



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
13TH NILA HANSARD – 21 NOVEMBER 2012**

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

PRAYER

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

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

QUESTIONS WITHOUT NOTICE

MR KING Could I ask Madam Speaker the Chief Minister whether the Government has signed off on the terms of the most recently proposed funding agreement with the Commonwealth and if there is a delay, what is the nature of that delay.

MR BUFFETT Madam Speaker, thank you Mr King for the question. Madam Speaker I announced I think it was on the 23rd October that I had received word from Minister Crean of the Federal Government advising that \$5.4m had been made available to Norfolk Island for the provision of essential services within the island in the financial year that we are in. Since that time we have received no funds at this moment, and since that time we've not received a finalised funding agreement. There have been a number of emails which have raised questions that no doubt will relate to some of the funding components, but we've not seen a draft document at this time. However at the time of my announcement I did name nine points which Minister Crean has identified. I won't go through them at this very moment, they have been made public and I provided them to Members. But apart from that a) as I have said no money at this moment and we have not received from the Federal Government a draft funding agreement. Might I say that there have been pressings on our part of \$4.5m apologies as it's just been pointed out I transposed the figures \$4.5m. Thank you very much. I might say it is not for want of pressing on our part to gain finalisation of that matter. As you know every day that passes our pool of funds diminish.

MRS WARD Thank you Madam Speaker it's in a supplementary just as a clarification that neither the Chief Minister nor any Member of his Cabinet is actively resisting any of the conditions within the Funding Agreement.

MR BUFFETT Madam Speaker we've not got the conditions to resist at this moment. The identification of nine headings has been made and we are endeavouring to get clarity as to how they will be shaped within the Funding Agreement.

MR KING Chief Minister may I ask whether the Government has adopted a position in relation to the terms as they have been expressed, even though in a draft form.

MR BUFFETT It's not a draft form at this time. We are very anxious to see how they are expressed in draft form. We want to get on with the job and we want to tackle those subjects so that monies may flow into the Norfolk Island community.

MR KING Chief Minister are there subjects and matters in among those nine about which the Government was surprised and had not turned it's mind to at an earlier time.

MR BUFFETT No I don't think you can say there were any surprises.

MR SNELL Thank you Madam Speaker. I direct my question to the Minister for Community Services. Minister with regard to previous quarantine submissions to the Commonwealth can the Minister give any indication as to the progress or otherwise of the proposal to import fruit, especially apples into Norfolk Island, especially now considering that Australia is importing New Zealand apples.

MR SHERIDAN Thank you Madam Speaker and Mr Snell for the question. The issue of quarantine restrictions or relaxations thereof for the importation of apples and fruit as Mr Snell has mentioned depends on a pest and disease survey as I have stated in this House previously and I'm pleased to say that in the last couple of weeks in telephone conferences that the Chief of Staff has had with the Department that the Department of Fisheries and whatever they are they've indicated that their virtually ready to commence that undertaking. Now the indications are that they will have people on island for a season and a half to undertake this pest and disease survey and of course the results of that will then configure our regulations as to how fruit etc is imported into Norfolk Island.

MR SNELL Supplementary thank you Madam Speaker on question, Inspectors here and somebody to do the survey who is responsible.

MR SHERIDAN Thank you Madam Speaker, The cost of that has been identified in the Federal Budget at the last financial year. There was I believe \$100,000 to undertake this survey and this is what the Department has been working to at this time and they are just about ready to place people on the island to undertake this study.

MRS GRIFFITHS Thank you Madam Speaker. My question is for the Minister with responsibility for Community Services. Minister what are the constraints for producing our own gum posts and fence posts and power poles.

MR SHERIDAN Thank you Madam Speaker and Mrs Griffiths for the question. There wouldn't be any restrictions on us producing our own fence posts from gums, power poles I'd have to research a little bit further because the gums that are up in the gum forest are not all the same and some are not suitable for certain activities you might say, but no there is virtually no constraints. The only constraints would be the ability to mill them and to harvest them and at this point in time the Forestry Section you might say are well under manned and in the past we have had expressions of interest from the community or we have asked for expressions of interest from the community to harvest the gum forest or trees in the gum forest and there was nobody willing to take that up at that time. It hasn't been revisited in the near past but no there is nothing to stop those gum trees being utilised for posts etc.

MRS WARD Thank you my question is to the Chief Minister. Could the Chief Minister provide an update on the development of the new Public Sector Management Act and what is the alternate appeal mechanism to be within the Act once the Board is removed.

MR BUFFETT Madam Speaker there are to be significant amendments to the Public Sector Management Act. What they will be and how they will be framed, the

process has commenced and I think we have, I haven't seen but there have been a number of drafts within the Officer area prepared and continue to be worked upon. Exactly what will happen in terms of the appeal mechanism is not yet a Government decision but there are options of course. There will be continuation of that which exists at this moment. It may well be using an established Australian Commissioner which exists in the Australian scene that we may plug into for example as we plug into the Commonwealth Ombudsman system. Now that's not a decision I'm just saying that they are some of the options that are around at this time.

MRS GRIFFITHS In terms of the Public Sector reforms Chief Minister how are you going with those.

MR BUFFETT This is just what I'm talking about. The Public Sector Management Act will cover areas in the Public Service and they do need to be reviewed and the process that I've just mentioned are the review processes that are going on at this moment, and when I have something that is exhibitable I will do so.

MR KING A question for Minister Sheridan Madam Speaker. Minister what policies or strategies have emerged as a result of the Governments consideration of the 2012 Norfolk Island Community and School Survey that was conducted in March/April and I think referred to or tabled in this House. Has the Government adopted a position in relation to any of the matters which emerged from that or raised in that report.

MR SHERIDAN Thank you Madam Speaker and Mr King for the question. No there has been no definite you might say policies formulated from those two surveys that were taken, one of the community and one of the school children but those results are there for when the initiatives that this Government or any other Government may choose to proceed with, that information is there for them to backup their policies you might say that will be identified or put in place. But this Government hasn't at this time identified anything out of those two reports.

MRS WARD Madam Speaker my question is to the Minister responsible for the Environment and relates to the media release in the paper this week on the Temperate East Commonwealth Marine Reserve. The question is will the Norfolk Island Government be making submission to the Commonwealth Department responsible for the preparation of a draft management plan for the newly declared reserve which is relevant to Norfolk Island.

MR NOBBS In affect I can understand the confusion because it does cross the two areas the fisheries and the environment but the simple answer is yes we will be proposing a management in the same context as the plans of management that exist under the MOU.

MRS WARD Thank you Madam Speaker. How will the Norfolk Island Government assist interested members of the community take part in that process and be able to make submissions of their own through the Norfolk Island Government through their representative.

MR NOBBS Thank you Madam Speaker. In effect there is a consultation process that is proposed through the Commonwealth Department with responsibility for the Reserves. As soon as we are aware of their schedule for consultation process on Norfolk Island we'll endeavour to make sure that it is published, we will make sure it is published and will certainly be in contact with key stakeholders in providing any in the community to put their views forward on that.

MRS GRIFFITHS Thank you Madam Speaker. My question is for the Minister for Health. Minister how much funds are remaining in your Quit Smoking Campaign.

MR SHERIDAN Thank you Madam Speaker and Mrs Griffiths for the question. I would have to take that On Notice Madam Speaker. I'm not aware at this time how much is left. Originally there was \$25,000 placed in there and I think there was just under \$20,000 at the start of this financial year and yes the programme is still going so there still should be ample funds in there for the programme to continue for some time yet.

MR KING I wonder whether the Minister might also take On Notice and perhaps produce to Members some brief document which dot points the programmes, the individual programmes being undertaken. In other words how it has been rolled out and what expenditures have been incurred in what areas if it's not a great deal of trouble.

MR SHERIDAN Thank you Madam Speaker and Mr King. I did have some information as to how the scheme was going some months ago and I am just looking for that document if I do have it but if not I will take it On Notice and I'll provide that information for Mr King and other Members. I don't seem to have it here, I must have filed it. I'll ask for an updated figures and I'll get that to Members.

MRS WARD Thank you Madam Speaker. My question is to the Chief Minister. Chief Minister informed Members at the last meeting that the Australian National Audit Office representative had been on island to audit the 11/12 financial statements. When will that report be available to Members.

MR BUFFETT Madam Speaker I don't have a date in my mind in respect of that. There were some benchmarks, date benchmarks exhibited by the Auditor when they came. I will have to refresh my memory as to what they were but they are about their task and they are about their task in a timely way and seem to be meeting the time objectives that they had laid out.

MR KING Thank you Madam Speaker. A question for Minister Sheridan if I may. Minister could you inform the House whether it is a fact that a quantity of imported tar or other roadworks emulsions have spoiled and have been rendered useless and therefore valueless and was this as a result of the Government decision at the Tenders Committee changing long term proven suppliers.

MR SHERIDAN Thank you Madam Speaker and thank you Mr King. Mr King is quite correct. The last shipment of 12 tonne of emulsion and tar that was received from New Zealand it appears is unusable. Some tests are being undertaken at this time and they are going back to the supplier to ascertain exactly what went wrong and that is one of the reasons why the roads are how they are with the potholes etc because we haven't been able to get around to fixing it. Mr King is quite correct, yes the supplier was changed, it wasn't as a result of the Tenders Committee. We provided the money for the purchase. We were unaware that the supplier had been changed. As to whether or not that was the reason why the tar is unusable, we're not aware of at this point in time but I am aware that the CEO is looking into the matter and can advise that the BRC has signed off on a new delivery of emulsion which will be on the next New Zealand ship to make our roads safer.

MR KING Minister how much money is involved here for 12 tonne of product.

MR SHERIDAN Madam Speaker Mr King don't quote me on this but I think it's around the \$27 - \$30,000 mark for the 12,000 litres of the emulsion but I can get that figure and confirm that.

MR KING Thank you Madam Speaker. Is there going to be given the quantum in dollar terms which you've just mentioned it suggests an indication that the processes of the public procurement guidelines I understand require an open public tender process to take place if your going to be changing suppliers. Is that aspect going to be considered in your investigation of this matter.

MR SHERIDAN Thank you Madam Speaker and thank you Mr King. It won't be my investigation. I've asked the CEO to have a look at the matter and I'll await his response as to how and why these things happened.

MRS WARD Thank you Madam Speaker. My question is going to the Chief Minister. I'm wondering whether in recent discussions with Minister Crean we are any closer to tying down a decision on our future governance and taxation future.

CHIEF MINISTER Madam Speaker I have endeavoured to press the Commonwealth Minister on his timeframes for achieving those things. I haven't got a timeframes response at this time. I can only say that I continue to press it. There is recognition on the Minister's part that until we reach the stage of convincing his Ministerial colleagues in a wide range of issues to bring Norfolk Island within the larger pool then there will be a continuing request on an annual basis for interim funding. We all want to move out of that situation where we have long term sustainability. So there is a progress to some extent. I exemplified the capacity for Norfolk Island to know enter into the bids for regional grants and round 3 and round 4 are now open and Norfolk Island is eligible to be a bidder in each of those rounds. That's an illustration of advancement in Minister Crean's area. There is a continuing effort to tackle the wider area so that we will achieve those things that I mentioned at another time.

MRS GRIFFITHS Can I ask the MR BUFFETT what he plans to apply for with the Regional Development Australia Fund and how prepared is he.

MR BUFFETT Madam Speaker there are two rounds, round 3 and round 4 and they have been recently opened. One has a sealing in terms of money \$500,000 that's round 3 and the other have a sealing I think that figure is \$15m. The Governments advancement at this time is to make a proposal in respect of pier and the like infrastructure that might achieve improvement in the Cascade area, the capacity for a larger lift crane and for barges to be purchased and operated so that we might have increased capacity for cruise ships in terms of passengers and containerisation in respect of those barges for general cargo that might come into the island. That's the Government's priority at this time and it is working to that end. The round 3 which is the smaller of the two is likely to be a waste management project in terms of incineration and the like. That's an off the cuff response obviously those things are being worked upon and there will be a more substantial press release which will tidy the detail of that. But you asked me and I tell you what I can tell you at this moment.

MR KING Thank you Madam Speaker. A question for the Chief Minister. Chief Minister is it not a fact that the use of the Norfolk Island Coat of Arms which incorporates the Public Seal of Norfolk Island could only be authorised by law and if so who authorised and on what basis was authorisation granted for the use by the Council of Elders of the Norfolk Island Coat of Arms.

MR BUFFETT Madam Speaker I would need to do some research as to why that has come into place. I would find it difficult to question that the respected Council of Elders of this island would be questioned in terms of having use of the Norfolk Island Coat of Arms but I'm very happy to do some research to find out how all of that sits.

MR ANDERSON Thank you Madam Speaker. A supplementary in that respect. Can Chief Minister you tell us what the legal and political status is of the Norfolk

Island Council of Elders. Are they incorporates association, have they registered as a political lobby group given their recent activity.

MR BUFFETT Madam Speaker I would need to take all of those things On Notice. Certainly it's not my recollection that they are a lobby group. They may well put their views in terms of cultural and heritage arrangements in this island and they are a respected group of Norfolk Island residents and their view is to be noted and to be taken into account. The matter of the legal requirements I would need to do some research about that.

MR KING Chief Minister on the same issue. Is it not a fact that in July of this year you advised this House, this House that the Council of Elders was a group of people with a view on cultural matters and not a political organisation.

MR BUFFETT I thought that was the context of my earlier responses to you just a half a minute ago Mr King.

MR KING You informed the House of those things back in July of this year that it was a cultural organisation rather than a political organisation.

MR BUFFETT And I thought that was the context of my earlier reply.

MR KING I asked you whether it's a fact that you told us that in July of this year.

MR BUFFETT If you say that I said that that's fine I can't remember the dates but I don't question it.

MR KING Thank you Madam Speaker. Who authorised and on what basis was organisation granted for the use by the Council of Elders of an official Government email address.

MR BUFFETT Madam Speaker that will be in the research that I said I will undertake.

MR KING Well perhaps I could ask this Madam Speaker. Is it a matter of concern for the Government that an unelected and informal body of persons in Norfolk Island might hold itself out as an officially sanctioned organisation to its use of the Public Seal and an official email address.

MR BUFFETT Madam Speaker I indicated that I would inquire into the matters that were raised and I will do that. But I need to say this, because this appears somewhat of a an attack on the Council of Elders and I need to make it very clear Madam Speaker

MR KING Point of Order Madam Speaker

MADAM SPEAKER Minister if you could pause for a moment while I consider the point

MR KING Madam Speaker I have not lodged any attack on anyone, I'm simply raising a question as is my right to do so and I question the relevance of the Chief Minister responding in the fashion...

MADAM SPEAKER I uphold the Point of Order Chief Minister I ask that you withdraw those words

MR BUFFETT Yes I'm happy to withdraw that Madam Speaker. May I say this Madam Speaker. From the Norfolk Island Governments point of view it respects greatly the Council of Elders. It has been clearly said in what I have responded to earlier that they have a significant role in terms of the culture and the heritage of this place, and should that be challenged then from my perspective I would need to make what I have said just clear and stand with the Council of Elders in their role in undertaking that task.

MR KING Further Point of Order Madam Speaker. I simply asked whether it was a matter of concern that an unofficial organisation has held itself out as an official sanctioned organisation through it's use of the Coat of Arms and the official email address. A simple yes or no answer. It doesn't call on a dissertation about the Council of Elders, whether anyone criticises

MR BUFFETT Madam Speaker I'm happy to respond to questions. If Mr King wants to have

MADAM SPEAKER Gentlemen, gentlemen, gentlemen. I have stood, I have stood Mr King. I ask for your respect. There is no Point of Order. The Point of Order that you have raised the that I have before me at this time to consider and there is no Point of Order at this time. Continue please Chief Minister. Mr King I am not here to argue with you. I have said there is no Point of Order. Chief Minister do you have anything further to say on this matter. Mr King do you have any further questions that you would like to ask this House at this time. If you would like to ask any further questions at this time Mr King?

MR KING Yes a further question in relation to this very same matter. Let me preface my question by saying from my point of view I have the greatest respect for the Council of Elders and the work that it does in the cultural sense. Is it not a concern for the Government that purported authorisation for the use of the official Coat of Arms and an official email address may have come from an officer Member of this Legislative Assembly, a person who shares the same political views as those espoused by the Council of Elders, views which are directly opposed to those of the Government in the most crucial of policy areas. Is that not a concern.

MR BUFFETT Madam Speaker I understood that Mr King earlier had said that he was not making any indicators of conduct and now he is raising a question with me in which he attributes some of these things to the Council of Elders.

MADAM SPEAKER Gentlemen I would like to draw to your attention Standing Order 105 (1). In answering a question the Member shall not debate the subject matter to which it refers. Can we refine our responses please so that we are not debating the issue. Thank you. Is there anything further you would wish to say Chief Minister before I ask for further Questions On Notice.

MR BUFFETT Yes Madam Speaker I said that I would make some inquiries into the establishment and the like. I will continue on that task and there we are from my prospective.

MADAM SPEAKER That question is now dealt with Honourable Members. Thank you Chief Minister.

MR BUFFETT Yes when we have that information they can be responded to in the context of whatever that is.

MADAM SPEAKER That is quite appropriate. Thank you Chief Minister. Further questions Without Notice.

MR KING I have a further Supplementary Madam Speaker.

MADAM SPEAKER I think that question has been answered.

MR KING Well I have another substantive question Madam Speaker.

MADAM SPEAKER Please proceed.

MR KING Chief Minister if in your investigation of the issues that I have raised you found that it were proved to be the case that the authorisations were granted by an Officer Members of this Assembly would the government continue in its support for that Member retaining office.

MR BUFFETT I have said that I would undertake an examination and at this stage I will be dealing with hypothetical's and I'm not in the business of doing that. I'll certainly examine whatever needs to be examined when I've done what I've said I will do.

MADAM SPEAKER Thank you. The subject is closed for the time being until you report to the House. Any further Questions Without Notice.

MRS WARD Thank you Madam Speaker. My question is to the Chief Minister and it's trying to seek clarification on the publically released conditions under the Funding Agreement it would when that the Chief Minister has said that we are moving through and progressing with some of them. So the question is why has there been no action in relation to the removal of the 12 month retention period in the redundancy provisions within the HR Policy when there have been actions in other areas.

MR BUFFETT Yes Madam Speaker there are discussions about that particular clause but a range of other clauses also in the Public Sector Management Act and it's not just a matter of necessarily selecting one, although it may turn out that we have to be selective in terms of progressing various areas. But the mix of the Public Sector Management Amendments are being examined at this moment and that is one of them. There are others as well.

MRS GRIFFITHS Thank you Madam Speaker. My question is for the Minister for Community Services. Minister are you aware of any conditions within our Road Traffic Act that makes street parker lights, the blue lights unlawful.

MR SHERIDAN Thank you Madam Speaker. Thank you Mrs Griffiths for the question. I'll have to take that On Notice and do a little bit of research and I'll speak to Mrs Griffith and see exactly what she means and then I'll get some advice on that.

MR KING Madam Speaker do you think that if I asked some more questions that I might get some answers.

MADAM SPEAKER Well if your directing it to me I can't respond to that one because I

QUESTIONS ON NOTICE

MR BUFFETT Madam Speaker thank you. Question On Notice 489 asks this Madam Speaker. What meaningful progress has been made towards updating the guidelines under which persons in the community might access legal aid. Madam Speaker I think Members will recall that Mr King has raised this on other occasions. I had a conversation with the presiding member of the Legal Aid Organisation just yesterday and he

MR KING

Yes the type written one.

MR BUFFETT

Now Madam Speaker I have answered the question and the detail is therefore in Hansard. What I have tabled is the graph that I said accompanied the response.

MR KING

Well Madam Speaker I move that the Chief Minister table the document that he was referring to.

SPEAKER

Are you asking that the House order that Paper be tabled

MR KING

I'm asking whatever I have to ask to get that document on the table so I can have a look at it Madam Speaker.

MR BUFFETT

The information is that, that I have provided Madam Speaker.

SPEAKER

Chief Minister I presume if Mr King is calling Standing Order 198 and I read it – 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 who has quoted therefrom. The matter before the House I guess then is that the paper there that you are quoting from or is it just your speech notes.

MR BUFFETT

Well these are my notes Madam Speaker to respond to the question.

SPEAKER

I'm of a mind that that is not a document within the meaning of Standing Order 198. It's not a document quoted from, it's the Minister's speech notes and therefore I'm..

MR KING

.....,reading something from it

MR BUFFETT

Yes they are my notes Madam Speaker and I have notes and so does every Member in the House in terms of the things that they need to address.

SPEAKER

And that is the ruling that has been made. I have not entertained that Motion. Moving along.

MR KING

Well can I ask a supplementary. In the chief Minister's response to that question he referred to improvements in the economy having stated that we have no official indicators in relation to the economy he mentioned he had referred to the GST figures which he quoted from, a paper that he had that he referred to them indicating improvements in the economy during certain periods. Could I ask whether the Chief Minister was in fact referring variations in trends in the GST figures and not necessarily the economy recognising that GST activity is only part of the economic activity in Norfolk Island.

MR BUFFETT

Madam Speaker maybe I should restate some of the things that I said. I think Mr King is either deliberately or otherwise not absorbed what I have said. I have acknowledged that the government doesn't have a Bureau of Statistics which draws together every single item which we might draw upon to have as economic indicators from the island, but we do have GST statistics and therefore I've endeavoured to indicate from the GST statistics and if Mr King interpreted that they were an improvement then I'd be interested to know how he makes that interpretation, but nevertheless I endeavoured to say

our participation and Norfolk Island's involvement in a range of activities and I just mention some of them in terms of the expenditure and the participation of the CPA on Norfolk Island's behalf and I'll run over a couple of these because it has been asked whether I might provide figures over a couple of years. In 1994 the island hosted the mid year meeting of the Executive Committee. In 2000 by invitation of the CPA Headquarters a St Helena visit on behalf of two CPA members to assist that particular island in their review of their constitution, and from 1999 to 2000 we represented the Australian region as regional reps on the Executive Committee and was I Chairman of the Programme Planning sub-committee of the Executive Committee. In 2000 our small island hosted the visit of the Chairman of the CPA, that is Dr William F Shija and almost annually since 1986 the Norfolk Island Branch has been represented at the Annual CPA Conference. In 2012 we hosted the Australian Commonwealth Women's Parliamentarian seeking Committee, Planning Workshop in 2012.

MR KING Question of relevance. I don't mean to be belligerent about this but I've not asked for anything about the activities of the Commonwealth Parliamentary Association. I've simply asked about accountability for the funds, the expenditure of their funds. I didn't expect to receive a long winded list of the CPA activities and the wonderful nature of the organisation.

SPEAKER I see no Point of Order there Mr King. I see no Point of Order. Please proceed Chief Minister.

MR BUFFETT Thank you Madam Speaker. I thank Mr King for his comments and I make this explanation. Yes I have been asked for figures in terms of expenditure. I'm endeavouring to show the range of activities that are associated with those figures and therefore Madam Speaker I respectfully say of great relevance. One of the interesting things about Mr King asking questions from time to time, a number of questions, there is a tendency I fear Madam Speaker that he also wants to dictates the answers. I just make it plain the answer is the prerogative of the person that has responsibility in the area to make those responses and I'm endeavouring to do that with this question. And I conclude by saying that in 2012 I just...

SPEAKER You have concluded Chief Minister?

MR BUFFETT No I haven't. Mr King again interrupts and I just make a point that if he interrupts then there is likelihood that some of the detail that he tries to put on the table and in many cases incorrect, may need to be corrected and I might need to enter the list from time to time to do such as that. I continue however with my speech notes Madam Speaker; my speech notes Madam Speaker in respect of the question. I have endeavoured to describe a range of things and of course one of the most recent things within the last fortnight was the visit of the Secretary General of the CPA from London Dr William F Shija and he, for those who are interested, was able to be heard on a range of matters including of course, attending and giving some input into the Norfolk Island language conference which was in train in Norfolk Island at that time. So Norfolk Island really has benefits from interaction with parliamentarians which this funding is talking about, especially in the smaller parliamentary jurisdictions on a range of issues that face parliamentarians living in that sort of environment and I hope all of that detail will be useful and interesting to Members who have an interest in this area.

MR BUFFETT Madam Speaker thank you. Question On Notice 493 asks this Madam Speaker. Has the government considered the desirability or otherwise of conducting an environmental impact assessment in relation to Norfolk Island's regular participation in the cruise ship industry? If no consideration has been given or a decision taken not to assess environmental impact, can the Minister advise the basis for such government position? Madam Speaker I turn to my speech notes again in respect of this matter. I thank Mr King for the question, particularly in the context of significant decline in the

number of visitors to the island over the last 2 years and indeed beyond that and the reduced frequency of cruise ships arrivals in part resulting from recurring disembarkation problems and that of course is dependent upon weather and associated factors. Given all of that the Administration has considered whether or not it should recommend the commitment of rather scarce funds to undertake an environmental impact assessment, generally into the effects of the number of tourists arriving on the island by ship, by ship. But it's concluded that the by ship arrangement within the context of the present small impact by those tourists because of the smaller number of visiting ships that those have on the consumption of infrastructure assets given their short time on the island, together with the reduced incidence and frequency of cruise ships outline that I have just made that the allocation of funds for that wouldn't be justified at this time, at this time. That's really saying that the ship visitors, whilst wonderful and maybe 1800 on one day, in a total sense doesn't yet approach the 40,000 of our best year for visitor numbers and therefore it's no greater impact than our best year has been to date, so at this time. But having said that Madam Speaker should circumstances change, for example if we are able to satisfactorily progress with some of the arrangements that I have already mentioned here in another question about improving facilities in various places here on the island so that we might be assured of greater cruise ship arrangements, then the Administration has assured the Government that subject to availability of funds and increased infrastructure consumption, then such a study may well take place.

MR KING Supplementary Madam Speaker, and I assure Mr Buffett, Chief Minister that I'm not being provocative or belligerent here when I ask has the Government embraced during its consideration of this participation and maintained its embrace of the cornerstone Norfolk Island's been, and that is that Norfolk Island is the home first and foremost of its residents, secondly a tourism destination, and how does that sit with a doubling of the population on a particular day.

MR BUFFETT Madam Speaker yes it may double the population on a day but in the totality of the year at this stage, it is not approached the best year that we've had in terms of visitor numbers, and that's been the assessment at this time. Now that may well change if we are able to improve the visitor numbers from ships and in that context we may need to find the funds to undertake an exercise.

MR SHERIDAN Madam Speaker, Question 494 asks the following; Have all appropriate statutory requirements been met in relation to the Ball Bay road project and in particular the earthworks involved in the project. Madam Speaker in response in 2011 the consulting Engineer Ross Hogan provided advice in relation to reconstructing the embankment on Marsh's Road, which leads down to the Ball Bay foreshore, after a wash-out earlier that year. Mr Hogan advised at the time that no permits or approvals will be required to undertake these works. Madam Speaker the Norfolk Island Plan states that planning permission are not required for earthworks in Reserves as it is permitted development as of right, and only required for earthworks over 100 cubic metres in some other zones. Some of the earthworks does encroach into a public reserve however prior to the work being commenced visual observation suggested that the volume of the earthworks to be removed from the Reserve was not significant enough to require planning permission. Madam Speaker the Norfolk Island Plan also allows the public works minor to completed in the open space zone as permitted as of right development with no approvals required. Public works minor include development and drainage. Also the Conservator of Public Reserves advise that no flora or fauna would be affected by the repair works. Taking all of his advice into consideration it was assessed that no permits or approvals were necessary to undertake this project. Madam Speaker a planned re survey of the area and realigned road reserve will be undertaken upon the availability of the Surveyor and on completion of these works.

MR KING Thank you. I'd like to thank the Minister for his comprehensive answer that he supplied. I wonder did that answer take account of the fact that it's a known fact that Marsh's Road is not dedicated as a public road under the Roads Act

and implications of that being that it remains Crown land, and how does the response relating to the removal of earthworks take into account the cutting into the Crown Reserve and the reshaping of what is now, seen to be, Marsh's Road. Are you aware that the road is not registered as a road and therefore doesn't form part of the Road Reserve.

MR SHERIDAN Madam Speaker and thank you Mr King for that. No I'm not really aware of that but I shall look into that because I would have thought that it would have been a declared road Reserve and therefore the work that's being done in the road Reserve earthworks did not require approval. As Mr King just pointed out he believes it's not. I will get further information from the Service to see where we go from there Madam Speaker.

MR NOBBS Madam Speaker Question On Notice 495 asks; Why has the government still not published the guidelines under which it selects particular photovoltaic arrays for disconnection despite having informed the House in October that it is working on the guidelines. Madam Speaker I'd like to respond to that Question on Notice by quoting from a response that I have from the CEO of the Public Service and that response reads. The guidelines are not yet completed as they have a reduced priority. Norfolk Electricity Staff have been deployed on the installation of the 400kw dummy load that will eliminate the need for the disconnection of any photovoltaic arrays except under the most extreme circumstances. The dummy load is in operation and is working to expectation. Considerations in the selection of a 400kw dummy load were the maximum photovoltaic arrays output of current installations offset by the impact of 190kw of dummy load capacity already installed. The moratorium on photovoltaic array installation will remain in place until long term sustainable solutions are sought.

MR KING Yes just a brief supplementary Madam Speaker. The technical gibberish or technical detail escapes me. That doesn't sit comfortably with me. I don't really understand it but if the guidelines under which photovoltaic arrays in business are turned off, seemingly in a random fashion or unknown fashion, how can businesses be expected to operate their business successfully.

MR NOBBS Thank you Madam Speaker. The sensitivity to that sort of issue has been taken on board by the Electricity Staff, by the CEO and there have been discussions with, as I understand it the owners of those arrays and as best as possible operating arrangements have been put in place with those areas. It is worth keeping in mind that there is a sweep of variables involved in this and Mr King has already advised that he is not really interested in the technical elements of it but there are a range of variables.

MR KING Just one last supplementary. How is it Minister, that given the length of time that this matter has been on foot and given that the guidelines are still not done and the businesses don't know when their arrays are going to be turned off, how can the government possibly justify or accept an Administration low priority on the matter.

MR NOBBS Thank you Madam Speaker. The key priority as identified by the CEO's response which I've just read into Hansard was to fix the problem as soon as possible with the load shedding devices, and I support him fixing the problem.

MR NOBBS Thank you Madam Speaker. The question reads, Is it not a fact that the Minister approached the Tourist Bureau to provide funding for the recent visit to Norfolk Island of Economic Development Australia? Is it not a fact that the Tourist Bureau did not volunteer the funding but considered it only because the Minister had requested? Is it not a fact that the Minister made the approach because funding was not available from the normal Administration sources? And Is it not a fact that an approach by the Minister to the Tourist Bureau in this fashion constitutes an intrusion on the independent operation of the Bureau? Madam Speaker invitation was given to the Norfolk Island Government Tourist Bureau General Manager to participate in a teleconference with

Economic Development Australia Co-ordination Team in the planning stages of the EDA workshops on Norfolk Island. The Tourist Bureau Board was already aware of the Economic Development Australia initiatives through discussions that had been held by one of their Board members, advisory board members on Lord Howe Island. Following the teleconference I suggested that the NIGTB evaluate the tourism elements from that teleconference. The next question is is it not a fact that the Tourist Bureau did not volunteer the funding but considered it only because the Minister had requested? No Madam Speaker. The GM and Board have processes in place to evaluate tourism initiatives. The GM saw merit in his workshops following the teleconference and email communications. The next part of the question. Is it not a fact that the Minister made the approach because funding was not available from the normal Administration sources? The answer to that is no, funding of these tourism development areas could have been sourced through the Commerce Development Vote. Is it not a fact that an approach by the Minister to the Tourist Bureau in this fashion constitutes an intrusion on the independent operation of the Bureau? No, the Norfolk Island Government Tourist Bureau has all the appropriate checks and balances and processes to independently evaluate accept or reject initiatives regardless of where those initiatives are generated from.

MR BUFFETT

Madam Speaker thank you. Question On Notice 497 asks this Madam Speaker. Does the Norfolk Island government's commitment in the latest funding agreement with the Commonwealth, to provide immediate and open access to telecommunications infrastructure on the island, mean just that ... "immediate and open access"? This question has been raised by Mr King Madam Speaker. Madam Speaker as we have talked about earlier at this sitting reasonably significantly the Australian Government is yet to complete its latest funding agreement, although we do understand that it may well contain a range of conditions and milestones relating to a range of matters and we have had those identified in various ways. So that's that in terms of the funding agreement, but I can say this that the Government is continuing to progress its previous commitment in relation to access, and to that end a comprehensive draft of the access agreement, and the access agreement is designed to cover a range of things and I'm not trying to be all inclusive but just to be helpful in terms of information, would include details about price, licencing, recognition of privacy and confidentiality, quality of service and security, technical requirements of course, probity and consumer protection. And a draft of that agreement has just earlier this week been delivered to the Government and is being assessed with further comment and guidance to complete the commitment that we've been on about.

SPEAKER

Thank you Honourable Members. We move on

PRESENTATION OF PAPERS

MADAM SPEAKER

I table into the records the appointment under the Legislative Assembly Act 1979 of Ms Sharyn Louise Quintal as a **Person To Act As Clerk To The Legislative Assembly** in accordance with the recommendation of the Legislative Assembly 19th September 2012. That Paper is so tabled. Any further Papers for presentation this morning.

MR BUFFETT

Madam Speaker I table in accordance with the requirements of the **Public Monies Legislation Virement Of Funds** advice over the past period since we last sat in this House.

MR NOBBS

Thank you Madam Speaker. It gives me some great pleasure to table the draft of the **Norfolk Island Tourism Strategic Plan**. It's actually a Plan that is designed to operate from 2012 to 2022 with an area within it that is aimed at a recovery strategy. Madam Speaker with your permission I'd like to give a bit of an overview of the document. The exciting component of this document is that the community has engaged in the production of this. There have been numerous forums, whether it's just been with the members of the government and the community, whether it's been person to person

consultation, whether it's been through Pete Kenyan's visitation to the island and his facilitation both with the community on island in round table meeting or his ongoing feedback into the development of the document. The Economic Development Australia's work with the Norfolk Island community, particularly the business and tourism elements of the community to also provide feedback and initiatives and in some areas some content that has made its way into these strategies. The strategy is accessible, it's not a document that's going to sit on the table and not be viewed and isn't designed that way. It's designed for everyone on Norfolk Island to have a look at it, it's got enough diversity within it, enough interest and content and well thought out format structure that I think for many people this will probably be the first strategy that they have read cover to cover for Norfolk Island's Tourism's outcome and they need to, because if we're going to recover from where we are now we all need to do it. We all need to own it, understand it, and commit to some of these strategies. What I might do Madam Speaker is just read from the Executive summary that's been prepared by the General Manager and it reads this. "Norfolk Island's key industry – The tourism industry on Norfolk Island started as a fledgling industry in the 1930's and supported other larger on island prime producing industry. By the 1980's the tourism industry had outgrown all other industries. More recent figures recording value of the tourism industry on Norfolk Island highlight this.

- tourism is responsible for around 41% of Norfolk Islands gross island product
- 71% of all businesses on Norfolk Island are strongly associated with servicing the visitor industry
- 68% of private sector employment is in the visitor industry
- 17.8% of the workforce was employed in accommodation, pubs and restaurants.

In modern Norfolk Island the tourism industry remains a vital key to our future. Fundamental to that future is a partnership with all stakeholders to plan for it. The Norfolk Island Tourism Strategic Plan 2012/2022 is a document designed to direct this partnership, formulated in consultation with the community and the Government it is a key element for 360 degrees of success. Joining hands, the vision delivered in this strategic plan highlights what in all stakeholders see as guiding principles to follow. To achieve this vision we will seek to build stronger stakeholder partnerships, develop emerging niche markets, embrace new technology and preserve what is unique to our destination. More than ever before the industry must work together and share the load in creating a sustainable and profitable industry for future generations. In terms of setting the scene Madam Speaker from our peak visitor numbers in the early 2000's Norfolk Island Tourism has faced a steady decline. Changes in market demographics, traveller trends and the world financial economy have provided for an environment whereby traditional markets have not been sustainable and efforts to react have not provided for successful outcomes. Norfolk Island is well placed to move forward into the future, products and services which have been upgraded and developed over the past 5 years are providing a platform within the destination to attract and satisfy the demands of today's travellers. Within these changes is also the ability to seek new niche markets for visitors and investment. This strategy responds to a number of challenges including areas within increased competition, airlines partnership dependency, limited distribution channels, industry sector challenges, island governance, market perception, industry cohesion and statistical data collection. If you add to the 10 year strategy the strategic plan is designed to rebuild the tourism industry framework to provide for a greater level of self reliance by working together to achieve success in 5 strategic things. 1) increase visitor numbers arriving by air and cruise ships and sector revenue 2) provide an environment conducive to investment 3) seek to provide the best in our visitor experiences 4) develop sustainability, infrastructure and capacity 5) build employment, capacity and skill within the sector. We will achieve our goals through a series of defined actions highlighting responsibilities and partnerships. These actions will be consistently measured and reviewed and communicated to all stakeholders ensuring accountability. Madam Speaker the object of the Bureau today and I table that document, is to provide the document to the Board this morning and they probably have already completed that process. Each Member of this House will be circulated an electronic copy by this afternoon and where ever there is a stakeholder or interested party on the island they will also be provided that documentation. The reason for that is we want further feedback on this draft

document to finalise it, and to move forward on it. I commend the entire team and the community in working on this, it's excellent.

MRS WARD
be noted.

Thank you Madam Speaker. May I move that the Paper

MADAM SPEAKER
noted. Debate.

The question before the House is that the Paper be

MRS WARD
Thank you Madam Speaker. I will at an appropriate time move that debate be adjourned to a subsequent day of sitting. However I'd just want to follow through with a couple of comments that the Minister for Tourism has made, because this is a long awaited strategic plan. I have to restate that unless the entire community embrace this strategy or at least make constructive comment on how it could be better, then we're doomed. Our key industry is tourism. 68% of employment is provided by that industry and nobody is against diversification in any area. The government will continue to move in areas in which provide best environment for diversification but right now tourism is it. I'm glad to hear the words in the Executive summary such as "self reliance". People have to, how do I put this politely, get off the government's apron strings and start to think for themselves and act for themselves. All the government can do is provide a conducive environment for investment, that's what we are doing, that's what part of the Tourist Accommodation move is about, that's what immigration is about. We will continue to do that. I'm also very pleased to see that actions will be measured and reviewed, and again it's not something that has to be left totally to the Tourist Bureau Manager, there is an advisory board. They are our community representatives for any of us to approach and say "I don't think this is working, how can we do this better". A strategy is a living breathing document. It is not something to be left alone for people to sit back and say "Oh well the government will fix everything", because it's not going to happen. I think that Mr King raised a very interesting point and it's one that bothers me immensely and that is the preamble to the plan which says that Norfolk Island is first and foremost the home of its residents and then a tourist destination, and I think we all really need to think long and hard about that question. How do we want to see ourselves first as an open, welcoming tourist destination and put ourselves second to the needs of the demands and requirements and requests of our visitors who we are trying to welcome and attract, or do we always want to put ourselves first? I know how it works in my home Madam Speaker, the guest is always put first, and I come second, my family comes second to those I welcome into my home. So on a philosophical level I would like people to really think about that question. Thank you I'll leave that at the moment for other Members to comment.

MADAM SPEAKER

Thank you. Further debate Honourable Members on the question that the Paper be noted. I put the question.

QUESTION PUT
QUESTION AGREED

MRS WARD
subsequent day of sitting.

Thank you. I move that debate be adjourned until a

MADAM SPEAKER

Thank you Mrs Ward I put that question

QUESTION PUT
QUESTION AGREED

STATEMENTS

MADAM SPEAKER

It is my pleasure to report on the visit last week of the Secretary General of the CPA Dr William F Shija. It was an honour to have Dr William Shija

the Secretary General of the Commonwealth Parliamentary Association who with his Executive Assistant Miss Lucy Ann Chesham visited Norfolk Island on Tuesday 13 to Sunday 18 November. Former Member Mr Brendon Christian, Chief Minister David Buffett, Deputy Speaker Mr Lisle Snell, the Clerk Mrs Gaye Evans and I have all met Dr Shija over the last 5 or 6 years when we've represented Norfolk Island at various CPA conferences. Dr Shija is now serving the first year of a second 5 year term as Secretary General and his first hand knowledge of the CPA, the Commonwealth and other international organisations means he brings to his meetings of CPA branches around the world a wealth of knowledge to share. It was no exception with us here. The programme for his visit to the island was a full one. Secretary General has had the opportunity to speak at the School Assembly, meet with the Youth Assembly in the Legislative Assembly Chamber, he was a guest at Government House reception held in his honour, address the Norfolk Island language conference with a moving speech on connecting cultures, remembering of course the connecting cultures was the theme that was set for the CPA in 2012 by her Majesty the Queen. He met with current and former Members of the Legislative Assembly, had a working meeting with the Norfolk Island Branch of the CPA, enjoyed and island fish fry and experienced more of our island culture watching our Baunti dancers performing preparation for their participation soon in the Australian School spectacular next week. He had a tour of the Kingston Arthurs Vale Historic area with former KAVHA Manager Mr George Puss Anderson, met with Museum Director Mrs Lisa Richards, joined members of the Pitcairn Descendants Society for lunch, toured our island and viewed the Cyclorama. The visit of Secretary General now means that when we communicate with him on CPA matters, he brings to his decision making a first hand knowledge of this tiny CPA branch in the Pacific. I personally found my time with Dr Shija extremely valuable. The second matter I'd like to report on Honourable Members is the 5th Commonwealth Youth Parliament to be held in London in the UK in December next. Our local branch of the CPA was invited by the CPA UK branch and the CPA Secretariat in honour of her Majesty's the Queen Diamond Jubilee to nominate one or two young people to represent our legislature at the 5th Commonwealth Youth Parliament in London from 4-8 December 2012. The 5th Commonwealth Youth Parliament will offer a wonderful opportunity to debate topical issues facing the Commonwealth and show how their generation might approach parliamentary politics. I'm delighted to advise that Miss Chelsea Evans has been successful in gaining a place. Expressions of Interest were called through your Parliamentary Voice over two editions and as is this offices usual practice we also contacted Norfolk Island's young people who we knew to be residing in England or Europe at this time. Regrettably those who were contacted were unable to attend due to work and other commitments. Miss Evans was the only applicant and last month I was delighted to hear that not only had Chelsea been successful in the selection process to attend this prestigious gathering but also that her travel and accommodation expenses are to be met by CPA Headquarters. Miss Evans is a 21 year old university student who has a keen interest in parliamentary cultural and island affairs. She has just completed the last semester of her Bachelor of Arts degree at the Griffith University on the Gold Coast majoring in sociology and social enterprise. She is also by invitation an applicant for the School of Humanity's Honours Programme at Griffiths University for 2013. I wish Chelsea all the very best in her attendance. I know she will wave the Norfolk Island flag very high. Thank you. Finally, very briefly it is with much pleasure to have received advice that plans are in place for the President of Tynwall the Honourable Claire Christian MLC to visit Norfolk Island on anniversary Bounty Day in 2013. Mrs Christian will be on our side of the world at that time, in perfect timing for her to be on the island on our National Day celebrations. As you are aware Norfolk Island and the Isle of Man entered into a cultural agreement last year, and under that agreement each of our Parliaments have undertaken to acknowledge our respective National days as they occur. President Christian's been on island to celebrate our National Day with us will be an added bonus for 2013.

MR SHERIDAN I move that in accordance with subsection 12(4) of the Planning Act 2002, this House resolve to make a determination in relation to 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 commencements of the approved plan be 30 November 2012. The aim and intent of this Plan is to allow for the use and development of Portions 54c5, 54c6, 43c7 and 54c8 Middlegate Road as a cultural centre incorporating the uses of “educational establishment” and “shop” as described in Development Application (DA) 0027/12. which may be determined subject to approval of this draft plan. The inclusion of the reference to DA 0027/12 in Schedule 2 of the Norfolk Island Plan would have the effect of overriding the Table of Use or development for the open space zone, which classifies educational establishment and shop as a prohibited use or development. This variation relates solely to Portions 43c5, 54c6 and 43c7 and 54c8, and to the use and development as described in DA 0027/12 determination pending.

MADAM SPEAKER Honourable Members the question is that the Motion be agreed. Any debate?

MR SHERIDAN Thank you Madam Speaker. Madam Speaker the Motion refers to an application for the construction of a large building to be used as a cultural centre for Norfolk Island incorporating a multi purpose hall, outdoor amphitheatre, meeting and training rooms, workshops, language centre, café, kitchen, gift shop and administrative offices. The site comprises 4 adjacent portions situated on Middlegate Road in between the Banyan Park Pre-School and Fay Bataille Drive. The land is generally flat being near the top of the ridge and starts to slope downhill towards

MADAM SPEAKER Minister Sheridan I have to ask you to pause. This House stands suspended for 30 minutes, 15 minutes while we detect what’s happening. Would you like to go to lunch. Shall we resume at 1.00pm would that make everybody happy, so that we have time to fix up the problem. Thank you this House stands suspended until 1.00pm/

MADAM SPEAKER Honourable Members we resume out Sitting from this morning and before I begin could I once again express our sincere thanks to Mr Gary Summerscales who continues to work so hard with our very old equipment to keep it going. Thank you Gary Summerscales. I’m going to suggest Honourable Members because we are uncertain as to where we were at as far as broadcasting was concerned Minister Sheridan that we start from the beginning and that you read the Motion into public record please. Notice No 1 – the Planning Act 2002

MR BUFFETT We have already done that part. Can we take it as read?

MADAM SPEAKER That is correct Chief Minister but we had had a discussion about this. What would you like to do Minister Sheridan.

MR SHERIDAN I’m open to the floor. What would they like to do.

MADAM SPEAKER Is leave granted for the Motion to be taken as read. Leave is granted thank you. The question then before the House is that the Motion be agreed to and I invite debate.

MR SHERIDAN Thank you Madam Speaker. This application is for the construction of a large building to be used as a cultural centre for Norfolk Island incorporating a multi purpose hall, outdoor amphitheatre, meeting and training rooms, workshops, language centre, café, kitchen, gift shop and administrative offices. The site comprises four adjacent portions situated on Middlegate Road in between the Banyan Park Pre-School and Fay

Bataille Drive. The land is generally flat being near the top of the ridge and starts to slope downhill towards Fay Bataille drive. Apart from a row of native trees adjacent to the Middlegate Road frontage the side is devoid of trees and is occasionally open to cattle to graze. There are no other structures on the site. Madam Speaker the various proposed functions and uses that the site can be classified into the total of three uses as defined in the purpose and definition clause 117 of the Norfolk Island Plan 1) education establishment i.e the multipurpose hall, outdoor amphitheatre, meeting training rooms, workshops, language centre, administrative offices. 2) shop i.e the gift shop and 3) food premises, café and kitchen. Madam Speaker the use as educational establishment and shop are prohibited in the Open Space Zone therefore the only way in which approval can be potentially be granted for these uses is through an amendment to the Norfolk Island Plan itself first. A third premises is already permissible with the consent from the Open Space Zone. The applicant has submitted an application to vary the Norfolk Island Plan and this is been exhibited concurrently with this development application. The Norfolk Island Plan is proposed to be varied by inserting an item in Schedule 2 to say that "the use and development of the site for the purposes of an educational establishment and shop as described in the development application No 27/12" is classified as permissible with consent. Madam Speaker subject to the Legislative Assembly's approval of the application to amend the Norfolk Island Plan this development application may also be approved. If the application to amend the Norfolk Island Plan is rejected by the Legislative Assembly the proposal would remain prohibited and development application cannot be approved. Madam Speaker further information has been provided to all Members, that's the Planning Officers Report that I was just reading from and there is also a report on public consultation for the proposed variation to the Norfolk Island Plan and as part of the process public consultation is required, and as part of that consultation there was only 2 letters received, one from one of the neighbours next door and one from a concerned resident. One letter supported the proposal and the other one just showed some concern with regards to parking and a couple of the amenities which was not in itself an objection to the development application going ahead it was just a concern in regards to a couple of the areas of the proposal. As part of the public consultation letters were also sent to the adjacent landowners on the 18th September and these included the Baden-Powell Centre Trust, Dennis Sterling, Norfolk Island Central School, the Wives and Mothers Club, Banyan Park Playcentre, William Borry Evans and Moira Winner. As part of the report on the public consultation Madam Speaker the conclusion was that the draft plan that it be laid before the Legislative Assembly in accordance with subsection 12(1) of the Planning Act and then as I said before subject to the Legislative Assembly's decision to approve the amendment to the Norfolk Island Plan the development approval should contain specific conditions requiring further applications to be submitted for consideration with further detail of the development including details to address concerns regarding vehicular and pedestrian safety and water storage. Madam Speaker the Planning Officer and the Planning and Environment Board have both recommended that this draft plan be approved. Madam Speaker just further on as on the draft approval that I do have and I cannot sign this until has gone through this House. As I mentioned there is still a lot of work for this proposal to get up. At this moment it is only a concept you might say but this approval if it is approved, this development application, if it is approved gives the CDANI people more room to move in the further development of their design i.e what I mean is the expenditure of monies of detailed drawings, architectural drawings and then they would have some backing you might say to try and access funding through various avenues. If they have permission to build there then this is one hurdle jumped you might say in regards to trying to access some funding. As I said Madam Speaker in the schedule for the approval further detail shall include full building plan showing dimensions for areas, building heights, elevation plans, full floor plan details of any basement level or other level, piping layout plan, landscaping plan, measures taken to adequately prevent storm water runoff, advice on how measures can be taken to improve the Middlegate intersection for vehicular and pedestrian safety, advice on measures taken to improve the pedestrian safety, particularly between the School and the proposed centre, location and capacity of underground water tanks, specifications so that the building achieves a high cyclone rating, sprinkler system to be included in the final design and a couple of things, and

consideration of installation of a grey water enviro system or connection to the Water Assurance Scheme and I will be insisting that it will be connected to the Water Assurance Scheme Madam Speaker. So those are the details on the actual planning development application that's come before us, and that we must agree to the change of the Norfolk Island Plan for it to proceed any further. Madam Speaker this community group CDANI they've been progressing a cultural centre for some years now, fundraising so that their interest may be represented in an area that they see would benefit the whole of Norfolk Island, the whole community of Norfolk Island and interest groups would have one place that they could show and tell and show piece their works. I note that they have had various sites, they have looked at various sites and they have had other sites offered to them and they have considered all of these sites but this is the one area that they have finally made a decision on and I must say that during these last few years that the Norfolk Island Government has supported CDANI in their endeavours in this project and this is just the next step Madam Speaker. It's for this House to enable them to further progress you might say their dream of building a cultural centre for Norfolk Island. So Madam Speaker I will just leave this Motion in the hands of the House at this time.

MRS WARD

Thank you Madam Speaker just a few words on this proposal. I intend to support the proposal. I've asked or consulted with people on a personal level, not widely, I won't say I've done that but to the few people I have asked the question whether they felt that this Portion or these Portions of land were appropriate to be used for this concept, this type of facility, that is between the existing Banyan Park and the Fay Bataille driveway. The response overwhelmingly, unanimously was yes. Yes they see the potential advantages of some future development. There wasn't great discussion on the colour of the roof or the size of the café, or how the parking was going to look because that's actually been dealt with as the Minister has said in the development application stage and that's already been through a community consultation stage and I do note the constructive comments that have come from Mr Allen Bataille who has taken the time to write a submission, that's always invaluable to people who have to process these development applications. So I'd also like to make comment and commend the CDANI Working Group, the people who are involved. They are certainly a pleasure to deal with. They approached us when I was first a new Member of this Assembly with their concept, their vision, their dream and I wish them well in their pursuit of that. Thank you.

MR NOBBS

Thank you Madam Speaker I think I was actually the first to walk them across this site so after having discussions with the then Administrator so it might be a bit of a 180 degree turn if I was then not to support it. I have certainly given support to the various works that CDANI has done. I've also voiced some of the concerns I have in terms of what their objectives are and some of the difficulties of having a centralised cultural arrangement for the whole island and there is a number of difficulties that I think are part and parcel of that but they aren't what we are talking about today. So out of the proposal that is before us today in terms of a variation I just have a couple of questions that come out of that. One is one that I raised with Minister at the MLA's meeting and that's the external performing area, whether that's seen as impinging on people's enjoyment of their natural environment if there is a noisy cultural performance going on in that area. The other is the height that is projected off the building in this documentation appears to be about 11.3 metres and I'm just wondering how that conforms with the area. The last two areas I'm interested in are there is already a recognition in this document of the difficulties at that traffic intersection and I'm just wondering what is likely to be put in place to ensure that it doesn't become more hazardous for the School children or just hazardous generally with a large number of cars going into and out of performances given that the hall has a 350 seat capacity. And lastly within that variation is the educational and shop element. Is it a single shop? Is it just a gift shop? Or is it a gift shop and a café and potentially other market sales and things like that? Thank you.

MR SNELL

Thank you Madam Speaker. I was supportive of this concept from the very outset and I have financially contributed to its success in small ways,

but Madam Speaker I have some reservations on it now and these are general. Firstly I'd like to mention I admire the efforts of the Working Group. Mrs Ward has mentioned they have done a sterling job, they've contacted everybody, they've put together plans of management, plans of construction and so on which contributes obviously to the success hopefully I guess this passing this afternoon. But Madam Speaker the problems I have with it is the siting in conjunction with the tourist accommodation across the road, it's going to probably take the view away from that, and I'm surprised if there has been no letter of objection from that person that owns that accommodation across the road. I'm concerned about the impact into the area. I'm concerned that it may become a white elephant. It's far beyond anything I envisaged at the time of the first proposals being submitted, and I appreciate though the possible application to the tourist industry, a positive application. However at this critical time in our financial crisis we must ask ourselves how we can justify such an outlay of money and will it be up to the community to assist in raising the funds. There will be applications for grants from Australia and you have to ask yourself is this more important than a new Hospital, is it more important than doing the roads, is it more important than improvements to the jetty.? Is it more important than to facilitate the cruise ship industry etc etc etc. So Madam Speaker it's with great reluctance that I will abstain from voting on this, this afternoon.

MR SHERIDAN

Thank you Madam Speaker. Just to respond to a couple of these issues. Madam Speaker we're not debating whether or not the development application is to be approved or not. We're debating whether or not the facility should be given to this applicant to further move forward you might say with their development application by making possible, which is prohibited in this zone at the moment the Open Space Zone by moving those two items of educational establishment and shop, from moving that into a consent column so that it can undertake that assessment. Just in regards to the outdoor area, the external area is in the Open Space at the moment, that's permissible with consent already as a outdoor area for outdoor sport and recreational area facility you might say. So that's already permissible and I feel that where it's situated between Banyan Park and the actual building itself with no residential place. I think the nearest one would be across the road on the Middlegate intersection next to Borry's flats. So it's an ideal place you might say for it. The height of the building on the schematics are over the 9 metre mark that we allow on Norfolk Island but there is a facility under the Norfolk Island Plan and the Planning Act to facilitate structures that are above that, and I'll just read this out from the Planning Officers report in regards to...he does make a comment on the roof. He says "the proposed cultural centre is an architect design unique and striking landmark building, intended as a positive contribution to the landscape and character of the area rather than a development that would scar the landscape. The design includes rounded rooves intended to symbolize the island and its connection to the surrounding ocean or as boat hulls or an ocean swell or softened profiles of traditional pacific rooves". So that was his take on it, but as I said the height of the building when the further detail, when the architectural drawings come forward the Planning Officer, they will be assessed then. We're not making that assessment now. We're not making any comment on the development application. The traffic intersection. In the draft approval for this, it states that other conditions of it is instrumented that measures are taken to improve the Middlegate intersection for vehicle and pedestrian safety and also measures taken to improves pedestrian safety between the development and the Norfolk Island Central School, I've had a discussion with the Planning Officer in regards to this and he pointed out that realistically the measures to improve safety at Middlegate intersect and/or the crossing going into the School should not be the responsibility of CDANI. It's a government responsibility to ensure that the facilities in the road side are appropriate for the development that gets approved. They may have some contribution towards that and they might have some say towards that but I wouldn't put it onto CDANI to say that they have to build a roundabout at Middlegate intersection. There's been a couple of proposals for improved safety at that intersection and one is a roundabout and one is to straighten up you might say the turn so the road doesn't. well one would go right through but the Middlegate and the Cascade Road would alter to a degree so that you hit the road at a right angle instead of at the moment at a 45 degree angle you might say. So those things are to be considered in

the final agreement. The shop and the café, yes they are two separate entities. There is a shop and then there is a café. So it's two separate rooms you might say. In the Planning Report there was comment made about restricting the views of the visitors that are staying Borry's units up there and they won't be affected and as the Planning Officer says the proposed development although large in scale would not impact on the amenity of neighbouring land uses. Views to the sea from Ocean Breeze accommodation units across the road from the site would not be affected. The proposed design would provide good amenity for people using the building. The design takes advantage of the aspect of the sea with the amphitheatre and the café in particular taking advantage of this aspect. And as to Mr Snell's concern in regards to monies could be better spent elsewhere. I'd like to see a new hospital, I'd like to see improved boarding for our infrastructure and everything but you must remember the government is not funding this building. CDAI will have to go out and they intend to go out and source the money to build this through private means. So it's not government money that will be building this. All they require from the Government is the support for them to progress this development application. I'll leave it at that for the time Madam Speaker.

MRS GRIFFITHS

Thank you Madam Speaker. It will come as no surprise that I will support this Motion. However I do have concerns. I know the site has been offered and accepted on the basis that it's near the School. On an island 5 miles by 3 everything is near the School. I believe a cultural centre must be situated on a site of significance and this is not the case in relation to this piece of land. My other concern is our lack of focus on Norfolk Island culture. Why would we build a cultural centre when we do little else for culture. We're sitting on our hands while a large piece of our tangible heritage is rotting away on the pier. I go on about that I know Chief Minister. However I digress Madam Speaker. One other thing in relation to a shop for a cultural centre. A cultural centre shop is not just a place to sell things, it's a place to promote cultural industries. People may produce things on the island, it would be better for our economy so it's not just a shop. But this is not about the cultural centre and I will support the Motion.

MR KING

Thank you Madam Speaker. There is a tendency to get caught up too much in the debate about the actual project itself but in the understanding that as Minister Sheridan has clearly put it, considering a variation to the categorization to enable such a project to proceed I will support it. Just very briefly on the proposed cultural centre I have taken the time to visit the site, I've then looked at the conceptual drawings. It is a very exciting project and I wish those promoters and those who are working on that arrangement every success. Just returning to the substance of the Motion, and the mechanics of the Motion. I'm having the same difficulty as I had when we discussed these variations in the past. The second line refers to the House resolving to make a determination in relation to the draft plan laid before this House. I don't know of any draft plan laid before this House. Minister Sheridan might explain something to me which will resolve my confusion.

MR SHERIDAN

Thank you Madam Speaker. I think it's purely the terminology because we're altering the Norfolk Island Plan so this proposal to include educational establishment and shop as described in the development application 27 would be included in the Schedule 2 of the Plan and that there is Schedule 2 of the Plan which we already have 3 alternations to the Plan and what they're calling is to the draft Plan. The draft Plan is the inclusion of the development application which enables the educational establishment and shop to be utilised as a permissible consent as within that Open Space Zone. So you might say they are talking about a new Plan. Once it's included the Norfolk Island Plan is amended, to look like a new Plan if you get my drift. So what they are saying there, the draft Plan, being the inclusion of this development application in Schedule 2, so then it affects the Plan as a whole. Once it's approved then it becomes a Norfolk Island Plan in its entirety which includes the alteration to Schedule 2. It may be just the wording but I know exactly what Mr King is saying, in relation to the draft Plan, we haven't got one. Well yes we do it's just how its worded and the draft Plan is the inclusion of this into Schedule 2.

This enables a educational establishment and shop to assessed as permissible consent in the Open Space Zone. Now if this Motion gets approved and the development application does not get approved for some other reason it does not mean that the Open Space column 3 permissible with consent will then include educational establishment and shop. It would die with the non approval of the development application is purely and solely for this one development application. So it doesn't change the Plan in its entirety, it just changes it for this one development application.

MRS WARD Thank you Madam Speaker. It may just be useful to my colleague Mr King to point out that there's a difference between the Planning Act 2002 and the Schedule under The Plan. So it is confusing, it's almost two pieces of legislation.

MR KING Madam Speaker. If this Motion contains the words necessary to achieve what Minister Sheridan has explained is wanting to be achieved then I shall support it to save me any further confusion.

MR BUFFETT Madam Speaker thank you. The CDANI cultural centre is a project that has been ongoing for some time now. I just want to, in the context of this pay compliments to them for what is a significant task and required significant work and indeed some significant expenditure even to date. To have drawn together appropriate range of people to be able to bring the project to this stage I offer them compliments. I have been to the site with the principals of this organisation to see where this may be laid out, having explained to me from the conceptual plans that are available to date as to where various components may sit and how they may relate to various properties that surround the area. There has been great care in how that has been put together. I offer compliments to Minister Tim Sheridan in terms of bringing this together because this part is essential for this project to move forward. It obviously has government endorsement, it has my endorsement. But it is really an adjustment to the Plan so that these words might be taken account of and Minister Sheridan has very ably set that out, educational establishment and shop are now proposed to be part of the consideration and it's interesting to note that when we talk about large building projects in Norfolk Island they've usually had a bit of a track record attached to each as they've moved along the track. I certainly hope that this will have some reasonably smooth passage and recognition by a great number of people as to the benefits it may bring to the island. I mean I just think back for a moment to the Customs, the Post Office building, a significant public building and the adjoining Liquor Bond arrangement, that went through some significant processes. I think about the Airport project also. I think there was a Referendum about that. It's interesting about that, the Referendum really influenced that we should do less on that site and now when we come to today we need to make additions to the particular arrangement. In those days we did have the money to do what we thought we would have done. Today we have no money to do any of it. But they are things in the past. It's just interesting to see the processes in terms of significant large structures within the island. The Minister has obviously pointed out that this is not to be of a government cost. I wish the CDANI people well in the processes that they will need to go through to secure funding in various ways. This Motion is deserving of support so that the project may proceed, it has mine.

MR SNELL Madam Speaker I can do my sums. I'm going to be the odd one out. I will support the Motion,

MADAM SPEAKER Further debate. I think we have reached the stage where I can put the question.

QUESTION PUT
QUESTION AGREED

TRAFFIC (AMENDMENT) BILL 2012

MR SHERIDAN Thank you Madam Speaker. I present the Traffic Amendment Bill 2012 and move that the Bill be agreed to in principle and Madam Speaker I also table the Explanatory Memo to the Bill.

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

MR SHERIDAN Madam Speaker this Traffic Amendment Bill 2012 is just 5 clauses long and as it says in the Explanatory Memo it's to make amendments to the Traffic Act 2010 in order to satisfy some uncertainties that have arisen and to correct a cross reference. Madam Speaker clauses 1-3 of the Bill provide the usual short title, date of commencement and reference to the Act to be amended and Clause 4 sets out the Schedule of Amendments which there are 5. Madam Speaker Item 1 seeks to make it clear that Section 25 of the Road Traffic Act 2010 applies to traffic signs erected in any public place and not only in roadways. Such signs could include the public parking and traffic areas at the Airport Terminal, the Bicentennial Post Office complex traffic signs and markings in or relating to public car park areas of the National Park, the Botanical Gardens, the Emergency Services Centre, Norfolk Island Hospital, the Lighterage Shed, jetty's and/or boat ramps. It's just clarifying what's already in the Road Traffic Act under Part 6, rules of the road under traffic signs generally. So it just adds some clarity to that. Item 2 deals with a situation where a person might seek to assert that he or she is not any other class of driver within the meaning of the section because a licence has expired or because the driver has a licence from another place or because the driver has a licence which is not a recognised licence. Item 3 clarifies the relationship between the percentage of alcohol in a blood sample and the percentage of alcohol in a breath sample as well as establishing the process for authorising the operation of a breath analysis machine and establishing authorisation in the Court process. Item 4 corrects a subsection reference and Item 5 makes it an offence of driving under the influence or drink or drugs under Section 32 (1) an offence of strict liability as defined in the Criminal Code. This means that a person driving under the influence cannot for example argue that he or she did not intentionally become intoxicated or did not intend to drive while intoxicated. Madam Speaker these minor amendments you might say to the Road Traffic Act have come about, these changes have come up through advice from the Courts and the Legal Services unit and/or the Police, and it's just to obviously correct and further give clarification to the interpretation of certain portions of the Act. I don't think there is too much more that I could really say on this small Amendment Madam Speaker but if any Members do have questions I'll see if I can answer them

MR ANDERSON Thank you Madam Speaker. I'm just going to for the purposes of Hansard, you've referred throughout to the Road Traffic Act, it's actually the Traffic Act we're talking about isn't it. That's all.

MR SHERIDAN Yes it was amended last year.

MR KING Madam Speaker I'm interested to know for the purposes of Hansard whether some judicial decision whereby a defence was mounted that a person didn't intend to get drunk was the cause of bringing about this change.

MR SHERIDAN Thank you Madam Speaker. I wouldn't know that but I could always ask I suppose the Courts or the Police or the Legal Services Unit whether or not this is the reason for these changes but obviously they have had some hiccup somewhere along the line and they are just putting further clarity to the terminology utilising the traffic Act.

MADAM SPEAKER Further debate Honourable Members.

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

MADAM SPEAKER I put the question

QUESTION PUT
QUESTION AGREED

IMMIGRATION (AMENDMENT NO 2) BILL 2012

MR BUFFETT Thank you Madam Speaker. I present the Immigration Amendment No 2 Bill 2012 and move that the Bill be agreed to in principle and I table the Explanatory Memorandum to the Bill Madam Speaker. In tabling the Explanatory Memorandum may I just point out three adjustments in terms of the terminology. In the 3rd paragraph Madam Speaker where we're talking about "indefinite visitor" or "visitor permit" we are in fact talking about "unrestricted entry permit" if one could just make those 3 amendments in the 3rd para and in the second last para where it refers to "Item 13". It refers to s Subsection 75 (4) it should refer to 75 (5).v With those Amendments I table the Explanatory memorandum Madam Speaker.

MADAM SPEAKER Thank you the question before the House is that the Bill be agreed to in principle. Is there any debate.

MR BUFFETT Madam Speaker there is recognition that we not only need to gravitate from a small pool of resources here in Norfolk Island to a larger pool of resources to meet the growing and ongoing needs of our small place, but we must almost make significant effort to build and to grow our visitor population and our resident population, and this Bill, the Immigration Bill gives significantly greater flexibility in the entry of Australian and New Zealand citizens and also looks to the entry of kin from Pitcairn Island. The Explanatory Memorandum sets out the various components. This Bills seeks to remove immigration restrictions on Australian and New Zealand citizens. The Government believes that allowing such citizens to invest or work or live on the island will provide welcome stimulation and through stimulation of local demand, assist to reinvigorate the economy. This particular Bill does follow the recommendations of the policy paper which was entitled Policies to improve Immigration in Norfolk Island. This Policy paper Madam Speaker was issued in September of this year by the government and the principal effect of the Bill is and the words of the Policy Paper and I quote "to remove the GE process for Australian and New Zealand citizens and provide eligibility for residency status immediately upon application". The process that is followed is again in the words of the Policy Paper "to provide that Australian and New Zealand citizens will be granted an unrestricted entry permit on arrival in the island", and this permit will be without conditions or restrictions. Australian and New Zealand citizens on such a permit will be allowed to start businesses, undertake work and rent private accommodation as they wish. Any time after arriving on the island they may apply for residency. The granting of residency will be approved providing they have joined the local Healthcare Scheme and complied with the requirements of the Scheme. There will be no requirement for financial checks for Australian and New Zealand citizens. A requirement to show good character will however be a requirement to be recognised as a resident, and as part of the changes the Immigration Committee will be removed all together and processes for various approvals that remain will be shifted to the Minister and the Immigration staff advising to the Minister, but I point out that such decisions will also be subject to the appeal provisions in the legislation and that means to the Commonwealth Minister in some instances or to the Administrator in other instances. To walk through these provisions Madam Speaker Clauses 1-3 provide for the usual short title the commencement and reference to the Act being amended and Clause 4 provides that items listed in the Schedule are amended as provided by each item. And the

Schedule provides also as follows; it amends the definition section of the principal Act, that is Section 4. It repeals the definition of the Committee, referring to the Immigration Committee and inserts a new definition for unrestricted entry permit, that refers to Section 14 (a). Further amendments of Section 4 insert the new reference to unrestricted entry permit and to the definition of permit and in the definition of resident, inserts references to a new Section 28 (a). Item 3 repeals part 2 of the principal Act which contains the 5 sections that is 6-10 that established the Immigration Committee, and Item e amends Section 13 – Applications for Permits to insert a new subsection 6 that excludes persons who are Australian or New Zealand citizens. Item 4 inserts a new section 14(a) describing the right to and grant of unrestricted entry permits, provides that when Australian and New Zealand citizens enter Norfolk Island the Immigration Act applies to them as if they had been issued an unrestricted entry permit. There is no requirement for an actual permit to be issued. The next provides that an unrestricted entry permit remains in force until such time as the holder leaves the island. There is no restriction upon such persons re entering Norfolk Island and once again being unrestricted entry permit holders. It goes on and it makes it clear that an unrestricted entry permit holder is not restricted as to employment, carrying on or being concerned in a business or a professions. And it continues, it provides that an unrestricted entry permit carries the same rights under any enactment as are provided to the holders of a general entry permit and reinforces this by providing that in all enactments references to a GEP includes to reference to an unrestricted entry permit, and I will come to the stage if this goes forward we will probably call it a UEP but there we are. That's to be determined yet. This provision encompasses regulations, rules and other subsidiary forms of legislation made under the authority of an enactment. Item 5 continues Madam Speaker. It repeals subsection 17 (a) 1, that provides for Australian and New Zealand citizens applying of a GEP. Item 6 provides amendments to Section 19 to remove requirements for the involvement of the Immigration Committee and places the obligation to consider applications upon the Minister. Item 7 inserts a new section 28 that covers residency by citizenship. This provision deals with Australian and New Zealand citizens who hold and unrestricted entry permit and who seek the status of a Norfolk Island resident. In order to obtain this status a person who qualifies must establish that prescribed arrangements for medical services are in place, and that the person is of good character. Item 8 inserts a new subsection 29 (1) b that is intended to simplify the requirements for residency by declaration for GEP holders who receive their permit as being a permanent resident of Norfolk Island or by reason of a special relationship with Norfolk Island. Item 9 inserts a reference to a new section 28 (a) and 10 amends section 31 (a) to remove reference to the Immigration Committee. I'm almost there Madam Speaker. Item 11 replaces the provision of section 32 that deals with consideration of applications for residency by declaration to be made by the Immigration Committee and substitutes the requirement of consideration by the Minister. 12 inserts a new section 33 (a) to make it clear that persons who are not Australian and New Zealand citizens cannot apply for and cannot be granted residency under part of the Act. Item 13 is a new transition provision, subsection 75 (5) that's where I made that earlier amendment Madam Speaker. It should now read subsection 75 (5) that provides a Australian or New Zealand citizen who at the time of the coming into affect of this Act is the holder of TEP or a GEP is deemed the holder of an unrestricted entry permit and that the existing permit is cancelled. The final item is item 13, it provides that maintenance guarantees required by section 82 are not required for unrestricted entry permit holders. Madam Speaker that endeavours to set out the contents of this particular legislation which obviously amends our earlier Immigration legislation. As you will have followed me through the paper you will see that it brings into effect proposals made by the Government in terms of its Policy Paper and it puts those amendments to the Immigration legislation on the table this afternoon. I commend them for consideration by Members.

MRS GRIFFITHS

Thank you Madam Speaker. I do not support this Bill in principle. The Chief Minister has great pains to say that this was based on the Policy that was presented to the House a few weeks ago. Madam Speaker in my view the Policy wasn't good enough and therefore I cannot support this Bill. Thank you.

MR SNELL

Thank you Madam Speaker. I have no intention of supporting the Bill. This Bill gives me great concern and it concern a lot of the people on Norfolk Island. However Madam Speaker before I commence let me refer to the Policy paper from which Chief Minister has referred to on a number of occasions in his address in the Explanatory Memorandum. On the Policy paper on page 2 its says – increase migration to the island will improve the financial viability of both schemes, and that's referring to the Healthcare and the Australian safety net. Increased migration to the island will improve the financial viability of both schemes but will not solve the underlying structural deficit and may add to it. On page 5 the actions of the Government states – the Government will instruct the Administration to establish an appropriate evaluation measurement system that allows independent monitoring of the administrative process of immigration applicants. Regular reports on inquiries, applications and permits issued will be provided regularly to the relevant Minister. There is a cost factor in that Madam Speaker. To commence my objections and concerns I would like to refer to that this Madam Speaker in my opinion is an example of panic legislation. It's prompted by our financial crisis and our inability to reach a solution that would have allowed us to continue our promised path by Australia to internal self government. The Australian Government announced on the 17th December 1976, a long time ago that the Australian Government intends to continue to accept responsibility for maintaining Norfolk Island as a viable community. In that aspect Madam Speaker we really should have nothing to worry about, if it was only that simple. But it is to the credit to past Assembly's that they have managed to develop Norfolk into a show piece island covering all levels of government without having to seek large financial assistance from anyone, including Australia up until this time. Regrettably we have now reached the situation where to continue we must become beggars and in doing so relinquish one of the few truly self government principles extended to Norfolk Island in 1979 – Immigration. To think now Madam Speaker that we must now allow unrestricted immigration, unrestricted immigration of any Australian and New Zealand citizen to Norfolk Island for money from the Federal Government is deplorable. The consequences of our way of life will be huge, if not immediately certainly in the future. Loss of jobs, loss of business to residents, loss of protection for our young people, loss of identity As a separate race of people one correspondent has already labelled this a toxic policy. This concerns on how this new proposal could harm our environment should also be our concern. What impact studies have been undertaken to determine what negative aspects to the island such an open policy could bring, none that I'm aware of. What we only have to look at the possible increase in land sales resulting in more houses, how can our infrastructure cope. We can't cope with what we have in our situation now with water, sewerage, waste management, electricity and so on. I understand that at the present time there are no wait lists for new residents to live on Norfolk Island. I can't for the love of me see how this demand will achieve any benefit that does not already apply. The Administrator has stated as early as this morning that freedom of the movement of Australians should be available to all Australians to relocate to Norfolk but seems to forget that this privilege does not apply to Australians as a right, for example to move and live on Lord Howe Island. I also question Madam Speaker with respect at this time the role of the Administrator playing in our politics. It was my understanding that the role of the Administrator is that covered by the Norfolk Island Act of 1979 not to canvass public opinion on matters under consideration by this parliament

MADAM SPEAKER

Mr Snell. I must ask you to be mindful of Standing Orders which prevent you speaking discourteously about the Office of the Administrator and the incumbent of it. I ask you to desist from that

MR SNELL
issue and

I will Madam Speaker, it's just that it's a contentious

MADAM SPEAKER

I ask you to desist

MR SNELL

I continue. We should remember how we previously controlled immigration to Norfolk Island. No jobs ~ no permit. No spaces in school ~ no permit.

Bad character reference ~ no permit. Unable to look after themselves ~ no permit. Our concerns of the immigration are not unique. Small island countries often suffer similar problems and I quote Madam Speaker from the 57th Commonwealth Parliamentary Conference in London on the 27th July the initiatives in handling migration issues. 1) they say careful migration controls to Commonwealth small countries through work permits to fill skilled and unskilled labour shortages has potential to stimulate economic growth while not degrading the quality of life and the environment. Delegates agreed as they noted that control of migration is clearly beneficial. I also quote Senator Allen Bretnam of Jersey who reflected that "in many small countries tensions arise over the prospect of inward migration, but this needs to be placed in the context of the overall benefit of guest workers". He said that in Jersey there are regular calls to curb immigration. Preservation of jobs, pressure on infrastructure, maintenance of a good quality of life and population density in a physically small territory are cited as reasons". Senator Bretnam said that migration is a dynamic ebb and flow, Every year apart from one in the last 10 years has seen a net population gain in Guernsey. The strength of the economy has driven these figures. Problems arise, puts pressure on housing and stock and prices rise. This can cause tension in the community. Positive features of inward migration are cultural diversification, economic growth and the availability of unskilled labour. Five year work permits are used and supported. Madam Speaker we also have the situation of the position that Norfolk Island holds with Australia. It is under Section 73 E principal 5 of the United Nations Act which deals with our position via Australia. I'm not going to go into that now but obviously I don't agree opening up immigration as the answer to long term sustainability. Tourism is our only sustainable industry and to preserve it we must preserve the very thing they come to Norfolk to be part of and that is, Norfolk Island, the way it is. Unfettered immigration has the ability to change all this. Thank you Madam Speaker.

MR KING

Thank you Madam Speaker. I had intended to sit back for a little bit to hear what a couple of other key speakers might have had to say but perhaps it is appropriate to say what I have to say in the wake of Mr Snell's comments. I couldn't agree more that the Bill represents significant changes and concerns for Norfolk Island. We know that they have been heralded by, trumpeted indeed, by Federal Authorities and discussion among the Government in relation to where we're heading with the economy and sustainability and the like. So I fully understand the circumstances which have brought us to the consideration of this Bill. I regret however Madam Speaker that what we're doing is simply going through the motions. We're doing what the Feds tell us to do. I can't find the right word, I've been sitting here thinking and trying to find the right word to describe how I feel about sitting here doing as I'm told. I can't find it. I know there's a word there somewhere but you all know I mean, and I'd like to think that I can exercise my own mind about this instead of being pushed back into a corner and told, well unless you do this, this is not going to happen and that's pretty much effectively what's been done. Does that mean that I disagree with what the outcomes of this Bill might be? No. No it doesn't. Compliance might be the word that's correct. I'd been under the impression Madam Speaker that over time the Federal Migration Act 1958 was to be extended to Norfolk Island and that of course would have had the same effect as far as Australian and New Zealand citizens are concerned as this Bill will have. A major benefit of that from a lay perspective would have been to encompass Norfolk Island into the domestic travel sector and remove the need for a passport to visit Norfolk Island and I think we all have identified and acknowledged that would have had huge benefits for our tourism industry, and those benefits will not flow from this Bill. The major objective of the Bill is to remove any restrictions on Australian and New Zealand citizens living, working, investing in the island. That's not what it says in the Explanatory Memorandum. The explanatory Memorandum talks about the principal the fact of the Bill is to remove the GEP process for Australian and New Zealand citizens and provide eligibility for residency status immediately upon application. Well that's not entirely true. It's removing the requirement for any, any written entry permit for those people and the Bill doesn't provide a springboard to residency as it is intended, nor does it do, in my understanding what it was said in the Press Release to do, and that is immediately upon passage through the Legislative Assembly that movement, either as a visitor or migrant would be the same as it is on the Australian mainland for Australian and

New Zealand citizens. That's not correct, unless there is some mechanism about which I'm unaware. This is a Schedule 3 Bill and it will require the assent or at least the agreement by the Federal authorities to the content of the Bill and that may well take some several months, if history is any indication. So it will not provide an immediate re-entry upon passage through this House. We'll have to make that fairly clear. I may be mistaken there may be some mechanism which will provide some way to circumvent that requirement because of the Schedule's nature but I'm not aware of it. Mr Snell has said that you know the reason behind the Bill is the economy is in tatters and the Chief Minister said it's going to provide a greater resource on the ground to contribute to our economy etc etc. I'm not quite sure that that will have that result but I acknowledge that there is fear that unintended social consequences might result from the measure in the Bill and that could well be so. But I counter those concerns Madam Speaker with an observation that the social consequences of our administration of immigration over many, many years have been unacceptable to me. They include deep social divisions and a very real them and us situation that had emerged, derogatory terminology attached to one's immigration status being a so called "TEP" has become an unhappy and an unsavoury stigma akin to being on the lower rung of the social ladder. A person who is a TEP and who had been held out to a generation or two of island people as a lowly person. I'm reminded Madam Speaker that many years ago, about 20 years ago the Human Rights and Equal Opportunities Commission found and reported to the Federal Government that the Norfolk Island immigration system goes much further than a immigration system, with a disproportionate response to protecting the island's environment, culture and maintaining public order and that as such that it may well violate the international covenant on civil and political rights. The Commission recommended then that the Norfolk Island system be dismantled and the Federal Act be extended. I agreed then and I agree now. The Human Rights and Equal Opportunities Commission report provides a very useful background Madam Speaker to immigration controls and history in the island and I recommend it as well worth reading in the context of the current debate. It on the HREOC site, google HREOC site Norfolk Island. It's right there. I believe Madam Speaker that in the 20 years since the Human Rights Commission dissected the administration of our immigration system that there has been very little change to the way we have conducted ourselves. There is ample evidence Madam Speaker that persons have been treated unfairly, unlawfully, disrespectfully, discriminately and unjustly in a manner which simply ensured that the poisonous social strata that the system established prevailed. Further Madam Speaker there is ample evidence that the system has not responded to the fluctuating and economic demands over the past 4 decades, nor has it responded with legislative change to the many relevant judicial decisions that bear on the rights of individuals. I've mentioned previously that the 1981 policy which stifled new investment, remained in place untouched and unreviewed and solid whilst our economy pitched and heaved around us in cycles. The island foolishly remained adamant that its immigration system will not invite new investment and that policy survived for 30 years, removed I think just last year as a condition of an earlier funding agreement. On top of those fine displays of what I believe is stubborn ignorance many of those who administered our immigration systems over the year were driven not by a desire to accommodate but by a desire to impede and hinder. Madam Speaker I repeat that I consider the correct approach is to extend the Federal Act to Norfolk Island. This Bill in my view simply tinkers with the issues and I'm not sure that I want to leave an immigration of any type in place when there has been a history of unsatisfactory administration, policy thinking and attitude. That's all I have to say at this point in time.

MRS WARD

Thank you Madam Speaker. My colleagues know that at the last sitting I applauded the Chief Minister's latest immigration policy. Like most other Members I see the economic value of policy change, and although the enhancement of the natural environment will always be paramount to me I cannot ignore the economic necessity of reform, and I have to admit that it's an area where I've had to have a shift in my thinking because traditionally I sit very much with conservationists, which tends to be zero population growth, no development, let's not over commercialise so I admit that I have sat there, and I guess that's why I keep harping on about environmental protection legislation because I don't

think as we progress we are ever going to use an immigration system to control population but it's not to say that Norfolk Island and it's fragile economy should not be mindful on the future of what an ideal population should be. Lord Howe Island uses planning. It is said that Norfolk Island will use planning and within our planning package of legislation there are actually a lot of mechanisms by which we can control degradation of the environment in the future management of water resources. It's actually all there. I think people would be pleasantly surprised of what legislation we do have in place, but we may have to go further. I've said that before, I say it again. My shift in thinking I have to say has not been influenced by the Commonwealth because unlike some Members I don't...I can read the funding agreement, I can read the conditions but I don't feel that I've been backed into a corner. I still have a choice, we still have a choice and we've had that debate in the House. I won't go through it again. What I've been influenced by though is my peers and particularly the young Norfolk Islanders. I'm not that young but relatively so and I have listened to those who have asked me to open my mind to the benefits of open immigration. I have also been influenced by business people wanting to exit the tourism industry and perhaps it will be too late for some but moving on immigration is the least I can do as I move to support the removal of the quota system for example. Picking up from what Mr King has already alluded too and it sticks out to me as well is when we look at the Explanatory Memorandum it says that the 'Bill seeks to remove immigration restrictions on Australian and New Zealand citizens'. This Bill does not remove immigration restrictions if an Australian or New Zealand citizen is applying for residency on the island. This Bill removes the length of time before an Australian or New Zealand citizen can apply for residency and it removes the financial position criteria but it does not remove the good character check or most importantly the Minister's ability to refuse residency. Section.28A (2) The Minister shall, if satisfied as to the matter is subsection 28 A(1) which picks up on the healthcare and the good character which is your Police check grant the declaration sought or refuse to grant the declaration. No doubt there would be support for that section, but let's not pull the wool over anyone's eyes and say that this Bill is open immigration with the free flow for Australian and New Zealand Citizens when it is not. The control continues to be there. If one wants to become a resident with a capital R. There is no automatic stamp at the airport saying 'resident'. As I understand it, there will be a stamp in ones passport or document of identity saying 'unrestricted entry permits'. So if you are an Australian or NZ citizen and you want to become a Resident (capital R) then there is a process to follow including a Police check and the Minister has the power to refuse Residency. We all need to know and understand – is that the intention of the conditions that have been publically stated as part of what will be the funding agreement? If it is intended that a process/mechanism/regime will remain in place for a local Minister to say no, then fine, but let us all be very clear about what the legislation is proposing. From what I am told Madam Speaker, what happens in fact is that the last place that the real estate agent or a private vendor wants to send a potential investor is to the Immigration Department and so perhaps under this legislation we would see the use of Section.14A which is the unrestricted entry permit only, but that's is where no restrictions apply - however, that permit holder would only have the same rights as a GEP holder and so the question arises, what is the difference between a GEP and a Resident (capital R) when it comes to rights and obligations under Norfolk Island law. The first one that comes to mind for me is the Social Services Act but there are others and we need a better understanding of the consequential effects. The other point that is relevant is we need to have an understanding of the term 'ordinarily resident' and when that in fact apply and you might think immediately of the voting, the electoral legislation for voting. It is clear that this Bill does not intend to give the same rights to Australian and New Zealand citizens coming here as I would have as an Australian citizen moving to Australia. There is no reciprocal arrangement here for example if any of us were to move Brisbane we would rent or buy a house and that would be our domicile, that would be our place of residence and therefore we would be resident in that place. There is no Police check at that stage. If we wanted to gain employment in an area such as teaching, pre-school, fire fighting then a job specific criminal history check would take place and that is to check for current and spent convictions. That would be it. We would not go to an Immigration office and apply for residency, and the Federal Minister for Immigration would certainly not have the right

to refuse me residency. I have to raise one point. I did this at MLA's I will do it again for the record and that is the question of removal of the Immigration Committee. I understand that the Working Development Group was very keen to streamline the process but I think if we move in some way in this direction then Australian and New Zealand citizens are not going to be going through what can be seen as a long winded process but we are still left with foreign national people. The removing the committee leaves all power in the hands of two decision makers the Officer and the Minister. It is a fact that currently the Minister has the power to override a recommendation of the committee but who is going to hold the Minister to account for his or her decisions. Where are the legislated checks and balances? We are supposed to be in a world where transparency and accountability are held up as paramount and yet this removal of the committee could be seen as a backward step. The Policy paper refers to 'monitoring the system' and yet there appears to be nothing in this Bill to support and maintain transparency and/or allow independent monitoring ironically, that is what the committee does and we should remember that the committee is appointed on behalf of the community in a highly subjective area. We all understand that there is an appeal process as the Chief Minister has stated but that is what we should be trying to avoid if we're about being open for business, we're about helping these people through every step of the process. Just one more point on foreign national applications. These people have already been vetted by a Commonwealth Immigration Department and that is how they would have obtained a multiple entry visa. So if there were no Committee we know that there is that safeguard in place that is true, but the question really is who is going to hold the Norfolk Island Minister for Immigration on Norfolk Island to account? That may be covered in some way by the.... I'll leave it at that. That is a concern I am raising. We have touched at MLA's on questions such as mandatory reporting to the CEO and that again carries on Mr Snell's discussions. I raised this when we debated the policy originally, I spoke of the fact that that Department must never, ever be in a situation where the person is face to face with an applicant is also the decision maker. It's got to stop. The other point that has been raised with me and I'll put it on the record is how somebody who is an unrestricted entry permit would fare at the airport with a one way fare with the return ticket, there seems to be some protocol there where people need a return ticket, so if one of the Minister's would please look into that. The other question that we raised yesterday which is a note, I'm sure the Chief Minister already has it in hand is the repealing of the Policy and Guidelines which would not then sit well with any changes, and the other one is one that Madam Speaker raised, and it may have been carried through but that is where does the recently agreed to visitors Bill the 120 day visitors which is as we know is in Canberra waiting assent, where does that actually sit. So basically I can't support the Bill in its current form. I think it is a big step in the right direction, but I believe there is more work to be done. Thank you Madam Speaker.

MR SNELL Thank you Madam Speaker. I thank Mrs Ward for bringing up one point that I failed to pick up on and that's the Chief Minister mentioned Item 13 in his Explanatory Memorandum provides that maintenance guarantees required by Section 82 are not required from unrestricted entry permit holders. And it was also mentioned that unrestricted permit holders do not have to necessarily apply for residency but it is my understanding, and please correct me Chief Minister if I am wrong is that unrestricted entry allows those persons to stay indefinitely, is that correct, without having to apply for residency. So really to apply for residency doesn't affect how long they stay here for.

MR BUFFETT Are we talking about Australian and New Zealand citizens? Not non Australian or non New Zealand citizens.

MR SNELL For the benefit of the listening public the maintenance guarantees under Section 82 is quite important as are other aspects that have been explained here this afternoon. Maintenance guarantees for the purposes of the section, ...of a person includes a) the accommodation of that person b) medical, surgical or dental treatment of that person and any money expended in payment of the fare of that person from Norfolk Island to

a place outside of Norfolk Island. And it goes on to give other details. Can I ask the Chief Minister Madam Speaker does this mean that there are other provisions within the Act that I read and have missed that will confirm that those coming here on an unrestricted entry permit doesn't necessarily have to have accommodation, that they can go and sleep on the beach, pitch a tent, that they don't have to have medical coverage, surgical or dental treatment, that they don't have to have a fare off the island. Is that correct?

MADAM SPEAKER

Chief Minister are you wanting to respond?

MR BUFFETT
respond.

Not at this time. I've noted the comments and I will

MR NOBBS

Thank you Madam Speaker. I might give a bit of my own history with regards to the immigration system as we have it, and that is that I was a member of the committee for 3 years, I was the Minister responsible for 3 years, my wife has been through a TEP, a GEP and then a residency. So we've been across those processes as well, and in the role that I have as both a Minister and a community representative I've also over a number of years seen some of the concern of the limitations of the immigration system, but also some of the concerns that an uncontrolled or uncalculated change may cause impacts in the longer term in particular. In a previous government certainly I led a review of the immigration to categorize more clearly what the opportunities were for migration into Norfolk Island. Also to reduce discretionary powers of the Minister so that it became more of a clear understanding of how things would progress if someone was to make an application in whatever format. Mrs Ward has talked across a number of areas but one particular note she mentioned was consequential effects, and I just take to that for a moment to say that if ever in my view there was a need to pre ascertain those consequential effects it is probably with immigration. The impacts of immigration across the community and social network and the business network, across all manner of things that I will actually cover a few of those in detail shortly, really highlights to me that the optimum responsible way to move forward on these changes for immigration would involve an impact of bills type study, or a joint standing committee economic and social assessment of these changes and the reason I say the Joint Standing Committee in that context is during the Small Islands Forum on Lord Howe Island had numerous discussions with the Joint Standing Committee members and particular the Chair where we were assessing with the Lord Howe Island provisions that are put in place to provide some protections to the long term community members and those people who have the family attachment to the island and things like that. One particular comment too, out of that Small Islands Forum, and it's worth noting in this particular forum is that out of all those island's attending and there were plenty, none were sustainable. Norfolk is not out on its own here in terms of trying to find an outcome to sort out our issues. The hub of some of my concerns in moving forward with the immigration amendments, and as I say I have previously moved to make reviews and evolve the immigration system further, however I have some concerns by it not evaluating consequential effects, particularly when at this moment in time, we're not particularly sure what our governance model is going to be, we're not entirely sure what the safety net arrangements are going to be or when they are likely to be in place. We're not entirely sure what the healthcare linkages are or when they are to be in place. There is not a consistent funding model. The concern that was raised by Mr Snell with regard to the maintenance guarantees I absolutely agree with that there should be concern over that because we have in the past been left with debt, we have in the past been put in a position where we are paying for medivacs for people who have no necessarily started contributing to the Healthcare Scheme, and in effect putting us out of pocket of anywhere up to \$40,000 or more. The community can only absorb so many of those implications. On top of that we already have the management and the difficulty of management of some of the debts associated with properties, whether those are retail properties or whether those are accommodation properties. So I do highlight that they are things that I am concerned about and matching that concern is the reduced data collection opportunities that also come out of the unrestricted permits. There is very little that is going to be immediately available to the

various areas that will give us ongoing data of changes in the longer term stayers versus the short term stayers. There has already been mention made of the electoral implications for anyone who is staying more than 6 months that they can vote in our elections having an impact on the outcomes for Norfolk Island's future but not necessarily be here more than 6 months because of their unrestricted permit. So it gives a little bit of loose arrangement attached to how we even manage our census, how we manage our ongoing data collection and manage not only debt recovery and maintenance agreements but also data that supports our arrangements for social support, whether that is through hospitals, whether that's through social security and other pension arrangements and the like. So I really highlight that I have some major concerns in those areas. I mean the bottom line Mr Deputy Speaker is that if we made these changes there would probably be no immediate change. We probably wouldn't notice anything immediately, but we are not here just to make a judgment on the immediate. We're here to look at the long term outcomes for Norfolk Island. In amongst the areas that I highlighted before where there is still a little bit of, a lack of clear direction such as a clear agreement in the areas of the safety net, the Healthcare, the governance models, and the consistency of funding models, there is also a lack of clarity at the moment in terms of the business and tax landscape, and so I'm also wary that any alterations we're making need to be appropriate that we're protecting ourselves and protecting those who might come in to operate businesses as well. It's not to be just arrive and on spec you can start a business as an unrestricted visitor to the island or entry person and then you may depart and leave some accounts unpaid and impacts on other businesses and all those sorts of things without it having proper consideration and proper collection of data. I imagine that Mr Deputy Speaker that we have much more to discuss on these proposals and so I'll leave my debate at that point. Thank you.

DEPUTY SPEAKER

Thank you Mr Nobbs. Further debate.

MS ADAMS

Thank you Mr Deputy Speaker. It will come as no surprise that I won't be supporting the Bill. I think I made my point quite clear over the last two years. It will become clear as I read to you what I'm going to say today, and what I'm going to read to you is words in my letter to Minister Crean in my letter of 26 October to Minister Crean, in my role of Member of the 13th Legislative Assembly of Norfolk Island. In light of my consequent responsibilities to the Norfolk Island community, in other words exercising my duty of care as an elected representative of the Norfolk Island community, a letter which was copied to the Chief Minister and extracting out of that letter is this heading "further amending the Norfolk Island Immigration Act to exempt all Australian citizens from current immigration requirements, including the provision of Temporary and General Entry Permits". I was referring in the letter to the Chief Minister's Press Release of 23 October 2012. "Norfolk Island is a small geographically isolated island. Deep concerns are being expressed to me by fellow Norfolk Islanders that the abandonment of long standing controls over entry and settlement in Norfolk Island. The concerns are that such externally imposed fundamental changes are being made without demonstrated consideration of the short term, medium term and long term consequences for the Norfolk Island community. The wholesale removal of immigration controls without regard to the possibility of adverse consequences for Norfolk Island is in my respectful submission unacceptable recklessness, There has been one and only one comprehensive report prepared on population and planning since the signing of the Roadmap in March 2011. That report is the "Population and Planning on Norfolk Island Report No. 2 – Population and sustainability issues" prepared for the Norfolk Island Administration by Mr Alan McNeil Planning Officer 29 August 2011. The Report addresses the potential, environmental and cultural consequences of allowing free and unrestricted access to an island already beset with environmental and resource problems without appropriate studies being taken on the potential impact of opening Norfolk's borders. I quote the following passage from the Report "A sustainable population on Norfolk Island is determined by a wide range of factors including environmental limits (example water supply) and infrastructure limits (example capacity of electricity, sewerage, telecommunications and road infrastructure). The sustainability of the Norfolk Island community is also determined to

an extent by social or economic factors that are more difficult to quantify such as the extent to which migration of new residents from Australia could eventually impact on or dilute the islands "way of life" including the Pitcairn/Norfolk Island culture or could result in further fragmentation of the closely knit community, community spirit and how increased amount of housing could lessen housing availability and affordability. A small population rise would probably not effect the island's sustainability with regard to these factors but a sharp or steady and prolonged population rise could lead to increasingly adverse impacts. The Report concludes by proposing the following as the next step in the process". "It is recommended that prior to any decision to remove current migration controls to Norfolk Island the Commonwealth Government, Norfolk Island Government and the wider Norfolk Island community should firstly consider a) the various factors that contribute towards the notion of a sustainable community b) what limits if any should be imposed in order to maintain a sustainable community and c) how those limits should be imposed". That was our Planning Officer with the Norfolk Island Administration Planning Office, the only person, the only report that we have before us on which to base decisions we are taking today. I continue in my quote to Mr Crean "With respect Minister Crean to proceed without proper consideration of the consequences of unrestricted growth in the island's population is the neglect of the duties of us all as elected representatives, and we would be deserving of censure". I say and I repeat as elected representatives Minister Crean as am I and all of us around this table are elected representatives, parliamentary colleagues. Chief Minister, Honourable Members the Bill before us today is with respect ill considered and deficient in detail and my comments to Minister Crean says it all for me. To support the Bill would be unconscionable without proper consideration of the short term, medium term and long term consequences for the Norfolk Island community if the Bill as currently proposed is passed. Once the gates have been opened for Australian and New Zealand citizens anywhere in the world to be deemed on arrival to have an unrestricted entry permit into Norfolk Island, the horse will have bolted and our control over immigration, other than over foreign nationals will be gone. To believe otherwise Honourable Members is naïve. Thank you Mr Deputy Speaker.

MR ANDERSON

Thank you Mr Deputy Speaker. I'm clearly on record as supporting the free flow into and out of Norfolk Island of people who wish to be here to visit, to live, to work, to enjoy. So the thrust of the legislation I have no problem with. If it is to be taken as a condition for further funding which the Press Release suggests cannot be easily undertaken by the Commonwealth it presents us with many problems. Implementation is going to be very difficult, but we're called upon to do it without the knowledge of any arrangements to be in place for Medicare, tax, social security and the safety net. Clearly I would agree with Mr King the sensible solution is extension of the Australian Migration Act but the Commonwealth apparently has difficulties with achieving that so they are calling on us to do it as a condition of funding, probably a bit unfair but certainly gives us the impetus to get on with it. I disagree that it's necessarily the only way we're getting money from the Commonwealth Government is to proceed with this. I think the economic growth is absolutely essential, growing the number of people on the island will lead to a sustainable future. So it's not something that we're necessarily being forced to do it's something we absolutely have to do, and should have done sooner. I won't go over the points that have been made fairly well by others. I agree with some of the assessment made by Mrs Ward in relation to the difficulties that the drafting still has. I probably disagree in relation to her comments in relation to the dissolution of the Immigration Committee. They were essentially or are essentially the Administrative Review Committee with very little structured protocol in relation to of how they consider the various criteria they have to consider in relation to principally 2 areas GEP's and residency applications. They can be helpful, they can certainly also as they have done or has occurred in relation to the policy paper that's been prepared, they can provide us with consolidated thoughts of the community and suggestions of the way forward. The Committee could have done that, the people that actually not the Committee. It can be done without the Committee being in existence. They do and can advise the Minister but my view is that there is still sufficient checks and balances in place without their review given one that the Minister doesn't have to take any notice of what they say anyway and

depending on what the determination of the Minister is it's still going to be reviewable. We still have an appeal to the Administrator and to the Minister in Canberra. So I don't have a problem with dissolving the Committee. I don't see that perpetuating that is going to necessarily make the implementation of this any less difficult or more easy. What has been raised here by several of the speakers is under Section 28 A the Minister can refuse the grant of residency. Under 14 A (2) I'm going to call it the UEP is valid until in effect it has no further effect, that is the hole it leaves. The UEP therefore has infinite validity and there is no ability or no opportunity for the Minister to have a last resort way of removing anybody from the island that I can think of at this point who is on a UEP, because they can never become a prohibited immigrant. So if we're going to be forced, this is going backwards to my general philosophy, if we're forced into implementing this in order to assist the Commonwealth to provide us with funding I think perhaps we should be looking at these being able to be cancelled. It's an interim arrangement, if the Commonwealth Migration Act is going to be extended to us then perhaps we should have this absolutely reserve power where it is possible for them to be cancelled. Under the legislation at the moment, under Section 26 a visitor or a TEP can be cancelled, and I notice by the way that the Section 26 we have not removed the word "visitors", but that leaves us with the only power the Minister has to cancel a permit is in respect of TEP's. It may be advantageous to consider putting in UEP there and perhaps imposing some very strict guidelines in relation to how it could be used. In Australia you can't be removed from the Northern Territory or the Australian Capital Territory or for that matter any State if you are an Australian citizen to another State, unless you've been arrested then you get an extradition order to move you around. A New Zealander is slightly different, they can still be deported back to New Zealand depending on what they do under the Australian legislation. But I think it may be advantageous to perhaps have a reserve power where in very limited circumstances with very strict guidelines the UEP is able to be cancelled because otherwise we leave ourselves where there is no ability to remove someone from the island because their UEP is infinitely valid. It presents a barrier, it presents another opportunity for perhaps abuse potentially, but I think it may need to be considered as a backup plan for completely opening it up. I can't give you an example of where it might be used and I did sit and think last night where, what might occur. I mean if someone commits a criminal offence in NSW they don't get deported back to Victoria unless they've committed an offence back there. They are still allowed to stay and play. Unless we can come up with some potential ideas as to when we may wish to remove people from the island and maybe it comes back to the concerns of when are we going to get people that come here that want to live on the beach, contribute nothing and be a problem to the Police. Certainly there are ways to deal with that but is a circumstance going to arise at any stage where we may want to remove that person from the island and I'm not sure in the legislation as it stands that we're going to have the ability to do so. It's just something I think needs to be looked at. In closing I'm happy to say more when it comes back again. I think it needs some further work. I'd like to see it done as quickly as possible. I'd like this not to be still hanging around in February next year for obvious reasons. I take on board Minister Nobbs' comments about if going to the JSC or Impact of Bills, that will slow it down. I think what we need to consider doing what we did with other Schedule 3 Bills, send it to the Commonwealth and say have a look at this, is it going to work, do you have any problems. If you do tell us now, we'll fix it and then we'll pass it. Thank you.

MS ADAMS

I just want to make it quite clear on the record that I am not adverse to growth and I am sitting quite comfortably with what Mr Anderson is saying but my difficulty is and I will repeat that the concerns are that such externally imposed fundamental changes are being made without demonstrated consideration of the short term, medium term, long term consequences for the Norfolk Island community. The wholesale removal of immigration control in respect of Australian and New Zealand citizens from anywhere in the world without regard to the possible of adverse consequences Mr Anderson has just highlighted one of those adverse possibilities. Let's not rush this through. This is this island's future. There's a lot more work to be done. Chief Minister you have said in your most recent Press Release the Commonwealth is unable to extend it's

Migration Act to here, ask the question why not? Why not? Thank you Mr Deputy Speaker. In all seriousness through you Mr Deputy Speaker just as we have potential difficulties so have they. Let's all get it right for the rest of this community into the future, because it's my children and hopefully my grandchildren who are the ones that are going to have to bear the brunt for this not me. Thank you Mr Deputy Speaker.

MR BUFFETT

If others have had opportunity I wonder if I might conclude Mr Deputy Speaker. I do thank everyone for all of their contributions. Having heard them may I just state this which is the obvious. There is no perfect immigration system in any country that I know of in the world. Those who have lived in Norfolk Island for some considerable number of years will know that cyclically the matter of immigration comes to the table, and it has now come to the table in a significant time in our time. I ought to say that I've seen it another in other times as well, and it raises similar difficulties, not always the same difficulties each time and we need to progress through them. So I just make that mention. If we think that we're going to find the perfect system it is not available to us regrettably but it is not available to use, history has shown that. The next point I would really like to just make mention of is that again having heard the debate around the table at this time, we've got a way to go yet to put it very bluntly there are some who are saying it's not going far enough on the one hand, and those on the other hand who are saying it's going too far. This obviously has tried to move a course where there might be some degree of acceptability in a wider range. I'm endeavouring to gain such acceptability, but I understand the difficulties and I understand that we have still issues to work through. One of the principal things that has been mentioned in my view around the table is are we exercising our own minds or is the Commonwealth pressing us to make up our minds and one must be frank to say that there is an element of both. In terms of exercising our own minds, some have said what substance do you have to move this course. Well let me refer you to the Economic Development Study for example which is a professional study that has indicated very clearly that we've got to lift the numbers in terms of both resident and visitor population, and this is one of the methods to do that. So it is not the only, if people think that this is the b all and end all and that this will be the saviour of our economic situation that's not the claim at all. This is one measure that we need to undertake to ensure that there is a greater flow of people, greater opportunity for business opportunity and therefore lead on to economic viability and sustainability and vibrancy in the Norfolk Island community, and the Economic Development Study, professional study has given us guidelines as to how we should proceed to achieve that. Some have mentioned other place, Jersey for example. Mr Deputy Speaker I think you mentioned Jersey. Jersey at this moment do have a reasonable vibrancy in terms of people wanting to go there and actually going there. That's not our experience at this moment. Our experience is that there's nobody on our books. Somebody mentioned, it may again have been you Mr Deputy Speaker, mention that we don't have a waiting list and that's very true and therefore we need to create a climate whereby there is encouragement for people to come to the place if we are to then move onwards in a vibrant way. So these are efforts to actually solve that difficulty and I need to point that out to you. This particular piece of legislation should it pass the House will need Australian assent. I think Mr King it may have been raised the matter we might have used the words "upon passage through this House" I would need to check those words if they were the words. I obviously need to say that for the finalisation of legislation it needs to not only pass this House but receive assent and I think that would have been the intent of uttering those words and so if we're to swing something on it, I think I need to give it that clarity. Our process not needs to not only pass this House but receive assent by the appropriate authorities which will include input from the Australian Government. Mr Craig in some of his final words indicated that it would be useful to be able to exhibit that to the Commonwealth so that they may speak up about it and that's the aim having brought it to this stage. I do want to say this because it has been mentioned a number of times, I have mentioned it too so that we will see it in context. We are about significant changes in this place, we need to make these changes, we are not able to sustain that which we are accustomed to and has been out life for generations now. But having said that we did survive in the climate that proceeded the present and we survived because the community was able

to live within the confines of its living then, and it was well served by the various governmental activities that have led us to date. The Norfolk Island community has survived. Mr Deputy Speaker you spoke of this and I understand that Madam Speaker would have spoken of this, has survived and that is to be complimented that such survival was achieved and was able to sustain Norfolk Island. But that is not an excuse for not understanding that we are no longer able to do those very things in exactly the same way. In the acknowledgement of the past we must give great credit to those who have made that achievement but we must equally recognise that there is now a need, a need for the changes that we are about. Madam Speaker I again thank everyone for their contributions and so might I conclude by saying this. There have been some queries about where is the particular piece of legislation that extend to the visitor permit from 30 days to 120 days. Today I have had it exhibited to me from the Office of the Administrator that he has the Minister's instruction to declare assent to that proposed law and so I can imagine that at the next EXCO meeting that would happen and then the processes for that would follow.

DEPUTY SPEAKER
Minister to move.

Any further debate. No further debate. I call on Chief

MR BUFFETT

Mr Deputy Speaker I think it's the stage where I move that debate be adjourned and the debate mad an Order of the Day for a subsequent day of sitting.

QUESTION PUT
QUESTION AGREED

INTERPRETATION (AMENDMENT) BILL 2012-11-24

MR BUFFETT

Thank you Madam Speaker. I present the Interpretation (Amendment) Bill 2012, I move that the Bill be agreed to in principle and I do table the Explanatory Memorandum to the Bill.

MADAM SPEAKER

Thank you Chief Minister. The question is that the Motion be agreed to. Debate.

MR BUFFETT

Thank you Madam Speaker. The purpose of this particular Bill is to give formal effect in Norfolk Island law to the changes to references in various pieces of legislation to members of the Executive Council of Norfolk Island. Previously members were known in the law as Executive Member, although generally referred to as Minister. The Territories Law Reform Act of 2010 which is a Commonwealth piece of legislation formally changed the title from Executive Member to Minister. So the Interpretation Act 1979, that's our piece of legislation provides reference to common words and expressions used in Norfolk Island legislation and at present the legislation defines the expression Executive Member and Minister. Because of the passage of that Bill that I referred to or the law that the Act that I referred to the Territories Law Reform Act 2010 these expressions as defined are in conflict. This Bill proposed to adjust that to give it a proper perspective. It addresses the matter of Executive Member to Norfolk Island Minister, it also gives clarity to the word Minister when it refers to the Commonwealth Minister and it gives further definition to the word "property" in this particular piece of legislation. So it's not a complex piece of legislation. It is consequential upon a number of happenings in a number of areas I commend it to the House Madam Speaker

MADAM SPEAKER

Thank you. Debate.

MR BUFFETT

Madam Speaker that this matter be adjourned and made an Order of the Day for a subsequent day of sitting.

QUESTION PUT

QUESTION AGREED

MADAM SPEAKER

The Minutes will record that Mrs Ward is absent from the table.

TOURIST ACCOMMODATION (AMENDMENT NO 2) BILL 2012-11-25

MR NOBBS

Thank you Madam Speaker. I circulated to Members and on the Notice Paper today is the Tourism Accommodation Amendment No 2 Bill. I'll read from the Explanatory Memorandum then I'll give further.... Madam Speaker I present the Tourism Accommodation Amendment No 2 Bill 2012 and move that the Bill be agreed to in principle. I table the Explanatory Memorandum and the Bill.

MADAM SPEAKER

Thank you Minister Nobbs. The question before the House is that the Motion be agreed to.

MR NOBBS

Thank you Madam Speaker. To read from the Explanatory Memorandum this Bill builds on the amendments recently made to the Tourist Accommodation Act 1984 by the Tourist Accommodation Amendment Act 2012. The purposes of the changes is to further relieve regulation of tourist accommodation houses. The Bill is divided into 3 parts and Part 1 – clause 1 provides the short title, Clause 2 provides that the first 2 section Item 1 of the Schedule in Section 3 and Section 4 commence on gazettal. While the changes in the remaining items of the Schedule in Section 3 will commence on the 30th June 2013. In Part 2 – Clause – 3 sets out in a Schedule amendments to the Tourist Accommodation Act 1984. The Schedule provides a number of itemised amendments as follows. Item 1 inserts a definition of visitor that affects the meaning of defined expression tourist accommodation house so that it relates only to places where people are expected to stay for 21 days or less. Item 2 repeals paragraph 5 (3) b in order to exclude a requirement to provide details relating to corporate ownership. Item 3 amends Section 7 to remove a cross reference in subsection (2) to a section to be repealed and to remove a reference to quotas in paragraph 3 A (a). Item 4 repeals Sections 8, 8a and 8b that relate to quotas. Item 5 repeals Section 15a that deals with transfer of registration of certain tourist accommodation houses. Item 6 repeals subsection 26 (6) to remove reference to sections relating to quotas that are repealed by Item 4. Item 7 amends subsection 27 (1) to remove reference to subsection 2 that is repealed. Item 8 repeals subsection 29 (4) and cross reference to Section 8 that is repealed by Item 4, and in Part 3 Clause 4 sets out amendments made to the Planning Act 2002 and repeals provisions relating to tourist accommodation houses that are not applicable with the amendments to the Tourist Accommodation Act 1984 made by Clause 3. Madam Speaker if I can put all that into simplified English it means that there will be an introduction of a definition for a visitor that is staying less than 21 days who will be required to stay if the accommodation is to be paid for in registered accommodation and this sorts out a bit of an anomaly that was within the legislation previously and you'll find it in page 2 of your Tourist Accommodation Act 1984 within the definitions that previously it was an all encompassing definition that really meant that everyone should be in paid accommodation as in anyone who is here as a visitor or even could be defined as a permanent resident. So that not only sorts out that issues it also provides a methodology if we are moving down the track of changing the terminologies in the Immigration Act for a UEP. Within the amendments as well Madam Speaker is changes to in effect remove the quota and references to the quota that would take effect from the 30th June next year and that is something that I discussed when we had the sitting in September that I would move towards a timed removal of the quota given that there were some impacts that were notified to me at that point in time, and so it was in effect to look towards a happy medium for want of a better way of putting it in a transition process. So the part 3 Clause 4 is a change to the Planning Act which enables the plans of someone's development application for an accommodation house to be submitted to the CEO or to Planning without having a position on the quota. So what that will enable is that in the

meantime between now and the end of June those persons, should this gain assent, and I intend to adjourn this at the end of debate this morning so that we can discuss it and take any feedback from that prior to finalising it. It will mean that people have the capacity to have their development application's assessed for an alteration or a new structure for tourism accommodation without having to have a position on the quota. So that sorts out a number of issues along the way.

MR KING Given certain changes that are occurring in my life and business interests I am in process of negotiations in the purchase of a tourist accommodation house, not yet complete. Does that satisfy you now Mrs Griffiths.

MADAM SPEAKER For the record Mr King the code of conduct allows Members to register just required you to

MR KING Yes Madam Speaker I did say that I'm in the process of negotiations so it doesn't constitute a conflict. In any event and despite all that Madam Speaker if I were called upon to vote on anything which would continue to wind back regulation or open up the accommodation industry then I would support it in any event. I wonder what ever happened Madam Speaker to the days when the Explanatory Memorandum was just simply that which provided us with an explanation of what the blazes a Bill was doing in layman's language that you can understand instead of reproducing a number of.. almost a reproduction of the Bill itself you know. Item 2 repeals paragraph 5 (3)b, item 4 repeals Section 8, 8a and 8b. I mean you can read that in the Bill. It doesn't tell me much and I'm not much further advanced with respect from Mr Nobbs' presentation but I'm interested to learn more about what it all means in the time between now and the second reading. Thank you.

MR SNELL Thank you Madam Speaker. I'm concerned at the implications of this amendment to the Bill in consideration of what has passed previously in this House and in particular to Item 4 repeals Section 8, 8a, and 8b that relate to the quotas and I ask the Minister and I refer him to 22nd July this year Minister when you circulated responses from the Commonwealth and Westpac Banks that showed the potential financial impact on tourist accommodation owners should the quota and unit licences be removed. To quote from the Commonwealth Bank Property Consultant and Risk Management Department of the Bank and I quote "Removal of the existing quota for a maximum number of unit licences" and from the letter I quote "this may have the potential to reduce the value of a number of our security properties. At present unit licences do provide a barrier to entry and this creates a value for those accommodation properties. That value has been relied upon by the Bank when assessing the loan applications. The Bank considers a material change to be in the order of a 5% change in value, although we may in instances allow variations based on cash flow and debt serviceability in the order of 15%. Any variation outside of this may/will require the revaluation of these properties and if they have fallen in value outside of security limits then the clients may be required to provide additional equity or reduce their exposure. This may be the case for a number of accommodation properties on Norfolk Island, and if they were to lose their unit licences which they have provided a financial value to the properties in the past". Minister given that the media release is dealing with the next funding agreement indicate a requirement to remove these licences and the quota has any financial or risk analysis been provided by Minister Crean's Department to allay the concerns you raised in your 22 July document and at the September sitting.

MR NOBBS Thank you Madam Speaker. Thank you Mr Snell. At this point in time I don't have any further documentation from the Department or any analysis that has been provided to support the change, so I do take that point. It is worth noting that the Norfolk Island Government supports the removal of the obstacles that we may place in the management of these areas but I've certainly in the September sitting highlighted that there could be those financial implications and hence that was my reason for a transition

arrangement but yes certainly perhaps I can seek some advice from the Department if they have any advice there. Thank you.

MRS WARD

Thank you Madam Speaker. Just a brief comment really in response to people in the community who have asked the question of me, when can I convert my house into accommodation? What I would say based on what's before us today is don't get too excited this Bill has got to sit on the table for another month before you can do anything but then what you will be at liberty to do is lodge a development application with the Planning Officer but if the Bill proceeds you will not be allowed to start renting to visitors until the 30th June. So those people will have to go through a whole summer period without being able to provide to the wants and needs of customers, visitors, consumers who potentially want to rent a big island home for their family. I'm afraid that I would have to say to them a legislation won't change to a point where your going to be able to do that until the 30th June next year. If that's correct would the Minister please clarify that and we'll discuss the Bill more I'm sure.

MR NOBBS

Thank you Madam Speaker . I'm happy to clarify that. That's exactly in line with how I detailed the translation after the Explanatory Memorandum is that there is the capacity for someone if this Bill is given assent, to put their Planning proposals in advance of June 30th and have them assessed so that they are able to do something productive between now and then. It is also worth noting in the context of what Mrs Ward has raised in terms of a family home or a home being proposed as that tourist accommodation that that will still be subject to Planning and Zoning.

DEPUTY SPEAKER

Any further debate.

MS ADAMS

Thank you Mr Deputy Speaker. As advised at 6 June 2012 sitting of the House Section 4D of the Legislative Assembly Register of Members Interest Act 2004 requires that a Member shall make full disclosure to the Assembly pecuniary or otherwise that they may have. I'm a paid employee of a single unit tourist accommodation house called Lavendula Garden Cottage and I am not related to the owners. At the September sitting of the House we passed the Tourist Accommodation Amendment Bill 2012. That Bill originally contained provisions to remove the quota. By detail stage amendment the proposal to remove the quota provisions was removed. In the course of debate minister Nobbs explained that he was not proceeding with removal of the quota and I quote "as a result of information provided by local Bank Manager's an Evaluator, ? Norfolk Island properties". Minister Nobbs went on to say that " as a responsible Government we need to be mindful of the refinancing and re evaluation implications that immediate removal of the quota and unit licence system will have on the sector, particularly over the next 12 months". Minister Nobbs did give advance notice of a future amendment to the Tourist Accommodation Act to deal with the quota that enables an increase in the quota through a review process and I repeat, through a review process. The Bill before us today does not deal with a review process as foreshadowed. It seeks to remove the quota provisions legislatively after June 2013. In debating the Bill it's important to remind ourselves of the following quotes from the local Banks and the ones that I will quote are not the one that Mr Snell did. One bank said "we would be concerned that removal of the existing quota for maximum number of unit licences issued would in all likelihood adversely affect tourism property values generally and as a consequence reduce bank lending values". The other Bank reported advice from Headquarters that the proposal "may have the potential to reduce the value of a number of our security properties. At present unit licences do provide a barrier to entry and this creates a value for those accommodation properties. That value has been relied upon by the Bank when accessing the loan applications". Yes the Roadmap and Funding Agreements require the removal of local barriers to investment and competition. However as legislators we are expected to legislate for the peace, order and good government of Norfolk Island and our Assembly Prayer confirms this each time it is read, where we seek guidance that our deliberations are for the advancement of the true welfare of the people of Norfolk Island.

Therefore I must ask myself will the Bill before the House advance the true welfare of the people of our island and my answer at this time is no. Will it impact negatively on our community and on the business people in this community who have served us well in providing accommodation for our visitors through the good times and the lean times and my answer must be yes. At this time I will not be supporting the Bill. However Honourable Members the real issue before the House today both in respect of this Bill and in respect of other Bills that will surely follow the Tourist Accommodation Amendment No 2 Bill is whether or not the independence and sovereignty of our parliament is being compromised. Let me explain why this is relevant to debate on the Bill before us. In a media Release of 23 October 2012 the Chief Minister advised that Minister Crean had pledged \$4.5 to enable the Norfolk Island Government to fund essential services until the end of 2012/13. However he further advised that funding would be dependent on us doing as we are told in certain regards and Mr King alluded to this earlier in debate on another Bill, the difficulty of having to do as we are told. Minister Crean has expressed his concern at our reticence to improve the island's own source revenue options. Minister Crean highlights the expectations of the Australian Government of steps toward genuine reform as part of any funding package. It is understood the payment of any funding by the Commonwealth will be subject to the Norfolk Island Government meeting agreed milestones and that the meeting of milestones will be monitored by the Administrator and the Commonwealth Financial Officer who will report back to the Commonwealth and how we're behaving because how we are behaving will determine the release of funds. The milestones are presumably those highlighted in the Chief Minister's Press Release of 23 October, one of which is "commitment to the removal of accommodation quotas presently controlled by the Tourist Accommodation Act". I ask Members to note the date of the Press Release 23 October 2012. I further ask Members to note that the House dealt with the quota issue to finality on 19 September 2012 one month earlier and I have already mentioned too the reasons why the removal of the quota did not proceed at the September sitting. One must therefore ask the question why is the removal of the quota a milestone to be met when the Norfolk Island Parliament has already dealt with the quota issue for the time being. The only conclusion that I have been able to draw from the Federal Government's milestone is that it is endeavouring to influence the Parliament. My concern for the independence and sovereignty of the Parliament is so enshrined in my being that I was prompted on 26 October to write to Minister Crean as I previously announced through duty of care on behalf of the electorate and as a Member of the 13th Legislative Assembly of Norfolk Island in light of my consequent responsibilities to the Norfolk Island community and I quote from my letter. "I'm writing to you Minister to express my concern at the current practice of linking urgent financial assistance to passage of legislation by the Legislative Assembly in terms dictated at Commonwealth Departmental or Ministerial level, and I referred to the removal of the Tourist Accommodation Quota. I understand from the Chief Minister's Press Release that Commonwealth funding is to be conditional on the Norfolk Island's commitment to the removal of accommodation quotas presently controlled by the Tourist Accommodation Act. I am concerned as to whether the Norfolk Island Government "commitment " as a condition of funding effectively means the passage of acceptable legislation by this Parliament, by the Legislative Assembly. I seek your assurance that this is not the intention. I go on in my letter to Minister Crean. You will be aware that on 6 June 2012 the Legislative Assembly introduced the Tourist Accommodation (Amendment) Bill 2012. The Bill included provisions to remove the accommodation quota. Following extensive community representation to Assembly Members the Bill was amended and passed on 19th September 2012. The Amendments agreed by the Assembly were to retain the current quota provisions. The Bill was submitted for assent at the Executive Council Meeting of 9 October 2012. I understand that you did not exercise your power under Section 21 (5) of the Norfolk Island Act 1979 Commonwealth to issue instructions to the Administrator regarding this position on amendment of the Bill. Consequently the Administrator was obliged to act in accordance with the advice of the Executive Council. A reasonable conclusion therefore was that in the absence of disallowance for recommendations as to amendment by the Governor General under Section 23 of the Norfolk Island Act 1979 the parliamentary processes have been completed in respect to the Tourist Accommodation Amendment Act 2012. In these

circumstances the specific inclusion that the removal of tourist accommodation quotas in a proposed Funding Agreement is inappropriate in light of the range of statutory approaches available to the Commonwealth. Rather than a Funding Agreement signed by bureaucrats who do not have the power to bind an electorate parliament the Norfolk Island Act of 1979 of the Commonwealth provides the options such as; under Section 23 the Governor General may disallow all or part of the Tourist Accommodation Amendment Act 2012 or recommend any amendments to the laws of Norfolk Island. Under Section 26 the Governor General may introduce a proposed law into the Legislative Assembly. Under Section 26 A you as responsible Commonwealth Minister may introduce a proposed law into the Legislative Assembly and if appropriate the Governor General has legislative powers under Section 27 regarding the making of an ordinance. Exercise of the statutory powers available to the Commonwealth under the Norfolk Island Act of 1979 of the Commonwealth is surely the appropriate measure to be used. Thank you.

DEPUTY SPEAKER Any further debate.

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

DEPUTY SPEAKER I put the question that the motion be agreed to

QUESTION PUT
QUESTION AGREED
Ms Adams abstained.

QUESTION ON NOTICE 449 - SUPPLY CONTRACT FOR FUEL

MR KING Thank you Madam Speaker. The House I'm sure will understand that this is simply a procedural Motion, it's not a substantive Motion which either seeks to endorse or to oppose the position of the Government's decision taken in respect of the supply contract for fuel, it is simply a device to open up debate on the substance of an answer to a question. Madam Speaker I've been pursuing this matter for about 6 months. The fact that the House meets only once each month and the fact that our parliamentary committee's are to use the Chief Minister's words moribund, no money, resources in decline and therefore little capacity, all conspires for me the non Executive or backbencher like me fully frustrated, uninformed and of perhaps of little value to his or her constituents in ferreting out the truth of a matter. Add to that the lack of media examination inquiry and it all leads to a political environment in which Minister's can succeed in hiding the truth of a matter or at least obscuring the truth. It's pretty clear to me that some of long standing have understood this to be the case and exploited it. I said on the last occasion Madam Speaker that we spoke on this matter..

MR BUFFETT Point of Order. Are you in fact saying that Minister's are hiding or obscuring the truth I question whether that's an appropriate terminology to be used.

MADAM SPEAKER No that is no an appropriate term and that's an...

MR KING Against who Madam Speaker?

MADAM SPEAKER Minister's. I have always tried Mr King to be aware that former Members, Minister do not have the right of reply and I ask Members to bear that in mind when reflecting on former Minister's, Members who are identifiable that the dignity of the Parliament be preserved. Thank you.

MR KING

Well the purpose of the Parliament might ought to be taken into account as well Madam Speaker but I thank you for your ruling. I said on the last occasion that I'm not satisfied that the best interests of the island have been served by the process that has led to a simple rollover of the existing fuel supply contracts. The Chief Minister stated in his brief reply that he was partly precluded from responding to my questions because a decision on a freedom of information application was under review. Perhaps this is something that ought to be addresses by me earlier in my debate Madam Speaker lest it be raised again as an obstacle. Madam Speaker I've said before, stated my view that this is a representative Chamber of the people with a fundamental privilege of free speech being the single most important right attached to membership of this House. The House of Commons in 2001 agreed a Motion which reinforced the sub judiciary rule that I referred to at the last sitting when I suggested that if the Chief Minister was invoking the sub judiciary rule then it was indeed a far stretch. No Point of Order is that ok Madam Speaker. That rule Madam Speaker as you I'm sure be aware is the only rule, the only rule that impinges upon the almost unbridled right of the Parliament right to discuss any matter that it pleases, subject of course to its Standing Orders. If we have a specific rule in our Standing Orders that discusses the sub judiciary rule I'm not aware of it. I do know however that in other Parliaments, including some that specifically included the rule in their Standing Orders that it, the rule precludes members bringing up matters in debates questions and motions that are awaiting adjudication in the Court of law. The sub judiciary rule is considered necessary Madam Speaker I'm informed Madam Speaker from my reading, not only to preserve proper relations between the Courts and the Parliament but to ensure that trials are not prejudiced by parliamentary examination and comment. The fact Madam Speaker that the matter is a subject of an FOI application or even a review of a decision in an FOI application cannot fall within the sub judiciary rule nor can it in my view impede parliamentary discussion on the subject matter of the FOI application in any other way. Purely Madam Speaker to do so would be to trample over that basic fundamental right in Parliament to free speech, and the result if it were allowed to intrude would be simply too ridiculous to contemplate Madam Speaker as it would follow that any appeal at whatever level of tribunal or authority outside of the Courts would serve to muzzle the Parliament on unacceptable and wide range of issues. I return Madam Speaker to the issue of the fuel supplier. This is an opportunity I see it, as to satisfy me and to others. Others may not need to be satisfied to the extent that I am which is my right to seek satisfaction in relation to these matters and others in the community Madam Speaker. It's an opportunity to roll out what is the full facts, what are the full facts, what are the truth about this issues, full facts. I say full facts Madam Speaker about the issue, however ugly they might be and however damaging it might be in the run up to an election here on the island. Perhaps the time Madam Speaker for the Minister and the Government to convince the community that it has done everything it can possibly do to ensure best outcome in fuel costs, costs of course which are almost double that of the Mainland main centre bowsers. A time Madam Speaker to fess up. Maybe Madam Speaker that might convince the electors out there that the existing Government Members might be worthy of re election in a few months time. The Chief Minister has informed the House that public procurement procedures in the Administration are established by law and guidelines. He has said that they have 3 primary objectives, to provide value to the community from the expenditure of its money, the community's money, and that to achieve that there should be open and effective competition and fairness and equity. The Chief Minister informed us that our own procurement guidelines at the time of his statement or dated around about 2004 when they were being adjusted to ensure compliance with the Finance Minister's orders. Seven months later his Minister with responsibility for fuel Mr Nobbs told us in the House that that update had not been completed and like a lot of other things was underway and I don't know if this review has occurred Madam Speaker a further 4 months down the track as we are now. Maybe the time is right to offer that assurance that those guidelines are now in compliance. The Chief Minister informed us in terms of the guidelines that supply services which exceed \$50,000 which most certainly is the case in respect of fuel supply, excessively above that limit that that must be the subject of a public tender process. Despite all this Madam Speaker we're informed firstly by the Minister who has responsibility for fuel supply Mr Nobbs that the Government has simply rolled over the

existing contract, but Madam Speaker he did say that things are underway to ensure that the procurement rules are followed when the contract next falls due in a couple of years time. He even did a little name dropping Madam Speaker telling us and the community that the Federal Minister Mr Crean had given his approval to the rollover of the current fuel supply. Madam Speaker perhaps that was meant to satisfy the community that the whole process was kosher and above board, all under control and given the thumbs up by the big guns as it were. Well Madam Speaker I don't really know whether Mr Crean had a proper role or I don't understand or know the extent of his role in this particular matter, but assuming he did have a valid role I would certainly like to know what he was told that satisfied him, satisfied him that proper procedures had been followed. That's a simple request Madam Speaker. Just tell me what it was that was told to Mr Crean. He, I remind the House and the Government is not an elected member of this forum here, I am, and I want to know. Please don't insult my intelligence by talking to me about that he Mr Crean was prepared to accept the scant information that you've given to this House and the excuses of confidentiality clauses and outstanding FOI requests. I just wouldn't accept that he would be prepared to accept those things. He's not stupid Madam Speaker, nor am I. But I have one thing up on Mr Crean in this debate, I'm an elected Member of this community, he's not. I deserve to know what he knows about this situation. Was he given an assurance as we were by Mr Nobbs that the Government had done all it could and it would rollover because it was provided for and the current contract was the only option? Did Minister Crean share my suspicions that a rollover of the contract became necessary because the Government in Norfolk Island had failed to address the fuel supply issue judiciously and in a timely fashion? Was he told that the Government had allowed time and opportunity to pass them by and that they were faced with a significant contingent debt arising under the penalty provisions of the current supply contract? Or that the primary consideration in rolling over the contract was not to achieve the best outcomes for the community but simply to avoid the payment of the contingent debt? I would have thought Madam Speaker that given that the last occasion on which this contract was let by the Government a major beneficiary was a Minister of the Norfolk Island Government then, that there would be a desire for this Government to ensure that they are squeaky clean and fully open and accountable in everything that they have done regarding the contractual arrangements, not just to simply roll it over. Thank you.

MADAM SPEAKER

Any further debate. No debate. I put the question

QUESTION PUT

QUESTION AGREED

ANNUAL REPORT OF THE LEGAL AID ADVISORY COMMITTEE

MADAM SPEAKER

note of the Paper.

We are resuming on the question that the House take

MR KING

Thank you Madam Speaker. Again a procedural Motion, the outcome of which does not change anything in relation to report or the Governments position on it. Madam Speaker it occurs to me that the statutory requirements for the tabling of various reports in this House shouldn't it be viewed as a simple task or obligation to be met in a perfunctory manner by quietly tabling an uncirculated report without discussion or debate. All too often Madam Speaker we have seen reports tabled and statements made by the Government about which no prior notice has been given, certainly to us mere backbenchers about which there may well not have been any prior notice given to fellow Ministers. It's certainly not clear to me. It's often been said Madam Speaker that our job in this House is not done simply when a Bill passes through all its final stages. It is up to us to ensure that a Bill is properly administered and that is the reason why such statutory requirements are placed in those Bills for reporting back to this House. Those requirements cannot be met by the simple quiet tabling of a report. The Legal Aid system in Norfolk Island has been established since 1995. It's main objective which I think is quoted in the law, certainly the guidelines which are

established under the law was to ensure that disadvantaged persons in Norfolk Island have access to the law and its legal systems, at a level no less than that enjoyed by other persons in the island. Madam Speaker it would appear that that objective was met in 1995 through the development of a equitable set of guideline, equitable in those days, mirrored to a large degree on those established under the ACT Legal Aid system and to which the Norfolk Island system's statutorily linked. Unlike the guidelines elsewhere however Madam Speaker and the House has heard me complain of this in questions the Norfolk Island guidelines have never been updated and reviewed, never. Chief Minister has confirmed this fact in the House and he has informed the House today that his latest communication with the Legal Aid Committee to whom he has entrusted this task has said that we might have something to look at in 6 weeks time, that will take us up to somewhere around 18 years. Peculiarly there is some peculiarity Madam Speaker, the report makes no mention of this outstanding task nor does it make any mention of the Chief Minister requesting the Committee's review, nor Madam Speaker does the report suggest that the guidelines are inadequate in any way despite the fact that the income and assets test which were developed in 1995 were grossly outdated and remain expressed in 1995 dollar terms and values. I'm not privy Madam Speaker entirely to the manner in which the Legal Aid Committee has gone about its business and I don't wish to be critical of them. The Committee can of course only work with the tools that it's been given and the law required the Committee to take account of the guidelines in determining any application for assistance. What is not clear to me Madam Speaker is whether the Committee has felt inextricably bound by the guideline or whether it has acted with some flexibility. Whatever the answer might be to that question, it remains a fact that the guidelines act as a deterrent to any person who might have been astute enough to read them before making an application. On any casual reading Madam Speaker the guidelines would serve to dissuade any but the complete and utter destitute from applying. The law and the guidelines Madam Speaker require an applicant to satisfy both an income test and an assets test to be eligible for assistance. Having passed both those tests Madam Speaker the applicant is then called upon to make a contribution to the expected legal costs based on what the assessable income and assessable assets might be. Unfortunately as a result of the failure to review and update as I said the guidelines act to dissuade, to prohibit and to exclude persons who are in this current day and age would be regarded as disadvantaged persons. For example Madam Speaker in assessing an applicants, if an applicants income is too high to qualify for assistance there are allowable deductions for certain expenses. For example our guidelines, unadjusted for 17 years allows a deduction for housing costs, rent, mortgage payments and the like of \$135 per week. The same category of deduction allowable in the ACT system it's self adjusting, it's linked to an annual adjusted medium rental figure but the current figure works out at around \$500 per week. I mean it's not even close. Similarly our child care costs are capped at \$80 per week as an allowable deduction from your assessable income, whilst the corresponding maximum in the ACT is about \$500 per week, and basically the income test in our guidelines is that a person earning more than \$135 after allowable deductions is ineligible for assistance, \$135. Elsewhere this figure is linked again to a self adjusting external source and adjusted automatically each month and that's something of course that we might look at as a mechanism to avoid what has happened. No adjustment for 17 or 18 years. Equally preposterous Madam Speaker is the assets test contained in our guidelines. Again inconsistent with what happens elsewhere. Our numerical test results in excluding all but the bankrupt from accessing legal aid. That's not what was intended. A good example is if the Norfolk Island assets test allows an applicant to exclude form his allowable assets the equity in his home to a maximum of only \$135,000 whilst in the ACT again as an example of annual adjustment, and remember of course that we are statutorily linked to the ACT, they exclude equity of some \$490,000, broad disparity, and inexcusable Madam Speaker and of course it would come as no surprise to read in the Committee's Annual Report that there were only 2 applications last year, when having read the guideline why would you apply, and in any event those two having applied were refused and there were a further 4 inquiries which were not followed up with an application, little wonder Madam Speaker, little wonder indeed. I take this opportunity Madam Speaker to call loudly on the Government to rectify this totally unsatisfactory situation asap. Thank you.

MR BUFFETT

Thank you Madam Speaker. I thank Mr King for his contribution in terms of this debate. I just make the point that the Government has taken action to revise those guidelines to which he has made interesting comment. I just additionally say this, that I'm very happy to extract from Hansard those comments that he has made upon the present level to provide it to the Legal Aid Advisory Committee so that they might make some of the comparisons that he has been making, see if they would find relevance to their task at present. Thank you.

MADAM SPEAKER
I put the question.

Thank you Chief Minister. Further debate.

QUESTION PUT
QUESTION AGREED

ANNUAL REPORT OF THE NORFOLK ISLAND PUBLIC SERVICE BOARD

MADAM SPEAKER
House take note of the paper.

We resume on the question that the

MR KING

Thank you Madam Speaker. My intention was in moving that the House take note of this paper on the last occasion and then adjourn it was to inform myself on the contents of the Annual Report lodged by the Public Service Board. I must say that I have done with a little sadness knowing that it would appear in any event that the Public Service Board is in its dying throes. I nevertheless make the comment that even though the Chief Minister has heralded a new Public Sector Management Act which does not include a Public Service Board that he or the Government may well take into account some of the criticisms that have been raised in the Public Service Board's Report, and I understand also that some of the criticism that the current Board has raised in respect of the manner in which it felt it had been treated by the ASIC Report some several months ago has been attended to or has resulted in some correspondence from the Chief Minister about which I can't say whether it was favourably received or not, but I'm sure they are grateful for having some words from the Chief Minister in that regard. Given Madam Speaker the Public Service Board may well be in its dying throes, of course that won't happen for several months but I simply take this opportunity to pass the debate over to someone else to thank those people who take on those tasks. They do a thankless job and they certainly must have felt that way over the past several months in light of the comments in the ASIC Report. Thank you.

MRS WARD

Thank you Madam Speaker and I will follow in from Mr King and use the opportunity that he's provided in noting this Annual Report from the Public Service Board, because yes it may well be if we look at the conditions, that there is to be removal of the Public Sector Board within the Public Sector Management Act and the Chief Minister has already alluded to that this morning. We may in fact be using some completely different appeal mechanism in the future. I just want to point out that the criticisms that were raised by the Board in response to the ACIG Report that the Chief Minister did relay those concerns to us some months ago and then it is my understanding that the Chief Minister did indeed respond to them. We of course can't make comment. I don't feel that I can because that was an independent Report. However the Board has raised some concerns where they have dealt with provisions under Section 18 of the Public Sector Management Act and again under Part 5 of the Act they have dealt recently with a matter where they are saying that the way management has failed to implement aspects of the Human Resources and Policies and Procedures over many years had clearly taken place. I think that's a very serious statement. I guess really I just want to pull all of these points that the Board has made and ensure that they are being taken seriously and into account within the development of the new Public Sector Management Act. Thank you,

MR BUFFETT If I'm the last one to conclude Madam Speaker. I thank Members for their comment. May I say this Madam Speaker. The Board has made commentary in terms of its Report and whether or no there is a continuity of the Board, their commentary in terms of how things are to be shaped by a Public Sector Management arrangement into the future is valuable, and whether or no the PSB continues in its role, the role that it has played is to be valued by us and is valued by us, and I want to reinforce words that have been said just previously about appreciation of the task that they over a period of years, and not only the present Board but previous members of the Board, given their time and their expertise. The Norfolk Island Government and the community is grateful for their effort. I warmly say that.

MADAM SPEAKER

Thank you. Any further debate. I put the question.

QUESTION PUT
QUESTION AGREED

GOODS AND SERVICES TAX (AMENDMENT NO 2) BILL 2012

MADAM SPEAKER

We resume on the question that the Bill be agreed to in principle.

MR BUFFETT Thank you Madam Speaker. Madam Speaker this debate is about the Goods and Services Tax Amendment Bill 2012 introduced at an earlier sitting, now brought forward for finalisation. I state again Madam Speaker that the purpose of this Bill is to increase the penalty for failure to pay GST that is payable at the time of a return, a return that is lodged under Section 12 of the Act. At present the penalty is 5 penalty units, that is a penalty that appears not a sufficient deterrent in some instances to non payment. Accordingly it is proposed that the penalty be increased to 25 penalty units for a natural persona and 50 for a company and this brings the penalty in line with that in Section 10 (2). In other words the penalty for not lodging a form is the same as the penalty for not lodging the money, because to date especially in our more difficult circumstances regrettably people have been lodging a form, but not necessarily the money, and this is an effort to try and bring parity to the two activities together so that the public purse obviously is continued in a way commensurate with the turnover of funds in the various areas in the community. I don't think there is a great deal to be said further except to emphasis that that's what the Bill is about.

MR SNELL

Thank you Madam Speaker. If I could ask the Chief Minister the collection of GST and the fault as you have pointed out with the introduction of this legislation, are you able to identify whether there is a problem with not having collected monies or monies not being paid at the time of the lodgement of the form?

MR BUFFETT

This problem that is covered by this legislation is not imaginary.

MADAM SPEAKER

Any further debate. I put the question.

QUESTION PUT
QUESTION AGREED

MADAM SPEAKER

We move now to the detail stage. Is it the wish of the house to dispense of the detail stage? Thank you Honourable Members. Chief Minister I seek a final motion

MR BUFFETT

Madam Speaker I move that the Bill be agreed to

QUESTION PUT
QUESTION AGREED

**ORDER OF THE DAY NO 7 – STATUS OF CHILDREN
BILL 2012-11-25**

MADAM SPEAKER
agreed to in principle.

We resume on the question that the Bill be

MR BUFFETT

Thank you Madam Speaker. Madam Speaker the objects of this Bill is to reform the law concerning the status of ex nuptial children. To enact provisions relating to parentage presumptions and parenting testing procedures, and to include such children in the same light that those who may be seen in more traditional arrangements under the law. This is about children who are in this situation. This is not a Bill about what the status of their parents might be but how children sit, whether or no there are in the more traditional mode of marital situations or the like, and as we know this is a situation that is becoming more wide spread within various communities and therefore the vulnerability of children becomes greater as this happens. I do understand that in terms of some of the parenting arrangements there is significant controversy. You see that expressed in the closest two countries to us Australian and New Zealand in various debates, but this is not about the parenting arrangement. This is about the status of children and this is to give them equality in the disposition and disposition of property and the like and their standing under various laws within this place and in other places obviously. In other places they have this law. In the Australian and New Zealand context have coverage of this, Norfolk Island does not at this stage. I do foreshadow Madam Speaker when we come to the detail stage that I will be proposing an amendment. It is to include a provision for children who are born in one of the fertilization programmes for parents who may be of the same sex. Again this is not a matter about parents but about the children, so that they equally have status. But Members have had an opportunity to look at this since it was last introduced. This is an effort now to finalise this particular piece of legislation and I think I've said enough in terms of this stage. I will speak again when we come to the detail stage.

MRS WARD

This Bill raises it's head as a result of the passing of the Wills Act recently in this House and we certainly need to pass this piece of legislation if we want to see that Bill properly administered in today's world, It is based on model legislation used by other Australian States and Territories and therefore I will be supporting the Bill. Obviously we'll move on to the detail stage but it is an entirely piece of new legislation for Norfolk Island and it's a Bill which reflects the way of the world or at least Australian when it comes to the rights of children, and we on Norfolk Island in this day and age are equally free to marry or not and to conceive children within or outside the confines of a legal union, and this Bill, respects and values the rights of children who are born beyond the confines of a traditional union in the same way as we value those who are born to a married couple. In other words Madam Speaker, this piece of legislation acknowledges and provides for ex nuptial children. The detail stage amendment if I may just speak to that briefly we'll move on to take into account a woman who is a de facto partner of another woman who has undergone a fertilization procedure as a result to which she becomes pregnant. That raises the question of the rights of the children who are adopted by male couples. The Bill goes onto cover cases arising from IVF treatment (4 procedures mentioned), it covers paternity acknowledgment and the Courts powers over these issue and other areas.

MADAM SPEAKER

Any further debate. I put the question.

QUESTION PUT

QUESTION AGREED

MADAM SPEAKER We move now to the detail stage and Chief Minister you have foreshadowed detail stage amendment.

MR BUFFETT Thank you Madam Speaker. I move that Clause 13 of the Bill be amended as follows and there are four Clauses in this particular amendment. I don't think I'll read it Madam Speaker I've circulated this but it does cover the Principle matter, the others are sub clause adjustment but the principle matter is that in fact what Mrs Ward just read out earlier. It covers this situation as an addition to the Bill that has already been introduced. When a woman who is the de facto partner of another woman has undergone a fertilization procedure as a result of which she becomes pregnant then the resulting children have coverage which is not the case unless we tackle this particular piece of amending legislation. I commend this detail amendment to so be considered by Members so that we might conclude this Bill with its inclusion.

MADAM SPEAKER Any debate. I put the question that the amendments be agreed to.

QUESTION PUT
QUESTION AGREED

MADAM SPEAKER The question that the Clause as amended be agreed to.

QUESTION PUT
QUESTION AGREED

MADAM SPEAKER Finally that the remainder of the Bill be agreed to.

QUESTION PUT
QUESTION AGREED

MR BUFFETT I move that the Bill as amended be agreed to.

QUESTION PUT
QUESTION AGREED

FIXING OF THE NEXT SITTING DAY

MRS GRIFFITHS Madam Speaker I move that this House at its rising adjourn until Wednesday 12th December 2012 at 10.00am

MADAM SPEAKER Is there any debate Honourable Members.

MR BUFFETT If I just may say this Madam Speaker. It is not in any way reflecting upon the date that is being proposed. It's just by way of an informative comment. If this is approved by Members there would be a proposal, proposed that we might meet again the week following that because there is a proposal that we would come with an amending budgetary arrangement at the sitting that Mrs Griffith is now proposing and then a week after that we would come together to endeavour to give that some finality. I just give notice in the context of this presentation for all Members. I think we've discussed how that might run I just say it in a public way at this time.

MADAM SPEAKER Thank you. Any further debate Honourable Members.

QUESTION PUT
QUESTION AGREED**ADJOURNMENT DEBATE**

MR ANDERSON Thank you Madam Speaker. It gives me great pleasure to move that this House do now adjourn.

MRS WARD Thank you Mr Deputy Speaker. I have been asked if I would place a Petition on the public record and it is my intention to do so because even though I may not agree with all of the points contained within I appreciate that it is a demonstration of the frustration felt by those people over the actions of this Assembly. It is therefore my privilege to act on behalf of 327 voters. This Petition is the same Petition as is referred to by His Honour the Administrator in an unofficial notice in the media dated 9th November 2012. I was originally asked to table the Petition but because the Petition is addressed to His Honour the Administrator and not this House I've been unable to do so. The petition is addressed to His Honour the Administrator and it says: Your Honour we the undersigned being eligible electors for the purposes of the Legislative Assembly Act 1979 hereby petition that you do in accordance with Section 6 of the Referendum Act 1964 direct a Referendum be held to ascertain the opinion of the electors of Norfolk Island on our claim that we the undersigned have no confidence in the current elected Government of Norfolk Island being the 13th Legislative Assembly of Norfolk Island for failing to exercise and deliver order, and good government in recent and current matters of crucial importance to the Norfolk Island community. We offer the examples of ; recent failings to give due weight and consideration to the will of the community as provided by the citizen initiated Referendum on the legislation of the Road Traffic Act amendments; failing to ensure adequate reserves of fuel to cope with the weather related supply interruptions; failing to carry out thorough open transparent and ongoing community consultation on the issues and directions which are contained in or are to follow from the Norfolk Island Roadmap as adopted by the Government and therefore making crucial decisions on which the Government neither has the mandate for nor the true word of the electors of Norfolk Island to do so. We site proposed changes to the Immigration Act as just one example; failing to protect the fishing heritage of the community and to ensure that it is not restricted now or in the future in or by the proposed Marine Bill. We the undersigned therefore pray that your Honour the Administrator consider our demand for an immediate election of a new Legislative Assembly having a mandate to act on those and other matters before it. As we know his Honour the Administrator has stated publically that he sought clarification of prior legal advice and he concluded that he did not have the power to direct a Referendum and therefore he would take no further action. I think it can be said that this Petition sends a very strong message that there is considerable and ongoing dissent about the Roadmap and the Marine Bill. The Petition sends a very strong message that some voters feel disenfranchised by this Assembly and the Federal Government. The Petition is in effect a vote of no confidence in the current Norfolk Island Government and Assembly. We all know Mr Deputy Speaker that any Member of this House could at any stage move to vote, could move a vote of no confidence in the Chief Minister. But we also know that on the 12th and possibly the 19th December we are to vote on a Supply Bill, and then the 13th Norfolk Island Legislative Assembly will have less than 3 months to run. The next election will in effect be a Referendum on the Roadmap and other issues, and living in a democracy as we do the people will again decide.

DEPUTY SPEAKER Thank you Mrs Ward. Any further debate.

MRS GRIFFITHS Mr Deputy Speaker I would ask that the paper be tabled.

DEPUTY SPEAKER Honourable Members the question is that the paper be tabled. The paper is so tabled.

MR KING

Thank you Mr Deputy Speaker. I don't think it would be right of me to let the opportunity pass without making some brief comment on the Petition and the efforts of 327 people, all power to them Mr Deputy Speaker. It is their basic right to complain and to lobby for changes in Government. Far be it from me to criticise. I have participated in citizen initiated Referendum for the exact same purposes. I can't say that I'm comfortable and happy about citizen initiated Referenda but I nevertheless have participated in their use over the years and as I've said exactly for the same occasion. I think I recall back in 1983 we walked the streets with the same purpose in mind to throw out the Assembly and the Government of that day which we did successfully and encourage a number of good people in the community, in fact almost the same proportion of people, whether they were the same people or not I don't know, but the same proportion voted for a ticket to reinstall the Buffett Government which had been thrown out in 1982. Whether we did the right thing or not history will judge us I imagine but Mr Buffett has been around ever since apart from his small brief absence, and I dips me lid to Mr Buffett for hanging about for all those years. That was a basic right to do those things. It's proved fruitless. I can't quite understand the difference between what we did in '83 to what these people did now and the reasons why the Petition was turned down by the Administrator. I did read the thing in the paper, maybe I ought to look more closely at it and the words that we used. Maybe they were inappropriate words. But we were successful in 1983 so maybe we should have engaged my help. Maybe I signed it I'm not quite sure. Madam Speaker it's one thing promoting a change in the Assembly and a change in Government. The most important follow up or additional step to take is for the drivers of those things to stand up and be counted. To be identified and to be counted, to let the community know that if they were successful in removing the Assembly and the Government that there would be certain identifiable individuals who are prepared to stand up and take their place. I'm not sure that that's been done on this occasion and that takes a little something away from it. But all power to them and to their organisation for the Petition.

DEPUTY SPEAKER

Any further debate. I put the Motion that the Paper be noted.

QUESTION PUT
QUESTION AGREED

DEPUTY SPEAKER

Any further debate.

MS ADAMS

Thank you Mr Deputy Speaker. Honourable Members I had intended this afternoon to read in full into Hansard the letter that I wrote to the Honourable Minister Simon Crean but I am very happy, if you are prepared to give me leave for it to be included into Hansard as read.

MRS GRIFFITHS

Mr Deputy Speaker I would prefer for Ms Adams to read it out for the listening public.

DEPUTY SPEAKER

It is my understanding Mrs Griffiths that it has been read before.

MS ADAMS

I had sought leave. It's up to the House whether leave is granted.

DEPUTY SPEAKER

Is leave granted for the paper to be included in the Hansard as having been read.

DEPUTY SPEAKER

Would you like the House called.

MRS ADAMS

No leave has been denied on one voice.

MR BUFFETT Mr Deputy Speaker I move that so much of Standing Orders be set aside so that this matter be heard in the context as earlier described.

DEPUTY SPEAKER Honourable Members I put that question

QUESTION PUT
QUESTION AGREED

MS ADAMS Thank you.

26 October 2012
Hon. Simon Crean MP
Minister for the Arts,
Minister for Regional Australia, Regional
Development and Local Government
Parliament House
Canberra ACT 2601

Dear Minister,

Proposed Funding Agreement for Norfolk Island

I am writing to you as a member of the 13th Legislative Assembly of Norfolk Island in light of my consequent responsibilities to the Norfolk Island community.

The Chief Minister the Hon David Buffett AM MLA issued a press release on 23 October 2012 entitled "Commonwealth Funding for Norfolk Island Essential Services". (Copy attached) The press release conveys your confirmation that \$4.5 million has been approved in the Commonwealth budget to fund essential services until the end of the 2012-13 financial year. Such desperately needed financial assistance however is not unconditional. The Chief Minister states:

"The \$4.5 Million does not come without the hard yards involved to facilitate change. There are a range of initiatives that the Norfolk Island Government must pursue as conditions to the funding being provided."

I am writing to you Minister to express my concern at the apparent practice of linking urgent financial assistance to passage of legislation by the Legislative Assembly in terms dictated at Commonwealth departmental or Ministerial level.

Removal of the Tourist Accommodation Quota

I understand from the Chief Minister's press release that Commonwealth funding is to be conditional on the Norfolk Island Government's "Commitment to the removal of accommodation quotas, presently controlled by the Tourist Accommodation Act". I am concerned as to whether the Norfolk Island Government "commitment" as a condition of funding effectively means the passage of acceptable legislation by the Legislative Assembly. I seek your assurance that this is not the intention.

You will be aware that on 6 June 2012 the Legislative Assembly introduced the Tourist Accommodation (Amendment) Bill 2012. The Bill included provisions to remove the accommodation quota. Following extensive community representation to Assembly members the Bill was amended and passed on 19 September 2012. The amendments agreed by the Assembly were to retain the current quota provisions.

The Bill was submitted for assent at the Executive Council meeting of 9 October 2012. I understand that you did not exercise your power under section 21(5) of the Norfolk Island Act 1979 (Cth) to issue instructions to the Administrator regarding disposition or amendment of the Bill. Consequently the Administrator was obliged to act in accordance with the advice of the Executive Council. A reasonable conclusion therefore was that, in the absence of disallowance or recommendations as to amendment by the Governor-General under section 23 of the Norfolk Island Act 1979 (Cth), the parliamentary processes have been completed in respect of the Tourist Accommodation (Amendment) Act 2012.

In these circumstances the specific inclusion of the removal of tourist accommodation quotas in a proposed funding agreement is inappropriate in light of the range of statutory approaches available to the Commonwealth.

Rather than a funding agreement signed by bureaucrats who do not have the power to bind an elected Parliament the Norfolk Island Act 1979 (Cth) provides the options such as – under section 23 the Governor-General may disallow all or part of the Tourist Accommodation (Amendment) Act 2012 or recommend any amendments to the laws of Norfolk Island;

under section 26 the Governor-General may introduce a proposed law into the Legislative Assembly;
under section 26A you as responsible Commonwealth Minister may introduce a proposed law into the Legislative Assembly; and
if appropriate the Governor-General has legislative powers under section 27 regarding the making of an ordinance.

Exercise of the statutory powers available to the Commonwealth under the Norfolk Island Act 1979 (Cth) is surely the appropriate measure to be used.

If the approach is to use conditional financial assistance to effectively compel the Norfolk Island Legislative Assembly to enact legislation then this is clearly not appropriate and is inimical to the concept of parliamentary independence and sovereignty. I seek your assurance that this is not the intention under the imminent funding agreement.

"Further amending the Norfolk Island Immigration Act to exempt all Australian citizens from current immigration requirements including the provision of temporary and general entry permits" (Chief Minister's press release of 23 October 2012).

Norfolk Island is a small geographically isolated island. Deep concerns are being expressed to me by fellow Norfolk Islanders at the abandonment of longstanding controls over entry and settlement in Norfolk Island. The concerns are that such externally imposed fundamental changes are being made without demonstrated consideration of the short-term, medium-term and long-term consequences for the Norfolk Island community. The wholesale removal of immigration controls without regard to the possibility of adverse consequences for Norfolk Island is, in my respectful submission, unacceptable recklessness.

There has been one, and only one, comprehensive report prepared on population and planning since the signing of the Road Map in March 2011. That report is the "Population and Planning on Norfolk Island Report No. 2 Population and Sustainability Issues" prepared for the Norfolk Island Administration by Mr Alan McNeil, Planning Officer 29 August 2011. The Report addresses the potential environmental and cultural consequences of allowing free and unrestricted access to an Island already beset with environmental and resource problems without appropriate studies being undertaken on the potential impact of opening Norfolk's borders. I quote the following passage from the Report –

"A sustainable population on Norfolk Island is determined by a wide range of factors, including environmental limits (e.g. water supply), and infrastructure limits (e.g. capacity of electricity, sewerage, telecommunications and road infrastructure).

"The sustainability of the Norfolk Island community is also determined to an extent by social or economic factors that are more difficult to quantify, such as the extent to which migration of new residents from Australia could eventually impact on or dilute the island's "way of life", including the Pitcairn / Norfolk Island culture, or could result in further fragmentation of the closely-knit community, community "spirit", and how increased demand for housing could lessen housing availability and affordability. A small population rise would probably not affect the island's sustainability with regard to these factors, but a sharp or steady and prolonged population rise could lead to increasingly adverse impacts."

The Report concludes by proposing the following as the next step in the process:

"It is recommended that, prior to any decision to remove current migration controls to Norfolk Island, the Commonwealth Government, Norfolk Island Government, and the wider Norfolk Island community should firstly consider:

- (a) the various factors that contribute towards the notion of a sustainable community;
- (b) what limits if any should be imposed in order to maintain a sustainable community; and
- (c) how those limits should be imposed".

With respect Minister Crean, to proceed without proper consideration of the consequences of unrestricted growth in the Island's population is neglect of the duties of us all as elected representatives and we would be deserving of censure..

In conclusion Minister Crean I pose the following question:

Is it not time to return to the negotiation table to create a new blue print for Norfolk Island; a blue print for a new way that Norfolk Island does business; a blueprint for an innovative and "ground breaking" partnership between Norfolk Island, the Commonwealth of Australia, the Pacific and the world; a partnership where this tiny external territory under the authority of the Commonwealth of Australia in the middle of the Pacific Ocean becomes an Australian icon – Australia's showpiece of best practice – rather than Norfolk Island being a growing contingent liability?

You will note that I have copied this letter to a number of your parliamentary colleagues who have expressed a keen interest in Norfolk Island; I have done this as a reminder to us all as elected representatives to remain watchful that the independence and sovereignty of parliament is not compromised.

I look forward to receiving your response.

Yours sincerely,
Robin Adams JP MLA
Copied by email to:

Senator Louise Pratt (Chair JSC)
Mr Michael Keenan MP
Senator Gary Humphries
Senator Chris Back

MS ADAMS
read...

Thank you. Having been given leave I am going to

MR BUFFETT

No

MS ADAMS

That was my reason for raising it in that way to accommodate me not having to read it. However I am going to just read the last two paragraphs because it's relevant to what I'm going to move next. "In conclusion Minister Crean I pose the following question. Is it not time to return to the negotiation table to create a new blueprint for Norfolk Island, a blueprint for a new way that Norfolk Island does business, a blueprint for an innovative and ground breaking partnership between Norfolk Island, the Commonwealth of Australia, the Pacific and the World. A partnership where this tiny external territory under the authority of the Commonwealth of Australia in the middle of the Pacific Ocean becomes an Australian icon, Australia's showpiece of best practice rather than Norfolk Island being a growing contingent liability. You will note that I have copied this letter to a number of your parliamentary colleagues who have expressed a keen interest in Norfolk Island. I have done this as a reminder to us all as elected representatives to remain watchful that the independence and sovereignty of parliament is not compromised and I look forward to receiving your response. This letter was copied by email to Senator Louise Pratt, Mr Michael Keenan, Senator Gary Humphries, Senator Chris Back and the Chief Minister. And flowing out of my question to Minister Crean and the suggestion that it's time for a new blueprint I was heartened to hear the Chief Minister in his debate earlier debate, complimenting on previous Assembly's, this community etc etc having being able to sustain itself because of its governmental activities have allowed us to do so. And whilst he said that it was not an excuse today we can't do it in the same day, I agree with you, that we can't do it in the same way, and that it is time to change how we do business. This is not new but I'm going to say I have made reference similarly to this last year in the House and it is my intention to put on the Notice Paper for the next sitting the following under the heading; Building an innovative partnership between the Commonwealth of Australia, Norfolk Island, Pacific and the World. That this House aspiring to achieve long term constitutional certainty together with economic and environmental sustainability for Norfolk Island supports the development in consultation with the Commonwealth of Australia of a new blueprint for Norfolk Island's future, a future that honours a new way of Norfolk Island doing business, a blueprint for an innovative partnership between Norfolk Island and the Commonwealth of Australia which has as its ultimate goal Norfolk Island to become a showpiece to the world of how a small isolated Territory situated in the Pacific Ocean can become self sustaining without negatively impacting on the islands unique environment or on the culture and traditional way of life of the Norfolk Islander, a blueprint that 1) gives certainty to Norfolk Island's constitutional status with Australia, including consideration of establishing Norfolk Island as an entity and free association with Australia a model implemented by New Zealand and France which provides certainty and sustainability for small Pacific island States 2) provides a clear legal framework for Norfolk Island such as a constitution similar to that enacted by the United Kingdom or the Falkland Islands 3) confirms that Norfolk Island is the homeland of the Norfolk Islander with clear definition of "who is a Norfolk Islander" 4) gives Norfolk Island ownership of the 200 miles EEZ around it and the ability to earn income from this resource 5) endorses Norfolk Island becoming a commercial hub for the Pacific including being an offshore banking unit similar to that proposed in the 2009 "Johnson Report" Australia as a financial centre building on our strengths 6) acknowledges the need for Norfolk Island to access as a priority high speed broadband to

enable mobile access to 4g and beyond, e-learning for school and training including remote learning, connection for offshore universities, the Administration and telemedicine and such other support technology as needed to enhance Norfolk Island's capabilities as a commercial hub for the Pacific and the world, and finally supports Norfolk Island being able to access capital funding including grant and sponsorship from sources both from within and outside of the Commonwealth of Australia for infrastructure, in particular a harbour and fibre optic cable that joins Norfolk Island to overseas destinations thereby enhancing Norfolk Island becoming a commercial hub both for the Commonwealth of Australia, the Pacific and the World, a new way of doing business for Norfolk Island. Thank you.

DEPUTY SPEAKER

Any further debate.

MR KING

I just want to make a couple of comments on Ms Adams presentation to the House in the Adjournment debate. When Ms Adams takes the floor she has of course an ordinary Member of this House without I would think any formal limitations to the manner in which she can participate. But one thing doesn't change when Ms Adams resumes the Chair of the Speaker that she is and always is the presiding officer of this House and that cannot change in the attitudes expressed by Ms Adams on the floor are not attitudes that disappear when Mrs Adams resumes the Chair to preside over debate on contentious issues on which she has expressed a view opposite that of the Government in a material and significant sense. It is highly in my view, highly inappropriate and out of order and unhealthy if nothing else that Madam Speaker or the presiding officer should follow that course of conduct, the course of conduct which has in the past included bringing substantive Motions in opposition to Government position, putting Questions On Notice, clearly expressing points of view in opposition to the Government cornerstone policies. It is a prime importance in the operation of any Parliament that the House have extreme unequivocal confidence that the Speaker and the Presiding Officer of the House is going to treat everyone with respect and maintain an impartial position particularly in relation to significant substantive Government matters or Government directions. These matters that ought to be out in a substantive debate and without giving formal notice I'm contemplating putting a substantive Motion On Notice for the next meeting to discuss this matter further. Thank you.

MRS WARD

Thank you Madam Speaker. I just want to say or ask my colleague Ms Adams that if she's giving Notice that she's going to put this concept, this blueprint as a Motion on the table and that if my colleague is serious about drawing debate on this subject that costings are attached and a formula for financial contribution that will be made by this community, because I can see lots of asks in there, wanting grants, wanting the infrastructure, wanting somebody to provide everything but how are we going to contribute. So again if my colleague is serious that would be beneficial for all of those costings to be provided. I'm not saying that I will take the Motion any further, I'm just saying if there are Members around this table who are willing to engage in this type of debate that would be very helpful. Thank you,

DEPUTY SPEAKER

Any further debate.

MR BUFFETT

I'm happy to conclude the debate. So if there are others who want to... no...ok. Mr Deputy Speaker we've had a reasonably long day at it but we particularly today have covered a wide range of factors within the parliamentary sphere and we can see very clearly from the expression of views that there are differing views, a wide range of views amongst us here, and here we are at the Adjournment debate and we have semi proposals for travelling another course. It demonstrates a number of things. It demonstrates that the present course is difficult but that has been foreshadowed. I have used the words stony, I have used the words forbidding course, and it is all of those things, but I do say that it's a course that will achieve for us long term sustainability and given the range of debate today, given the thought that others want to propose other things it deserves at the conclusion at this Sitting to give reinforcement about the path we are upon. We do need,

there is no question, we do need, we must move from our present situation, to a more secure situation. Our present situation is not financially sustainable, notwithstanding the good things that have been done by past Assembly's. We must make this change and the change is significant. There is always great reluctance with any change but with this huge change it is understandable that there is even more reluctance to get about the task, but we must continue to bear in mind that there is an imperative and that imperative is to survive. I have no doubt that we will if we continue to follow the course, but it does mean moving from a smaller pool to the larger pool. The larger pool has greater resources both in the breadth of its financial standing and in the resources in other ways that may exist, but it's not just a matter of sharing those resources, it's a matter of making our contribution as well, and so therefore we will need to make our contribution whether it be to an Australian taxation system, a GST system, a Medicare system or whatever other spectrums exist, so that we might then receive our share, not as a handout but as a right and the right component gives us the long term sustainability if we are in a pool which has the resources of which we are aware and we must continue to have as our vision, must continue to have as our vision that that will deliver long term sustainability for us. Is it a flick of the switch – no. the Roadmap is designed to be at least 5 years plus, 5 years plus and the more we're at it the maybe clearer to us that it may be longer than the 5 year arrangement. There are some players that are hesitant on both sides of the journey that we are to make. I keep saying to people that there are two parts to this journey. One is the actual going and that mean us, girding ourselves to go upon this journey and some of us don't want to make the journey, no two ways about that but there is a need to recognise that we must make the journey. There is a need to make the journey. The other bit is the receiving of us at the other end, and that means on the part of the Commonwealth of Australia. I've said time and again now in this House and in other places that Simon Crean as the Minister who has regional responsibility has demonstrated to us that he recognises our need and one of the things of more recent times that has given substance to his thought is that in areas where he has responsibility and can exercise authority for example in the grant of regional grants, Commonwealth grants, rounds 3 and rounds 4 that have recently been opened Norfolk Island previously had not been eligible. He has indicated to us clearly and on earlier occasions we have documentation that said we weren't eligible, hospital grant for example wasn't eligible at an earlier time. But in more recent times it has been signalled that Norfolk Island may be a bidder in this process and indeed we will be a bidder in the process for the round 3 and round 4 arrangements. I'm illustrating Minister Crean's willingness to bring us aboard, but of course the need to receive us is much wider than that, it exists in other portfolios in the Australian sphere, the taxation sphere, the welfare sphere and the like and so those colleagues in the Australian sphere need to equally be brought aboard and to receive Norfolk Island into the process of we making a contribution and we receiving the benefits there from. And that process is longer than we would like it to take but it is progressing and the most recent round has more clearly indicated the willingness of people to further examine and further deliver, deliver is the real word in the areas where Norfolk Island needs to venture if it is to gain long term sustainability. We need to have that vision in our mind, we need to shine that torch and that light amongst us all, because if we falter and if we have our vision diverted then we'll never get there and for us to survive as a community we must get there. In a cultural sense people are asking will this diminish our cultural situation. I say that we have had choices in this process. We have a choice to try and achieve long term sustainability where there will be viability and vibrancy within the Norfolk Island community and in that context for our cultural arrangements to thrive, or we have a choice that we do what we're doing now and gradually go down the graph to a nothing and our cultural situation will need to try and survive in that environment, which do you choose? Well what we have chosen as a Government is that the Norfolk Island cultural arrangements and that includes those people who now have joined the 1856 community. The decision has been taken that we should survive in a vibrant long term sustainable one and that's the Roadmap that has been set out for us, and that's what I continue to encourage especially in the environment of debate today and any other contrary proposals that will come to us today, tomorrow or at another time that we must not be diverted, we must keep and concentrate upon our path so that we might

achieve it and that will be delivery of a result to the Norfolk Island community. I commend continuously that we do that.

MRS WARD Thank you Mr Deputy Speaker. It is no secret that I share the Chief Minister's vision, however people will continue to falter until there is an intergovernmental arrangement in place between the Norfolk Island Government and the Commonwealth Government. Until we see that document signed by the Chief Minister and the Federal Minister or indeed the Prime Minister of Australia people will continue to falter because they don't understand, they don't know what the taxation arrangements are, what the governmental arrangements are, and I can't tell them as a representative of this community how it will be. So I don't blame people who are representatives of this community like Ms Adams for coming in and putting up alternative options. Why wouldn't they. People will continue to drag us against the vision that I share with you Chief Minister. They will drag against us until an intergovernmental arrangement is in place. Thank you.

MR BUFFETT Mr Deputy Speaker I mentioned that the road was long, and I mentioned that the road was stony and I mentioned that the road was forbidding at times, and part of the difficulties covered by those descriptive words are that there will be times when it takes long, difficult, factors to be actually grasped have great clarity so much that they can be put on the table and that is alluding us at this stage in respect of some of the factors. One of the factors is the governance arrangement. How will the 3 tiers of government be apportioned, who will have responsibility for various components and who will do the paying for those components. We haven't got a satisfactory result from the Commonwealth in terms of their view at this moment, but that doesn't mean that we lose sight of the vision that we can make it to the final destination, and there are other factors that we don't know. We don't know all the details of a tax regime I grant that but what we do know is the principle that if we put into that system we will then be eligible for a range of things that we have never seen before and it will be much greater than exists. We need to hang on to that until we are at the advantage stage of being able to quantify that. I explain, a long task, a difficult task and it's not a flick of the switch to draw all of these things aboard today. That's part of the difficulty. It doesn't lead me to be diverted off the path.

DEPUTY SPEAKER Any further debate.

MS ADAMS I hear you Chief Minister and I'm not trying to divert you off path. I'm asking us to expand the path in your consultation with the Commonwealth. I'm in no way denigrating the Commonwealth but I am expressing the view of a lot of people in this community and it wouldn't be too hard for you to guess who they are. It's been around a long time this thinking. Nobody is trying to take you off your road. There is a way for a new partnership. I stood on that platform. I guess it's about thinking outside the square, thinking outside the square and perhaps you know you accuse me all the time of being an idealist and I am, I make no apology for that I'm an idealist and the world is built on ideals. Let's not just close down the road. Let's not close the road because there are other ways to expand into the Roadmap that your taking us on and I'm not against what your doing. Let's just broaden the road, broaden the road. Maybe then it won't be so stony and rocky.

DEPUTY SPEAKER Any further debate? No further debate. I'd like to put the question that this House stands adjourned until Wednesday the 12th December 2012 at 10.00am. Sorry Mr Sheridan did you have something to say. I'm sorry I didn't see you indicate.

MR SHERIDAN I just thought I better make use of this microphone seeing how they came around and fixed it while we suspended for lunch and in case people had thought I had already gone to the Bowling Club but I'm still here. Mr Deputy Speaker just on a positive note I'd just like to pass on my thanks and that of the community to Marianne Ryan who has just recently retired from the Women's Hospital Auxiliary. I believe she's been

on the board there and President for over some 17 years. The Women's Auxiliary up the Hospital provided some valuable service to the Hospital, provided some essential equipment for the patients and in particular the long term patients up at the Hospital. So I'd just like to pass on my thanks for the work that she has done and to welcome the new President Colleen Crane and I'm sure that the Women's Auxiliary will continue to prosper under her guardianship. So I'd just like to thank those people on that association for the work that they have done and continue to do for this community.

DEPUTY SPEAKER Thank you. Now Honourable Members any further debate. This House now stands adjourned until Wednesday the 12th December. I put that Motion.

QUESTION PUT
QUESTION AGREED

DEPUTY SPEAKER
December 2012 at 10.00am.

This House stands adjourned until Wednesday 12th