Speaker the other couple of minor amendments that I would like to pick up is an amendment to section 28(4) to clarify that a reference to disease in this section is a reference to disease arising from other than employment and amending subsection 30(4) to reflect section 17 by section 18. All other amendments that the Impact of Bills Committee recommended, I would like to take on notice if agreed to by the House and upon the full review of the Employment Act these items will be considered, so Madam Speaker that's what my intentions are. It's up to the House whether or not they would agree to those five recommendations or really seven recommendations and then if agreeable, as the next thing on the Orders of the Day Madam Speaker I do have a detail stage amendment for the Employment Amendment Bill 2010. Thank you

MRS WARD

Thank you Madam Speaker as a Member of the committee I'll just make a couple of comments and I don't wish to get into an argy bargy with the Minister at this late hour of the day however I'll just point out with tongue in cheek perhaps that if this committee was left unfettered it might have suggested that this House amend the entire Employment Act however we've respected the wishes of the Minister and we have delivered this Report to the House. From the brief email exchange and discussion between Minister Sheridan and the Members it is clear that the Minister has taken the recommendations seriously and that is reassuring to see. Reassuring that the Minister appears to be open to the fact that his amendment Bill needed further work. He is concerned enough for the welfare of this community to take the recommendations seriously and to take action. Minister Sheridan however continues to publicly make remarks about the length of time the committee took to reach its conclusions and I trust

that after reading the report the Minister has a better understanding of the reasons. The Minister may now agree that it is far better to have a timed delay in moving ahead with this Bill then to have it passed by this House in its original form as a schedule 3 matter, this would have been unacceptable to the committee and hopefully to this entire House. There are never any guarantees however unfortunately. I am sure the Minister feels indebted to the work the committee has done and has certainly done the right thing in referring the Bill to the Australian Government for comment before proceeding with the Bill. I should thank the Administrator Owen Walsh for his continued support of the Legislative Assembly, for Minister Sheridan's proactiveness will certainly result in saving him and this House a great deal of future embarrassment. Thank you Madam Speaker

MR SNELL Thank you Madam Speaker the Minister did make reference to the new insertion of bullying in the new definition in section... sorry I'll withdraw that thank you

SPEAKER Further debate Honourable Members on the motion before us, moved by Mr King in respect of the recommendations that recommendations numbered 1, 2 (a) through to and including (e) and 3 (a) and (b) of the Report of the Impact of Bills and Subordinate Legislation Committee on the Employment (Amendment) Bill 2011 be agreed to and the remainder of the Report be noted. Honourable Members I put that question

QUESTION PUT
AGREED

The Ayes have it. Thank you. That motion is so agreed

EMPLOYMENT (AMENDMENT) BILL 2010

SPEAKER Honourable Members we resume on the question that the Bill be agreed to in principle and the Minister for Community Services has the call to resume. Mr Sheridan

MR SHERIDAN Thank you Madam Speaker I believe that Mr King has the initial call according to the paperwork that I have in front of me

SPEAKER Yours is different to mine. Not a problem at all. Thank you. You are quite right. Yes. Originally Mr King moved the adjournment but I believe Mr King was going to pass it across to you so are you happy Mr King if it is passed to Minister Sheridan. Thank you. The question before us is that the Bill be agreed to in principal and we are resuming debate

MR SHERIDAN Thank you Madam Speaker this carries on from the last substantive matter that we talked about, the Report from the Impact of Bills Committee and the Employment (Amendment) Bill 2010. The matter that we've just voted on, the five recommendations that pertained to the Bill specifically and the two extra recommendations that were pertinent in just clarifying items, there was an error in one area and just clarifying one section I have picked up and if I may I have a detail stage amendment and I look to you as to whether I should move it now

SPEAKER I look to you for guidance as to whether it's your intention to adjourn and make the Bill a further order of the day in which case you table it as a paper

MR SHERIDAN Thank you Madam Speaker what I would do is table the detail stage amendment, talk to it briefly and then adjourn it. Okay then, thank you I table the detail stage amendment for the Employment (Amendment) Bill 2010 and I move that the bill be amended as follows

SPEAKER Could I suggest that for this moment in time just table the detail stage amendments, talk to them then just adjourn it as an order of the day and then next time when we resume and get to the detail stage you can formally move it but if you would just table them as a paper so that we can put them on the internet so the public can have a look at them

MR SHERIDAN Thank you Madam Speaker I table the detail stage amendments dated 8 March. I'll speak to it briefly. It is quite a substantive change as reflected by the Report from the Impact of Bills Committee and this is what it's picked up and I won't go through it all. I'll wait until next month when I'll read it into Hansard, but it just inserts a more meaningful definition of disease. Also it clarifies the definition of employee. A more detailed definition of injury and it also details the requirements for the Employment Liaison Officer and its detailed in a more extensive way than the previous Bill so really Madam Speaker there's only those couple of areas and it picks up on a couple of things that were picked up in the IBC Report, the definition of bullying and things like that. Just small amendments that I would like to bring in but as you say Madam Speaker I'll just table it, and leave it on the table and we can speak to it fully next month when everyone has had a chance to read it. I've only just received this in the last couple of days. Everyone will have had a chance to review it fully and I'll speak to it in its capacity

SPEAKER Thank you Mr Sheridan. That paper is so tab led. The question before us is that the Bill be agreed to in principle. If there's no further debate around the table I look to you Minister Sheridan to move a motion that debate be adjourned and made an order of the day for a subsequent day of sitting

MR SHERIDAN Thank you Madam Speaker I so move

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

QUESTION PUT
AGREED

The Ayes have it. Debate is so adjourned on that Bill Honourable Members

FIXING OF THE NEXT SITTING DATE

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

MR BUFFETT Madam Speaker, I move that this House at its rising adjourn until Wednesday the 6th April 2011 at 10.00 in the morning. Very briefly Madam Speaker you will see that this is a proposal that means that we meet in a month's time

MR SNELL Thank you Madam Speaker, Chief Minister this meeting in a months time, does this indicate that from now on the Assembly meetings will be every four weeks

MR BUFFETT That's my proposal unless some pressing things come and they do come from time to time

SPEAKER Thank you Chief Minister. Is there any further debate. The question is that the Motion be agreed to.

QUESTION PUT
AGREED

The ayes have it. The motion is so agreed to

ADJOURNMENT

MRS WARD
do now adjourn

Thank you Madam Speaker I move that the House

MR NOBBS
Thank you Madam Speaker I have two items for the adjournment debate. The first is with regard to CIRCA, the Community Information and Resource Centre. With the unfortunate accident in town in the building that had up to this point in time housed CIRCA. It has caused us some issues with regard to obviously equipment and some of the resource that we make available for the community. We have put notices on the radio to advise those people who were previously using the Employment Register to reforward their details so that we can ensure that we are keeping that data base appropriately up to date and also in support of the various aspects of the Social Services that rely on that Employment Register. We will still be continuing with seminars on many of the things that we had outlined in last weeks newspaper and look to carrying out a relocation towards the latter part of this week and of course to recommence rebuilding but I would certainly like to thank the owners of the building where we were previously located. They gave us a very good break. As most people would be aware this is a community organisation operated generally by volunteers and we pay the bills of the rent and the telephone and all the other equipment requirements to support some of the community's needs for the various objectives of CIRCA. Thank you

Madam Speaker I just want to take a moment to thank Minister Anderson for his role up to this point. My reason for that will become fairly clear. I would just like to acknowledge Craig Anderson as Minister for his depth of experience in legal and financial matters and although it is quite normal for Ministers to collaborate and share their individual expertise there's been a number of areas in my portfolio where I've benefitted from Minister Anderson's experience and input and I would really like to put that on the table and the former Minister for Finance and The Attorney-General was instrumental in the development of the road map and was in fact a witness to the Chief Minister's signature as evidence on the road map that the Chief Minister tabled today and the Minister was and is a great supporter of the road map and has indicated that he will continue as a Member of the Legislative Assembly. The Cabinet expects that the former Minister will in his capacity as a Member of the Legislative Assembly continue his support of the Government's direction determining the road map and that's really just some clarification that's come out of some areas that people have wanted information on

MR KING
Anderson to the backbench

Madam Speaker I would like to welcome Mr

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

QUESTION PUT
AGREED

Therefore Honourable Members this House stands adjourned until Wednesday the 6th April 2011 at 10.00 in the morning.

