



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY  
13<sup>TH</sup> NILA HANSARD – 3 AUGUST 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

Thank you, Gentlemen feel free to take off your jackets and please make sure your mobile phones are switched off.

**WELCOME TO PUBLIC GALLERY**

Honourable Members this morning there are no condolences to report. I would like to commence the proceedings by welcoming the Public Gallery **Dr Cheryl Davenport**, our newly elected Chief of Staff and for the benefit of the listening public, Ms Davenport served as the member for South Metropolitan Region in the Legislative Council of Western Australia between 1989 and 2001. She chose to retire Parliament in 2001 after spending the previous 28 years working in the Australian Political System. Since 2001 she has worked as a consultant to the Western Australian Government in the field of Community Development, preparing strategic policy on healthy and active aging, ensuring the attraction and retention of staff across the Western Australian Public Health System and Chairing the Western Australian Childcare Advisory Committee to the Minister for Communities since 2008 she has served as a Board Member of the University of South Australia's Centre for Work and Life. In 2002 she was awarded an honorary doctorate of letters by Curtin University of Technology for her services to women's health, equity and social justice. We welcome her to Norfolk Island and we welcome her onto the Government team and I also welcome to the Public Gallery **Mr Yarm Menzies**. Thank you Honourable Members.

**PETITIONS**

SPEAKER Next item on the Programme this morning Honourable Members is Presentation of Petitions, are there any Petitions this morning for presentation? There being no Petitions we move now to Giving of Notices.

**GIVING OF NOTICES**

SPEAKER Are there any Notices to be Given this morning? No notices, we move now to Questions without Notice.

**QUESTIONS WITHOUT NOTICE**

SPEAKER Are there any Questions without Notice this morning Honourable Members? Mr King.

MR KING Thank you Madam Speaker, a question or two for Mr Nobbs, Tourism Minister. Will the retiring General Manager of the Tourist Bureau be submitting an exit report on cessation of employment and will that report be made public?

MR NOBBS Thank you Madam Speaker the General Manager has provided information specifically regarding his departure for the Island at this point in time, I have no doubt that he will provide a report of the current status of the Bureau at his time of departure and certainly I wouldn't have any issue in making a summary of that report available to the Members.

MRS GRIFFITHS Thank you Madam Speaker my question is for the Chief Minister with responsibility for education. Can the Chief Minister confirm whether or not he has approved the position of a Deputy Principal in the School?

MR BUFFETT Madam Speaker there are adjustments about the staffing levels at the School, and that will be reflected in the next recruitment process. I'm just now trying to turn my mind to that exact structure that is, and if I remember correctly there is a Deputy Principal that is so involved, I can have that structure available to Members so that you are able to see that more clearly.

MRS GRIFFITHS I supplementary if I may Madam Speaker. Chief Minister what proportion of time will this position have face to face with students.

MR BUFFETT Madam Speaker I can gain that detail for Mrs Griffiths. Executive posts within the School don't always have a full spectrum of face to face teaching arrangement. But that can be quantified.

MRS GRIFFITHS A further supplementary if I may Madam Speaker. Which parents or community groups opinions did the Minister seek in making this decision?

MR BUFFETT Madam Speaker that's not necessarily a matter for a consultative process as I think Mrs Griffiths is alluding too. This is according to the scales that are appropriate for the education system that we buy from the State of NSW.

MRS GRIFFITHS Final supplementary if I may Madam Speaker. Chief Minister where is the money coming from?

MR BUFFETT Where is the money coming from in a whole range of things is the subject of conduct of conversation with the Commonwealth. What I need to say is, that notwithstanding that we are having this difficulty, we are not reducing the services, the essential services, such as education to third world standards, we are endeavouring to maintain the educational levels that are experienced in the Australian scene and are conversations with the Commonwealth to date that standards within Norfolk Island should be comparable to those that are exercised and experienced in Australia.

MR KING Thank you Madam Speaker, I have another question on education. In full understanding that we are endeavouring to maintain similar standards as those on the mainland, but if Chief Minister it is intended that the position of Deputy Principal fill a need for a counselling services that are not currently available, how is it that the Government can justify not having immediate access to counselling skills held by existing staff?





and up to this date, the authorised officer has had no need to inspect any records. I will discuss this issue with him, I will discuss this issue with him in the meantime to see whether there is an issue underhand that should be investigated and if so, well then he will be undertaking those investigations. It must be noted that also it is up to the Employers to lodge these claims and as we have stated that it is an honesty system, so we take their word for how long these employees work for them and therefore they pay for those hours worked. If it does become clear that Employers are rorting the system, well then action will be taken.

MR KING Madam Speaker can I return to the issue of mental health and counselling in a wider sense however, a question to Minister Sheridan, can the Minister outline to the House the difficulties faced in the recruitment of Mental Health Professionals for Norfolk Island? Including details on attempts to attract professionals with response to attempts and the determined reason for any lack of firm applications?

MR SHERIDAN Thank you Madam Speaker, I believe Mr King has a question on notice to me in regards to the employment of...

MR KING Have I doubled up on it?

MR SHERIDAN As into the recruitment of health professionals, question 237, I intend to answer his concerns at that time Madam Speaker.

SPEAKER That would be the appropriate time.

MR KING Yeah, I do add that question is related to medical doctors rather than mental health professionals, they are two separate issues, but if you want to address both in the one time, I am quite happy for you to do that.

MR SHERIDAN Health Professionals to me include all Madam Speaker.

MR KING My question specifically asked about mental health professionals and if you choose not to answer it then that is your prerogative.

MR SHERIDAN I just stated Madam Speaker that I can answer it on Question on Notice 237.

SPEAKER And I have acknowledged that that is the appropriate time.

MR KING Thank you Madam Speaker the question is for the Tourism Minister. Can the Minister explain how the key 2006 Tourism Strategy Objective to increase Industry participation in and responsibility for Tourism Direction has been met by diminishing the Tourism Board statutory responsibility and direction under recent legislative change?

MR NOBBS Thank you Madam Speaker, although the Assembly agreed to make that legislative change it is currently with the Commonwealth, there has been no legislative change at this time.

MR KING A supplementary Madam Speaker, perhaps I can be a little clearer and expect a more succinct answer from the Minister if I ask him how could the policy objective embodied in that Bill can be expected to achieve the objective that I stated was set out in the 2006 Tourism Strategy.

MR NOBBS Thank you Madam Speaker and thank you Mr King for the question, it raises a further question for me in regard to whether even when Mr King is in attendance he is actually paying attention to the discussions that we have, as this was discussed in detail at the time where we debated in bringing this legislation through the Parliament. I refer him to the Hansard of that time.

MR SNELL Thank you Madam Speaker, I direct a question to the Minister for Community Service, Minister could you please advise the progress or otherwise of the importation of fruit to Norfolk Island?

MR SHERIDAN Thank you Madam Speaker, thank you Mr Snell, the problem of importation of fruit into Norfolk Island has been reported in this House previously, has hit a snag with the non-assent to regulations by the Commonwealth and the reasoning's for that non-assent, is that we needed to have our own local regulations in regard to our local pest status, and a requirement therefore is to identify the pest status that we do have here on Norfolk Island. As part of the discussions with the Departments and the Commonwealth, the Department of Agriculture and Forestry have provided the service with a microscope that will and remotely it can be utilised to send images offshore, so that these images can be identified by a authorised specialist in the field to identify pests that we do come across here on Norfolk Island. That in itself will not enable us to formulate what our pest status is, it will be very helpful in maintaining the pest status by identifying any pests that have not been recognised, and I have only, just in the recent weeks, written to the Department in Australia, requesting assistance in a full plant pest and disease status for Norfolk Island. Some assistance from AQIS in providing assistance so that we can undertake this as it is mentioned under the Road Map that it is to be completed this financial year. So it is hopeful that it is being progressed and that we may have some indicative status for Norfolk Island that will allow us to import fruit into the future.

MR SNELL Madam Speaker a supplementary if I may, Minister have you at anytime stressed to the respective department, the unusual nature of this requirement, that Norfolk Island should identify it's pest's before we can then import fruit, it seems highly unusual, has there been other restrictions placed on anywhere else, for example some of its other external territories surrounded by water? I'm speaking of Lord Howe Island for example, do they have to list their pests before they can import fruit from NSW or anywhere else or even Cocos Islands, Christmas Islands and so on. Is there any other place other than Norfolk Island that has to list its own pests before they can import fruit?

MR SHERIDAN Thank you Madam Speaker and Mr Snell, Madam Speaker I am unaware of the requirements of these other territories that are outside of the mainland of Australia, but in consideration that all States, and I'm talking about Tasmania, they do have their own pest status identified, and I would, don't quote me, but I would assume that places like Lord Howe, Christmas Island, Torres Strait Islands would have their own local requirements that they would have to adhere too to stop foreign infestation of pests and diseases from outside their places. I can follow this up for Mr Snell to see whether or not, what their requirements are, but I would assume that they would all have the same requirements, they just wouldn't import fruit and plant material willy nilly without fully assessing the ramifications to their local flora and fauna.

MRS GRIFFITHS A supplementary if I may Madam Speaker, Minister are you aware of any other bodies aside from the Commonwealth Departments that assist places in developing their pest status?

MR SHERIDAN Thank you Madam Speaker and Mrs Griffiths, I'm not aware of any, but I'm sure that there would be some private companies out there that

would undertake such a task for a fee, I haven't undertaken that task as yet, if it is the House's wish, or Members that wish me to investigate that, I could do so, but of course it would come at a cost. What we are trying to achieve, is in co-operation with the Commonwealth is to get their assistance in undertaking a pest and disease survey of Norfolk Island is that virtually under the Roadmap model, they would cover the cost of it, or the majority of the cost.

MRS GRIFFITHS A further supplementary if I may. Can I take it then Minister that you are not aware that the Pacific Community, this is one of the major roles of the Pacific Community?

MR SHERIDAN Thank you Madam Speaker if I may ask Mrs Griffiths who is the Pacific Community?

MRS WARD My question is for the Minister for Tourism, has the Norfolk Island Government abandoned the John King five year Tourism Strategy or has the Minister given a direction to the board to follow the objectives of the strategy? And if the Board is to develop a recovery strategy has a time limit been set for completion of the review?

MR NOBBS Thank you Madam Speaker, thank you Mrs Ward for the question, the Government certainly hasn't abandoned the strategy, the strategy completes in 2012, so it's I think quite just that we work at this point in time on a continuation of operating to a strategy. As I've indicated earlier, I see that the strategy as a three year recovery strategy at this point moving forward, I've discussed that with the Norfolk Island Government Tourist Bureau Board, the Chairman and the GM and had a discussion with John King who is the former author of the five year Tourism Strategy and there seems to be strong agreement amongst all of those people involved in moving to a three year recovery strategy. With regard to a timeframe for the Board to provide feedback into that strategy, I have asked them, from day one of their commencement to engage in that process, and recently the Chairman also provided further impetus to that as I had an informal meeting with the Board, at this point in time, there is a timeframe, as I understand it, that has been set by the Chairman of the Board to return feedback from their organisations, such as the ATA (Accommodation Tourism Association) and the Chamber of Commerce.

MRS WARD Madam Speaker as a supplementary to that. And I thank Minister for his answer so far, but it was the time limit, so the question was what the time the Chair may have set, the Chairman of the Board may have set for the feedback to come back from the areas?

MR NOBBS Thank you Madam Speaker in answering that, the best answer I can give, is that he has asked for it to come back as soon as possible.

MR KING Madam Speaker a question for the Chief Minister. Chief Minister how long is the Government prepared to tolerate continue entry of low paid Island workers? In the face of continued exploitation and abuse?

MR BUFFETT Madam Speaker if there is abuses that Mr King is alluding to, I would be pleased to have them so that they can be examined and properly addressed. It is not the Government's policy to tolerate such activities if that exists in the Island. But they would need to be properly examined by proper authorities.

MR KING A supplementary. In the light of that uncertainty in the Government's mind Madam Speaker, could I invite the Chief Minister through his

Minister for Employment Matters to consult with his own Statutory Bodies in relation to increasing level of exploitation and abuse in respect to Island workers.

MR BUFFETT I'm aware of that Madam Speaker, Mr King if I interpret him correctly, seemed to be alluding to something wider than those that were being examined and I'm inviting him, if in fact that exists to make it known.

MR ANDERSON Thank you Madam Speaker a question for the Minister for Social Services, can the Minister provide the House with some good news on the progress made with the disposal of green waste at the Waste Management Centre.

MR SHERIDAN Thank you Madam Speaker and Mr Anderson. The problem with the green waste around at the Waste Management Centre has finally been sorted out I am happy to report. A new process you might say has just been formulated by the Administration and there will be details in the local Norfolk Islander this weekend. Green waste will be accepted at the Waste Management Centre from this weekend, in the main, just briefly, it is intended that green waste material will be accepted at the Waste Management Centre on a Friday, Saturday, Sunday and Monday, then the operators around at the Waste Management Centre will process that waste on Tuesday, Wednesday and Thursday to try and keep on top of it. It also I believe, that they will have a policy that if the machine does break down at any stage then they will stop receiving green waste in an attempt not to get to the situation that we have witnessed in the past few months there Madam Speaker.

MR ANDERSON Thank you yes Madam Speaker. Question for the Chief Minister, given the Roadmap agreed to by both Government's calls for facilitation of tax file numbers for residents from Norfolk Island who do not already have them, has the Australian Taxation Office been tasked with assisting in this process or will the residents be expected to merely make application online, also is there any encouragement being offered to motivate people to start the process.

MR BUFFETT Thank you Madam Speaker, Mr Anderson thank you for the question. We, that is we the Norfolk Island Government, have identified with the Commonwealth the need to equip Norfolk Island people with the wear with all, if we are to enter into this sphere. We have made suggestions that they locate somebody here, person or persons, so that they might be available middle of town for example, to be able to respond to people who have individual queries or questions about how they should go about the things that need to be done. One of the things that have been clearly said, two things that have been clearly said, one is that we should start registering with a tax number by the 1<sup>st</sup> of July of this year, and the other is that we should progressively move into a dummy run for taxation returns over the next two years. To do that people need to be equipped, and as I say we have identified that. The Department of Regional Australia have, I think, understood that, and I understand are then negotiating with the various agencies to be able to so position people. I continue to press them about that and they continue to say that they hope they will be able to achieve it, but I've got to say that it has not appeared on the horizon at this moment, I continue at the task. What will be clear is that they can't expect us to do these things unless they play their part in facilitating it.

MR ANDERSON A supplementary, thank you Madam Speaker. So given the first year of the dry run is the current financial year which commenced on the 1<sup>st</sup> of July.

MR BUFFETT A month ago.

MR ANDERSON Yes, and given that the local residents have yet to be provided with the assistance they will need to even understand what they should be commencing, will consideration be given to delaying the dry run?

MR BUFFETT I've got to say that that conversation hasn't been had at this time.

MRS WARD Thank you Madam Speaker my question is to the Minister for Tourism. The Minister claimed the 50% off Norfolk Air sale to be a success, how does the Minister determine the flow on effects have covered the airline losses associated with the low yield fares?

MR NOBBS Thank you Madam Speaker, thank you Mrs Ward for the question. The flow on effects, to answer that in two ways, one is that obviously there is a great deal of take up for the sale by the wholesalers, by the industry itself, including on Island, for the accommodation properties that also enthusiastically put together packages to support that sale. In terms of budget for the airline on a monthly basis, as I understand it, even with the sale, we've been fortunate to be just ahead of budget for the July period, as I understand it from information from the Norfolk Air CEO recently. In terms of the ongoing components which I think Mrs Ward is referring to the perhaps base fare rate being impacted, that should not be as impacted given that what we aimed to achieve was short term availabilities for the sale, so that there could be no mistake that this was going to be seen to be the base fare.

MRS WARD A supplementary for the Minister to expand on that, what figure does the Minister intend to present at the end of each month to support his claim that the reduced airfares have been a success and not an increased strain on the public purse.

MR NOBBS Madam Speaker within the financial indicators that are presented to the House, are indicators of the performance of the Norfolk Air budget, so that would be the clearest indication of how we progress regardless of the initiatives that are in place. That is probably the most succinct way to put that answer.

MRS GRIFFITHS Thank you Madam Speaker, my question is for the Minister for Tourism, Industry & Development. Minister six months ago you advised that as part of your Tourism Initiative package that you had written to the Federal Tourism Minister seeking co-operative promotions with Tourism Australia. What is the outcome of this request?

MR NOBBS Thank you Madam Speaker I do believe I have answered this question previously and that was to provide the response that on a political level I had certainly written to see what the options were in engagement with Tourism Australia, on an Officer level, I also had encouraged our General Manager for the Norfolk Island Government Tourist Bureau to engage with Tourism Australia and that has actually borne, for want of a better way of putting it, a better linkage to Tourism Australia for us, which has involved more collaboration and awareness of the initiatives currently being utilised by Tourism Australia.

MRS GRIFFITHS A supplementary if I may Madam Speaker. Minister I specifically asked on co-operative promotions.

MR NOBBS Thank you Madam Speaker I will take that question on notice.

MRS WARD Madam Speaker my question is to, either the Minister for Finance or the Minister for Tourism. To what extent with the withdrawal of Airport Revenue through passenger movement fees affect the ongoing operation of the Airport, including capital requirements?

MR NOBBS Thank you Madam Speaker within the budget that was prepared for the full budget that took into consideration the reduction of the movement charges and also proposed a budget that is set to maintain the airport at the same time.

MR KING Thank you Madam Speaker. A question for the Chief Minister in his capacity, or his responsibility for the constabulary, has the Government developed a policy that Norfolk Island Police will now wear firearms whilst on duty in Norfolk Island? I guess I'm asking is that a fact or?

MR BUFFETT The Government hasn't made a policy upon that, there may be operational reasons which has not been discussed with me, but no there is not a Government decision on that.

MR KING May I ask a supplementary, to what extent can such practices be determined by Government?

MR BUFFETT To be quite frank I'm unsure. My initial reaction, but I am happy to examine this a bit further, would be that that is more likely to be an operational decision than a Government Policy decision, the Government has not to my knowledge embarked upon a decision such as that in the last 30 odd years. I could be wrong about that. I am happy to have some further conversations about that, it's not a matter that has been raised with me at all.

SPEAKER Mr King is there a supplementary?

MR KING No, I'm happy to accept that Mr Buffett will look at that, I'm not even sure if it is in fact the case, but it has been raised with me on more than one occasion.

MR ANDERSON Thank you Madam Speaker a question for the Minister for Tourism in his capacity as the Chair of the Airline Board, the variation of the Funding Agreement signed on the 14<sup>th</sup> of April required the Norfolk Island Government to enter into and conclude by the 30<sup>th</sup> of June, bonafide negotiations with Air Nauru, trading as Our Airline, Deloitte's were engaged to undertake this. As the deadline has passed by some five weeks, can you tell me did the Government provide a specific brief to Deloitte's, has it complied with the brief and was there an agreed date by which the negotiations were to be completed?

MR NOBBS Thank you Madam Speaker, thank you Mr Anderson for the question. Certainly you are correct in where that was identified in the funding agreement and certainly we've complied where possible from the Government and Airline Board's perspective to fully engage in those negotiations. At this point in time, those negotiations they are still ongoing and to be finalised. To prevent any implication to those negotiations at this point in time by saying anything publically on that, I'll take that on notice.

MRS GRIFFITHS Thank you Madam Speaker my question is for the Minister for Tourism, Industry & Development. Minister can you provide this House with an update on your alternative energy initiatives.

MR NOBBS Thank you Madam Speaker the simplest update I can provide is that Redemptech who are keen to position the high efficiency generator on Norfolk Island have been in touch within the last two weeks to further confirm that they hope to have that equipment installed before the end of this year and they see that as on track. With regard to the wind powered system as proposed by Bob Lloyd of Lloyd Technologies, I think my last communication with his area would be perhaps a month ago, and he is still very keen to finalise this system, however in a lot of ways, perhaps he's been sidetracked on another aspect of the work that he is doing there, in that he is moving towards also using the compressed air power system that was designed for power generation to power vehicles. So he is currently doing some side work with one of the car manufacturers as well, so that perhaps has put a further delay in that progress and I can't tell you the specific time that he has set to place that equipment on Norfolk Island. But as many people will be aware we are quite ready to place it at the end of the airstrip if that works out to be the appropriate placement.

MR KING Can I ask a supplementary in relation to that. Is it a fact Minister on a previous occasion you indicated to this House that the Government has appropriated a sum of money to pay for the transport to Norfolk Island of this free spinning generator which breaks all the laws of physics?

MR NOBBS Is that the end of your question?

MR KING Yes. Are we paying for it?

MR NOBBS Thank you Madam Speaker, thank you Mr King for the question. You'll quite rightly remember that in the Commerce Development Vote that there was a sum that I had set aside in there and as I explained at the time, it was there in case we were required to assist in relocating this equipment. With the wind powered system, I would envisage that once that reaches fruition, we may well be called upon to relocate some of the equipment to Norfolk Island at our cost. For the Redemptech equipment at this stage, which I've informed, we are not likely to have to pay out for the transportation of the equipment.

MR KING Thank you Madam Speaker a question for the Chief Minister. Chief Minister to what extent and with what regularity and perhaps with what outcome has the Government maintained contact with local Bank Managers to determine movement in economic factors, such as loan default levels?

MR BUFFETT Madam Speaker there are periodic conversations with Bank Managers, not necessarily myself, but my colleagues may do that in various ways. When there was a, Mr Nobbs has just signalled for example that he has on occasions, but I do signal that the last time the Westpac Bank had their Senior General Manager in Norfolk Island, I had the opportunity to meet with him and to discuss with him about various aspects within the banking world generally in the Australian scene and more particularly in Norfolk Island. But apart from that, there is no formal communication and liaison between the banking fraternity on Norfolk Island and the Government.

MR KING A supplementary Chief Minister. Chief Minister you can't inform the House with any authority as to whether there are indicators available from the banks to determine movements or fluctuations in the economy? No the effects on the economy?

MR BUFFETT They don't provide an economic report to the Government, no.

MR KING Madam Speaker a question for the Minister for Community Service. Minister in the light of high e.coli readings in certain areas subject to monitoring can the Minister advise whether he is confident that the overall level of monitoring is satisfactory and that findings are being properly recorded and analysed?

MR SHERIDAN Thank you Madam Speaker and Mr King. As far as I am aware Madam Speaker, yes, regular monitoring of certain sites is undertaken and the levels recorded.

MR KING A supplementary then, can the Minister then provide to Member's, without necessarily having to wait until the next meeting of the House, perhaps a short paper which details the monitoring by site, by regularity and by results over some representative period of time?

MR SHERIDAN Madam Speaker, Mr King. I can certainly ask the Service to provide what Mr King requests.

MR KING Just one final question in relation to that, I wonder whether the Minister is aware of the Walkerton Report relating to a Canadian disaster in 2000 and the extent to which budgetary constraints and improper and irregular practices and inadequate monitoring led to the deaths of seven people and the sickness of over 2000 in a small community from bovine e.coli infection and if the Minister is not, I would invite him to read the report.

MR SHERIDAN Thank you Madam Speaker I am not aware of the report and if Mr King would like to provide a copy to me I'll make sure I read it.

Are there any further questions without notice Honourable Members? I believe we have concluded questions without notice and we'll move now to answers of questions on notice.

### **ANSWERS TO QUESTIONS ON NOTICE**

SPEAKER The first one we have today Honourable Members is Question on Notice number 219, Mr Anderson to the Minister for Tourism, Industry & Development, Minister Nobbs.

MR NOBBS Thank you Madam Speaker, the question reads, at the 1<sup>st</sup> of June Sitting of the House the Minister was asked about services Norfolk Island Data Services proposed to introduce but had been precluded from doing so by Government Policy on access, he was asked which of the Services proposed by NIDS is going to be introduced by Norfolk Telecom. When would they would be rolled out, if there were any that will not be introduced and why not, and whether in the interests in providing the best possible service to the Norfolk community if there are any services proposed by NIDS that Norfolk Telecom can not or will not introduce. The Minister replied I have requested a listing of the services that Mr Anderson refers to and will provide a detailed answer to that one at the next Sitting. The listing having been supplied and several sittings have been past, can the Minister now provide the detailed answer? Certainly. What I will do Madam Speaker in follow up to the question at the time, I requested a list of the items from Mr Anderson, which he provided, and I will provide their heading and then the response. So VDSL2 and ADSL2+ internet services, Norfolk Telecom currently operates an ADSL2+ network and VDSL Dslams can be readily integrated with the DSL infrastructure in place, however it needs to be recognised that the speed of the internet service to the customer is a restriction of the international satellite bandwidth and these services may not necessarily increase the speed of the internet at home. IPTV, which is Internet Protocol Television Madam Speaker, due to

international bandwidth costs via satellite, and the amount of bandwidth that this such service would utilise, implementation of this service is not particularly practical at the moment. VOD, which is Video on Demand, with current fibre to the node expansion that Telecom is rolling out, delivery of Video on Demand services to almost all premises serviced by Norfolk Telecom's ADSL network will be possible as VOD services will compete with Video Stores, Norfolk Telecom would expect others to provide this service with Norfolk Telecom providing the delivery network, at this point in time Norfolk Telecom has been approached by local business people with questions on VOD, and has provided this information. Internet without a computer, this relates to customers private equipment and should be left to other businesses that sell suitable or similar equipment. VOIP or Voice Over Internet Protocol, Norfolk currently utilises carrier grade Voice Over IP for international connectivity, as well as traditional voice circuits for redundancy purposes. With regards to Norfolk Telecom operating Voice Over IP domestically this is answered in the question that I will move to next on the bundled internet and VOIP plans. Bundled internet and Voice Over IP plans, ADSL services provided by Norfolk Telecom operate over a PSTN Phone Service, Norfolk Telecom does not see the requirement to offer a competing telephony service when these already exist such as netfone and skype, etc, Madam Speaker. Enhanced VOIP, Video Over Internet Protocol using many of the portable handsets Madam Speaker. Video telephony services are not a mature technology with most of these handsets costing in excess of \$500 and are predominantly designed to operate within environments where bandwidth is not an issue, whilst video based telephony is a development very much of interest to Norfolk Telecom, investment in a non-mature technology is not part of current budgeting. Online game servers, very much the same answer Madam Speaker as the Video on demand, this may best suit private sector. Bundled internet and Tier One web hosting services, currently Norfolk Telecom provides a bundled internet hosting service to its customers for all ADSL services, which is provided from servers on Norfolk Island. Data Storage and disaster recovery solutions, Norfolk Telecom currently provides Telehouse Services in environmentally controlled premises, complete with back up power for local and overseas customers. Thank you Mr Deputy Speaker.

DEPUTY SPEAKER

Thank you Mr Nobbs, we move now to Question on Notice 220, Mr Anderson to the Minister for Tourism, Industry & Development.

MR NOBBS

Thank you Mr Deputy Speaker. Mr Anderson's question reads, can the Minister please explain the line of authority within the Norfolk Island Gaming Authority and the role and responsibility of the Director within the Authority. Does the Minister have a hands on role in his dealings with the Authority and does that potentially interfere with the independence of the Authority and with its relationship with the Director? And lastly, have all members of the Authority been paid in full their expense claims for 2010/11 as approved by the Director? I refer the Member to the Gaming Supervision Act in relation to the operations of the Gaming Authority and I indicate that other than recommending appointments to the Administrator I play no part in the day to day activities of the Gaming Authority. In relation to the role and responsibility of the Director of the Gaming Authority, I refer to Section 15(5) of the Gaming Supervision Act which states as follows "(5) the Director or Deputy Director is subject only to the direction of the Authority in the performance of the functions or exercise of the powers of that office". And just out of interest, I've put in (6), which deals with the fact that the Director may delegate any function of the Director to a person approved by the Authority for that purpose. In answering the hands on role question, I have no hands on role, other than to make the initial Director appointment recommendation and as far as possible to ensure that the Authority is financially accountable. And so far as I am aware, all members of the authority have been paid in full their claims for 2010/11 as approved by the Director. Thank you Mr Deputy Speaker.

MRS GRIFFITHS A supplementary if I may? Minister has the long awaited Gaming Prospectus been printed yet?

MR NOBBS Thank you Mr Deputy Speaker, thank you Mrs Griffiths, I was in contact with the Gaming Director only last evening to say that everyone will be very keen to see this bit of paperwork and a demonstration further of the website, he has committed his response to me in writing that upon his return he intends to make that presentation to all Member's.

MR ANDERSON A supplementary? Thank you, just in relation to your answer Mr Nobbs, who authorises the expenditure of the Director?

MR NOBBS Thank you Mr Deputy Speaker, the Director prepares an invoice that is then brought to myself as Minister responsible that then goes through the Accounts Department. So in effect he prepares a cost listing, I'm then given oversight I suppose of that documentation and then it is forwarded to Accounts.

MRS WARD Thank you Mr Deputy Speaker, is it a fact that the Minister authorises the expenditure of the Gaming Director? And that he has very much a hands on role in the finances of the Authority?

MR NOBBS Thank you Mr Deputy Speaker, certainly it is my signature that goes on the documentation on the basis that the Authority and the Director have put together a document that encapsulates their expenses for that period. So certainly my signature is what goes on that documentation.

DEPUTY SPEAKER With no further supplementaries, would you prefer to take the Chair.

SPEAKER Honourable Members we move now to Question on Notice number 221. That is addressed by Mr Anderson to the Minister for Tourism, Industry & Development, Minister Nobbs.

MR NOBBS Thank you Madam Speaker Mr Anderson's question reads the following; Can the Minister confirm that the digital television bandwidth used on Norfolk is bandwidth 8 while it is bandwidth 7 in mainland Australia? When the broadcast of all services on the Island goes digital is it correct that a 'set top box' of 'digital terrestrial television receiver' will be required, at additional expense to households, for most TV's and recorders purchased from the mainland? Is any consideration being given to standardising with the Australian system rather than continuing to go it alone? Madam Speaker I do confirm that Norfolk is using bandwidth 8, bandwidth 8 is used for its better coverage and particularly for its ability to transmit through some of the foliage that we have on Norfolk Island and the undulating topography. As to whether a set top box will be required, that will depend on the vintage and original purchase or place of purchase of the digital television. I'm advised that televisions sold on Norfolk Island are equipped for international channel spacing which will enable selection between band 7 and band 8 as are most new digital sets. The system on Norfolk Island can be reconfigured to band 7 however coverage would be greatly reduced. From a technical perspective our Technicians are maintaining a watch on the systems proposed in Australia which in some instances utilise satellite reception at the home via a similar system to Austar for example and those systems will require their own set top box.

SPEAKER Thank you Minister, we are moving now to Question on Notice number 222, Mr Anderson again to the Minister for Tourism, Industry & Development, as is 223, you might like to deal with both now, Mr Nobbs.



they are staying and we know their contacts through various Immigration records and information gathered at the Tourist Bureau, etc, it shouldn't be too difficult to have a list of where passengers are staying, confirmation and so on, I'm sure a policy could be put in place. Will the Minister look at whether a local policy could be put in place again?

MR NOBBS Thank you Madam Speaker look we have certainly looked at a policy we can do within the confines of the codes here and we have gone to the nth degree to not only inform those areas that have the Norfolk Air accommodation but all areas of accommodation, so that regardless of whether they are Qantas passengers or whether they are Norfolk Air passengers there is information out there, as I've said, additionally it is through the radio and ultimately it is the responsibility of the on Island Qantas representation to notify those passengers.

SPEAKER Moving now to Question on Notice number 224, Mr Anderson to the Minister for Community Services. Minister Sheridan.

MR SHERIDAN Thank you Madam Speaker the question reads, some establishments that include private rental cars with their accommodation and possibly some private rental car companies are apparently charging an "insurance" premium to their customers when the only insurance they have over their vehicles is the "compulsory third party" cover that must be paid in order to register the vehicles. Does the Minister know if this is correct? Given the impending introduction of the Trade Practices Act and the existing Fair Trading Act have offences relating to misleading and deceptive conduct what does the Government intend doing about this practice given visitors would expect that they are purchasing full comprehensive cover and also probably a reduction in any excess applicable? The answer to that Madam Speaker is under the Traffic Act 2010 Section 8, the Registra can not register any vehicle unless he has evidence that third party insurance for a minimum of one million dollars has been taken out for that vehicle, which would insure the owner and the driver of the vehicle, this includes hire vehicles. When enquiring of the insurance companies and the hire vehicle company it is evident that these companies either take out full comprehensive insurance or at the minimum third party insurance for their fleet. It is purely a business decision on their part as to what cover they take out. As for the customer expecting to purchase full comprehensive cover when hiring a vehicle, it is up to the hiring company to fully inform the customer as to what cover is included in the rental. If this is occurring then there would be no misleading or deceptive practices by these rental companies and if there were to be an accident in one of their vehicles then it is up to the hire car company as to how they would claim for the damage caused. If the hire car companies were extending extra cover under the guise of full comprehensive cover they would have to have an agreement and commitment from the insurance company that this would be accepted and the monies would then have to be forwarded to the insurance company in addition to their insurance premiums as is the case in other jurisdictions. Otherwise these hire car companies leave themselves open for the full costs of the damage. Madam Speaker the Fair Trading Act 1995 provides severe penalties for misleading or deceptive conduct for those persons or corporations that are convicted of such conduct. And also Madam Speaker under Section 9 of the Road Traffic Act there is a facility for the Registrar under regulations to prescribe insurance cover that will insure the owner and the driver of the vehicle and Madam Speaker regulations are being drafted to nominate the value of this insurance cover that must be taken.

SPEAKER Honourable Members the next two questions 225 and 226 are to Mrs Griffiths to the Chief Minister. Chief Minister.

MR BUFFETT Madam Speaker if I might tackle 225. The question to me is this, as Norfolk Island is currently a territory "under the Authority of the Commonwealth" will the Chief Minister advise whether this Government, by endorsing its

preferred model of governance, is proposing that Norfolk Island become an “integral part of Australia” and will the Chief Minister explain the difference and the possible implications? Madam Speaker can I just refer to these two quotes, “under the Authority of the Commonwealth” and “integral part of Australia” and talk about the current situation, putting aside whatever the future situation might be. That quotation, “under the Authority of the Commonwealth”, actually in one instance, it may be in other places as well, is in the Norfolk Island Act and it states that in the preamble to the Norfolk Island Act. The words “under the Authority of the Commonwealth of Australia”. Equally when the Norfolk Island Act was introduced, the Minister at the time, Mr Ellicott used the words “that Norfolk Island is part of Australia and will remain so”, so those sorts of quotations were there under to describe the current system that we have. When we move to something else, and we are talking about a different model of self-governance, whether that will necessarily change those components, I’m not trying to mount an argument about that, principally because it probably will spark a debate which has never really reached a conclusion before and is unlikely to reach a conclusion now, that everyone will agree with. There are many people who use the words “under the Authority of the Commonwealth” in a particular context and others use it in another context, others stress the part about an “integral part of Australia” and others equally use those words but point out some of the differences. I’m not too sure that I can enter into a logical argument about all of those things today, if one wants to write a book about it, maybe one could embark about that, I’m just pointing out the complexities, and I’m really not able to draw concrete conclusions beyond those that are held at this moment. I might turn to 226. The question to me Madam Speaker, given that many in this community felt incapable of commenting on the draft of the Roadmap because it had little substance, and that this Roadmap if used properly will remain in place for many years, does this Government intend to incorporate those comments it did receive and publish again a 2nd draft of the Roadmap for further comment? Madam Speaker the comments were very useful as it was intended to be and the Government, both Governments take note of the comments that have been made, at this stage that doesn’t mean a change in the direction of the Roadmap. I think it is fair to say that some major comment upon the Roadmap sought detail on a range of the components, the range of factors. Let me just give you three examples, there was mentioned in the Roadmap the matter of a Wellbeing Study, and I just want to mention that that particular matter has been developed since the publication of that Roadmap and it has been conducted and a report delivered so there will be a number of things that will be in that context. Another matter identified in the Roadmap is the review of the Public Service and we will know that that is now underway and within the last fortnight they have visited this place and are continuing upon their study. The model of self-governance is another component in the Roadmap that is yet to be developed in its final form, we have a motion on the table today, to talk further about that. But it is gradually being refined, for example in that context we are no longer talking about a self local government arrangement or a national government, we are talking about a territory government arrangement and so it can be seen that as we move along, there are a number of things that are yet to be addressed and developed to give further substance and fill to the structure for the Roadmap. I think that’s what I think is useful to respond to that question Madam Speaker.

MRS GRIFFITHS

A supplementary, Thank you Madam Speaker. Chief Minister what initiatives for new industries was contained in the original draft of the Roadmap and what initiatives for new industries are contained in the comments?

MR BUFFETT

I’m happy to go through those comments to try and identify those that relate there, one of the things in the Roadmap in its widest sense, is to give opportunity for wider activity to make larger the pool. And industry, whether they be primary industry or other industries are things that are encouraged and hopefully there will be greater opportunities for such industries to be pursued.

MRS GRIFFITHS Thank you Madam Speaker, am I to understand that if the Roadmap is to serve any purpose we must troll through all of the comments to find anything useful?

MR BUFFETT Anybody can troll through the comments if they wish too, the comments have been in a wide sense accumulated and the commentary in terms of the detail published without identifying individuals of course.

MRS GRIFFITHS Would the Minister concur that this is not the most appropriate use of a Roadmap?

SPEAKER We are moving into the arena of asking for an expression of opinion and I don't think that is... unless you wish to pick it up.

MR BUFFETT No, what I'm endeavouring to respond Madam Speaker is, that I'm happy to talk with Mrs Griffiths about if she has a particular interest in some areas that have been commented upon in the Roadmap and it appears that that is what she is getting at, what I am endeavouring to say, is that where comment is useful about the way forward, that is all valuable, but to date the comments that have been received have not changed the general direction of the Roadmap.

SPEAKER Thank you Chief Minister moving along now to Questions on Notice numbers 227, 228, 229 which are in the name of Mr King to the Minister for Tourism, Industry & Development. Minister Nobbs.

MR NOBBS Thank you Madam Speaker. Madam Speaker could I seek your approval to just refer back to question 223 for one moment?

SPEAKER Yes certainly.

MR NOBBS What I would like to refer to is, I can understand Mr Snell's frustration perhaps with the methodology for contacting those people who are travelling on Qantas tickets on Norfolk Air and I just want to point out that the most complete fix of that issue is once we go to free sale code share, then we have all of that information available to us, the ability to contact directly and all sorts of advantages in that way, so just to further provide advice on that question. And now I'll move to question 227 Thank you Madam Speaker. This is question from Mr King, Since the Norfolk Island Government Tourist Bureau Act in its present form makes no provision for the Minister to participate in Bureau or Board meetings and in fact contemplates quite the opposite, under what authority has the Minister been participating in Board meetings as disclosed during the last meeting of the House? Madam Speaker I've attended two formal meetings of the Board, aside from meeting the Board directly after their commencement and a recent special meeting to discuss the Ministerial direction of 8<sup>th</sup> of July, participation has been at the invitation of the Chairman and naturally enough Madam Speaker I do not participate in the business of the Board.

MR KING A supplementary Madam Speaker? Does the Minister remain mute at those meetings?

MR NOBBS Thank you Madam Speaker, that is a difficult one to answer! The simple answer is with regard to normal business of the Board, I'm usually not there, I'm only there for the special aspects that deal with an issue that perhaps the Chairman and I have spoken about that we see an advantage to discuss with the Board.

MR KING Madam Speaker one more supplementary. Isn't it a fact, like the Gaming Supervision Act, which was referred to by the Minister just a brief

moment ago in response to a question about Gaming, that the Norfolk Island Government Tourist Bureau Act provides for no hands on participation by the Minister as well, and it in fact contemplates at Section 15 of that particular statute that he may only give written directions to the Board and that those directions should then be tabled in the House, are those things facts?

MR NOBBS Thank you Madam Speaker, certainly there is the provisions for written directions and certainly there is no exclusion from invitation to informal meetings or to attend in some preliminary form for the meetings, however having said that, in presenting a direction to the Board, there is also an opportunity to discuss that direction with the Board.

MR KING Just one brief one, why is this House not given an opportunity to discuss those Section 15 directions as required by the law?

MR NOBBS Thank you Madam Speaker we reach presentation of papers directly after answers to Questions on Notice, at that point in time Mr King I table the direction as presented to the Board.

SPEAKER Moving along please Minister Nobbs to question on Notice number 228.

MR NOBBS 228 Madam Speaker, Mr King's question reads will the Minister clarify for the record, that the performance review of the Tourism Strategy dated June 2011, is the first formal review of the four year old strategy that has been done; and there is a second part of the question, but I will answer the first part first. The five year Tourism Strategy 2007 – 2012 has had a performance review in June 2010 and June 2011, both were undertaken by the General Manager for Tourism. (b) of this question is, if this is the case and since regular review was an essential ingredient of the strategy, what was the point of a strategy in the first place? Madam Speaker the five year Tourism Strategy is a strategic document that provides direction and outlines objectives for the Norfolk Island Government and the Island's industry, not just Norfolk Island Tourist Bureau. Annual reviews assist in monitoring progress and relevance of the contents of the strategy which has with the engagement by Industry evolves over time and is affected through political, economic, social, technological and environmentally influences on the nature and adaptability of the Island to cope with changes over the strategy timeline. Question 229 Madam Speaker is also from Mr King and reads, will the Minister table sufficient documentation to demonstrate that ongoing internet problems are not associated with declining commercial arrangements with New Zealand Telecom caused by Norfolk Island's failure to meet contract terms? As printed in the Norfolk Islander Madam Speaker and advised by Government media release, the issue was technical not fiscal, and I'll table those documents and media releases, thank you.

SPEAKER So tabled.

MR KING I have a supplementary Madam Speaker, could I ask the Minister if there are no other supporting documentary evidence other than that produced by the Government itself?

MR NOBBS Madam Speaker I would think that the Standing Orders are quite clear that in what I produce has to have merit in terms of being a document that is not misleading and is specific about the question asked.

SPEAKER Thank you Minister Nobbs, let's move along.

MR KING

You haven't ruled Madam Speaker?

SPEAKER

I haven't got a point of order in front of me to make a ruling Mr King. We are moving now to the next question in your name, Question on Notice number 230.

MR NOBBS

Thank you Madam Speaker, the question is from Mr King, for the purposes of clarifying the Minister's previous answer to this question, precisely what special interest activities have been developed by Norfolk Tourism as part of satisfying the particular strategic objective set in 2006? The General Manager from the Tourist Bureau provided me with information on this, and that is that the Norfolk Island Government Tourist Bureau is the Government's destination marketing and industry development agency for facilitation to the Island's tourism industry for development of tourism experiences, improvement of customer service and standards and sustainability of tourism businesses, the understanding of market forces trends and analysis, the Norfolk Island Government Tourist Bureau does not in itself develop the special interest activities by does assist in the facilitation and support of those tourism businesses on Island, particularly tour operators in product development and improvement for the experience of visitors.

MR SNELL

A supplementary if I may? Madam Speaker, Mr Nobbs, it appears over the years that the Strategy objectives set in 2006, and again the five year strategic review and the policies have not worked, is there anything in place where the Minister will introduce a further strategic policy that will better serve the industry, is there any other developments that are in place?

MR NOBBS

Thank you Madam Speaker, thank you Mr Snell for the question. Certainly that's the intent of the review process for the Strategy at the current time that I've engaged with the Chairman of the Board and he further to the Board themselves, is not only to develop a further strategy, but a strategy that has ownership of the industries on the Island and in many cases, the industries that support us from outside of Norfolk Island, hence the reason for the Presidents of the ATA and the Chamber of Commerce going to their organisation and seeking feedback from their organisations on the input to the Strategy so that in the areas where we make dedication to improvement and to a strategic outcome that there is sign off on both sides of the ledger so that everyone owns that Strategy and everyone moves forward on it, rather than in some instances, some of the objectives being quite clear, but not necessarily collaboratively developed.

MR SNELL

Thank you Madam Speaker, thank you Mr Nobbs. Has it been a consideration though that if the Strategy hasn't worked and is not working, has any thought been given to scrapping it?

MR NOBBS

Thank you Madam Speaker, I think it's probably a little bit to the extreme to assume that the Strategy hasn't worked, the Strategy certainly has worked as a guide post and set some parameters for all areas to work too and there has certainly been commitment to many of those elements of the Strategy from within the various sectors of the Norfolk Island Government Tourist Bureau for example to enhance those elements that are attached within the Tourism Strategy, the areas that perhaps haven't worked are areas such as the expectation for a certain number of tourism numbers by the end of the Tourism Strategy, and there are a number of reasons for that. I mean there are a number of implications that affect tourism numbers to Norfolk Island as it is, but certainly the objective was optimistic, for memory I think it was something along the lines of 350,000 nights, so there are some aspects that we would do better to refine with the Industry on a closer arrangement in the development of the next Strategy so that we are working collaboratively to obtain not only those numbers,

because a lot of the outcomes for tourism numbers for Norfolk Island aren't just about the way the Tourist Bureau promotes, they are just about the way the Airline operates, whether it puts out sales or tactical marketing, they are a combination on what we have out there in destinational marketing, what we have out there in tactical marketing, what we have out there in packages that entice the traveller to come to Norfolk Island and then what we have on the ground to satisfy the experience when they are on Norfolk Island.

MRS GRIFFITHS Thank you Madam Speaker, Minister you stated on, and I'm quite happy for you to take this question on notice, you stated before that this Strategy was a whole of Island with responsibilities for Norfolk Tourism, Norfolk Air and the Norfolk Island Government, can you therefore provide this House with details on those initiatives that the Norfolk Island Government has met within the Strategy?

MR NOBBS Thank you Madam Speaker the traffic light analysis that I have provided effectively is the analysis of the GM for those areas that fall perhaps in that sphere that Mrs Griffiths is talking about, so that is the starting point for looking at those initiatives that you are talking about.

MRS GRIFFITHS I'll ask again next month, thank you.

SPEAKER We move now Honourable Members to Question on Notice number 231 Mr King to the Chief Minister. Chief Minister.

MR BUFFETT Madam Speaker the question is, can the Chief Minister advise whether it is intended to fully and properly consider the pros and cons of both the Federal and Norfolk Island GST schemes before opting for one system ahead of another as part of future financial arrangements? Madam Speaker the Commonwealth signalled to us that Norfolk Island should retain its own GST, I'm not too sure that that necessarily signals and in concrete view, but that was the view that was signalled at an earlier today, the Norfolk Island Government is of a more open mind, and is yes, willing to examine pros and cons as to which might be the best scheme to serve the Norfolk Island context as we progress the Roadmap arrangements, I think it is fair to signal also that whilst the Commonwealth maybe of that view and we may be of a view, whichever those views happen to be, the GST Scheme is much wider than that, it encompasses other states and territories within the Commonwealth sphere. And if we are to enter that arrangement, it may well mean that those other groupings might need to have a say in the process as well.

SPEAKER Thank you Chief Minister moving along to Question on Notice 232, Mr King to the Minister for Tourism, Industry & Development.

MR NOBBS Thank you Madam Speaker, the question reads, at the last meeting of the House the Minister undertook to model the impact, fairness and equity in the Administration's free internet download period. Will the Minister now provide the results of this modelling to the House? Madam Speaker I did state that I would take Mr King's suggestion on notice, which dealt with determining the equity of the 12am to 5am free download and given that we have in the last week expanded the available bandwidth, this will mean that the capacity is not being exceed within the normal business hours, which was not only the reasoning behind offering the midnight to 5am service but also insured minimal if any loss revenue with usage already at 100% capacity previously. Given the expansion of the bandwidth and the further expansion to come I've discussed the Telecom Manager an evaluation of the after hours service.

SPEAKER Thank you Minister Nobbs, moving along now to Question on Notice 233, again Mr King to the Minister for Tourism, Industry & Development. Mr Nobbs.

MR NOBBS Thank you Madam Speaker, the question reads, is it a fact that the only recommendation of the economic telecommunications consulting group adopted by the Government was to exclude competition from the Administrations copper network and how does the Government justify adopting this one recommendation in isolation from others? No this is not a fact Madam Speaker, and I'll refer to the recommendations. The recommendation One advised to seek new legal opinion from experts in Telecommunication Law as it applies on the Australian mainland and in fact an analysis of the Norfolk Island Telecommunications Act and the like, copies of the consultants review Madam Speaker were forwarded to the Commonwealths Departments and opportunities for Departmental Officers were certainly taken up to discuss directly from our perspective, but additionally there were opportunities for those Commonwealth Officers to have discussion with the consultants where there were corresponding timeframes were the consultants were in Canberra. Discussion and documents were given to the Public Service Review Team and that was on the basis that they would be reviewing this area and certainly I've written too, I've had the CEO write to the Commonwealth Department for feedback in the area on the legislation and the review of that legislation has been a part of our budgetary funding for the Telecommunications, however at this point in time, is not on the current budget allocation, particularly for the three months. Recommendation two was stop any expansion of existing services that NIDS is requesting while awaiting outcome of new legal opinion pending advice, no further expansion has been enabled within the network. Three, recommendation three highlights the negative impact that competition would have on telephony revenues and service offering to the community of Norfolk Island, that point was taken by the Norfolk Island Government and policy in place to protect the community infrastructure and service. Recommendation four regarded if a strategic decision was made to introduce competition, now currently that is not being considered, and particularly given the negative impacts highlighted in that report. Thank you Madam Speaker.

SPEAKER Thank you Minister Nobbs, moving to 234, again Mr King to yourself, Minister Nobbs.

MR NOBBS Thank you Madam Speaker, the question reads, at the last meeting of the House the Minister undertook to examine the particular recommendation of the telecommunications consulting group, that financial guidelines be set to determine desirable profit levels and that an innovative pricing structure be set to ensure that consumers still benefit in the absence of competition, and to offer advice to the Assembly on what in fact the Government's profit objectives in relation to the operation of Telecom might be. Can he now provide appropriate advice to the House? Just in commencing this Madam Speaker, obviously I'll reiterate that we have spoken to the group that is performing the Public Service Review and certainly encouraged a lot of these evaluations as well, the Government's profit objectives regarding the operation of Telecom fall into several categories, income from telecommunications services provided should enable continuation of communications within and external to Norfolk Island. Support Telecom network infrastructure, maintenance and upgrades in technology and equipment, provide for suitably qualified and trained personnel to maintain network, enable on Island telecommunications services rates competitive or in line with our region, and that was recognised within the review report Madam Speaker.

SPEAKER Thank you Minister Nobbs, we now move to Question on Notice number 235 again from Mr King to yourself, Minister Nobbs.

MR NOBBS Thank you Madam Speaker, Mr King's question reads, can the Minister table the professional engineering advice he has received which supports the apparent proposition that a post and rail fence is sufficient barrier against the collapse of the southern end of the airport runway? Madam Speaker I actually find this question a little bit absurd, but the Airport Manager has informed me that there is no post and rail fence, either near or on, or holding up any of the runways at Norfolk Island Airport. Assuming the Member is referring to the Eastern End of Runway 29, there is a wire fence at the base of the incline at the end of the runway works, which is removed as and when required for works access. With a temporary electric fence further inside the runway end work to ensure runway security in the worst case scenario of cows forcing past the road fence.

MRS WARD Thank you Madam Speaker, if I may. There is currently I assume an exemption still on the RESA Runway 29, and I'm wondering when that expires? Sorry, it relates to RESA, which is what Mr King is referring to is the post and rail fence.

MR NOBBS No, Mr King is referring to whether a post and rail fence is a sufficient barrier against the collapse of the southern end of the airport runway.

MRS WARD I think we all know what Mr King's talking about.

SPEAKER We will move along now to Question on Notice number 236, which is a question from Mr King to the Minister for Community Services, Minister for Community Services. Order. Minister for Community Services.

MR SHERIDAN Es myse tun?

SPEAKER Es you's tun, yu bin wait lorng time.

MR SHERIDAN Question 236 from Mr King, how do the fines established for the failure to wear seat belts stack up against the level of fines in other Australian jurisdictions and as a proportion of average weekly wages? The answer Madam Speaker the fine for not wearing a seat belt on Norfolk Island will be \$100 under the Traffic Infringement Notice system, this is an on the spot fine as for other minor traffic infringements. The maximum fine for not wearing a seatbelt under the Act is \$500. This is the maximum fine that the Court could penalise a person if the matter was brought before them. In Australia the fine for not wearing a seatbelt varies from State to State but examples are: in the ACT \$293 with a maximum amount of \$2000 which could be imposed by the Court, should the matter be disputed. New South Wales for a unrestrained driver \$265, with one unrestrained passenger \$530 plus the passenger is fined \$265. If the driver has four unrestrained passengers the fine is \$1,383 with \$265 fined for each passenger. In the Northern Territory its \$400 fine with a special provision of failing to restrain a child of \$480. In Victoria it's \$244 with the same penalty per unrestrained passenger. And in Queensland it is \$300 with the same penalty per unrestrained passenger. Madam Speaker of these five states the average is around the \$300 mark. It must be noted that penalty points are also deducted from the person licence and for an unrestrained driver in New South Wales it is three points, with additional points for each unrestrained passenger and these are doubled in double demerit periods, such as long weekends and holiday periods. The comparison to the average wage for Norfolk Island, considering the average wage as detailed in the Deloitte Wellbeing Report on 27<sup>th</sup> April 2011 of \$600, would be approx 17% of a weekly wage. In Australia with the average weekly wage being \$1,288, and this is figures from the March quarter ending 2011, it would vary between States but using the average of \$300 the approximate average percentage would be 23%. If the full penalty was

apportioned the percentages would be in Norfolk Island 117% and in New South Wales 155% of the weekly wage.

SPEAKER Thank you Minister. Moving along to 237 which is also in your name from Mr King.

MR SHERIDAN The question reads what progress has been made with the recruitment of suitable health professionals for the Norfolk island hospital? The answer Madam Speaker, recruitment for replacement Doctors at the Hospital has been in motion since October 2010, with approximately \$45,000 being spent on this activity to this date. For the position of Dr Robbins, advertisement's have been placed in the Weekend Australian for two editions, Australian Doctor magazine, 6 Minutes newsletter, New Zealand Doctor, Medical Observer, Jobs4Doctors, Australian College of Rural and Remote Medicine, New South Wales Rural Doctors Network and the Medical Journal of Australia. Three recruitment agencies have also been approached, these being Charterhouse Medical Recruitment, IMR Medical Recruitment and Babich Medical Recruitment. These advertisements resulted in four responses, two interested in the position, one available in 2013 and one only available as a locum. Of the two interested in the position, one doctor required a position that was fly-in for a month with two months off shore. The other applicant actually came to the Island but upon return determined that she was not comfortable with her anaesthetic or obstetric skills and therefore declined the position. It was unfortunate that during this period that Dr McNamara fell ill, and remains so, with his intentions unknown until his medical condition improves. Recruitment has commenced to identify a replacement with advertising in various medical magazines. The Hospital Director is also contacting past Doctors, Locums who have practiced at the Hospital to ascertain if they are willing to return on a full time basis. Madam Speaker Dr Metcalfe has agreed to take up one of the positions available, and he has agreed to update his obstetrics and anaesthetics prior to commencement, which will not be until later this year. On the counselling position, recruitment has been ongoing for a full-time counsellor and at the close of applications, four applicants had applied from 27 information packages sent out. Until the recruitment process has been finalised, a replacement counsellor will now commence work on Norfolk Island, next Thursday being the 11<sup>th</sup> August for a minimum of three months and they have indicated that they are willing to remain on Island longer if necessary until the new year. It is anticipated that a full time counsellor will be available on completion of this period.

SPEAKER Thank you Minister moving along to 238, again to Mr King to the Minister for Community Services. Mr Sheridan.

MR SHERIDAN Thank you Madam Speaker, the question reads, at the last meeting of the House the Minister advised that he will keep the House informed of his efforts to determine the source of e.coli contamination in Norfolk aquifers. Can the Minister now do so and (a) inform the House if he has been fully advised on the availability of appropriate microbial source tracking analysis and whether this service is to be used; and (b) advise whether ongoing monitoring is being carried out on groundwater in the cemetery region in the wake of 2008 tests which determined high risk levels of e.coli contamination?

Madam Speaker yes I have received information on the appropriate Microbial Source Tracking with the ability to be able to determine through testing, whether or not the origin is human or some other animal source of pollution. The Administration Service continues to investigate the feasibility of utilising this test. As indicated in response to prior questions, the quoted cost of \$560 per sample for testing, plus freight, setup & equipment is high. Considering that tests from various areas would be required to isolate any leakage, if any, from the Water Assurance Scheme, it appears that it would be a fairly expensive option to undertake. Considering that the catchments in question do have a mixture of sewered and unsewered developments as well as a mix of

domestic and feral animals the results when obtained may very well not indicate the source of the pollution. The Administrative Service has recently received advice and information on methods for tracing water flow from potential pollution sources such as sewers, septic tanks, etc by the use of fluorescing dyes and/or traceable dyes. These methods have potential, both in the short and longer time as a monitoring tool for assessing underground water flows and the relationship or vulnerability of this water to activities being conducted above or near this underground or surface water. The integrity of bores and well casings can also be checked. It could be used in the short term to check the Administrations underground sewer network for any leaks. This would be the first step, and if none is found, then it could be used to check the integrity of privately owned sewer systems. It could also be used to check if and where storm water is entering any sewer systems. Madam Speaker this method would be valuable over a longer term as an assessment tool to identify which unsewered residential areas pose the greatest health risk and/or environmental loadings. Decisions on which areas or area should have the highest priority for a sewer extension or for an alternative method of waste water disposal to be utilised could be made. Madam Speaker I have requested the service to investigate both these methods and to provide advice on their estimated costs and long term effectiveness. When this information has been received, the Administration will be in a position to select which method of monitoring is the most suitable and cost effective in the longer term. It may be that a combination of both these methods may prove necessary. I expect to have this advice from the Service in the near future. And second part of the question Madam Speaker, in relation to the testing of water in the cemetery region, I can advise that testing was conducted on water which had seeped into a freshly dug grave overnight some years ago. This water testing indicated e.coli present and no further testing of this area has been carried out. But I have been informed by the Service Madam Speaker that upon the receipt of those tests that the sextant was informed that if they were digging any graves and water had water seepage that the appropriate protection for their wellbeing should be undertaken whilst digging those graves.

SPEAKER Thank you, moving along now to 239, Mr King to Chief Minister. Chief Minister.

MR BUFFETT Yes, thank you Madam Speaker. The question is the Chief Minister able to advise if there has been a notable variation in the aging of Administration debtors? I just need to give clarity Madam Speaker that this is talking about the age of the debt not the age of the debtor. It's interesting. I don't have an answer for that just yet.

SPEAKER Moving along to question number 240 Mr King to the Minister for Tourism, Industry & Development.

MR NOBBS Thank you Madam Speaker Mr King's question reads, is it not a fact that there is and never was, a requirement by the Civil Aviation Authority that Norfolk Island meet a category 6 Rescue and Fire Fighting standard for fire vehicles and that at all times during the expenditure of millions of taxpayer dollars on two hugely expensive fire engines and massive garage facilities, it was only ever necessary to maintain a category 5 standard requiring only one fire vehicle? Madam Speaker no it is not a fact, in May 2006 the Emergency Services Co-ordinator wrote to the Civil Aviation Safety Authority, Airport Rescue Fire Fighting Service Specialist Auditor enquiring whether the provision of category 6 was required or whether the Norfolk Island Aviation Rescue Fire Fighting Service could operate legally at category 5. On the 24<sup>th</sup> of May 2006 CASA responded to the effect that the requirement for category 6 took effect as of 1<sup>st</sup> of January 2005.

SPEAKER Thank you Mr Nobbs, moving along to Question on Notice number 241 Mr King again to the Minister for Tourism, Industry & Development and Mr King you would like a supplementary on 240.

MR KING Yes, just a brief one, is the Minister able to circulate that information, given the existence of information to the contrary?

MR NOBBS Certainly I can make that available to Members.

SPEAKER Moving right along now to 241, Mr King to the Minister for Tourism, Industry & Development, Minister Nobbs.

MR NOBBS Thank you Madam Speaker, the question reads, is it not a fact that the decision to conduct a category 6 service requiring 2 fire vehicles was a voluntary decision by the Norfolk Island Government and in no way was influenced by the requirements of the Civil Aviation Safety Authority? No it is not a fact, I reiterate my previous response, the requirement for two fire vehicles for category 6 is mandatory under the international Civil Aviation Organisations international standards and recommended practices, Volume One Aerodromes (design and operations), ICAO and X14 Chapter 9, Section 9, dot 2, dot 33.

SPEAKER Thank you Minister Nobbs and finally Honourable Members Question on Notice number 242, Mr King to the Minister for Tourism, Industry & Development, Minister Nobbs.

MR NOBBS Thank you Madam Speaker, the question reads, on what basis and with what justification did the last Norfolk Island Government, in which the current Minister was Chief Minister, decide to opt for a category 6 service which involved expenditure of millions of dollars, when a more modest and much less expensive category 5 service was all that was necessary, and where was this explained clearly to the community? Madam Speaker the Norfolk Island Government relied on the advice of CASA and the ICAO standards that a category 6 was required. The community was informed through media release, discussion in Parliament and hansard.

MR KING A supplementary question, can the Minister explain why in the closing months of the 11<sup>th</sup> Assembly of which he was not a Member, can he explain why a question was asked of the then current Minister for the Airport, when was the Government to make a decision regarding the requirement for an expensive category 6 service, as opposed to the less expensive category 5 service. If that was a material consideration in relation to the matter when was that decision made and on what basis?

MR NOBBS Thank you Madam Speaker that is a fairly obscure question, if it is referring to a question that was asked without notice within the House, as Mr King is well aware some of those questions can come from all angles, whether they have logic enveloped within them or not.

MR KING One final question Madam Speaker. Can the Minister offer any explanation as to why on 6<sup>th</sup> of April of this year he informed the House that and I quote "the decision to go with the fire fighting appliance upgrade was certainly at the behest of the CASA", so it certainly wasn't a decision that was only made at Government level, when information supplied separately...

MR NOBBS Is this another one of your \$600,000 invoices that isn't going to materialise Mr King?

SPEAKER Point of order.

MR KING Information supplied separately says that it is clear given the current air traffic movements at Norfolk Island the minimum category for the Rescue Fire Fighting Service is category 5, at no time has CASA directed that Norfolk Island have two fire fighting vehicles. Can the Minister offer some explanation for that?

MR NOBBS Madam Speaker I have provided a clear explanation of the progression that led to the purchase of those fire engines.

MRS GRIFFITHS Madam Speaker may I move that Mr King table those documents that he is waving around there please?

SPEAKER Certainly.

MRS GRIFFITHS Ef hi dumain

SPEAKER I think we have had precedent at an earlier time in this House which required Mr King, if the House so orders to table those documents, I don't have before me at the moment, a request from the House, let me just make sure. Unless otherwise ordered, all papers and documents presented to the House may be inspected, going back one, going forward, a document quoted from by a Member, may be ordered by the House to be laid upon the table, such order may be made without notice immediately upon the conclusion of the speech of the Member there from. I do not have before me an order of the House.

MRS GRIFFITHS If I have made a motion to move.

SPEAKER You are moving formally.

MRS GRIFFITHS Yes please.

SPEAKER For Mr King to table the documents from which he just quoted. The question before the House, debate Honourable Members. Minister Nobbs.

MR NOBBS Put it on the table, thank you Mrs Griffiths.

SPEAKER The question before the House is that Mrs Griffiths motion be agreed to, that is, I'm taking it, correct me if this isn't your intention, that the documents from which Mr King has just quoted be tabled in the House.

MRS GRIFFITHS That is my intention.

SPEAKER And there is no debate. I put the question.

QUESTION PUT  
AGREED

The aye's have it, Mr King you are so ordered.

MR KING Thank you Madam Speaker, I table a letter from Mr McCormack, Director of Aviation Safety, Civil Aviation Authority, addressed to the Chair of the Public Accounts Estimate Committee dated the 6<sup>th</sup> of July 2011. Which uses the words that I have quoted, at no time has CASA directed that Norfolk Island have two fire fighting vehicles, the letter is so tabled.

SPEAKER Thank you Mr King. I believe Honourable Members we are now at the stage where we are moving to Presentation Papers.

### PRESENTATION OF PAPERS

SPEAKER Are there any papers for presentation this morning Honourable Members? Chief Minister you have first call.

MR BUFFETT Thank you Madam Speaker, Madam Speaker in accordance with Section 41 of the Interpretation Act 1979 I table the **Census and Statistics Regulations 2011**, these regulations Madam Speaker merely describe 2011 as the year, the year, that we take our Census. I table those.

SPEAKER Thank you Chief Minister. Further Papers for Presentation. Chief Minister.

MR BUFFETT Madam Speaker I table the Norfolk Island **Annual Report** prepared by the Head of the Service for 2009-2010.

MR SHERIDAN Thank you Madam Speaker, Madam Speaker in accordance with Section 41 of the Interpretation Act 1979, I table the **Traffic Amendment Regulations 2011**.

MR SHERIDAN Thank you Madam Speaker in accordance with Section 41 of the Interpretation Act 1979 I table the **Planning Amendment Regulations 2011**.

MR NOBBS Thank you Madam Speaker as earlier discussed I table a **Direction to the Norfolk Island Government Tourist Bureau**.

MR SHERIDAN Thank you Madam Speaker as I required under the Employment Act 1988, Section 74(1), the **Employment Conciliation Board** is to furnish a report to the Minister annually under Section 74(2) of the Act, the Minister is to table this report before the Legislative Assembly as soon as practicable after its receipt, Madam Speaker I do so now.

MR BUFFETT Thank you Madam Speaker, **Virements** Madam Speaker. There is a requirement under the Public Monies Act of 1979 that the appropriate Executive Member needs to table such matters that are handled in the Virement context and I table those.

SPEAKER Thank you Chief Minister. Any further papers for presentation this morning Honourable Members? There being no further papers for presentation, we move to Statements of an Official nature.

### STATEMENTS OF AN OFFICIAL NATURE

SPEAKER Are there any Statements this morning of an Official Nature Honourable Members? Chief Minister.

MR BUFFETT Madam Speaker for the information of Members I advise the House that the Norfolk Island Government continues to have before the Australian Government a request for funding in respect of the first three months of this financial year for the balance of this financial year and also a five year program that is set out in the Roadmap. Whilst we have had continuing and good discussion with



Agreement was progressed to the point where in April this year in the 13<sup>th</sup> Assembly the terms of the Agreement were finally settled, and an invitation extended to me, as your Speaker, to visit Man to sign this historic document. Honourable Members I am now going to read the terms of the Cultural Agreement into Hansard. And I will hold it round for your to see, it is a Cultural Agreement between the Isle of Man and Norfolk Island and at the top of it bears the Crest of the Isle of Man and of Norfolk Island. It reads, where as the Isle of Man and Norfolk Island share a strand of the early history of Norfolk Island settlement, through their association of Fletcher Christian and Captain Bligh, which as history has recorded was the nexus of creation for the settlement of Pitcairn Island in the year 1789, following the mutiny on board Her Majesty's Ship Bounty. A settlement that continued until 193 of the Islanders set sail in the ship Morayshire to Norfolk Island, commencing a settlement there on the 8<sup>th</sup> of June 1856, that continues to this day. And whereas the Legislative Assembly of Norfolk Island was established in the year 1979 and has developed into a mature Parliamentary System and whereas the Isle of Man in the year 1979 celebrated 1000 years since the establishment of its Parliament and whereas there are common ties of family and culture between the Isle of Man and Norfolk Island and in recent years there has been considerable movement of citizen between the two communities for purposes including business and good governance and exchange of family and historical information, guided by the desire to develop and strengthen friendly relations and to promote interest in the fields of heritage, culture, research, education and media communications between the Isle of Man and Norfolk Island it is agreed that, one, the Tynwald Court on the Isle of Man and the Legislative Assembly of Norfolk Island will promote closer links in developing cultural activity, two, the established link between our two Island's via the Bounty should be recognised on both Island's on each national day, that is Anniversary Bounty Day on the 8<sup>th</sup> of June and Tynwald Day on the 5<sup>th</sup> of July. Three, encouragement should be given to the exchange of music and dance via each local radio station and video recordings. Four, educational establishments should be encouraged to exchange ideas, ultimately with a view to an exchange student scheme. Five, as each step is progressed then recognition should be marked in the Hansard of both Parliaments. And this cultural agreement was executed at Tynwald, Isle of Man on the 5<sup>th</sup> of July 2011, signed by N.Q Cringle OBE MLC, President of Tynwald in the Isle of Man and myself R.E. Adams JP MLA, Speaker of the Legislative Assembly of Norfolk Island. I table a copy of the Cultural Agreement into the record of the House. I will continue, thank you. Members will have noted in the Agreement that the established link between our two Islands is to be recognised on our respective National Days, that is Anniversary Bounty Day on the 8<sup>th</sup> of June on Norfolk Island and on Tynwald Day on the 5<sup>th</sup> of July in the Isle of Man and that as each step of the agreement is progressed the Agreement requires that that recognition to be marked in the Hansard of both our Parliaments. My reading of the Agreement and reporting to the House today is a first step to achieving that recognition under the Agreement. It was an honour and a great privilege for me as your Speaker to represent Norfolk at the official proceedings on Tynwald Day and on our Island's behalf to sign the Cultural Agreement between our Islands. Our agreement, as I have said in the reading, was formally signed at the Tynwald Day Banquet and at conclusion of the signing I was invited to speak to those assembled, which was a very moving experience for me. Other official overseas guests of Tynwald came from Belgium, France, Gibraltar, Guernsey, Eire, Northern Island, Norway, Scotland, Wales, the United Kingdom and the United States of America. The guests from the USA, as a matter of interest, were the NASA astronauts who crewed the historic final mission of the space shuttle Discovery earlier this year and to hear them speak about their work as astronauts was truly inspiring. They go around the world now at the invitation of various countries speaking to youth about space travel. For the benefit of our listeners, and for the Hansard, I will give some facts on the ancient Parliament of the Isle of Man, which is known as Tynwald. The Isle of Man is a self-governing Crown dependency; it does not belong to the United Kingdom but is a part of the British Isles and the Commonwealth of Nations. It has its own parliament, administrative system and laws but pays Britain to take responsibility for

international affairs and defence. It is the oldest parliament in continuous existence in the world and in 1979, when Norfolk Island commenced its journey back to internal self-government; Tynwald celebrated the millennium of its parliament, 1000 years. Their parliament comprises 24 members with a popularly elected lower house which is known as the House of Keys and an upper house, the Legislative Council. Both Houses come together each month as Tynwald Court to discuss legislation, Government administration and funding. On 5 July each year, which is Tynwald Day, there is an open-air Assembly in St John's on Tynwald Hill where new laws passed in the previous year are proclaimed in English and Manx and at that point in time are promulgated into law, it is a very interesting system. This is their National Day as I said, Tynwald Day. With a population of some 80,000 the government of the Isle of Man employs about 8,500 people, including civil servants, teachers, nurses, police officers and fire fighters, etc to run their public services. The Manx people cherish their ancient rights and are a very proud people, a fact that for me was so evident when they sang the Manx National anthem and I will share with you its first stanza, which for me says it all. Land of our birth Gem of God's earth, Island so strong and so fair, Built firm as Barrule, Thy throne of home rule Makes us free as thy sweet mountain air. And you can just see them rise up and pride comes out of them and it is just a wonderful thing to behold. Their motto is in Latin which appears with the official Three Legs of Man emblem on their national flag and on their Crest, and it translates to "It will stand wheresoever you throw it" and accurately reflects their resilience "not to ever give up". That is evidenced by the fact that never before in history has the Isle of Man been more prosperous or independent than they are today. The Isle of Man has become, interestingly enough, a major player in space commerce and their Government has attracted firms to its shores due to the zero per cent corporate tax, government grants, the Island's political stability, commercially friendly legislation and its state of the art telecommunications infrastructure. The benefits of our new association are already bearing fruit with an offer from the Honourable Alex Downie OBE, Minister in the Isle of Man Government with responsibility for Economic Development, who has offered us the opportunity to be part of their recently opened Genealogy Museum, a research centre for tracing ones ancestors and I will be actively following up on that offer. I have also had discussions with Minister Downie about our Youth Assembly linking with theirs as part of the new Cultural Agreement which pledges that our respective educational establishments be encouraged to exchange ideas, ultimately with a view to an exchange student scheme. I will conclude there Honourable Members and continue to share with the community more items of interest in respect of the Isle of Man and our emerging relationship through the medium of Your Parliament Your Voice in the Norfolk Islander and in Norfolk Online. My CPA Report, it's not as long as that one! I will now provide a brief report on my attendance at the Centenary Conference of the Commonwealth Parliamentary Association as Speaker and delegate for the Norfolk Island Branch of the CPA. My visit to London included my attendance at the Annual General Meeting of the United Kingdom-Norfolk Island Friendship Group at the House of Commons. This group was formed as a result of a visit to Norfolk Island in 2008 of Andrew Rosindell, the member for Romford in the UK Parliament since 2001. It is Andrew's huge interest in the British Overseas Territories and Crown Dependencies, both current and former, which led him to visit Norfolk in 2008 to learn more about us and I personally see value in us linking with the UK-Isle of Man and the UK-Pitcairn Island Friendship Groups as a means of cementing our historical ties. But I digress. 2011 marked the centenary year of the CPA which was inaugurated in London in 1911 and I joined some 700 Commonwealth Parliamentarians and parliamentary officials in London this year to mark the occasion. The Commonwealth Parliamentary Association is composed of the Parliaments and Legislatures in 53 of the 54 Commonwealth nations and their overseas territories. It has a membership of more than 16,000 Members of national, state, provincial and territorial Assemblies. This years Conference theme was Reinforcing Democracy. And as always the Small Countries Conference which runs over two full days prior to the main conference, for me, provides the most value for Norfolk Island and I was pleased to be

able to contribute meaningfully in discussions on many of the issues addressed. Small countries are those with a population of 400,000 or less. It gave me much pleasure at the small countries conference in discussions on the topic Strengthening democracy in Small States - Youth Leadership Training, Citizen Involvement and Parliamentary Reform, to be able to share with other small nations how our hybrid form of governance currently works and to speak with pride about our very active Youth Assembly and the very real and influential role it can, and does play, in local issues about which our Youth Assembly feel strongly; this generated genuine interest amongst the delegates, and questions being asked, particularly by the Falkland Islands as to how they might mirror our Youth Assembly in their country and I note from google that my contribution in this debate has already been reported in the Falkland Islands news. As mentioned earlier in my report discussions have begun with the Isle of Man on how respective educational establishments can work together to exchange ideas, ultimately with a view to an exchange student scheme. The Isle of Man is probably the first jurisdiction to give the vote to people of 16 years of age which would seem a clear indication of the value they place on their young people. It is my intention to have early discussions with the Clerk to our Assembly and with those who mentor the Youth Assembly on Norfolk as to how we can progress the education component with the Isle of Man to our mutual advantage. It is also my intention to have discussions with our Youth Assembly to see whether there would be a willingness on their part to work with me to link our Youth Assembly with other Commonwealth Youth Assemblies in small Commonwealth jurisdictions through social and other media. This can only be to Norfolk Island's benefit if the initiative can be achieved and I will keep the House informed. And in conclusion I think this brief report clearly demonstrates that we should never underestimate the value of networking with other small jurisdictions, jurisdictions that have had similar problems to ours such as down turn in tourism and contraction of their economies as is happening to us here on Norfolk today; the value of being able to discuss with them how they have successfully addressed their problems cannot be understated. I have returned home with genuine offers from people held in high esteem in the Commonwealth to provide us with advice and I invite members of the community, members of the Assembly to speak with me if they would care to know more. Thank you Honourable Members.

SPEAKER Are the any further statements...

MR SNELL May I make a comment.

SPEAKER You wish to note the statement?

MR SNELL I wish to note the statement, thank you.

SPEAKER The question is that the statement be noted. Debate Honourable Members.

MR SNELL Thank you Madam Speaker, I applaud you for your initiative and for your efforts in achieving this milestone and I congratulate you whole heartedly, there is one matter I wish you to take into account in the Cultural Agreement, Madam Speaker I would ask that you check the dates, the mutiny on the Bounty occurred on the 28<sup>th</sup> of April 1869 and the commencement of the Pitcairn Island community, as I understand, commenced on the 15<sup>th</sup> of January 1790, it may not be important, but it is part of the Cultural Agreement, of 1869.

SPEAKER And so many people have overlooked this, thank you, thank you Mr Snell.

MR SNELL 1789, 1790.

SPEAKER Thank you, any further debate Honourable Members?

MR BUFFETT I offer compliments Madam Speaker on your keeping Norfolk Island's flame alive, not only in the CPA context and this is obviously the centenary year of that organisation and Norfolk Island has been able to play a part in it and to be recognised within it, but also for your continuation and finalisation of an Agreement with the like minded place, the Isle of Man, compliments Madam Speaker.

SPEAKER Thank you Chief Minister, further debate Honourable Members?

MRS GRIFFITHS Thank you Madam Speaker. I too offer my compliments on this initiative, I was particularly interested to hear about your saying that people of the community are able to vote at 16 and I think that's a wonderful initiative, it is unfortunate that this is not something we ourselves control, but I would certainly like to see it.

SPEAKER And interestingly enough if I may in response from the Chair, it was not an initiative from the youth, it arose from within the Parliament. Any further debate Honourable Members. In that case I put the question that the Statement be noted.

QUESTION PUT  
AGREED

SPEAKER I think we have now concluded Statements of an Official Nature Honourable Members and I thank you for your forbearance in that lengthy statement. Good cup of coffee!

MR KING Madam Speaker, I wonder if I could seek the indulgence of the House or the Chair to the extent that it is necessary for me to return to the tabling of a document that I did just previously on order of the House under Standing Order 198 and seek whatever leave is necessary to move, under Standing Order 199 that the paper be referred to the Public Accounts and Estimates Committee for inquiry and report. 199.

SPEAKER I seek leave of the House for us to re-visit it's earlier motion, which ordered the document to be tabled and the document was so tabled, we now have before us a request by Mr King to revisit that, I seek your leave for that to happen. Is leave granted Honourable Members?

QUESTION PUT  
AGREED

SPEAKER Thank you, we now, on that basis Mr King, have before the House, a motion, that the Paper earlier tabled by Mr King, on order from the House be referred to... Standing Order actually talks about that the paper be referred to a Standing or Select Committee for enquiry and report, where as you are choosing to be specific, yes, ok, I think that is in order, because it is an existing Standing Committee. So the question before the House is, that that paper be referred to the Standing Committee, the Public Accounts and Estimates Committee, for its consideration, enquiry and report. Debate Honourable Members.

MR SNELL Thank you Madam Speaker, Madam Speaker I have a difficulty, and the difficulty is that the paper mentioned is to the Chairman of the Public Accounts and Estimates Committee and it has been referred to the House prior to any meeting being held.

SPEAKER I might ask Mr King to elaborate, which Public Accounts and Estimates Committee, Federal?

MR KING No.

SPEAKER No, it was ours.

MR KING It was ours.

SPEAKER Ok.

MR BUFFETT Who was it addressed too?

MR KING The Chairman.

MR BUFFETT Of what?

MR KING Public Accounts and Estimates Committee.

MR BUFFETT Then why are referring it to somebody it is already addressed too?

MR KING I beg your pardon?

MR BUFFETT Why are we referring it to somebody that it's already addressed too?

MR KING Just as a natural consequence of it I thought. You can stand assured that the Committee will examine the document since it's referred to them. But as a natural consequence of the order of the House, I thought it appropriate that it be emphasised that the Committee should enquire and report into the content of the letter.

SPEAKER I now have before me the document to which we are referring, it is the letter from the Australian Civil Aviation Safety Authority, dated 6 July 2011 and addressed to Mr King as Chair of the Public Accounts and Estimates Committee. I'm in your hands Honourable Members.

MR SHERIDAN Madam Speaker may I just ask a question as to the material that is provided to these committees in regards to the confidentiality of them and the exposure of this material in other forums, it is appropriate?

SPEAKER That is a legal issue that I don't have the answer for.

MR KING The House ordered that I table it.

SPEAKER Yes the House ordered that it be tabled.

MR SHERIDAN Yes but Mr King used it in regards to a question without notice. Question on notice, whichever.

SPEAKER Correct. But that's past, it's been superseded by the fact that the House has ordered...

MR SHERIDAN I'm wondering whether or not, what the appropriateness of material being provided to the President of these Committees obviously for the purpose of the Committees use, being then utilised in another forum to elicit answers I suppose you might say, in regards to the confidentiality of the Committee's material that is provided to them, under the guise of that Committee.

SPEAKER Yes I understand what you are saying. This is being referred obviously privately to Mr King, there is not at the moment a enquiry into this matter before the Public Accounts and Estimates Committee, but putting all that aside, at the moment you have a motion before the House to refer the matter to the Public Accounts and Estimates Committee and that is open to debate. Further debate Honourable Members, Minister Nobbs.

MR NOBBS Thank you Madam Speaker, the documentation that I read from before obviously is the inter-communication between our Senior Officers and the various Departments with regard to fire engines that were specifically referred to in this letter, the response dealt with ICAO, International Civil Aviation Organisations international standards and recommended practices for a start, so the line Mr King is going down is not one that is referred to in my answers, additional to that, we have an asset, are we going to waste more of the community's time and this Parliaments time looking at history or are we going to get on with the job that we have now.

MR KING Well I raise a point of order on relevance Madam Speaker.

SPEAKER I hear your point of order, no I don't believe there is a point of order there Mr King, because where we are, I'm saying there is no point of order.

MR KING We can debate this for a long time, if you are happier, I will just simply withdraw my motion and the PAEC will get on with its job in any event.

SPEAKER Well that's another issue, that will lie with the Public Accounts and Estimates Committee, at the moment we have the question before the House, unless you are proposing to withdraw it Mr King, could I please have your guidance on that?

MR KING I will withdraw it, I will withdraw it Madam Speaker.

SPEAKER There is now no motion before the House for consideration, we move to Messages from the Office of the Administrator Honourable Members.

#### **MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 16**

That is message number 16, which reads, on 19 July 2011 Acting Pursuant to Section 21 of the Norfolk Island Act 1979 I declared by assent to the following proposed laws passed by the Legislative Assembly Healthcare (amendment No 2) Act 2011, Road Traffic (Amendment) Act 2011. Dated 19 July 2011 and signed by Owen Walsh, Administrator.

#### **PRESENTATION OF REPORTS OF STANDING COMMITTEES**

Presentation of Reports from Standing Committees Honourable Members. Are there any reports? No reports, I didn't think so.

#### **SUSPENSION**

I look to your for guidance, it is now 12.30pm, would you like to suspend for lunch before we move into the substantive matters on the Notice Paper, is there any objection to my suspending the House now? In that event the House is suspended until 2pm, is that suitable to Members? Until 2pm. Thank you Honourable Members.

## RESUMPTION

SPEAKER Good afternoon Honourable Members we resume on the Substantive Matters on the Programme

## PLANNING ACT 2002 – DEVELOPMENT APPLICATION 19/11 – M CHRISTIAN-BAILEY SUBDIVISION

We start with Notice One, Planning Act 2002, Development Application 19/11 M. Christian-Bailey subdivision, and this motion stands in the name of Minister Sheridan.

MR SHERIDAN Thank you Madam Speaker, Madam Speaker I move that in accordance with subsection 12.4 of the Planning Act 2002, this House resolved to make a determination to approve the draft plan laid before this House being a proposed amendment to schedule 2 of the Norfolk Island Plan, as amended, and that if the decision is to approve the draft plan, for the purposes of subsection 13(1) of the Planning Act 2002, the date of commencement of the approved plan be 12 August 2011. The aim and intent of this plan is to allow for a subdivision of Portion 34j1 Martins Road into two portions, being the two parts of this portion separated by the road reserve. The inclusion of this subdivision in Schedule 2 of the Norfolk Island Plan would have the effect of allowing for the creation of a portion smaller than the standard minimum area required under clause 16(1)(a) of the Norfolk Island Plan, in accordance with the Development Application (DA) 0019/11, which may be determined subject to approval of this draft plan.

SPEAKER Thank you Minister Sheridan and you will be tabling?

MR SHERIDAN Yes Madam Speaker.

SPEAKER That Plan is so tabled.

MR SHERIDAN Thank you Madam Speaker.

SPEAKER The question before the House is that the Motion be agreed to Honourable Members, debate.

MR SHERIDAN Thank you Madam Speaker, just before I do, what I plan to do is just briefly go through the planning and environments report in regards to this application, but I would just like to make note, and I don't know whether it was actually clear when we discussed this in prior occasions, what we are actually agreeing too is to the amendment of Schedule 2 of the Norfolk Island Plan. Just allowing the facility to amend the actual Norfolk Island Plan, we are not agreeing to the Development Application of which accompanies the proposal to amend the Norfolk Island Plan, that approval still rests with the appropriate Minister, being myself, if this gets up and it's approved to amend the plan. So we are not approving the actual Development Application, so I just wanted that to be made clear, that is all. Madam Speaker, and I just read through the report because the report is pertinent to the question of whether or not this House amends the Norfolk Island Plan as proposed, and the only reason it has come to the House is because the variation is not allowed under the current Norfolk Island Plan. Madam Speaker this report relates to an application to vary the Norfolk

Island Plan and prepared in accordance with Section 9 of the Planning Act 2002, the application proposes to amend Schedule 2 in the Norfolk Island Plan by adding the following, it relates to lot portion 34j1 Martins Road, the purpose to subdivide the portion into two portions and the conditions would be as detailed in the instrument of approval for the Development Application. Madam Speaker this application was initiated by the owner of portion 34j1, Mathew Christian-Bailey. Portion 34j1 contains an area of 14,668m<sup>2</sup> and is bisected by Martins Road, i.e. a dedicated Road, public Road Reserve since 2006. That part of portion 34j1 situated on the Eastern side of the road contains an area of 2,404m<sup>2</sup> and is developed as Christian's of Bucks Point, a residence used for tourist accommodation, that part of 34j1 situated on the Western side of the road, contains an area of 12,264m<sup>2</sup>, including the area between the top of the cliff and the high water mark, this part of the portion is relatively steep and currently undeveloped, the applicant wishes to subdivide portion 34j1 to create two separate portions, being the two parts of the portion bisected by the road reserve, with the two portions containing areas of 2,404 and 12,264m<sup>2</sup>. Portion 34j1 is subject to the rural residential zone under the Norfolk Island Plan, the minimum area requirements for portions in this zone is 8,000m<sup>2</sup> and the plan does not allow for flexibility in the application of this requirement, any Development Application to subdivide this portion is therefore currently classified as prohibited and can not be approved unless, and until an application to vary the Norfolk Island Plan to allow for such a subdivision is approved first, this is the process that we are in. The variation to Schedule 2 in the Norfolk Island Plan would effectively override the minimum area requirement. The approval would relate solely to portion 34j1, and would not automatically allow for other portions in the rural residential zone to be subdivided smaller than 8,000m<sup>2</sup>. Madam Speaker contained in the report there is some talks about the process, and this application to amend the Norfolk Island Plan was submitted on the 12<sup>th</sup> May 2011, together with a Development Application for subdivision of portion 34j1. The Executive Member agreed to proceed with the statutory process for exhibit and consideration of the application to amend the Norfolk Island Plan of formally preparing a draft plan. Public Consultation Madam Speaker, the application to vary the plan and the Development Application were published in the Norfolk Island Gazette on the 20<sup>th</sup> of May and made available for public inspection between the 20<sup>th</sup> of May and the 17<sup>th</sup> of June and as part of the public consultation process, letters were sent to adjacent land owners on the 18<sup>th</sup> of May 2011. As this application relates to a subdivision of land, the Registrar of Titles was also consulted. Madam Speaker two submissions were received from the public in relation to this proposal and I won't go into their reasons why they objected, but they were two residents from that area. Also contained in the report Madam Speaker is a reference to a subdivision application 16 of the year 2000 and I will read through this Madam Speaker as it is pertinent to the debate at hand. Subdivision application 16/00 was made by Graeme and Cheryl Rayner for portion 34b, which was situated in line with their new dwelling on Martins Road. And like this current application, the land extended across both sides of Martins Road, the application, like this current one proposed to create two separate portions for either side of the road reserve. Proposed portion 34b1 would have had an area of 1.66ha and a road frontage of 65.32 metres and proposed portion 34b2 would have had an area of 1ha and road frontage of 65.32 metres, the proposed subdivision complied with the applicable standards for area and road frontage, the Board however determined it was an inappropriate subdivision, observing that part of the land is very steep, with a major gully transversing directly across the portion, the Board discussed the ecological effects and the potential effects of the general character of Norfolk Island, although no building application had been lodged, the Board considered that there remained considerable potential for visual impact from a future dwellings sited between the Road and the cliff edge towards Ball Bay. The Board also expressed the opinion that the views and access to Norfolk Island's coast line, by the public, compromised the Island's general character and inappropriate buildings, etc, obviously hinder the coastal vista. The Board was concerned over the increase in the potential number of dwellings that could be built on what had been formerly one portion. The Board considered that on the balance of

probabilities development would occur on the portion if the application were approved, the Board considered such a development would be inappropriate for this part of Norfolk's scenic coast line, the Board concluded that due to the ruggedness of the later part of the portion towards the cliff edge, it would be undesirable to separate this section of the portion from the other part portion across Martins Road, the Board therefore recommended that the application be refused. Madam Speaker the Administrator sought the advice of the Crown Counsel on the Board's recommendation, Crown Counsel advise that it was not a factual inaccuracy for the Board to conclude that on the balance of probabilities that there would be future development on the subject land. The Administrator, being the decision maker at that time, accepted the Boards recommendation. Also there was advice received from the Registrar of Titles, and quickly just reading through this, the Registrar of Titles recommended that the application should be refused on the following grounds; it would have the affect of creating a precedent and would be counter to the intent of the Norfolk Island Plan and the strategic plan which aims at minimising subdivisions, and in so doing retains the larger lots which contributes to the landscape character of the Island. The areas of the proposed portions do not comply with the minimum criteria for the rural residential zone of 8,000m<sup>2</sup>, there is no provision in the Norfolk Island Plan for consideration to be given to those portions which are bisected by a road, as indicated in the application, there are at least 12 portions that are in this category that this could be applied to across the Island in a number of zones, furthermore there could be potentially others that could be included on the basis that the easements for access have the same effect. And there has been a previous application in this area that has been refused, and that is the one that I just referred to Madam Speaker. Madam Speaker, I won't go into the further analysis of other issues because I have referred to them already, but I will mention on the precedent for further subdivision. Madam Speaker if the application to vary the Norfolk Island Plan were to be approved, and then the Development Application was approved, you might say, it could set a precedent that the minimum area requirements set out in the Norfolk Island Plan are in fact variable and anyone can, upon application be granted approval to go smaller than those minimum area requirements. Madam Speaker this would set a dangerous precedent and it could lead to a flood of similar applications. The Assembly would perhaps be compelled to be consistent in its decision making and it may find it difficult to refuse approval of similar applications. Madam Speaker those other 12 areas, or 11 areas that I've referred too, are located on Martins Road, Ryland Evans Road, Red Road, Harpers Road, Rocky Point Road, Berry's Lane, Mission Road, Anson Bay Road and a few of our reserves Madam Speaker, so as you can see there is a potential for this to affect areas all around Norfolk Island. Also in the consideration of the application the applicant maintains that consideration of future development of the proposed portion on the southern side of Martins Road is outside the scope of this application, in other words, this proposal is solely about the subdivision of land and not about how the subdivision may lead to further development in the future. Madam Speaker the Planning Officer disagrees with this assertion for many reasons, and I just touch on a couple of those reasons Madam Speaker, I have the Strategic Plan, Clause 4.3.2.(1)e, mentions opportunities for low intensity and low impact use or development, this application, if approved would provide an opportunity for development for any such development would, due to topographical challenges, unlikely be low intensity or low impact, visually or on the natural environment and part B1 Clause 15(1)d and e, the object is in guidelines for the rural residential zone encourage low intensity use or development that maintains and enhances the existing landscape, quality and visual amenity and protects biodiversity. This application if approved would encourage development that is likely to be beyond what would reasonably regarded as low intensity and such development would certainly adversely affect the existing landscape quality and visual amenity. As with the first point above the subdivision would create an opportunity for inappropriate development even though there is no current application for development. Madam Speaker I read through this as it is quite pertinent as well, it is permitted versus permissible with consent. Although it is

true that an application could be submitted now without subdivision for a dual occupancy on the Southern side of Martins Road on portion 34j1 the subdivision would change the range of uses and developments that maybe applied for and would change the level of permission required, a residence dual occupancy is permissible with consent, meaning this development may only be carried out with development approval from the Norfolk Island Government upon recommendations of the Planning and Environment Board and subject to conditions in place by the Executive Member. If portion 34j1 was to be subdivided as proposed, a residence dwelling house would be classified as permitted use or development, meaning the Executive Member shall grant approval for such a development either unconditionally or subject to conditions provided that the use or development complies with all relevant standards and provisions in the Plan. Madam Speaker the key difference between the two classifications is that permissible with consent use or development requires approval and consent whilst permitted use or development requires approval only. If the land owner wished to apply for a residence at present, it would be an application for a residence dual occupancy, classified as permissible with consent use or development requiring public exhibition for two weeks, gazette notice and the ability for neighbours to write submissions and to appeal to the ART against any approval, if the subdivision is approved the land owner could apply for a residence dwelling house, classified as permitted use or development which does not require a gazette notice or public exhibition and neighbours have no right of appeal to the ART against any approval. Approval of the subdivision would also potentially allow for two residence on the Southern side of Martins Road and a second house next to Christians of Bucks Point on the Northern side of the road. In summary the implications of granting approval of this subdivision include the fact that it would become easier for the landowner to gain approval for development of that part of portion 34j1, south of Martins Road. Any such application would not need to be publically exhibited and in any such decision to approve a development would not be appealable by neighbours. So therefore Madam Speaker the Planning Officer and the Planning Environment Board have recommended that this draft plan be refused. Madam Speaker as the Minister responsible for the carriage of the Norfolk Island Plan, you might say, of Planning, I intend to support the recommendations of the areas of the Administration and the Planning and Environment Board that we commission to review all development applications, but in this instance, initially we have to approve the amendment to Schedule 2 of the Norfolk Island Plan, and this is exactly what this is about now, so Madam Speaker I'll leave it to the House.

**SPEAKER** Thank you Minister Sheridan, Honourable Members the question before the House is that the motion be agreed too. Further debate? Mrs Ward.

**MRS WARD** Thank you Madam Speaker. It would appear that I'm going to be at variance with the Minister. I need to point out that this variation is specific to the Martins Road portion 34j1 and that it does not set a precedent. The application that the Minister referred which was Rayner 16/00 is not relevant to this debate in my opinion because it was seen, heard, judgement was based on a previous plan, a 1996 Plan and the land at that time was rural, the land is now zone rural residential, and is it unfortunate that the Government of the day perhaps didn't have the funds to go down Bucks Point and buy every portion of land and turn it into open space, yes, yeah that is sad, but that is not what we are debating today. I'm going to speak on the issue out of respect, particularly to the Planning and Environment Board, who are a voluntary Board which until my resignation I was fortunate enough to be a delegate member of for six years, and I know that when an Assembly Members view varies to the view of a Board, and in this case, the Officer, it helps to understand why. The long standing members of the Board know my philosophy on land usage is generally conservative, and they know that I'm sorry to see the constant carving up of land, and they know that I have always tried to uphold and maintain the integrity of the Plan, including subdivision. Land was

once viewed as an inheritance, and a legacy for future generations, not as a commodity for trade or monetary investment, and that philosophy prevails in some corners of the Island, but land has become very much a commodity in the modern world. The matter before us today relates to subdivision, but it goes on to be a story of a road at Bucks Point. It would appear from available records that in 1887, the original land holder, Arthur Quintal Senior partitioned and bequeathed to his Son and heirs, portions of land that were originally one 54 acre portion, that was lot number 34. There was no specific transfer of ownership or any access road and what appears to have happened is typical, a land has become common law road, the road giving access to the new blocks of the land, was formed by virtue of that common use, or common use of a track, probably dictated by the lay of the land. A more formal process took place as recently as 2006 when a number of informally, publically used roads across the Island were declared public roads, so in effect at that time, the Administration or the Government took possession of all lands contained within the boundaries of Martins Road, or any road across the Island at that time, and any private interest in that land, which existed immediately before the declaration was extinguished. You effectively created a subdivision, the person no longer owns the bit of land running through their land. Although future development is not a substantial part of a brief when considering this subdivision, it is not outside the scope of the application. On one side of Martin Roads lies the existing portion of less than 8,000m<sup>2</sup>, which currently contains a tourist accommodation, so when we are being asked to look at a size which is undersize of the rural res requirement, it already exists and is already developed. That is the reason the application has come to the House, basically. The portion of land which appears to be causing angst is the proposed Ball Bay side of the portion, of the road portion. In planning terms that portion is larger than is required by the current Plan. In potential future development terms, approving this subdivision would result in a set back of the road being significantly improved, if left as it is, development could take place right beside the road because there is no planning acknowledgement that the road forms a boundary, there must be appropriate distances between boundaries and building lines and so if we do nothing, that safeguard doesn't exist. The current owner can develop, because he can have dual occupancy, and he can develop right on the road, by approving sub division from set back from the road, or the front boundary, would become 10 metres, and there would be far less visual impact from the road. Therefore where the Plan states the objectives of the rural residential zone are to encourage low intensity or development then to grant the subdivision would be minimizing potential impact, it can not be argued that the development would detract from the natural beauty of Bucks Point. But the Plan allows for development and it is not for us to argue the content of the Plan, what currently exists in this debate. I agree that the high scenic value areas should be protected, but the reality is that development in this area is permitted, the zoning is not open space, it's rural residential. Approval of the subdivision as the Minister has stated would change the level of permission required and the level, or amount of development but the size and rugged terrain of the land is going to naturally restrict development and the Minister can condition future development if he chooses. If the real concern of the Board is development, then they deal with those issues and concerns if and when the development application is lodged. Anything else is hypothetical. It is not until that occurs that the Board can consider whether or not a proposed development is appropriate or otherwise for Bucks Point. I have considered the public submissions and note that the portion in question, as I've said is not rural, as it was under the 1996 Plan, but that it is zoned rural residential which brings entirely different set of standards, Assembly Members are expected to consider the recommendations of the Planning and Environment Board and I have done so, in this instance I do not agree with the recommendation of the Board and I hope that I have made my reasons clear. There are other properties that have been affected by the creation of public roads as the Minister stated, and while this application does not automatically set that precedent, I suggest to the Minister that any other affected land holders be given the same opportunity to reconfigure their land. And I can't close my

debate without thanking my chief research assistant and the Registrar over at the public service for their background information they've provided. Thank you.

**SPEAKER** Thank you Mrs Ward. Further debate Honourable Members on the question that the motion be agreed too. Will the Deputy Speaker take the Chair.

**DEPUTY SPEAKER** Thank you Honourable Members we continue with debate, I call on Mrs Adams.

**MS ADAMS** Thank you Mr Deputy Speaker and thank you Mrs Ward for saying almost all the words that I was planning to say! I support your view totally, somehow or other in here I think we have to apply common sense, the land is subdivided, whether we like it or not, it is subdivided, it is cut in two by a public road, and I take you back to the time when I was Registrar, back in 69, and yes the planning regime back then, was a totally different situation, but that's how the land was subdivided in Prince Phillip Drive, same scenario, Administrator of the day owned a block of land up there, built a road through the middle of it, gave each block on either side a new portion number, it was effectively subdivided, as was the whole of the blocks of land the whole way along, where Prince Philip Drive is today, which includes Crown Land, remembering we are talking about 1969, and the subdivisions required the consent of the Commonwealth, and it was given. Yes the planning regime was different, but the important issue is that at that point in time, the putting through of a road created the subdivision. I accept all the points that the Minister has made, and I accept the points made by the Planning Board, I understand that, but for me here, I have got to use common sense, the land is subdivided, and I agree with Mrs Ward, that with the changed arrangements with this current plan, as to the zoning out in that area, that the people who were declined previously, be invited to reapply, you have got to have level playing fields, I really think that is all I'm saying. I support the motion.

**DEPUTY SPEAKER** Any further debate Honourable Members? Mr Sheridan, Minister Sheridan.

**MR SHERIDAN** Thank you Mr Deputy Speaker, I would just like to make a couple of comments in regards to comments from previous speakers, and in regards to the previous application that was rejected back in 2000 and there was a comment made that it was before this current plan, that it was under a different plan etc, so you couldn't really refer it to this one. I disagree because the Plan that it was, the 2000 application was refused upon, the land that they were trying to subdivide was of the size that was permissible to be subdivided. So it was legal under that plan. It was legal but it was refused. In this instance the size of the Portion is of a size that if divided it would be below the minimum requirement of the 2002 Plan. So it does have relevance to the Plans applicable at that time, and talking about a level playing field by um Madame Speaker here this what we are trying to do. That one was refused on the grounds of the Visual Act Impact that could appear on that side of the road. The same thing could happen here. The level playing field, that application has been refused, this is the consistency. If the subdivision was allowed to go ahead and there's another 2 Portions out there on Martins Road that if they hypothetically applied and they were approved and then you could get dual occupancy on those Portions you could end up with another 6 or 7 houses on the eastern side of Martins Road going out towards Bucks Point. Is that what it means by keeping the integrity of the Plan and taking into future considerations of what could be built out there in the future. The Plan, one of the main bases of the Plan is to maintain the visual vista for the community of Norfolk Island in its natural splendour as it is and this is the reason why back in 2000 that that subdivision even though the portions were of the size that could be subdivided was not approved and this is I believe Mr Deputy Speaker one of the main reasons why this application to

vary the Schedule 2 of the Norfolk Island Plan should also be refused to maintain that consistency and maintain the beautiful vista that is in that part of Norfolk Island.

**MRS ADAMS** Thank you Mr Deputy Speaker. I hear what your saying Minister and I agree with you but is there not 2 separate issues here. Is not the issue before us now the question of subdivision and I'm just trying to apply commonsense that by creation of the road you have subdivided the land, whether you like it or not it's subdivided. If the issue is visual integrity of the coast line then I hear you and I agree with you, deal with that issue. Deal with that issue and we have that ability to deal with that issue under the Plan by rezoning that site, deal with it that way but lets apply commonsense to what exists on the ground now. Deal with the other in its appropriate way. I'm not disagreeing with you at all. Norfolk Island visually is spot on. Thank you but that's not the issue now.

**MR ANDERSON** Thank you Mr Deputy Speaker. I acknowledge the careful analysis made by Mrs Ward with which for the most part I agree. For me this boils down to how has the declaration of the Road Reserve affected the owners usage over the property, when the road effectively is already a subdivision of the land. The lower portion of the existing 34J1 Lot can as I understand it currently be developed subject to building approval and consent. The building could technically proceed without a setback because the road does not form a boundary. If the Lot is subdivided by the road the lower portion can still be developed with appropriate setback but both Lots would technically be able to have 2 residences built upon them. Future developing considerations arise in both cases. I think the likelihood of a second residence being built on either part is remote particularly given the grading of the lower Portion but that is not the issue. I do understand that approximately 11 other blocks on the island might benefit from the technical precedent value that might arise if this subdivision were approved but then possibly many of those Lots would be capable of having 2 residences built on each subdivided part. That again is not for us to consider today. I think the road essentially acts as subdivision of the block imposed on the owner and makes the parts either side of the road stand alone as the road has caused them to be. According to the Plan should be amended for the subdivision with all the resulting advantages and disadvantages accruing to the owner. The Planning controls contain checks and balances through the current zoning and building process and that should be used to control subsequent development. Mr Deputy Speaker I thank the Planning Officer and the Planning and Environment Board for their input and guidance but on this occasion I intend to support the Motion.

**MR KING** I have nothing sensible to say Mr Deputy Speaker I just wonder where this is a matter where there is Cabinet solidarity, I'd like to hear from the other Members.

**DEPUTY SPEAKER** It's their privilege Mr King they will speak if they wish to. Any further debate.

**MR SHERIDAN** Thank you Mr Deputy Speaker. If I could just in response to Mr King. This issue hasn't been discussed in Cabinet, it has been discussed around this forum at MLA's so as to how the other Ministers may vote on this it has certainly not been influenced by discussion at Cabinet.

**MR KING** I'm looking for guidance here.

**MR NOBBS** I'd like to satisfy any curiosity around the table and just briefly. In many ways I support the views of the Planning Board. However to put the shoe on my foot and empathise with this situation as the property owner who's unable to enjoy the full continuity of their land, it does raise an issue. Effectively they have had

their land divided effectively there are some issues that perhaps can arise out of that by not being held to the same regulation as a subdivided piece of land with regards to setback from roadway, although I fully understand that that's subject to approval for any of those building applications in the current situation, and I would think reasonably within a subdivided application. So to cut to the chase I actually intend to support the subdivision. This isn't an issue of Cabinet solidarity, this is an issue of understanding the mechanism of the Plan, the controls that can come out of that as well as the impacts on the landholders of the process that has led to Public Roads being dedicated through their properties. Thank you.

SPEAKER Further debate. In that case I put the question.

QUESTION PUT

I ask the Clerk to call the House.

MS ADAMS	AYE
MR SNELL	AYE
MR SHERIDAN	NO
MRS GRIFFITH	AYE
MR BUFFETT	NO
MR NOBBS	AYE
MRS WARD	AYE
MR KING	AYE
MR ANDERSON	AYE

The result of the voting Honourable Members 7 Ayes, No's 2. The Motion is so agreed thank you.

#### **SUPREME COURT ACT 1960 REVOCATION AND APPOINTMENT OF OFFICER.**

MR BUFFETT Madame Speaker I move that for purposes of Section 23 of the Supreme Court Act 1960 the Legislative Assembly resolve to revoke the appointment of Ronald James Holdsworth and to appoint Jeffrey James Atkinson as a person who may file all information for an indictable offence triable before the Supreme Court.

SPEAKER Thank you Chief Minister

CHIEF MINISTER Madam Speaker this as you will see from the names is a Motion brought given change of staff in the Legal Services Unit and it's providing for those who are engaged in that area to be able to perform pursuant to the legislation under the Supreme Court Act of 1960. I commend this Motion. I'll have a similar Motion which will relate to the Court of Petty Sessions.

SPEAKER The question before the House is that the Motion be agreed to.

QUESTION PUT  
AGREED

The motion is agreed to

#### **COURT OF PETTY SESSION ACT 1060 REVOCATION AND APPOINTMENT OF OFFICER**

CHIEF MINISTER Madam Speaker this is in exactly the same vein but it addresses the Court of Petty Sessions and I move for the purposes of Section 73 of the Court of Petty Sessions Act 1960 the Legislative Assembly resolve to revoke the appointment of Ronald James Holdsworth and appoint Jeffrey James Atkinson for the purposes of Section 73 of the Act as a person to whom will be transmitted all information examinations depositions statements recognisances and other documents taken sworn taken or acknowledged in a case.

SPEAKER Debate Honourable Members

CHIEF MINISTER Madam Speaker this is the same as I mentioned earlier it reflects change of personnel within the Legal Services Unit whereas the other covered the Supreme Court this covers the Court of Petty Sessions. I commend the Motion

SPEAKER The question before the House is that the Motion be agreed to.

QUESTION PUT  
AGREED

The motion is agreed to

#### **EMPLOYMENT ACT 1988 APPOINTMENT OF MEMBER TO THE EMPLOYMENT CONCILIATION BOARD**

MR SHERIDAN Thank you Madam Speaker. I move that for the purposes of Subsection 65(2) of the Employment Act 1988 this House resolves to appoint Jennifer May Goulding being a person with relevant qualifications and experience to the Employment Conciliation Board for the period 4 August 2011 to 3 August 2014.

SPEAKER The question before the House is that the Motion be agreed to.

MR SHERIDAN Thank you Madam Speaker. This appointment has come about by resignation of a member from the Employment Conciliation Board. Jennifer Goulding has got relevant qualifications and the experience to undertake this sometimes onerous task you might say and I just commend it to the House Madam Speaker.

MRS GRIFFITHS Thank you Madam Speaker. It's my intention to vote against this appointment. The community may recall that when the Minister made his last appointment I abstained. Once again my voting is not a reflection of the appointee it wasn't at the last meeting and it isn't today. I'm voting against this Motion because the Minister has taken the easy way out. Rather than fixing the underlying problem of suitable criteria that a legislation lays out the Minister has chosen to go on and ignore the bigger issue. We've been told in no uncertain terms that the legislative requirements specified to be on this Board are more suitable for a Magistrate who may preside over such cases but such skills and indeed different skills are required for an appointee to this Board. At the last meeting I requested the Minister review the criteria required to perform on this Board and appoint this third member when that review had been done. I fail to see his justification of ignoring this request taking into consideration those values this Government itself espouses being capacity building and succession training. If I may make another request – please don't use the words capacity building or succession training in my presence. I certainly don't believe you mean it.

MR NOBBS I certainly intend to support the Minister's proposal here. Obviously there's a great deal of experience and expertise that's being brought to the table. I also thought that I would highlight I suppose in a little way in a response to Mrs Griffiths there that the Minister and I have had discussion on the Employment Conciliation Board and the legislation and the opportunities for perhaps expanding the numbers for the Conciliation Board to enable a succession training. So they are certainly things I know the Minister is considering at the moment. So in reviewing the operations of the Conciliation Board as I see it some of those concerns that you have Mrs Griffiths will certainly be answered to, but the key outcome that we look for in these Conciliation Board or any of our other Boards is affective delivery of their responsibilities and I see this new member as an asset who will assist in that. Thank you.

MRS WARD Thank you Madam Speaker. Just a few words and it is again in response to Mrs Griffiths concerns really, is that I'm all for building the capacity of all Statutory Boards. What I would not want to see is a dumbing down of the selection criteria. These members deal with very serious issues and so I guess that's really all I want to say. I prefer to see a building up of the skills of the people on these Boards but certainly not a dumbing down of the selection criteria.

MRS GRIFFITHS Thank you Madam Speaker. I never proposed to dumb down the selection criteria. The Chair of that particular Board was very, very articulate in his statements that these are unsuitable requirements for a Board and require other skills, I didn't say dumb down. In no ways do I assume they need to be dumbed down. Thank you.

MR SNELL Thank you Madam Speaker. I intend to support the Motion. We appoint many professional and semi professional people to Committees and Boards on the island and indeed we are extremely fortunate to have these people with their hands up to do some what is known as onerous and unthankful and a lot of times unpaid positions. So Madam Speaker when we do have people who come here maybe for 2 years or so and they offer their expertise I think it should be with gratitude that we accept it.

MR SHERIDAN Thank you Madam Speaker. I won't say much just listening to the comments and I have undertaken to review the criteria and the criteria whilst it is quite demanding in that there is 5 criteria's there. Whilst it's demanding in some areas other areas may give me the ability or can give me the ability to bring on board somebody with say lesser experience. You'll also note under the Employment Act Madam Speaker that the Board shall consist of not less than 3 members. So I do have the ability to appoint more than 3 and I will take that on board and if I can find a person who is willing to come onto the Board and act in that you might say mentoring while not mentoring but being mentored to gain experience I would certainly encourage somebody to stick their hand up and I will appoint them to the Board Madam Speaker.

#### QUESTION PUT

Would the Clerk please call the House.

MS ADAMS	NO
MR SNELL	AYE
MR SHERIDAN	AYE
MRS GRIFFITHS	NO
MR BUFFETT	AYE
MR NOBBS	AYE
MRS WARD	AYE



turnover and the like and the income that we generate in a total sense isn't sufficiently large to sustain that wider picture and therefore we are compelled to enter a larger pool and that in this context means with Australia where we make a contribution according to our capacity which is taxation and we receive the benefits of the larger pool that we cannot the larger pool can afford to generate. It means that we do relinquish proprietorship on some matters but I'll elaborate on that in a moment, but it means that we will receive benefits that we can't afford to achieve on our own. The Road Map itself in its wider picture sets out the course of achieving this that is long term sustainability. It sets that out in a 5 year program. This preferred governance model is part of that Road Map as I mentioned at the very beginning. If I might just now address some components of this model. The first thing I should endeavour to say is that its an endeavour to retain current institutions, retain current institutions that we are accustomed to seeing, in other words the Office of the Administrator a Ministry elected from a Territory Parliament, the Territory Parliament itself the Legislative Assembly, Public Service or Administration components, Territory Courts Tribunals and the like. So this model is not an endeavour to dismantle those things that we are accustomed to seeing today. In terms of Government responsibilities and functions it does talk about gravitating what we see as Federal type functions to the Federal sphere. There are some reservations about how we do some of those things and there are also reservations about some modelling to ensure that we have sufficient infrastructure arrangements that can be maintained and that we protect some areas, for example I'm not sure that we would all endorse that there just be a forever rising number of people although we have not experienced that to date but the matter of how many people can walk on the grass at any one time in a small place might need to be taken into account, that's controlled by Immigration at this moment, although we all know that we set upper figures in the immigration process and for years we have never reached those upper figures but nevertheless they are some of the safeguards that we presently have. It is contemplated that that might vary and some discussion will take place obviously upon those. Progressing on, in the model it also means that Norfolk Island would retain those state and local government type functions whilst the Federal type functions gravitate in the main to the Commonwealth. The real trick at the end of the day of course is that funding for the Norfolk Island Governments delivery of services will come from a wider pool and there will be therefore assistance from the Federal sphere to be able to meet a wider range of services that are delivered within Norfolk Island. It must be said that some of this detail is yet to be sorted, in other words the detail is yet to be delivered but that's no different from some of the other components in the Road Map and you will see that I gave some examples earlier and I answered a question I think On Notice that there are various components that are yet to be developed but they are being developed. One is the Public Service Review that's a major component and that is being developed at this moment and this component of the self governance model itself is one of the things that is yet to be developed and that's what this is about, giving further substance to this particular component and there are subsets of this that equally are yet to be brought along in its final sphere. There was another Question On Notice which was about the GST component that too needs to be developed and discussions had about whether it should be our or the Commonwealth one that might be best implemented in the Norfolk Island context to best serve this community. There are some discussions to be had about all of those things but the Motion that is in front of us in an endeavour to move forward so that we Norfolk Island are not behind the ape ball and others are dictating to us but we're taking some initiatives to move forward in a way that we consider will best serve the community. It must be acknowledged that the finances of the day have somewhat dictated this to us, there are no 2 ways about that and it must be acknowledged in the process but if we are financially survive then we need to model a self governance arrangement that will be able to be financed and that will be able to be deliver services of a standard. Now I'm not trying to say that the services that we have are necessarily substantive at this moment but certainly we are moving to a stage where we need to keep up to date with how technology is moving and therefore the facilities required in particular areas,

education is one of those. We are now in the stage of needing a new hospital and again I say that these are multi million dollar factors and our pool is insufficient to be able to meet all of those costs hence we are moving in this direction and I'm bringing it around this table so that it might be able to be moved by the Government in our continuing discussions with the Commonwealth.

MR SNELL Madam Speaker I intend to support the Motion but Madam Speaker in reference to that I wish to make a statement and I refer to several occasions in this House in particular mention has been made of an alternative Road Map and indications have been submitted and opinions and suggestions invited. This request has been answered by a number of people myself included in compiling a document for consideration and Madam Speaker I wish to table that document alternative Road Map for recording into hansard and Madam Speaker I wish to speak on it. The document addresses a wide range of ...

SPEAKER Are you asking that it be included into Hansard for debating. Yes. Thank you. Just for clarity.

MR SNELL Madam Speaker the document addresses a wide range of important issues that require some resolve. However in brief, the documents principle position is that applying an aggressive and immediate solution to the island's ability to facilitate returning the once buoyant tourist industry back to at least the levels of visitation of a decade ago would be expected to provide sufficient stimulus to revive the economy. It is of course a gradual decline of tourist numbers over the last decade that caused the resulted gradual demise of the economy. The waning tourist industry inevitably had a massive impact to the Governments cash flow and thus explains its somewhat perilous financial situation being experienced today. Obviously there would be a need to address some of the infrastructure shortcomings as well as the service delivery arrangement of some of the high cost services as a matter of some urgency. However against a background of an economy being restored to buoyancy successful and workable solutions and process ought to be more readily and easily achieved to mutual satisfaction. We believe that this approach assistance to kick start the industry that drives the economy should be seen as an eminently more acceptable solution that to see the island slide into that welfare dependent basket case. It is considered that an investment of some 40 to \$50m by the Commonwealth over a 3 to 4 year period would cause the recovery of the tourist industry and thus the economy. Surely then this should be a much better option to a possible \$100m per annum spend by the Commonwealth to keep Norfolk Island functioning should the islands economy completely collapse. Madam Speaker I present this and as I mentioned before I support the Motion.

### ***“An Alternative Roadmap”***

1. In early 2011 the Norfolk Island Government (NIG), at serious risk of running out of money, placed an urgent request for financial assistance to the Commonwealth.
2. Assistance was offered but was conditional on the NIG agreeing to a range of retrograde demands - with nowhere else to turn for assistance the NIG was left with little choice but to agree.
3. For \$3.829 million the NIG made a spectacular 180-degree reversal of its opposition to the Territories Law Reform Bill (which removed most of Norfolk's constitutional autonomy) and support was given to the demands of the Commonwealth Government to make changes to Norfolk's Governance.
4. If implemented these changes have the potential to destroy the Norfolk Island economy and replace a system built on enterprise with a system built on welfare dependency.
5. Whilst we all can accept the importance of addressing the underlying economic and structural problems that caused our current financial difficulties, we reject the Commonwealth

Government response to our situation and ask that commonsense, fairness and equity be restored to the negotiations, urgently.

6. We offer a commonsense and cost-effective alternative to the current 'Roadmap' put to us by the Department of Regional Australia, Regional Development and Local Government.

***We offer a local solution to a local problem.***

***Our views are premised on the understanding that self-government is the most cost-effective, efficient, and widely supported governance model for Norfolk Island, and a vibrant and viable economy is the only sustainable basis for self-government.***

7. In a speech to the 2011 Economic and Regional Development Conference the Hon. Simon Crean MP stated, "*Our overarching goal is to help regions become more resilient, more viable, more sustainable - and more prosperous - in the longer term. I strongly believe that top-down; one-size fits all approach won't achieve this.*" Mr. Crean went on to say he was about "*empowering regional communities to take ownership of their future will.*"
8. For the last 32 years the NI Community has been driving, almost single-handedly, the development of a unique Commonwealth-designed governance model, one that should have had the capacity to take account of the complexities involved in maintaining a viable economy in a remote location. The important and necessary nurturing of this model of governance was not applied sufficiently well, and thus succumbed to some failings.
9. We believe that the best way forward for NI is to fix/attend to the weaknesses and build upon the many strengths of the current governance model.
10. The Norfolk Island 'Wellbeing Report' released in April 2011 by the Department of Regional Australia, Regional Development and Local Government noted, 'the labour force participation rate for Norfolk Island is significantly higher than that in the rest of Australia – 76.9% compared to 60.4% and, the unemployment rate on Norfolk Island is significantly lower than elsewhere in Australia at 2%. The Median individual and household incomes on Norfolk Island (at \$600 and \$1000 per week) are comparable to elsewhere in Australia (at \$466 and \$1027 per week) respectively'.

***Background***

11. In July 2000 a protracted decline in our Island's economy was first triggered by the introduction of GST in Australia and the resulting impact on the island's duty-free shopping industry.
12. Since 2008 this decline accelerated for a variety of reasons, mainly related to external economic factors that resulted in a sustained fall in tourism arrivals.
13. These factors include the global economic downturn, a strong Australian dollar and a lack of investment confidence related to uncertainty about Norfolk's political future, which in turn have resulted in the Norfolk community being forced to support an unprofitable air service.
14. In hindsight, a restructuring of the current financial relationship with the Commonwealth should have begun when our economy began its decline some 11 years ago.
15. However, in 2008, the Norfolk Island Government made the first of many requests to the Commonwealth to restructure our financial relationship and for assistance to stimulate our ailing economy.
16. Whilst the Commonwealth Minister of the day appreciated the need and urgency to address the situation, a lack of political will or imperative put assistance and restructure on the perpetual backburner.
17. Ultimately, in early 2011 the Norfolk Island Government ran out of 'cash' and was left with little choice other than to accept the Commonwealth Government's plan for NI outlined in the 'Roadmap'.
18. Without being provided with the detail or access to financial, environmental, economic, social or cultural impact or feasibility studies on the effects these changes will have on Norfolk Island or

on the Federal budget, the community was given four weeks to make comment on the 'Roadmap'

19. Now, in an environment devoid of facts our community has divided.
20. There are those at one end of the political spectrum who would like to see our Island gain independence from Australia, and at the other end of the spectrum that believe introducing all Commonwealth law, taxes and regulations into NI is the only sustainable solution.
21. In 1978 the responsible Federal Minister, The Hon Robert Ellicott MP, recognized that the vast majority of Norfolk Islanders lay firmly in the middle. We believe that this is still the case to this day.
22. Mr. Ellicott decided that a 'management partnership' with shared responsibilities would serve both the interests of the NI Community and the Commonwealth.
23. This partnership recognised we were too small to 'do it all alone'. Australia, for example, would take care of the larger responsibilities like defence and foreign affairs and we would make laws to sustain our Community, Culture and Language.
24. To date, this model (the NI Act 1979) has been the most cost-effective, efficient, and widely supported governance model for NI.
25. However, lately as we explained before, when our economy faltered cracks in this model have developed.
26. The common sense way to resolve this problem is both overdue and affordable.

### ***"Our Plan"***

- ***Fix the NI economy***
- ***Remodel the 1979 partnership agreement by re-dividing management responsibilities to reflect levels our small community can sustain***
- ***A jointly agreed settlement on our constitutional status to give our community confidence and certainty going forward***

### ***Fixing the NI economy***

***We believe that if nothing is done to restructure and reinvigorate the island's economy, then no amount of financial assistance from the Commonwealth (aimed at relieving budget pressures, and ensuring the delivery of essential services) will save the island from an economic collapse.***

27. There is a cost involved with our recovery; however targeted funding and other up-front support by the Commonwealth should represent a sound financial investment outcome when compared to funding the ongoing costs of supporting another remote welfare dependant Community.
28. Our economic recovery plan has 3 main planks. They are,
  - *Access to a cost-effective air service with access to a dynamic marketing/promotion network,*
  - *Lessening the burdensome impact of shipping goods to Norfolk Island,*
  - *Reducing the cost of basalt. (The raw product used for road construction and concrete).*

***Access to a cost-effective air service with access to a dynamic marketing/promotion network***

29. Central to the financial demise of the NIG and a key contributing factor in the downturn in the wider NI economy has been the burden associated with supporting the current unprofitable air service
30. Whilst we appreciate 'Norfolk Air' provides an excellent air service it does not have the exposure in the marketplace or access to enough marketing dollars to drive our tourism industry or the profitability of its air service.
31. The current NIG/Commonwealth approach of trying to get 'Norfolk Air' to break-even is flawed as it fails to recognise the ruinous impacts sustaining this air service has on the wider economy.
32. We believe the answer is to urgently replace our current service provider with a cost-effective commercial airline that has access to a dynamic marketing/promotion network, such as the new Air New Zealand/Virgin Blue alliance, Qantas or Jetstar.
33. From previous approaches to some of the above-mentioned airlines we know that the NI route does not represent a 'stand-alone' commercially viable proposition.
34. It will be necessary to offer a reasonable operational subsidy to attract the 'right airline' to Norfolk Island however given that Norfolk Air is forecast to lose a further \$6.1 million in the 2011/12 financial years any subsidy is likely to be considerably less than funding the losses of the current air service

***Lessening the burdensome impact of shipping goods to Norfolk Island.***

35. It currently costs in excess of \$550/m<sup>3</sup> to ship goods to Norfolk Island. A 2005 study by representatives of the ATO and Departments of Treasury and Finance identified inbound freight costs as the largest single production cost to business on Norfolk Island.
36. The Joint Standing Committee on the National Capital and External Territories and earlier parliamentary committee reports have also recommended that the Commonwealth address this problem.
37. As part of a broader restructuring of our financial relationship with the Commonwealth the management and funding for all Commonwealth assets on NI, which includes the two jetties at Kingston and Cascade, should revert to the Commonwealth.
38. In lieu of developing an expensive still water berth our preferred options to help stabilise and perhaps reduce current shipping costs, are an extension to the Cascade Jetty and the immediate dredging/deepening of Kingston Jetty.
39. Both of these options have the added benefit of significantly improving our chances of being able to safely transit visitors to and from visiting Cruise Ships, a growing new Industry for NI.
40. In 2007 the NIG postponed routine dredging and deepening of the Kingston Pier because of the added costs associated with the application requirements of the Commonwealth Environmental Protection and Biodiversity Act 1999 (EPBC Act). Further delays in performing this routine maintenance now threaten to make shipping goods to Norfolk more difficult, dangerous and expensive.

**Reducing the cost of basalt, the raw ingredient for Road construction and concrete.**

41. We currently pay in excess of \$560/cubic metre for concrete and \$170/tonne for the crushed basalt products.
42. In 1997-98 the Commonwealth provided an interest free loan of \$3 million to the Norfolk Island Government to secure the safety of Cascade Cliff, another Commonwealth asset.
43. The royalties used to repay this loan are applied to the price of basalt products.
44. This is a major economic dampener and a significant financial barrier to infrastructure investment.
45. In 2010 the Quarry that serviced the Islands basalt needs for more than 50 years was closed.
46. It is now estimated that the Island will have used the remnant stockpile and completely run out of access to good quality basalt by 2016.

47. Given the scale of the project to identify and develop another basalt Quarry there is a genuine urgency to begin this process now so as to ensure the ongoing supply of basalt products.
48. We believe the outstanding balance of the Commonwealth loan (approx \$500,000) should be forgiven so as to reduce the level of royalties currently being charged on basalt, and the money already paid to secure the safety of Cascade Cliff (approx \$2.5 million) should be reimbursed and set aside for planning and developing a new basalt Quarry.

***Re-model the 1979 partnership agreement to reflect levels of responsibility our small community can financially sustain***

49. In 1979 during a time of economic growth there was a degree of optimism that, in time, Norfolk Island would be able to fund additional responsibilities to those originally agreed.
  50. However, during the recent period of economic decline, the community may well be re-thinking and rationalising our current level of responsibility.
  51. In 2008 the NIG requested a joint task force be formed to explore the development and adoption of a new financial structure at the same time updating our intergovernmental management arrangements.
  52. This idea was applauded by the Federal Government, but was ignored.
  53. This meant that no remedial action was taken when there was an opportunity to avert or lessen the financial crisis that was later to be experienced by the NIG.
  54. Recognising that these are ultimately decisions for the entire NI community we propose the following 'suggestions'
- Both Governments to instigate a formal bi-annual review process of all intergovernmental agreements and funding arrangements.
  - Commonwealth to include all Norfolk Island public service officers into federal training and skills development programmes.
  - NIG to give 'an agreed contribution' for access to Medicare and the PBS.
  - Both Governments initiate a comprehensive review into the methods of collecting taxes, fees and charges on the Island and make recommendations for a more equitable/progressive system.
  - Include Norfolk Island in the national Australian Bureau of Statistics studies.
  - NIG to give 'an agreed contribution' for inclusion into specific Commonwealth programmes. E.g. Infrastructure development and/or replacement programmes, Industry development programmes, environmental protection programmes, etc.
  - Commonwealth to assist the NIG through the final stages of implementing a Financial Management Information System for the Norfolk Island Administration. This will assist the NI public service to provide accurate financial and policy advice to the NIG and to more efficiently manage the public purse.
  - Commonwealth to fund all Commonwealth assets on Norfolk Island including the parks, reserves and jetties.
  - Both Governments instigate a review into the appropriate level of Policing necessary for Norfolk Island and the current funding arrangements.

- NIG to give 'an agreed contribution' for inclusion into Commonwealth education funding programmes. It may be reasonable to expect a degree of community resistance to moving away from the current education funding arrangements due to the high standard of teachers we currently attract by paying mainland salaries not subject to Australian income tax. However, this imposes a significant burden on our education budget through higher than average salary costs.
- A joint Government approach to upgrading the Island's wastes management system. The Commonwealth Environment Protection (Sea dumping) Act 1981 aims to minimise pollution threats by: prohibiting ocean disposal of waste considered too harmful to be released in the marine environment and regulating permitted waste disposal to ensure environmental impacts are minimised. Norfolk Island is required to cease dumping at sea by 2015.

***A jointly agreed settlement on our constitutional status to give our community confidence and certainty going forward.***

55. The latest constitutional rulings in this matter were in 2006 when six out of the seven Chief Justices of the High Court of Australia in the 'Bennett v Commonwealth-2007 HCA 18' case said that the answer to the question whether Norfolk Island is, or is not, part of the Commonwealth depends on the purpose for which the question is asked.
56. For some purposes the Island may be a part of the Commonwealth, for other purposes it may not be part of the Commonwealth.
57. The confusion and uncertainty that exists surrounding our Island's constitutional status and the ability for the Commonwealth to make changes to our Islands polity without consultation gives rise to unrest and unnecessary suspicion toward the Commonwealth.
58. This uncertainty also gives rise to a serious lack in investor confidence in our Island.
59. As two mature democracies, it is time to work toward an agreed settlement.
60. For this we look to a similar style of relationship that exists between Britain and the Channel Islands, or the relationship between territories such as Niue or Tokelau with the New Zealand Government, to ascertain what is possible when two governments work together for the common good.

Recently a group of respected Island Elders encouraged us all to "stand up and be counted" in response to attempts by the Commonwealth Government to make sweeping changes to the Islands polity. The concern was and still is, that these changes continue to be rushed through without proper consultation, without understanding the impacts and without considering the will or wishes of the NI Community.

Aware that preparing a meaningful submission to what was being proposed in the 'Roadmap' within the mandated 4 week consultation phase was going to be impossible we decided that our efforts would be better served in developing a plausible alternative way forward for NI.

We are publishing and circulating this paper as widely as possible and will be providing copies to both governments. We would welcome any comments or suggestions about our proposals for the long-term sustainability of NI governance.

MR KING

May I raise a possible Point of Order. How is it that Mr Snell has the capacity to table a document and no one else can do that without being held ...

SPEAKER

Look I take your point Mr King but what has been an emerging trend and I believe in my absence a Member of this House who is not an Executive Member or the Speaker tabled a document in the House. It seems to be an emerging trend. You're quite right in what you're saying. You are quite right but under Standing Order 196

MR KING Can we table whatever we wish in the House

SPEAKER No. No. But there is a precedent now for it and it's come into the House but if you want me to keep in force that Standing Order I will do so.

MR KING I just want consistency Madam Speaker and an understanding by myself as to what can and cannot be tabled in the House as a non Executive Member and if there is a capacity to do that then I shall take advantage of that on many occasions and that may not sit very comfortably with the House or the Government. I think the Standing Orders are there for a purpose.

SPEAKER You are correct Mr King. You are quite correct. I'm just saying to you that there is precedence for tabling of a document in the House and that precedent was created quite recently. Now it's easily resolved by this House resolving to change Standing Orders, you can do it now if you like, to change Standing Order 196 that any member in the House may table a paper in the House. The choice is yours.

MR SNELL Madam Speaker the reason I tabled the document is purely out of a wish ...

SPEAKER I understand that but also Mr King has a valid point. The alternative is of course you can read the document into the House.

MRS WARD Oh no

MR SNELL Shall I read the document?

SPEAKER That is for you to decide Mr Snell it's not for me to tell you what to do. I'm just telling you that you have an alternative to the ability to read the document into the House. That way it is read into the House, it's in possession of the House and it's in the Hansard which is what you were trying to achieve but in a different way. But Members I ask you to take into consideration Standing Orders are the rules of the House. You can vary them, they are your rules and there is precedent for how the House has been handling the tabling of papers in the House.

MR NOBBS I was going to ask for some advice on whether perhaps in a specific incident you couldn't ask to set aside Standing Orders

SPEAKER That is correct. Mr Snell could ask leave of the House to table the document, that must be without a dissenting voice, if there is a dissenting voice you move that so much of Standing Orders be suspended as would prevent you from tabling the document in the House.

MR SNELL I move that Standing Orders be set aside to allow me ...

SPEAKER Thank you. The question before the House Honourable members is that... You don't need leave. All right. Honourable Members Mr Snell is seeking leave of the House to table a document is leave granted Honourable Members. Thank you. Leave is granted. Good you have leave at this point in time I did not hear any No's you have leave to table a document in the House Mr Snell, that document is so tabled. Further debate Honourable Members.

CHIEF MINISTER May I ask Madam Speaker that nobody else try and move the debate away from the subject matter of the day.

SPEAKER It was a fair Point of Order

MR KING ...and the fact that I didn't oppose that Motion you all owe me one.

SPEAKER Further debate. I ask the Deputy Speaker to take the Chair.

MRS ADAMS Thank you Mr Deputy Speaker. The Motion as worded on the Notice Paper does not have my support and if it had proceeded to finality today I would have had to vote against it. However the amended Motion which is now being moved in the House by inclusion of the words "the Norfolk Island's Government broader preference for a Territory type model for future governance" leaves the door open for future discussion within the House and the community. On that basis today I propose to abstain until such time as we have before us at the very least the Socio Economic report spoken of in the Road Map, the results of the Airline talks between Deloitte and Our Airline, the results of the Public Service Review and reports on the effects on this tiny community of the possible extension of Commonwealth legislation to our island. Without those we are travelling blindly. I'll try and make my comments brief. I stood on the platform that major constitutional change must be decided at Referendum by the electors, not by a majority of Members, 9 Members around this table and not based on the voices of a vocal minority without giving the silent majority a meaningful voice. Community consultation through public meetings and completing of questionnaires though helpful is not the voice of the people under the Referendum Act of 1964. I give notice of my intention when the final draft future governance model is on the table that I will move a Motion that the holding of a Referendum on the governance final preferred model, so that there can be absolute clarity that what is being proposed for this community's future is supported by the majority of its people. To this end I urge all of our young people who are eligible and who have turned 18 to ensure that they are on the Electoral Role because it's their future. The Norfolk Island Government at the insistence of the Commonwealth Government has put in place a new policy which facilitates self funded retirees who are Australian citizens to come to Norfolk Island. It is also requiring the removing of barriers to Australians moving here to start up businesses, whether or not that business is adequately catered for already. At the same time the Norfolk Island Government is considering handing back Immigration control to the Commonwealth of Australia if it considered that we can control Immigration through land use and planning. It is also proposed that the Commonwealth Migration Act extend here and if any of you had a look a piece of legislation it is some 507 Sections long and that is only 1 piece of Commonwealth legislation. Taking into consideration all of these factors I urge us to be mindful of the fact that after 6 months Australian citizens who move here are already entitled to go on the Electoral Role and play a part in determining the future of our island. I have recently listened to active debate at a Small Countries Conference in London on Commonwealth initiatives in handling migration issues, the lead speaker was the Honourable Minister Terry Lister Minister for Transport in Bermuda which has an immigration model policy modelled on the philosophy that Bermuda is for Bermudians and their work permit system clearly reflects this. We are at present poised through the Road Map that in my view puts us at the cross roads of Norfolk Island regrettably and possibly being regarded as Norfolk Island is for Australians which is regrettable rather than principally as home for the benefit of its permanent residents, that is stated in the latest objectives of the Immigration Policy and Guidelines and supported by the Preamble to the Norfolk Island Act 1979. The Road Map is silent on the extension of similar accommodation to our neighbours from New Zealand from whom we source a significant part of our community and from my point of view this would seem discriminatory in this regard. In particular in respect of Norfolk Islanders who were born in New Zealand sometimes through no fault of their own who return here in order to, in

order to go on the Electoral Roll becomes frustrating. As an Australian and proud to be an Australian born and educated on my Mothers side but also a Norfolk Islander of Pitcairn descent on my Fathers side and after having lived here for 45 years I feel quite comfortable in making that statement. At no time in the discussions on the Road Map, in the MOU, in the funding agreements, in public meetings have I heard mention of Norfolk Island's future representation in its own right in the Federal Parliament if and when it enters into the Australian Taxation system. The Australian Constitution provides that regardless of the size of the population of the State each State will be represented in the parliament by 12 Senators. Tasmania with a population of over 400,000 has the representation in the Senate of NSW with a population of over 7 million. The Commonwealth Senate Representation Act provides that each Territory shall be represented in the Senate by two Senators for the Territory directly chosen by the people of the Territory voting as one electorate. You may ask why am I mentioning this now. My question is this, what legislative change is proposed to ensure that Norfolk Island has similar representation in the Senate and in the House of Representatives as is afforded to the ACT and the Northern Territory and I ask the Chief Minister to place this matter firmly now on the Agenda so that dialogue can commence and the community can be kept informed and to assist the Chief Minister in commencing that dialogue I would like to take him back in time to 1991 when he and I attended the Small Countries Commonwealth Parliamentary Association Conference in New Delhi India and where we were present during the debate on the ongoing problems for small nations being adversely affected by trade embargoes imposed by the "big boys". I am sure Chief Minister you will recall the delegate for Barbados reminding the small countries who had a voice at the United Nations of the fact that each nation is equal irrespective of its size and population and that the biggest countries have no bigger vote than the smallest country – each has only one vote and the small countries, by exercising their votes as a collective, was a powerful voice.. Let our position when we enter into dialogue on our representation in the Federal Parliament Chief Minister clearly be that we stand equal with the ACT and the Northern Territory in our entitlements and that the fact that we are a population of only 1800 people is incidental to the debate as it is on the international stage. I will conclude my debate there Mr Deputy Speaker for the time being.

MRS WARD

Thank you Mr Deputy Speaker. I'll just respond briefly to Ms Adams debate by saying that the silent majority voted in March last year. The other point is that I would encourage people to use the democratic right that is available to them now and enroll to vote in Canberra, 14% of Norfolk residents currently do and I can email Gaye Brockman or Gary Humphries as my elected representatives and say "hey you I'm not happy about this". So we have rights currently is my only point, people might like to think about using them, short of Ms Adams becoming Senator of the House of Parliament in Canberra but back to the Motion and I thank the Chief Minister for the amended form because like Ms Adams I would of have difficulty supporting the whole of the Motion that the community is aware of, the amended version basically removes the bits in it that are still under consideration and being worked through. Mrs Griffiths Question On Notice earlier also highlighted an interesting point under Question 225 which spoke about whether the Territory under the authority of the Commonwealth or an integral part of Australia and the Chief Minister used the quote that I was going to as well and that was that Minister Bob Ellicott at the time in 1979 who some might call the founder of the Norfolk Island Act said that Norfolk Island is part of Australia and will remain so. Minister Ellicott went on to say that Norfolk Island would not be regulated by the same regulation as Mainland Australia and it's the interpretation of whether that was actually a good thing or a bad thing that's been the argument for 30 years. What we think or believe in our hearts, we need to think with our heads and that's what the Government is doing now and seeking support for is to move beyond that question because it's the maintaining of standards that's costing the real money. For the members of the community you've heard the Chief Minister explain the

reasons for the amended Motion on the Notice Paper in relation to a Governments model for Norfolk Island and what I want to do is give ongoing support to the Government, to the Chief Minister to the Road Map and in principal support for a Territory model of self government, acknowledging that there is still work to be done, because at the end of the day what Norfolk must have is a form of Government that is affordable, sustainable, accountable, efficient and equitable and at the moment we are struggling with some of these elements. The passing of the Territories Law Reform Act has started to reform some areas for example the Governments financial accountability under the Commonwealth Finance Ministers orders. We continue to strive to ensure peace order and good government and we always will, but the way we manage our current governance model is certainly unsustainable and has proven not to be affordable. The preferred model would preserve our institutions as we know them and in my opinion where the real problem lies is not in the maintenance of the institutions or in the Legislative Assembly retaining its basic legislative responsibilities but in the way the Public Service functions, how Government operates it's Business Enterprises and how revenue is raised. To explain what I mean the Appropriation Act last year expended \$59m and of that \$1m was spent on the Assembly and the Judicial system and if we focus on the basic functions of the Public Service providing service to the Government and costs associated with the Courts the spend was \$2m and those figures are of course approximate but my point is that the cost of maintaining the Assembly and the Judicial system was roughly 5% of the budget. The Administrator Office is funded by the Commonwealth and therefore costs us nothing. The bulk of the \$59m was relevant to Government Business and service provision., As we start to transfer Federal functions back to the Commonwealth as is suggested in the Roadmap and a more realistic form of Government will start to take shape, more affordable and sustainable. The Federal Government is giving the island an opportunity to split powers and responsibilities into a more sustainable format. We're taking advantage of that. We know that due to our small population the Commonwealth is best placed to deliver Social Welfare and health services, costs are spiralling beyond our control in those areas and Education as the Chief Minister has stated and Telecommunications. Allowing Norfolk Island back into the fold of Medicare and entering the Pharmaceutical Benefits Scheme for example will benefit Norfolk residents with their Healthcare costs and it will save this Government from an impossible task. Without a doubt we need Federal Government support, we need continued commitment from them to stand with us and help us restructure and rebuild the foundations which Norfolk Island needs to carry on. We need Commonwealth assistance to restructure and fortify a modified governance model to be able to continue to self govern but govern what we have the proven capacity to govern, no more and no less. We have seen the commitment commence with the introduction of the Territories Law Reform Act and we are now working with the assistance of the Regional Department to introduce Ombudsman legislation into the House for example. So the ball is rolling Mr Deputy Speaker we just need to keep it moving. This Motion is a move away from the 30 year struggle to achieve full internal self-government, it is a move towards a model of self government that is potentially achievable and hopefully sustainable for a community our size, one that will make changes that are in the best interests for all Norfolk Island residents, not just Politicians or the wealthy and as a Politician the opportunity to support this move today provides enormous relief, is them provided with the opportunity to really analyse where we are at and examine how we want to move on from this point and when all the reviews and reports are completed and presented we will be able to fairly assess those. I don't think that anyone in the community needs to be convinced of the need for change, what the community needs is leadership and a Government who has the good sense to drive change in co-operation with the Commonwealth and we need an Assembly who makes the effort to understand and explain to the community the complexities of what we are dealing with and explain that by becoming a Territory type Government and handing back national responsibilities we are not being taken over by Australia, we are choosing, we are choosing a more realistic path. Many people will be aware of a team of 4 people who were in the island a

couple of weeks ago to review the Public Service and the Governments capacity to deliver National, State and Territory and local type government services and their report is due in October as I understand it. I expect that the review will highlight our weaknesses and assist both Governments in determining the final model of self government where we may be deemed to be lacking for example in the area of policy development and legislative drafting the Norfolk Island Government should call for Federal assistance to develop that type of capacity on island and to build some solid network back to the Regional or other Departments to tap into their expertise and experiences. I trust that this Motion will hopefully receive the vast majority of the Members in this Houses' support and that it will send a clear message to Minister Crean and his colleagues that we on Norfolk Island are driving change that we need the Federal Government's continued support and commitment, because together we are going to get one chance at finding the right balance and we must be realistic about our proven capacity to deliver and what we as a community can afford into the next 20 years. It would be naïve to assume that what we imagine is doable today is exactly what will occur or what will occur into the future and I would caution my colleagues against making any claim on a future governance model too ambitious but I do intend as I stated to support the Motion today. When the Chief Minister called a Public Meeting a few weeks ago the question of a Territory Governance model, over 120 people attended and they were questioning rightly so, I'm still questioning, the Chief Minister is still questioning, we're all still questioning because work is still to be completed, so that's normal, but I felt that people were generally supportive. I know that we have friends in the Joint Standing Committee who want to see us retain a modified form of self government and see us participating in the Federal Tax system. They understand the benefits that that brings. So with the ongoing commitment of the Federal Government and our Federal counterparts on both sides of politics I hope that we can reshuffle the cards and play on, by play of course I mean participate and co=operate. Thank you Mr Deputy Speaker.

MR NOBBS

Thank you Mr Deputy Speaker. I certainly intend to support the Motion and just in regard to some comments that you made earlier, you talked about perhaps the 10 years downward trend, I would be inclined to say that that downward trend actually was perhaps a little longer than 10 years and that's not necessarily in relation to tourism numbers or the like but I think the downward trend has been an impact of perhaps increased operational costs and expectations and limited and certainly negatively impacted revenues on the very few areas where we are able to raise those revenues. In amongst it there has also been repetitive challenges to Norfolk's position and they have certainly taken their toll on governance, on the community, on revenues. What I see as a light at the end of tunnel in this process is moving towards a longer term stability. The Intergovernmental divide that has raised it's head in different periods of time probably since 1979, in many cases probably hasn't been intentional. I think in a lot of cases it has come out of lack of understanding of how Norfolk Island operates and that's in terms of perhaps from the Commonwealth's perspective of not understanding the capacities that we have used and the initiatives that we have put in place. However what we are moving towards now is a better linkage and a better collaboration and I would hope that in that there would be in particular a better collaboration for those areas of shared responsibility such as Immigration and Quarantine and the like. In amongst it there should certainly be some additional independent oversight and reviewed mechanisms. Now Norfolk Island today to cut to the chase can be quite a negative place, partially because there hasn't been those independent mechanisms to chase the allegations, to chase issues that are constantly bandied about. So I certainly see that for example the Ombudsman has a benefit to the community, if an issue is raised send it for independent valuation, if there is a real issue let's fix it, if there's no real issue then get on with your work and let's start living normally over here. I also see that the path we are on at the moment will remove a lot of the grey areas. Anyone who has tried to perform anything at a Government level

perhaps enter into new business operations on the island, perhaps import fruit or a number of other areas, in many cases the procedures to engage in that or the departments that facilitate that are either constantly changing or not entirely concrete in how they will deal with the issue from one application to the next. So I certainly see that we would start to remove ourselves from the grey area and get further into the operational area. In closing I just reiterate the one thing that I hope comes out of this because I think we all deserve it is some long term stability. Thank you.

MRS GRIFFITHS

Thank you Mr Deputy Speaker. We're being asked to endorse a Territory model of governance so what is a Territory model of governance? What are the different models? What kinds of laws are made by the different models? What are the strengths and weaknesses of the different models? My understanding is: The Commonwealth Government generally makes laws on matters which affect the country as a whole and where it's not appropriate for the law to be different in each state. There are over forty specific areas where the Commonwealth has the power to make laws. These are laid out in Section 51 of the Australian Constitution. Mr Deputy Speaker while I don't intend to go through them all – some examples of Commonwealth responsibilities relevant to Norfolk include: Taxation; but so as not to discriminate between States or parts of States: Postal, telegraphic, telephonic, and other like services: Astronomical and meteorological observations :Quarantine: Fisheries in Australian waters beyond territorial limits :Census and statistics: Currency, coinage, and legal tender: Marriage: The people of any race, for whom it is deemed necessary to make special laws: and Immigration and emigration: Whereas State governments can make laws on any issue that the Commonwealth Government can not. State laws usually cover issues like education, health, the environment, and the operation of emergency services (police, fire, ambulance). Territory governments are only established with the agreement of the Commonwealth Government. Any land that is not claimed by one of the states is called a territory. Territories do not have the right to convene their own government or pass laws as the states do. Under the Constitution, the Australian Government makes the laws for the territories. The Commonwealth law that establishes a territory government will also specify the powers of that government. For us that was laid out in 1979 with the Norfolk Island Act. Territory governments can be given the right to make the same laws as a state, or they may only be allowed to make laws on a small number of issues. Local governments are established to look after matters relevant to local communities. These include garbage collections, public parks and sporting grounds, libraries, and local planning matters. It is possible in some cases for the Commonwealth and the States to make laws on the same issue, however, where a Commonwealth law and a State law conflict then Commonwealth law is followed. It is obvious - or more appropriately vital for this community's well being - that we manage more than our garbage collection, public parks and sporting grounds, libraries and local planning— so that leaves us with state or territory model of governance. So what is the difference between the two? When the 6 States joined to create the Commonwealth, the States approved a Constitution that gave the Commonwealth Government the right to pass laws on certain subjects, and allowed the states to retain all other law-making rights. States therefore have a constitutional right to convene a state parliament and pass certain laws. Unlike states, whose powers are defined through the Constitution, the powers of these territories are defined in Commonwealth law which grants them the right of self-government. This also means that the Australian Government can alter or revoke these powers at will. More specifically; A State can make essentially any law it likes. A Territory can only make laws allowed by the Commonwealth Government – again ours are set out in the Norfolk Island Act. A State law can only be 'struck down' if it conflicts with a Commonwealth power under s109 of the Australian Constitution. A Territory law can be disallowed within six months of passing the Territory Assembly by the Commonwealth Government or it can be overturned at any time by the Commonwealth Parliament. State laws are stronger because they cannot be changed unless they conflict with valid Commonwealth

law. Territory laws are weaker because they can be changed by the Commonwealth Parliament at any time. A State has guaranteed representation in the Australian Parliament. A Territory has representation in the Australian Parliament only so long as the Australian Parliament says it can. And we can – and do...albeit, it's not one of our own people. The Australian Constitution says the Commonwealth Government cannot discriminate between the States. The Commonwealth can discriminate against a Territory if it wants to. States have full control over State land except where the Commonwealth may acquire land on just terms. States cannot be abolished or have their boundaries changed without the consent of the residents of the State. There is no constitutional guarantee that the Commonwealth must pay just terms to acquire Territory land. Finally - a Territory can have its government terminated or parliament abolished at any time by the Commonwealth. Mr Deputy Speaker, it seems to me that we are being asked to endorse something that we've already got. We ate undoubtedly a territory. We're thankful we have been granted the powers we do under the Norfolk Island Act. However, our laws can be overturned at will and we know full well that our parliament can be abolished at any time. Mr Deputy Speaker, in terms of this motion - personally I would prefer to be endorsing a State model of governance – with all the constitutional rights that implies. Under Section 121 of the Australian Constitution, territories can become states with the approval of the Australian Parliament. There are many who have gone before us that worked hard to ensure that we have what we do. I've no intention of throwing my hands in the air and saying – its too hard – its too much. I will never endorse a local model of governance. I will never give up on what we have. Having said that, what I would like is an improvement on the relationship that we do now. We do need help. We need to stop trying to work in isolation. We need greater engagement with the Commonwealth. We need to stop considering ourselves as models for others. God knows – we're not. We need to embrace the findings of the public service review – as long as that does not diminish our self-governance. What ever the Public Service Review says - we will need Commonwealth help to implement its findings. Governance is evolutionary and without a doubt, we've evolved over the years; however, evolution is about moving forward – not going backwards. Over the years, we've had indirect rule. We've had Advisory Councils with limited powers. We've had a territory model of governance and, if we can't get evolve and get stronger with a state model, then I support this one. Thank you Madam Speaker.

MRS ADAMS

Thank you Mr Deputy Speaker. I want to make my position quite clear and all those who have spoken around the table today I applaud and cheer. However I stand fast to the basic principle of democracy, one that I chose because we are one of the few places in the world that use and can use the referendum process. As Parliament is by the people, for the people of the people and it should be the people as a whole clearly understanding what has happened to them and of course that is up to the Parliament to make sure that that is the case, we should have the final say, that is the point that I am making. Do not think for one moment Chief Minister that I do not understand where you are placed, what you are doing and I'm not unsupportive, you know that, I'm not unsupportive with what you are doing but you have been placed between a rock and a hard place in a cleft stick. Left with nowhere else to go to take us where you are taking us with the best intentions in the world and I applaud you for that. I applaud you for getting on the front foot because if we wait for the Commonwealth we could be waiting a long time and far better we be on the front foot than wait – well done. Just to answer Mrs Ward on this question of representation I assure you I have no aspirations for being in the Senate. However let us be quite clear on the role of Mrs Gai Brottman and I'm very mindful and this is no reflection on Ms Brottman but I was present as were you at the Women's forum when she thanked those assembled for their votes in the Labour Party in getting her to pre selection for her to be a candidate. She had first and foremost become a candidate and I doubt in my lifetime I will become a member of any party, she cannot ever represent me and just remember that in the Senate it's the electorate as a whole the community, the

island is the electorate as a whole that votes. Remember also that whilst yes you are quite right that people who are not already on the Electoral Roll in Australia can apply to go on the Electoral Roll in Canberra – quite right but equally as right as far as I understand, correct me if I'm wrong that new people that come here can bring with them the electorate to which they are already attached and retain that electorate and therefore cannot ever be said that Ms Brottman who I'm quite sure has the best interests of Norfolk Island at heart is representing Norfolk Island in Federal Parliament, she cannot. Let us go forward together but let us be very careful that before we make the final decisions be sure that the community wants to go down that road that we are taking them and there's only one way to do that. We have done it on 2 earlier occasions when our constitutional status with Australia was threatened, we went to Referendum and the community without any shadow of a doubt expressed a vote and we know what that vote was. I think I'll pause there. Thank you Mr Deputy Speaker.

MR ANDERSON Thank you Mr Deputy Speaker. Firstly I should congratulate the Chief Minister for taking the initiative. Subsequent to that Meeting he's seeking the endorsement of a proposed future model for the governance of Norfolk Island. I intend to support the amended in principal endorsement of a Territory model and yes in essence we are supporting what we already have. The Motion clearly recognizes that there are a significant number of hurdles to cross before it will be appropriate to make a full assessment of the most suitable model to provide for the future governance of the island. The Public Service Review is one of those hurdles and within the terms of reference it seeks a view of the capability of the Administration to undertake the functions and responsibilities of the three levels of government. The Consultants may recommend that a hybrid is the most appropriate model given the skill sets and resources available within such a small population. If the population were to increase as successive Assemblies have supported but failed to achieve that would create a larger pool and greater justification for a model appropriate for a larger population. Clearly the Federal responsibilities should be cooperatively administered by the Federal Government. Education and Health are the State responsibilities can only be afforded if the island is subsidized by the Commonwealth but that subsidy if applied on the same basis as the Mainland would fund a very small country town. That is why a hybrid may be necessary particularly given yesterdays announcement by the Federal Government that in Health the States and the Territories will have to meet half of their own health expenses and Education of course is only subsidized by the Commonwealth. The debate on the eventual model will be interesting and challenging in my view and consideration of those issues I will leave for the appropriate time. I will support the amended in principal endorsement of the Territory type model for future Governance. Thank you Mr Deputy Speaker.

SPEAKER Any further debate. The question before the House is that the Motion be agreed to.

MR SNELL Thank you Madam Speaker. I don't wish to prolong this discussion any further except to say that the debate this afternoon around the table has been very enlightening and I certainly share the views of both Madam Speaker and Mrs Griffiths in protecting our current Government and our way of life and I certainly support the 1979 Norfolk Island Act in its application to Norfolk and what it tried to do at that time. I appreciate the difficulties we are going through and I certainly appreciate very much the description and the words of Mrs Griffiths. That's all I have to say thank you Madam Speaker.

CHIEF MINISTER I'm happy to just finalise if we're at that stage Madam Speaker. I thank all of those who have made a contribution to the debate this afternoon. As we all know there are people with a huge variety of information and some diversity in terms of the areas that are to be addressed and a good many of them have

been placed on the table to day. I'm very grateful for that being done so. It illustrates that that we need to address but the thing that I think has clearly come but notwithstanding that people might have a diversity on some matters. The concept of us moving forward I think is clear to us all, clear to us all and I think it is equally clear that there are some areas that might not have the greatest of comfort to us all but there is a need to move forward, and there is some understanding that the concept, the concept, the principal of a Territory model is the way that we're seeing to move forward at this time. If we have nothing we are just wafting around in the breeze. We can not afford to be wafting around in the breeze, we need to be taking some initiatives to move forward. The situation that we face in terms of finances which dictates a great deal of this needs to be addressed as promptly as we are able and not wafting around in the breeze, going forward is a significant part of addressing that difficulty. So I thank all the Members for that. I would hope that all who feel comfortable to be able to give expression to the Motion I would say to you that from the Norfolk Island Government's perspective on behalf of the Norfolk Island community this is what we need our elected representatives to be saying so that we might pursue further with the Commonwealth. I commend this Motion Madam Speaker.

SPEAKER Thank you Chief Minister. I think we have exhausted debate and I'll put the question.

QUESTION PUT  
AGREED

The Motion was agreed on the voices.

### **CUSTOMS (AMENDMENT BILL NO 3) BILL 2011**

MR BUFFETT Thank you Madam Speaker, I present the Customs Amendment No 3 Bill 2011, and move that the Bill be agreed to in principle and I table the Explanatory Memo.

SPEAKER Thank you Chief Minister. Further debate Honourable Members?

MR BUFFETT I say this with some apologies Madam Speaker that this Bill is really a tidying Bill and it relates to the maximum width of buses that are to be imported in Norfolk Island. We earlier had a piece of legislation which tidied ensured that there was compatibility between two pieces of legislation the Customs legislation and the Traffic Act and it was an endeavour to move from 2.35m to give commonality between both of those pieces of legislation to 2.5. When we actually did that instead of expressing in the earlier legislation 2.35 we said 2.3. This is not changing anything that we've done before in terms of where at the destination but it didn't accurately pick up that which was expressed before. It should have said 2.35 instead of saying 2.3. This is an effort to adjust it.

SPEAKER Chief Minister I was not present at the Business Committee was there any move for this to go through at this Sitting. No sitting on the table

MR KING Thank you Madam Speaker. Just briefly could I ask whether there is going to be any immediate impact on anyone in the community as a result of this or any proposal that is currently before.

MR BUFFETT Madam Speaker this doesn't change the destination. The destination is 2.5, 2.5 is already expressed, it's picking up the figure that we had to

amend it's therefore tying one piece of legislation to another, it's a technicality it's not changing the substance.

SPEAKER Thank you Chief Minister. Is there any further debate Honourable Members. No. I seek a final motion Chief Minister

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

SPEAKER Thank you Chief Minister. I put that question

QUESTION PUT  
AGREED

Debate is so adjourned. Thank you Honourable Members.

### **IMMIGRATION ACT 1980- IMMIGRATION POLICY AND GUIDELINES**

SPEAKER Honourable Members we resume debate on the question that the motion be agreed to and Mr King you have the call to resume

MR KING Thank you Madam Speaker Given the lateness of the hour there would be justification for me making a brief contribution to this matter. That may not be able to be achieved, I'll try hard. I'll try and cut out some of it. The indications are Madam Speaker that the Policy tabled by Mr Buffett on the last occasion will support the Norfolk Island stand alone Immigration system perhaps the final months of its life until it is perhaps replaced or likely to be replaced by the Federal Immigration system some time down the track. It is unfortunate Madam Speaker that the principal changes embodied in the document have been foisted on us by the Commonwealth as part of a trade off for our inclusion in the Commonwealth financial arrangements but I say unfortunate because the Policy which has supported our own Immigration system has suffered in my view from wholesale neglect and paralysis for many years. During a 30 year period where the Immigration Policies of the Western world have been shaped by human rights and international conventions and evolving law reflected in decisions of the judiciary and tribunals and review authorities etc and importantly by the desire of governance to protect its citizens and enhance economic opportunities the Norfolk Island Immigration Policy has remained a somewhat scant and somewhat unresponsive document and it's disappointing to many in its outcomes, confusing and often bigoted in its application, frequently lacking flexibility necessary under modern law. In essence Madam Speaker I accept that its genesis was well intentioned and justified, after all because Norfolk Island is or was is a very small isolated community with limited land mass and a delicate environmental system and even social systems. It requires protection of some sort. There was also a time of great prolonged economic opportunity as tourism developed from essentially a zero base and grew annually over a 20-25 year period a period when local representatives and legislators sought to restrict outside access to the benefits without recognizing that local investment had its own limitations and without adopting medium or long term views that looked beyond the time that such growth in tourism and economic activity must surely plateau or fall away. A prime example of that Mr Deputy Speaker is the Immigration New Business Policy which has been removed from this document but has prevailed or survived for 30 years almost to the day, my recollection of its objective in 1981 was that it addressed a level of what was then undesirable speculation, not only by persons who came into the island but people investing in new enterprises it affected locals as well and people who sold off their businesses though the Immigration system and pocketed a profit, how dare they make a profit Mr Deputy Speaker. It was effective to a very large degree, it stifled innovation, it

dampened investment and it punished those who would dare to aspire to a pocket making venture. So it worked Mr Deputy Speaker and to varied degrees depending on the enthusiasm for its administration it has continued to work to this day or until the point where its been replaced. We didn't respond to change in economic circumstances and as the world changed around us we couldn't see our way clear to adjust it in our Policy objectives we continued to live in the past and resisted change. Perhaps Mr Deputy Speaker we simply didn't take the time to wonder where our Immigration Policies would take us and of course things obviously are clearer in hindsight but perhaps the better approach to unacceptable speculation and profiteering and exploitation of Immigration which took place in those days was to discourage such activities through the imposition of objective taxes rather than through the highly questionable Immigration Policies. So from time to time Mr Deputy Speaker the local legislators did discuss policy growth as an economic tool and I made mention of that today I think twice in debate. We have attempted to utilize the GEP quota system to control immigration numbers and population. We adopted in fact policies in respect to population growth or so as to guide the quota system with annual intake. I have the recollection that on one occasion I think the early 90's that every reasonable and relevant factor pointed to the need for an annual GEP quota based on 1 or 1.5% population growth but when it got down to the nitty gritty Mr Deputy Speaker the policy was abandoned in favour of small annual quota numbers which were more politically palatable and able to be sold more readily to the community. Numbers or quotas which had no objective basis in which left aspiring GEP applicants languishing on long lists waiting for their number to come up. It seems in those circumstances Mr Deputy Speaker there is little wonder that aspiring applicants in fact dwindled and economic investment waned. Whilst I'm being essentially critical about the low level policy review there had been of course attempts to introduce new thinking. Mr Nobbs as Chief Minister and Immigration Minister in the last Assembly expended considerable time and resources towards the development of new policy. In the end for one reason or the other he was unable to deliver and the published policy remained as it had been up until the time of this adjustment of Mr Buffett's. Some may well say Mr Deputy Speaker that thank Heavens for that that that review did not come to pass. I don't want to spend a great deal of time in this area that I may seek to cut down on my presentation but the review in those days contemplated a number of things which reflected a highly questionable pattern of thought about Immigration and how it might be used in the island. It sought to address new investment needs and to Mr Nobbs' credit he seemed to want to deliver change in that aspect but as I said he just couldn't stitch it together and it actually died in the 12<sup>th</sup> legislative Assembly. Those deliberations reflected what may be seen by some to be somewhat noxious aspect to our thinking as I've alluded to and perhaps the way we have conducted ourselves in the administrative and immigration system. I was dismayed Mr Deputy Speaker to find in researching this subject that the contemplations and the policy objectives which were up for grabs during that review still remain in full view of the world up on the Internet. I'm not easily embarrassed Mr Deputy Speaker but on reading them again just the other day I was reminded just how mortified I was just under 2 years ago when I first found the Governments postings on the Government website, and I know I risk Mr Deputy Speaker alienating some of those who participated in that review but I accept that risk as an acceptable cost of exposing the kind of thinking that was being applied in the Immigration Policy, thinking of a kind which influenced our policy development over a long period of time, some 30 years. The first time I read that the points that were up for grabs and I up for consideration that Immigration Review as I mentioned it had been developed to the point where it was obviously thought by the Government of the day that it should be broadcasted to the entire world. It revealed some acceptance that Immigration avenues for business investment should be defined or refined depending on which way you look at it and that's well and good Mr Deputy Speaker but then it revealed that consideration was given to introduce so many hoops and barriers that it would have been impossible to negotiate business investment through the Immigration system. It included for example possible requirements for business entrants to satisfy someone in

Administration that they had sufficient nous in finances and an acceptable business plan and the Admin person would then report in his or her wisdom if the aspiring resident had it all together. There was also some thought given to having applicants satisfy Immigration Officials by some unclear means that they were not in fact disqualified anywhere else in the world, anywhere else in the world from conducting business or investment. How that might have been able to be achieved Mr Deputy Speaker Heaven only knows. The review contemplated a whole new range of permit types and some were fairly clear in their objectives and some were not so clear. What is clear is that no one was going to be allowed to just waltz on in to Norfolk Island, this was just under 2 years ago. The Review made it clear that if you intended to apply in due course for permanent residency then you had to apply for a particular type of permit and remain at that lesser level for some 8 years after which you might be granted a long term permit, hardly the basis Mr Deputy Speaker on which you could reasonably expect for someone to sever their ties elsewhere and make long term investments in Norfolk Island. In fact you would likely have to be a complete idiot to do that faced with those sort of barriers. It was contemplated to, look I don't think it's necessary for me to go into it in any great detail about that. I think the feature of the Review which was contemplated at that time and which was of particular interest to me and perhaps amusement was the plan to exclude certain people like Trade Union Officials and members of Political Parties from entry to Norfolk Island unless they had an entry permit before they even got on the plane to come here because I understand Mr Deputy Speaker that this consideration was given in the wake of the emergence of Norfolk Labor as a sub-branch of the Australian Labor party and then there was a degree of paranoia reflected in the debate of this House but it is one thing of course Mr Deputy Speaker to consider and discuss these things in private or even behind closed doors but it's certainly extraordinary that you would risk the ridicule of the world by plastering these considerations all over the net. Mr Deputy Speaker the current policy document tabled by the Chief Minister, I indicated earlier that some of problems with Immigration lay in its administration. Although the new Policy largely caters for the change in attitude towards business investment and self funded retirees it nevertheless reflects in clear fashion how the community can expect other aspects of policy to be administered. It does make for some fairly interesting reading and it says for example that a person cannot commence work until the Entry Permit has been granted but every man and his dog knows that that's not enforced. We know that invariably prospective TEP holders are often put to work the day after arrival, in fact it's more the norm rather than the exception. In any event Mr Deputy Speaker there is a strong argument that this requirement is not in fact supported by the law. The Policy persists in the adoption by Policy of an 8 year limit on the holding of a Temporary Entry Permit which flies in the face of the decisions of Review Authorities and the Courts that suggests that the longer that you let someone sink their roots into a place the greater the difficulty it is in removing them. The Policy also requires unconditionally a return travel ticket to be held by the holder of a Temporary Entry Permit, this is not, I repeat administered consistently. It requires employers, employers to have taken reasonable steps to test the resident labor market including the placement of advertisements in the paper, this has been the subject of questions in this House over the past year and a half. We can't even ensure that the words TEP renewal are omitted from ads to at least give the impression that the ads are genuine. It goes on to place a requirement that an intending employer consult with the unofficial employment register and to demonstrate to someone, presumably the Immigration Officer that no one on the register is suitable for the job. Even if it had some applicability Mr Deputy Speaker it is probably incapable of being administered and I would suggest anyway that it is not. The main changes as I've said reflect the agreement between the Norfolk Island Government and the Federal Government that investment entry through business activities and self funded retirees be facilitated through the Immigration system. It is not clear to me that this agreed objective has been met by the policy changes reflected in the document. As far as I am aware Mr Deputy Speaker the agreed policy objectives set out in the Road Map did not make any distinction between an investment entry to purchase an existing

business or a proposed entry to establish a new business. From my understanding the objective was to pave the way for new outside investment irrespective of whether the business was new or existing. Now I may stand to be corrected in that particular point but that is my understanding. It seems to me Mr Deputy Speaker that the revised policy for business entry places undue focus on planned entry to purchase an existing business. Section 6 point 9 under the heading Business Investment begins with the words and I quote "where the applicant proposes to operate a business evidence shall be provided that the business is viable". That opening Policy statement cannot be interpreted as applying to a new business, since it would be impossible to demonstrate existing viability where a new business activity is proposed. All of this of course may have been quite unintentional except that but I make mention that a Policy which does not invite and guide new business entry does not satisfy in my view the agreed objective. Under previous policy replaced by the document Mr Buffett has tabled there was specific provision for the grant of an Entry Permit for a new business where there was and I quote "a demonstrable need for the business" this is now being replaced with a very brief entry which seems to give a discretion to the Immigration Minister to decide if a particular new business proposal is suitable. I think it's 6 (17) which says and I quote "where it is proposed to buy an existing business or new business" the only mention of new business "that is approved by the Executive Member the onus is on the applicant to full disclosure of financial details". Mr Deputy Speaker it offers no guidance at all on what criteria the Minister might apply and exercise in that discretion and that is a major Policy deficiency. It seems to me that the intergovernmental agreement on investment entry could be best satisfied by clearly announcing that proposals for new business entry will be considered. That may have been what was intended but it's not reflected in the document. I think that the demonstrable need test need not be reintroduced but applicants can be encouraged to demonstrate capital investment or levels of capital investment new industrial or commercial activity, possible economic diversification, cost for the creation of jobs and the like through the production of business plans financial plans, loan approvals etc etc , there is no guidance in that regards in respect of new businesses. It wouldn't be difficult I wouldn't have thought to establish a set of principles which would specifically guide new business investment. Mr Deputy Speaker let me finally offer some comment on self funded retirement policy. This too has been developed that is the policy change following agreement between the 2 governments. The agreement reflected I believe that such entry could provide some needed economic stimulus or boost to Norfolk Island. I don't want to get into that particular aspect on whether that's going to be achieved or not. There are certainly mixed views about a number of additional residents that that might attract. I wish I were able to make some comment on whether they new policy places requirements on applicants which are fair or their onerous or perhaps even unlawful and also on whether overall the policy requirements are genuinely imposed with a view to attracting this category of migrant or if the requirements might in fact result in discouraging rather than encouraging this category of entrant. Mr Deputy Speaker I understand that there is a dread perhaps not well based but nevertheless a dread that an influx of retired people through Immigration might place an undue burden on our Health Services and the expense of providing those services and that's understandable. I should pause in that respect and just to make this additional point, that has always been a concern in my experience with immigration over the past 30 odd years, that's always been a concern and a genuine concern but it could only ever have come down to the initial assessment one makes on their financial circumstances. There has always been attempts one way or another to impose conditions to try and make them do certain things keeping insurances or join Southern Cross or one thing and another. The point I wanted to make there is pretty quickly slipping away from my aging mind. That is a genuine fear and I know these things do need to be addressed. The point I wanted to make was this that you can only in any event, whatever conditions are lawful to be imposed on someone's entry can only be imposed up to the point of when they become residents anyway. The difficulties that we have encountered with people who have come through the Immigration system ended

up in the welfare system have occurred well after people have gained their residency and during the period in time when you no longer have any controls over them in terms of Immigration policies. That won't change. In the past our Immigration Policies provided little protection against increasing island health costs. In a way I would say that the policy Mr Deputy Speaker have in fact contributed greatly to increasing health costs largely through its contribution to the aging of our population. This clearly occurred Mr Deputy Speaker and I think most people around this table will accept that as well, it occurred through forcing a great many immigrants to buy a business which they didn't really want and for which operation they had no particular expertise or skills but we let them in anyway, forcing them to buy a business when all they wanted was a place to boil their billy a place to retire, that was their objective. In a number of those cases we probably caused financial grief and a consequent burden on our health costs by making those people waste good money for a business they have no chance of managing for a profit, that occurred. I can't recall in those years whether the provisions of Section 22 relating to the maintenance guarantees which allowed the Minister to seek a cash sum of money to be held against health costs and what not were used to any great extent. I have great difficulty even remembering even one which indicates to me that it wasn't used with any great regularity. I remember it being regarded as a very difficult provision to administer or to invoke and that's perhaps why the focus turned away from using that lawful provision to perhaps imposing conditions on peoples permits which were questionable at law. I don't believe Mr Deputy Speaker that there is any power under the Act to enable the imposition of a condition relating to the holding of private health cover, nor would I suggest is there any power to enable the imposition of a tradition that an immigrant purchase real estate in a given period or enter into long term rental accommodation. I accept that those things might be desirable outcomes but I reject any notion that such conditions or conditions to that effect could be lawfully imposed. I note that the published policy says as if in justification for requiring membership of a private health fund that a self funded retiree cannot become a member of the Norfolk Island Healthcare Fund and we raised this matter briefly in MLA's yesterday or Monday or something. Now I may be wrong again but I cannot find where this is the case nor how it could be the case. My understanding is that if you live here it is compulsory to be a member of the local Healthcare Scheme unless the relevant Minister allows you to opt out in favour of membership of an approved alternative scheme, and that was always as the Healthcare Scheme was intended to operate. In any event Mr Deputy Speaker I would imagine it extremely difficult for a retired person to obtain private medical insurance. If that was a legitimate prerequisite for entry into Norfolk Island it will likely severely limit the number of entrants in this category. I note the efforts of some local people in respect to inquiries made of the insurance Ombudsman in respect of whether or the likelihood of insurance being available for self funded retirees who travel to Norfolk Island and the advice from, although I don't have it in front of me but my recollection is that it expressed grave uncertainty that those people would be able in any event to gain health insurance of that kind, medical insurance at that age. So Mr Deputy Speaker thank and I thank the House for allowing me to take up so much of the time. I think some of the aspects of the new policy ought to be reconsidered. Thank you very much.

MRS ADAMS

Thank you Mr Deputy Speaker. I would like to thank Mr King for that very comprehensive historical background to Immigration most of which I broadly support what he said. I wasn't here at the last Sitting when it was mentioned in the House that the Policy Objectives and Guidelines had been changed and the self funded retirees Provisions inserted and I've been musing on this in the last 10 minutes and I'm asking a question of myself and I'll ask it of the House – since this process began in November 2010 what role has the House played in this process as a parliament other than to endorse the Public Sector Review. Where has the House endorsed funding agreement, where has the House endorsed self funded retiree model, where has the House endorsed the inclusion and the change and the amendment to the

objectives. I'm just musing out loud probably but it's a real question just came to my mind and maybe it's time the Parliament started to do it, apart from what it did today, started to play a more up front role. So as quick as I can. It's not my intention to speak at length but it did get to be a page. As Members are already aware of my reluctance to support the concept of self funded retirees as a means of fixing our economy and whilst it's a fait accompli I'd like to put forward my view in Handsard. It's been stated on numerous occasions both in this House and reports from the Tourist Bureau and in the local press that it is believed that one of the reasons why our tourist numbers declined as a consequence of the global financial crisis is because the demographic of the large proportion of our visitors is the retirees and superannuates who lost their investments in that crisis. To me this begs the question – what guarantees are there. Self funded retirees are not equally at risk with their investment. While I was away European newspapers are forecasting another recession, a recession that will make the earlier one pale into insignificance. We see America with \$14.3 trillion dollars debt, we see the EU countries in a precarious financial state having had to bail out Greece, and their wondering whether Italy Ireland Portugal and Spain are trekking down the same road, sort of just a pack of cards waiting to fall over. The UK and Isle of Man delegates at the London Conference were keen to know how we were fairing financially as we made headline news there last year as the bankrupt ? British Colony regrettably and I took the opportunity to share with them the truth of our story which wasn't quite what they thought it was. The Isle of Man and other British overseas Territory's have also suffered the same problems as us over the years so their tourist industries have suffered a major decline and they had to look elsewhere to prop up their failing economies and have done so successfully. The principle reason for their success is this, they have a sovereign power namely the United Kingdom that was prepared to let their dependencies rebuild their economies in inventive ways rather than becoming a contingent liabilities to the UK with the result that some of them are now low tax environments which attract entrepreneurs to dock their money there, others have been allowed to exploit and develop the 200 miles water around them with controlled fishing and oil exploration all with amazing success, rather than becoming contingent liabilities on the Sovereign power. My talks at the CPA Conference in London with delegates from small countries clearly revealed that many of these small jurisdictions fell into the trap as a first step to economic recovery with encouraging the self funded retiree market to their shores and whilst in the short term they acknowledged there was some financial benefit to their economies the downside in the longer term is now clearly becoming evident with overburdening the healthcare systems and aged care support requirements and the consequent need for their children to have to pay those costs. We run the risk of that being us. It is my firm belief that we should be actively and urgently requesting the Sovereign power currently responsible for Norfolk Island mainly the Commonwealth of Australia to work with the Norfolk Island Government in the same way that the UK has sat down at the table with its external Territories and Crown dependencies to plot a path forward for Norfolk Island that allows it to retain and in fact expand its autonomy and to develop its economy in a way that mirrors the UK model which is based on the premise that this road is preferable to the Territories becoming contingent liabilities. This will require us to have courage and not to bend to pressure, to move down a road which potentially could result in us becoming just another normalized part of Australia. You have my whole hearted support Chief Minister to enter into dialogue with our Sovereign power to achieve this outcome, for our very special community in preference to continuing to travel down the road along which we currently keep traveling, don't lose control of our Immigration. The preamble to the latest Policies and Guidelines which state and I quote "to recognize and ensure that Norfolk Island remains principally as a home for the benefit of its permanent residents". The document bedded down on 5 July 2011 states that fact in its Preamble. I give you my support Chief Minister to move down that road. Thank you Honourable Members.

MRS GRIFFITHS Thank you just briefly Mr Deputy Speaker. I had intended to go fully through this policy however I got choked up on the first page and didn't get much further. This Policy seems intent to disenfranchise people from New Zealand, it seems biased towards Australians and forgets our ties with New Zealand and its people and while I do have quite a substantial debate on our relationship with New Zealand I won't go through it today. Madam Speaker our Immigration regime is not the only area where our New Zealand citizens are excluded. We have had legislation opposed upon us which disenfranchises New Zealand citizens from their rights, namely our Electoral legislation. A Norfolk Islander who may for any number of reasons may leave Norfolk for a short period of time and be struck off the Electoral Role can't get back on the Electoral Role and they can't have a say in their own future here on Norfolk. What disappoints me is that we have continued that disenfranchisement in our own policy and we haven't provided equal rights to our New Zealand citizens as well as our Australian citizens. I would prefer to see equality between our New Zealand neighbours. If I could just refer to the 2011 Wellbeing Survey, 21% of the population come from New Zealand, a mere 7% have dual citizenship. I could only accept an Immigration Policy that doesn't discriminate. We cannot and should never forget our ties with New Zealand and its people and they deserve our vigilance. Thank you.

MRS WARD Thank you Madam Speaker. In answer to your question in terms of how this Policy came about or the changes to the Policy came about. They are defined under No 16 of the Funding Agreement that's an Agreement that you have vocally opposed right from the beginning but the majority of the House had the opportunity and we had extensive debate on that, and it of course came from the Road Map which under Point 4 Immigration is that, well both Governments would work together to remove barriers to business investment on Norfolk Island including allowing Australian citizens to operate new businesses, new businesses – that might answer Mr King's comment on Norfolk Island. In terms of whether this House has had a say in the changes and you were off island. The changes came to the Immigration Committee and we were given a copy of the changes, a draft I think on the Monday and the Chief Minister needed our answers by Friday, Thursday or the Friday and we gave that to him, There has been discussion within the Immigration Committee. I certainly share the same concerns as Mr King on the legalities around imposing the what I'll call restrictions or conditions on the self funded retirees. I've expressed those concerns to the chief Minister and he's working on coming and addressing the Committee and just giving us some guideline on exactly what Mr King has brought up being the criteria, somewhere I've read that it's supposedly an Accountant who will check the supposed viability of a business but it's in the Policy. O.k. thank you Mr Anderson, but I do pick up the points that Mr King has pointed out, at the same time the Chief Minister has made a commitment to walk the Committee through them because they are difficult if not impossible and perhaps unlawful so it needs to be dealt with, but that answers Madam Speaker's question on how much input the House has had I hope. Thank you.

MR SHERIDAN Thank you Madam Speaker. I'd just like to pick up where Mrs Ward picked up and it's with regards to the amount of input that maybe the Immigration Committee has had and even Members around this table because it has been brought to this table and I hear the concerns of Mr King in regards to these issues being brought to light after the Policy had been sort of settled upon. I was just wondering I thought Mr King was a member of the Immigration Committee and that if he did have these concerns he had the opportunity through the Committee and also through this House to bring these issues to light but he chose not to until the document was formalized and then raises these concerns. To me that's a bit stab in the back type stuff because if he had these concerns he had the opportunity to raise them prior and so that we wouldn't be in this difficulty now that we will have to review the documentation to ensure that yes that the objectives that we are trying to achieve and that is to allow new businesses not just a purchase of an old business and that may just come down to

terminology and to allow self funded retirees in, that is the object of the Policy. If there were concerns they should have been brought forward prior to the settling of the document. It's a shame that it's come to this that now we're going to have to revisit it.

MR KING Well I just need to rise to my defence Madam Speaker just very quickly. I had indicated to the Chief Minister many months ago that I do not participate as a member of the Immigration Committee that I have conflict of interests and that I'm approached by many people in respect to their immigration affairs, whether Mr Buffett wished to formally give effect to that by taking on that's really up to him, I do not participate I never have. I was given a copy of this thing I think something like 24 hours before it was tabled in this House as a fait accompli document. If you want to sit there and tell me that was sufficient time for me to gather some intelligent thought and comment on it then you give me far more credit than I think I'm due. Let me say my expectation is and always has been I'm on the backbench, you guys bring forward the proposals for us to comment on, we don't do the proposals we wait, we waited on this occasion, it came forward in MLA's the day before so that's my defence.

MR NOBBS Thank you Madam Speaker. There has certainly been some interesting comments around the table and the key area I'd just like to hone in on at the moment is there was some discussion and I think from various angles with regard to the analysis of new business or new investment and whether that analysis and viability was a fair process and how if it was a new business that may not even be possible. Madam Speaker I think that is a ridiculous thing to say because anyone who has commenced a new business, anyone who has assessed a new business will do their due diligence, they will assess their product they will assess the customer base and they will assess their ongoing costs. So in real terms that documentation has I don't think ever been a stumbling block for those people entering Norfolk Island and in fact I can attest as previous Immigration Minister to instances where perhaps people have put in a analysis of how they think they will operate and then they've taken that analysis back and said hold on we're going to change what we are going to do on Norfolk Island, that's not the analysis we want you to consider. Now what this is all about is responsible immigration, it's not just about let's get someone over to Norfolk it's about let's bring somebody to Norfolk who we can support and who we know has the capacity to responsibly support themselves. We've got to look after our economy, we've got to look after our environment, it's not a simple case of just hoping that their decision to commence a new business is one that is going to come up roses for them and for us. I do have a suggestion that comes out of the discussion so far this afternoon and that is whereby the Policy in effect can eliminate certain individuals from being part of the Healthcare Scheme. Now certainly there is provision to enable the Minister responsible to not force a person who is suitably insured to be part of the healthcare Scheme but one of the systems used by many of the insurance companies particularly to do with health insurance is the staggered contribution scale that is determined by the age at which you join the scheme and that may well be the answer to this question is that yes we do enable them to become part of the healthcare Scheme, we ensure that it is staggered to accommodate the ongoing needs of that age demographic and that we are able to further support them with infrastructure and medical care and the like. Thank you.

MR SNELL Thank you Madam Speaker. I won't dwell too long on this. I'd just like to point out that the Road Map quite ? made great emphasis or some emphasis on the importance of self funded retirees. Madam Speaker my inquiries into what we would possibly get from self funded retirees won't affect the island's financial situation to a great deal. I disagree with some members of the community that think that self funded retirees is going to be the end all of financial woes. I've asked many and they have responded by saying that you know why would they possibly give up their benefits that they enjoy now to come over here to an area where benefits will be

questionable where they won't be able to have the benefit of their health insurances and their home care their age facilities care and so on. So there are some doubts to this Policy but it is to be noted and I'll just do so. Thank you Madam Speaker.

CHIEF MINISTER Thank you Madam Speaker. Just to put in context again this Motion notes a Policy that has been tabled earlier, the principal change to the Policy Immigration Policy and Guidelines is that it relates to self funded retirees and new businesses and I thank everyone who has made a contribution to the debate, it again demonstrates the diversity of views and particularly in immigration. Those who have been here for a little time will know that Immigration is really a matter on which everybody agrees. There is a great diversity of opinion, no less today in how we're running with this one. Those two components of the amendments self funded retirees, new businesses are of course a result of the Commonwealth demanding of us to broaden the spectrum of entry into Norfolk Island in the manner which will assist us which will assist us to maybe generate further income into the island and circulate within the community. Mr Snell made a point that there may be some that think that this will be the cure for all our ills, please don't have that thought. This may assist some of the processes, it certainly will not provide a cure to the difficulties which we face, in fact if I might just pick up a point that was made in debate in an earlier part of this afternoons discussions. Even a return to buoyancy in the principal industry of tourism will not be the remedy to all of our ills. It will not provide for the wider and bigger and more expensive infrastructure costs for example that we now face and will face for some considerable time. However it is an effort to address one particular area or a couple of areas that will give some impetus to financial input into the community and we have responded to the Commonwealth's demands and that's what that particular piece is about. Having made that response I've got to acknowledge that there are now some elements of difficulty in delivering on some of those including some of the insurance arrangements that have been discussed around the table here and their currently being further examined for obvious reason, including the local Healthcare Scheme component and people being part of it or not being par of it plus the grave difficulty in terms of being able to identify insurance companies which may pick up insurance for people that want to come to the island in the categories that we have just mentioned. The extent of that difficulty was not seen when we embarked upon this project. We knew it was sparse in terms of people being able to gain insurance in that category but it has proven even more difficult than that and that therefore may require some further adjustments, but I thank people for their comments, for their suggestions and their participation about those recently adjusted Immigration Guidelines and Policy arrangements.

SPEAKER Thank you Chief Minister. Further debate Honourable Members before I put the question. No further debate I put the question.

QUESTION PUT  
AGREED

That motion is so agreed to

### **SOCIAL SERVICES AMENDMENT BILL 2011**

MR SHERIDAN Thank you Madam Speaker. I'll be brief with this Bill. Just to refresh everybody's memory. The Bill intends to substitute the Administrator in place of the Minister, this is the Commonwealth Minister as a matter of regulations under Section 49 (1) of the Social Services Act and it also provides that Regulations that were made by the Administrator back in June of 2000 are deemed to be ? made and therefore in full force. As I mentioned when I introduced this Bill Madam Speaker the Administrator back in 2000 assented this on Regulations and it's only just recently come to light that maybe he didn't have the authority to do so. So this is just putting in place to

ensuring that those Regulations are valid and replacing the Federal Minister by the Administrator to be able to make Regulations for the Social Services Act. Advice has been received from the Administrator that the Federal Minister has agreed that he be replaced by the Administrator in that context so there should not be any problems to the assenting of this small Amendment, so therefore I commend it to the House.

SPEAKER Thank you Minister Sheridan, The question is that the Bill be agreed to in principle. No debate I put the question.

QUESTION PUT  
AGREED

The Bill be agreed to in principle. Is it the wish of the House to dispense with the Detail Stage. That is so dispensed with. Minister I seek a final motion

MR SHERIDAN Thank you Madam Speaker. I move that the Bill be agreed to.

SPEAKER Thank you Minister. Any debate Honourable Members. Honourable Members there being no further debate I put the question that the Bill be agreed to

QUESTION PUT  
AGREED

The Bill is agreed to

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

MRS GRIFFITHS Madam Speaker I move that this House at its rising adjourn until Wednesday 7 September 2011 at 10 am

SPEAKER Thank you Mrs Griffiths Any debate Honourable Members

MRS GRIFFITHS Madame Speaker, I would like to end this meeting with an overview of the cultural initiatives that have been going on this past month on Norfolk. I was fortunate to attend the 13<sup>th</sup> Annual Arts exhibition organized by the Community Arts Society; 15 artists took part this year; the featured artist was Tihoti Barff who exhibited a total of 14 magnificent pieces. The exhibition was open was 4 days with plenty of locals and visitors through the doors. The proceeds of sales from such exhibitions go directly to artists. May I take this opportunity to congratulate the Community Arts Society and the artists involved. We have been privileged to have at the Museums an exhibition of Meralda Warren's tapa cloth. Members of this community would be interested to know that the process of tapa making was a skill that the women of Pitcairn brought with them to Norfolk. These skills did however die out here and unfortunately no effort has been made to revitalize it. This is a shame as it does represent another potential cultural industry for Norfolk. Madame Speaker, I had the pleasure of being with the Council of Elders as they viewed, many for the first time, the living library, which operates out of the school. The living library is an excellent initiative and full credit must be given to the school and Ms Trish Magri in particular for making such a valued resource available to us. By us – I mean this entire community. I recommend to the community - if you have photos, stories or film that you are happy to share, please get it up to Trish who will put it in the library and ensure that you get your material back. The community also had an opportunity at a public meeting to hear about the travel of our 'bounty beauties' when they went to Tahiti and progressed their dance

skills, learning from some of the best teachers in the Pacific. Congratulations to those young women – you, and your organizers worked hard for that trip and I look forward to seeing you continually progress your skills for our watching pleasure. I was also very interested to hear of an initiative in the community about the teaching of the Norfolk language to infants. This is an ongoing project for a community members involved. On the subject of the Norfolk language and our young people, At the local Skits and Vocal Bits organized by the Norfolk Amateur Theatrical Society, I was delighted to see a young – and I mean young Norfolk Islander perform a popular song albeit in the Norfolk language. Thank you to this young person and their mother for this treat. Thanks also have to go to NATS for their hard work, the excellent entertainment and for encouraging such performances. Madame Speaker, all these initiatives happened in isolation with no very little public sector support. Imagine what we could do if we had dedicated resources for our cultural sector. On a sadder note Madam Speaker, I see that the boiler at Cascade has- over this past month – decayed even further. This piece of equipment is an important part of our history and culture – it is now fenced off from the public and I see it now requires extra support. Ironically it is in the same condition as our cultural sector – mostly forgotten and definitely needing more support. Madam Speaker I am concerned that while these community initiatives are happening, there is very little I can see for our cultural sector in any of our major initiatives. It seems to have dropped of the face of the road map. It seems to have dropped out of our budget. If I may make a proposal Madam Speaker, given the importance of our culture and identity and our apparent lack of capacity to look after it ourselves – can I propose that the Commonwealth Joint Standing Committee be tasked to oversee that we don't go backwards as we move forwards. I propose that the JSC inquire into and report on the implementation of proposed reforms, particularly those goals set out in the Roadmap, with particular emphasis on the preservation and promotion of our culture and identity. Thank you Madam Speaker.

MR KING

Just briefly Madam Speaker there has been considerable discussion and talk about the difficulties in which we find ourselves in and we all know of the concerns. It could be well argued that the times that we are in reflect the greatest economic political social financial upheaval of the island that has been confronted with in its modern history. Uncertainty about the future is unsettling and tempers do get frayed with angry outbursts, arguments at home, domestic arguments. The varied opinions about whether the extent or the ability of elected Government to deal with the islands difficulties and I'm the first to admit that there are no magic bullets but people are entitled of course to express their own opinions on these difficulties on the decisions of the Government and the Assembly. I would be the first to defend those rights and indeed I encourage expressions of opinions and debate on issues, in fact I welcome it within reason, there are limitations however. No candidate for election to this Assembly puts his name forward except in the part of the job is to cop verbal abuse and attacks in public. Of course Madam Speaker most will know that I don't mind the odd bit of stimulating discussion in there and I can see that if I didn't attend certain drinking establishments I might well remove myself from risk of attack but I reserve the right in my dotage to maintain my right to my life long habits and I'm unlikely to change them. In recent times I have been loudly and publically abused by political activities, it's not new. On this occasion I've been accused of single handedly Madam Speaker stuffing Norfolk Island with my political support of seatbelts, that wasn't the precise word that was used of course. I've also been accused of tearing down peoples democratic rights and of course more than twice over recent months the old standard has been thrown down at me and you would know how it goes Madam Speaker – if you don't like it here you can bugger off, words having the same meaning. I'm too old to go anywhere else, the island is stuck with me I'm afraid I'm here for the duration. There is room for strong opinions Madam Speaker in places where even the most obnoxious and ignorant in the community can express them with some hope of being listened to with courtesy. I say to those who want to engage in public attacks – put your name up for

election. There's enough of them to form their own political party, the angry ant party comes to mind very quickly, big useless bull ants, little angry ants, choose your leaders lads, step forward put your stamp on things, repeal laws if your lucky or unlucky enough to be elected to the Parliament, that's your democratic process.

SPEAKER Thank you Mr King. Is there any debate Honourable Members? There being no further debate I put the question that the Motion be agreed to.

QUESTION PUT  
AGREED

The motion is agreed. Therefore Honourable Members this House stands adjourned until Wednesday the 7<sup>th</sup> September 2011 at 10.00 in the morning.

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