



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
13TH NILA HANSARD –12TH DECEMBER 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.

MADAM 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.

CONDOLENCES

MR SNELL Madam Speaker, it is with regret that this House records the passing of Mary Louisa Selby. On the 22nd of September 1920 Mary Louisa Quintal was born, she was affectionately known to many of us as Marm. She lived and grew up in Steeles Point with her brother Turk and Sisters Winnie and Edie. When Mary finished school she went to work for a time at Government House for Sir Charles Rosenthal, then left Norfolk and went to work in Sydney, returning home at the outbreak of World War II. In 1944 on Norfolk, Mary married Bob Selby, a handsome New Zealand serviceman. This marriage lasted just two months short of sixty four years. Bob pre-deceased Mary in 2008. They had one son, Jess, who suffered whooping cough and passed away when he was just 13 months old. It was a sad blow for Bob and Mary, but in 1946 their daughter Jan was born. After the war, Bob worked for the Department of Civil Aviation and in 1955 they moved to Sydney where Bob continued to work for Civil Aviation. Mary didn't really like city living and always yearned for the day when she would return to her beloved Norfolk. This they did in 1968 and built their home in Steele's Point. "De-el-do" is what they called their house, and it did, until Mary moved to the Aged Care Ward at the Hospital last year, a question she always asked when visited; "whuttawaye out the pointA wonderful cook, she was in her late eighties when she won her last A & H Show prizes. Golf was a sport Mary enjoyed, but rock fishing and camping with her childhood friends Fleurette, Pumbles, Vina and Beattie was where her greatest pastime and relaxation lay. Croquet was another favourite sport and pastime. Jarrow was another skill. Nothing was better than a Saturday night at 31 with Dawn and Hoosen round the table seeing who could "skunk who de sweetest, rail, tail or deal de moos". Mary was the last surviving founding member of the R.S.L. Womens' Auxiliary and was made a Life Member. For many years Mary was a member and worked tirelessly for the Norfolk Island Sunshine Club. Her quick wit and amazing sense of humour was what most people who knew her, loved most. To her daughter Jan, son-

in-law Vince, her three much loved grandsons, Matthew, Nathan and Joel, as well as their wives and partners, and ten precious Great-Grandchildren, to Edie and her family and all of Mary's many friends - this House extends its sincere sympathy. May she rest in peace.

QUESTIONS WITHOUT NOTICE

MRS WARD Thank you Madam Speaker. My question is to the Minister for Community Services. Would the Minister provide an update on the progress of the Strata or Community title legislation?

MR SHERIDAN Thank you Madam Speaker. The status of the Strata or Community legislation is that currently instructions have been done and prepared and the further work that needs to be done is the drafting and it's actually with the Legal Services Unit and the Draftsman at this point in time. So when we get the first draft of the Community Title, as it will be called, is dependent upon when they can complete their work. Madam Speaker it's just not a new Bill Community Title, that will be a new Bill, but it affects a lot of other Bills as well. So they have to be reviewed in conjunction. So it's not a simple task.

MRS GRIFFITHS Thank you. My question is for the Minister for Community Services. Minister, have we yet received the Commonwealth commissioned Child and Family Health Services Review Report yet and if not have you pursued it?

MR SHERIDAN Thank you Madam Speaker and Mrs Griffiths. No we haven't received the final copy of the Children and Families Review. I believe that the final copy is with the Department, Commonwealth Department, Department of Territories but when they, it's their Report, and when they see fit to release it to us, we have queried the Report in numerous telephone hook ups with the Chief of Staff and the Advisor on a weekly basis, but that Report hasn't been forthcoming as yet. So unfortunately I can't hasten the process.

MRS GRIFFITHS Thank you Madam Speaker. My question is for the Minister for Culture. Minister, have you taken any action to slow the eventual demise of the Whaling Station at Cascades?

CHIEF MINISTER Madam Speaker, thank you to Mrs Griffiths for her question. There has been no work on the, in a cultural sense. to my knowledge in respect of the whaling Station facility, former Whaling Station facility at Cascade.

MRS WARD Thank you Madam Speaker. My question is to the Minister for Community Services and is in relation to his Planning portfolio. There is a development application on Section 44 (a) for the development of a public building. Will the Minister describe how that development fits within the zoning map requirements which dictate that that Portion is for educational purposes only?

MR SHERIDAN Thank you Madam Speaker. If the Section 44 (a) is zoned I believe as "special use" and its zoned as education and some other words, but it's to do with educational. But under the Norfolk Island Plan there are a number of other activities which may be permitted as right, and, also with consent, and so whilst the

zoning may dictate that it is a "special zone" and its use is at this point in time educational use, that can be amended by a subsequent development application under the Norfolk Island Plan in regards to the Schedules in the table that's under that zoning, under that "special use" zoning.

MRS WARD Thank you Madam Speaker. Is it the Minister's intent to seek a variation to the Plan in order to allow that type of development on that block?

MR SHERIDAN Thank you Madam Speaker. The proposal for the Administration to develop that block for a site to house the barges and crane etc, it's being revised at this moment. I know last week in the Gazette there was a development application for a public building and there has been some initial feedback from the community and it may be that that description may not best fit the use that is intended to be there. It may be that the terminology would be public works major I believe it is, public works major which will fit better, the intended use of housing barges and the equipment. That public works major is a permitted use with consent under the Schedule. So there would be no need to change the Norfolk Island Plan to accommodate that.

MR SNELL Thank you Madam Speaker. I direct a question to the Chief Minister on the understanding of course that this matter is also listed on the Notice Paper, but can the Chief Minister confirm if possible, that the Migration Amendment Act will deliver net benefit to the Norfolk Island community or is the Chief Minister bringing this Bill to the House in the knowledge that it's passage will be detrimental to the community under the threat of not receiving Commonwealth assistance. Can the Minister please explain?

CHIEF MINISTER Madam Speaker I thank Mr Snell for this question. All Members will know that we have the Roadmap that is designed to provide Norfolk Island's community with long term sustainability. It's a long path - I've described it earlier as a rocky path, a difficult path. There are various components to this and we have undertaken a number of studies to give evidence based information so that we might progress along this path. One of the things that is very clear is that if we are to survive in an economic sense we need to lift the number of people who visit the island, in other words our visitor population, and we equally need to lift the number of people who are resident on the island, and it's the latter part of that that is covered by the immigration provisions, not exclusively because it does have some flow on in terms of visitors, but particularly peoples who live here. We need to ensure that there are a sufficient number of people to have economic vibrancy in the place. Earlier reports, now quite ancient reports, have equally shown along the track that this is what we need to do. I instance the Butland Report Madam Speaker. You indeed on your own account have referred to it on a number of occasions. It's some decades ago now the Butland Report, but the Butland Report, as other reports have indicated, that we need to increase the resident population. It made projections of something like 4% each year. We didn't actually achieve those but it was an early indicator that we need to increase the number of visitors. The immigration legislation therefore is designed not on its own. One factor will not deliver all of those things but it needs to be a combination of a number of things and immigration is one of the factors, therefore the immigration piece of legislation that has been introduced is designed to give a greater facility for flow from Australian and New Zealand citizens to come and increase the population here to give the vibrancy of which we seek. And if that is able to be brought to fruition then we will gain eventually in the

terms of the Roadmap longer term sustainability. We can't do it by just shutting ourselves off from the rest of the world in a little enclave which does not have the financial capacity and a numerical capacity of its residents to be able to generate sufficiently to be able to meet the needs of today's community. That's part of migration so to speak, financial migration I say from a smaller pool to a larger pool. Hopefully that will help Madam Speaker.

MR SNELL Supplementary if I may Madam Speaker. To the Chief Minister again - thank you for your detailed response but can the Chief Minister inform the community whether there have been any impact study on the probability or otherwise existing businesses on the island by the very nature of the opening up of immigration. Has there been any impact study done on the probability of existing businesses on the island?

CHIEF MINISTER Madam Speaker I thank Mr Snell for the supplementary question. One of the main reports that was commissioned to assist us in this process was the Economic Development Study. This was Dr James Fogarty's Report, plus assisted by others, and he has indicated those things that I've just described a bit earlier. In terms of individual businesses on the island, no I don't know of any studies that have been done by individual businesses on the island. That may be something that individual businesses may want to do. In fact I would make an assessment that there are many individuals engaged in businesses on the island who have gone through studies on their own account already, especially those who are really on the ball and would want to try and make some projections as to the way ahead and have made assessments in terms of some of the factors that I have put on the table on this occasion and on other occasions, but I don't have access to those private arrangements, although I do acknowledge that there are some private business operators who have allowed me the benefit of their thinking, exemplifying their own businesses and that has been useful in the processes. The Government's main reliance Madam Speaker has been the Economic Development Study.

MRS GRIFFITHS Thank you Madam Speaker. My question is for the Minister for Community Services in relation to employment. Minister who monitors the health of our labour market and the number of jobs advertised?

MR SHERIDAN Thank you Madam Speaker. The only person that, or the only Department that would, monitor the employment market would be the Employment Officer which is collated with our Healthcare Officer, but I don't believe that there are any statistics maintained as to positions vacant or employment status on Norfolk Island i.e. the unemployment or positions vacant and the inability to fill positions etc. I don't believe any statistics are recorded in that vein.

MRS WARD Thank you Madam Speaker. My question is to the Minister for Community Services. Recently a Media Release was put in the paper about the Administration's expressions of interest into the round three and four of the Federal Government funding for the high temp incinerator and infrastructure for barges and piers, but on the question of the high temperature incinerator would the Minister please inform Members of when he or the Administration would be informed of whether they were successful or being invited to move onto the next step of that process?

MR SHERIDAN Thank you Madam Speaker. Yes the round three and four submissions that the Administration put in under the RDAF funding. The submissions had to be in by the 6th December and I believe that was the expressions of interest and that the next stage I think we're advised in February sometime as to whether or not those projects were successful to proceed to a full blown application, and then once, if we are successful, and that application does go in, in February I believe, that it's not until June that the finalisation of those projects would be announced or the successfulness of those projects would be announced, and I believe that they have planned to be constructed in the next financial year or funds are available in the next financial year from the Commonwealth Government.

MRS GRIFFITHS Thank you Madam Speaker. My question is for the Minister for Finance. Minister at the September Sitting you undertook to examine why Norfolk Island charges 12% GST on rental properties while also charging home owner's absentee landowner's tax. What are the findings of your examination?

CHIEF MINISTER Thank you Madam Speaker. I did make some initial inquiries in respect of that matter. The advice that I received at the time was that they were legitimate charges in the processes and I've taken no further action at this time Madam Speaker.

MR SNELL Thank you Madam Speaker. I direct a question to the Minister for Tourism. Minister Nobbs can you please confirm the Government's decision in regard to the possible request for compensation package for those tourist accommodation providers who's licences will lose all commercial value before agreeing to remove the quota on licences. Please explain.

MR NOBBS Thank you Madam Speaker. Initial advice from Legal Services Unit that related...

MR KING Can I move a Point of Order please Madam Speaker. The question contains a statement of fact which is totally unsupported in that the claim that licences will lose all value.

MADAM SPEAKER I take your point. That Point of Order is sustained.

MRS WARD Thank you Madam Speaker. My question is to the Minister for Community Services. Would the Minister be able to inform Members whether or not the Norfolk Island Cattle Association was provided the opportunity to give input to the Stock and Noxious Weeds contract?

MR SHERIDAN Thank you Madam Speaker. The Stock and Noxious Weeds contract which is currently out to tender at this point in time, and I'll say first up, that I don't review the job description it's a job for the Administration and within the Administration I know that the position description was reviewed in regards to the eradication of noxious weeds. There was some work done in that area to alleviate some workload you might say on that position and to put the responsibility onto other people within the Administration. As to whether or not the Cattle Association were asked for any input, I'm not aware of, but I can follow that through. I'm not aware that the Cattle Association has formerly been formed. I know that they have had a couple of meetings but I'm not advised of the position that they are formerly formed at this time. But I can

follow that through with the appropriate Officer in the Administration and get some advice back to Mrs Ward.

MRS GRIFFITHS Thank you Madam Speaker. My question is for the Chief Minister. At the last meeting you said you would enquire and determine whether you needed to be more active in pursuing updated legal services guidelines. Did you enquire and do you agree you need to be more active?

CHIEF MINISTER Thank you Madam Speaker. I think if I remember correctly I reported to the House that I had had conversation with the presiding member of the Legal Services Advisory Group and that had been very helpful, and he gave me a time frame. I was endeavouring to indicate then that I've taken that action. I think it was at an earlier meeting, not last meeting that I had made the statement that has just been quoted, I could be wrong. But I do again repeat that I have had the conversations that I reported at the last meeting with the presiding member. They provided a time frame. The time frame has not elapsed at this moment but I look forward to a result that I will share with Members when I do have it.

MR KING Thank you Madam Speaker. A question to the Minister with responsibility for power reticulation, whoever that may be. Madam Speaker what explanation can be given to the community, particularly the business sector of the community, for the sequence of power failures which occurred recently on one particular day and what assurance can be provided that such failures will not reoccur?

MR NOBBS Thank you Madam Speaker, thank you Mr King for the question. With the meeting coming up next week I'd prefer to take that question On Notice and get full details.

MR KING Whilst I'm on the matter of power reticulation Madam Speaker could I ask whether the business community is now any better informed on when and how their business might be targeted or chosen for having their photovoltaic arrays turned off?

MR NOBBS Thank you Madam Speaker, thank you Mr King for the question. As indicated at the, I think it was the last Sitting, when this question arose in a form. The installation of the load shedding device was taking place at that time, as I understand it that is now operational, and as a result of that there should be very limited, if any, switching off of photovoltaic arrays at this point in time.

MR KING Thank you, a question for the Chief Minister, Madam Speaker. In the interests of preserving a part of island culture would the Chief Minister be prepared to take what ever legislative or administrative measures might be necessary to remove any impression given to visitors that local Police might be wearing firearms?

CHIEF MINISTER Madam Speaker the matter of firearms has been raised with me on a number of occasions by a number of Members. We have had the OIC of Police come and brief Members about that particular subject and related subjects. In fact the OIC of Police briefed Members yesterday, although not on that particular subject. I'm not convinced at this moment, that subject that you have raised, the matter of side arms, might require a legislative measure, but I'm happy to have some further

conversations about the difficulties that obviously is in Mr King's mind and discuss those with the OIC of Police.

MR KING Thank you. A question to the Minister for Community Services. I refer to the Minister's Press Release about the removal from Norfolk Island of asbestos waste materials and ask whether all other options, if any, have been considered in the interest of reducing costs including, if it is an option the burial of asbestos waste under certain conditions.

MR SHERIDAN Thank you Madam Speaker and Mr King for the question. The removal of asbestos on Norfolk Island has been a bug you might say for many a year and many a past Government. Consideration has been discussed in the past you might say in regards to burial on island, deep sea dumping and all of those disposal methods have virtually been ruled out. Burial on Norfolk, we don't want to have the possibility of anything leeching into our sub terrain water supplies and I know what Mr King is saying, if it's packaged properly and securely deposited then they may very well be safe. But we've taken the option and we've chosen the solution that the removal from Norfolk Island in its totality would be the best result for the community of Norfolk Island, and now with this new shipping company commencing trade to Norfolk Island and originating out of Brisbane, that is a possibility. I believe that we've got agreeance now to export some 5,000 batteries that we have stockpiled at the Waste Management Centre and it is hopeful that on the next ship that those batteries can be transported off island. The next stage of the person that we're working with, she's already working on the asbestos problem and its hopeful that the following ship, or the one after that about April sometime, that that asbestos product can be taken off. We see this as the best solution for the environment and for the health concerns for people on Norfolk Island in its totality.

MR KING Thank you, a supplementary Madam Speaker, acknowledging the fact, as I understand it, that on previous occasions on which asbestos materials have been buried in the earth and in the Kingston area, is the Government stating that that practice will now be ruled out for ever?

MR SHERIDAN Thank you Madam Speaker, I can't unequivocally say that you know there won't be burying of anything on Norfolk Island in the future, but at this point in time we see it as the best method of disposing of our stockpile. I'm fully aware of, in the past yes, there has been some dump sites on Norfolk Island and we've buried a lot of waste. I think that would have been prior to the days of concern in regards to the asbestosis which you know the medical conditions and stuff that may be caught by asbestos, and now we've put in place practices that when people are dealing with that they have to take all necessary precautions to avoid contamination. The risk of burying asbestos on Norfolk, and then maybe 50 years later having it dug up by persons unknown. I think we don't want to leave that risk to our future generations so it's best to put them into an authorised site that is well marked in Australia, and you know there will be a cost, but I think it's a cost that the community will applaud.

MR KING Thank you. Can you detail the cost at all?

MR SHERIDAN Thank you Madam Speaker. No at this point in time the costs haven't been identified and that's part of the process of identifying a

company in Australia who will dispose of the asbestos properly and what they charge. Those costs haven't been forwarded to me as yet.

MR KING Thank you. Just for the record Madam Speaker I'm not promoting the burial of asbestos products in the ground.

MR KING Thank you. Can I ask a question of the Chief Minister, whether any consideration, or what consideration has been given to determine a date for the 2013 general election and the final sitting of this Assembly?

CHIEF MINISTER Madam Speaker the Government doesn't have an announcement at this stage in terms of the general election date to advise the Administrator who formally calls the date but it is the March date that you referred to that is the deadline for the period of this Assembly.

MR KING Thank you a question for the Chief Minister. What measures have been taken Chief Minister, as undertaken at the last sitting, to ascertain how and in what circumstances approvals were granted to the Council of Elders to use the Norfolk Island Coat of Arms and to utilise an official Government email address?

CHIEF MINISTER Thank you Madam Speaker. Thank you Mr King for that question that was raised last time. I said I would make some inquiries and I have done that. Looking at the requirements for the Coat of Arms there are basically three symbolic measures which have legal attachments to them. The Public Seal, the Norfolk Island flag and the Coat of Arms. The flag and Public Seal Act has reasonably specific arrangements for allowing it to be used in certain circumstances and warrants to be given. The Norfolk Island Coat of Arms is not covered in that arrangement. I do understand in my inquiries that the Council of Elders was given approval to use the Norfolk Island Coat of Arms by my predecessor although my, I say respectfully my predecessor nor myself can't actually find that document at this moment, but I'm not doubting that that was the case. So there was endorsement that the Council of Elders given its status might have the Norfolk Island Coat of Arms showing it's historical and heritage role within the Norfolk Island community. Certainly from my perspective I endorse that situation. You did raise just now and I haven't enquired about this the matter of the email. I just have to do some further work about that particular part of it.

MR KING Just one further supplementary Madam Speaker in relation to this. Given that the paper work can't be located are you therefore unable to advise the House and the community what factors are taken into account when determining whether approval might be given for use of the Coat of Arms.

CHIEF MINISTER Madam Speaker as far as I'm able to say that these are not necessarily prescribed but obviously there are a number of organisations that have close links with the community and with Government instrumentalities, official instrumentalities which may well bear the Coat of Arms. Obviously again in the erection of the Council of Elders the aim for its status and indeed prestige was demonstrated by allowing the Norfolk Island Coat of Arms to be used in that context.

MR KING I'm sorry just one final question. I wonder whether the local branch of the Liberal Party or Norfolk Labour might be suitable bodies to....

MADAM SPEAKER

Further Questions Without Notice.

MR KING

Serious question Madam Speaker.

MADAM SPEAKER

Who would like to respond?

Serious question? Sorry my apologies Mr King.

CHIEF MINISTER

Madam Speaker I think I can say that I don't think that there have been such requests to date. I'm unable to predict how such a question would be responded to if such an application be made.

QUESTIONS ON NOTICE

CHIEF MINISTER

Thank you Madam Speaker. This is a question to me - question 498. It asks how many Police Officers and how many Gaolers are currently employed on Norfolk Island. Madam Speaker the Norfolk Island Police Force currently have three Australian Federal Police Officers deployed here, a Sergeant and two Constables and three operationally active locally engaged Special Constables, one of which is full time and two of them are part time. So a total of three AFP and three Special Constables. I do additionally say Madam Speaker that the three AFP personnel is based on a 1993 Policing agreement between the Commonwealth and the Administration and the actual strength of the AFP numbers have not changed in approximately the past 40 years. So it's been some considerable time that that manning level has been in place. That's talking about the Police. The other part of the question related to Gaolers. I think the formal term used now for Gaolers is Custodial Officers but we're talking about the same thing and there are currently nine on Norfolk Island that can be deployed in addition to the Police, because the Police also have the capacity to act as Custodial Officers. So nine are additionally in the Custodial Officer role and can be called upon. They are all part time of course.

MR SHERIDAN

Thank you Madam Speaker. The question reads: what are the regulations regarding neon lights on cars. Madam Speaker Section 3 and 4 of the Road Traffic General Regulations 2010 provided for advice in regard to prescribed lights and equipment of motor vehicles of which neon lights are not prescribed. Section 4 particularly indicates what are prescribed lights and their requirements. Section 3 (4) advises and I quote "If the Registrar is satisfied that a motor vehicle complies with such description of the condition, construction and equipment as may be set by the Manufacturer of the vehicle or class of vehicle, the Registrar may cause a vehicle to be registered". Madam Speaker Section 44 (2) (b) of the traffic Act 2010 states "No person shall drive a vehicle which has fitted to it a light which may reasonably render the vehicle capable of being mistaken to be a Police vehicle, ambulance or a vehicle used in connection with fire fighting". Also Madam Speaker in the manual for light vehicles which is accessible by the Governments website. "There are standards of which must be met in order to obtain a clearance to get registration under the lighting section Paragraph 2, sub paragraph 6 it indicates that a reason for rejection is whether or not any optional lights or reflectors interfere with any compulsory lights or reflectors". Madam Speaker these requirements would apply to neon lights on cars as they may interfere with the compulsory lights and they may be mistaken by other road users to be an emergency vehicle and would certainly not comply with the manufacturers description, construction and equipment of that vehicle.

formal commitment to the respective government responsibilities for the delivery of services, that is the governance model in the near future with the timeframe for these changes to take place. But notwithstanding Madam Speaker the lack of Commonwealth response. Work has started internally on preparing new contemporary legislation governing the operation of the Public Service.

MR SHERIDAN Thank you Madam Speaker. Just a supplementary really. This is a question where Mrs Ward has asked about the latest Funding Agreement, I presume she's talking about the current one that's being discussed. I'd just like to know how Mrs Ward's seen a copy of that because I haven't seen a copy of that myself. Maybe the Chief Minister can explain.

CHIEF MINISTER Well I don't think I need to explain. I'm interpreting that Mrs Ward is referring to the nine points that I have publically stated and therefore I have responded to the question in that context Madam Speaker.

MR SHERIDAN And not the Funding Agreement. There was a letter from the Minister I believe there Chief Minister.

MR NOBBS Thank you Madam Speaker. The question reads what regulatory and consumer protection measures will be put in place prior to the deregulation of the island's publically owned telecommunications infrastructure. Madam Speaker the wholesale ADSL agreement is in the final stages of development through the substantial efforts of departmental areas on Norfolk Island and in Australia. The agreement encompasses areas of fault reporting and repair, equipment certification requirements, access seeker credit worthiness and security and network safeguards to identify a few elements, and that wholesale ADSL agreement is directly based upon the ACCC model, non price conditions and terms of NBN Telstra agreements. The Norfolk Island Fair Trading Act will also apply Madam Speaker.

CHIEF MINISTER Thank you Madam Speaker. 503 asks this Madam Speaker. Is it a fact that the 2011/2012 Funding Agreement stated that Norfolk Island will continue to support the need for revised management arrangements for the World Heritage Kingston and Arthurs Vale Historic Area and will work cooperatively, collaboratively and in good faith with the department a) to finalise the preferred model of management by the next meeting of the Management Board and b) implement the new governance model by the 30th June 2012, and if so, there is 1-5 1) What is the difference between the model of management1. What is the difference between the 'model of management' and the 'governance model'? 2) What are the roles and responsibilities of the Norfolk Island Government and the Commonwealth of Australia? 3). How is each Government represented on the Management Board? 4). Have any major issues been identified in transferring from the 1994 Memorandum of Understanding to the new governance model, and how have they been addressed? 5). Is there a timetable to review the success or otherwise of the new governance model and model of management? Madam Speaker I thank Mrs Ward for this question also. Yes the KAVHA Board at its meeting in September 2011 agreed that a working party be formed with representatives appointed by the Norfolk Island Government and the Australian Government to develop a future management model for the Kingston and Arthurs Vale Historic Area. The Norfolk Island Government in October 2011 to the then Chair of KAVHAS who was a Commonwealth representative at that time advised the appointments of the then site Manager Mr Bruce Baskerville and Mr Alan McNeil of the

Norfolk Island Administration to be part of that working group. The Commonwealth failed to appoint any representative to this Working Group during 2011. In late 2011 that is November of 2011 forwarded to Ms Savage who was the Chair of KAVHA at that time a proposal prepared by the Norfolk Island representatives appointed to the Working Group to discuss that outline as to how the Norfolk Island Government future management of KAVHA might be pursued, and then those representatives actually prepared a paper and that paper was forwarded equally by me towards the end of 2011 to the KAVHA Chair. The Commonwealth responded, well they really responded rejecting the proposal that the Norfolk Island Government put, in other words they didn't like it. But notwithstanding that they indicated that they would still want to work towards management arrangements for the Kingston and Arthurs Vale Historic Area, but since then of course the players have changed. Mr Stancavicius came along from the departmental area and the departmental people appointed Miss Karen Willett and Miss Ilsa Wurst to the Working Group and they then pursued some endeavours between our people and their people. A draft MOU was prepared during March and April for presentation to the KAVHA Board but the reality is that with the change of players at their end and the change of players also meant that there have been change of players in terms of the KAVHA Board the representation on the KAVHA Board is 2 Norfolk Island Government people. The Commonwealth Government people have had representatives from Regional Australia, that Department and from SOPAC. SOPAC has recently withdrawn from that so there is only one representative at this time. Notwithstanding that we have endeavored to arrange Board Meetings and a Board Meeting is now scheduled for early February of next year. But given all of that it does mean that there has been no progress further than that I've just described in terms of the MOU and the management arrangements for KAVHA. So let me know just respond to 1-5 questions that you ask of me. What is the difference between the 'model of management' and the 'governance model'? Admittedly they are the same in the context of this, it's just using different words. 2) What are the roles and responsibilities of the Norfolk Island Government and the Commonwealth of Australia? This really is part of the proposed MOU to actually define the roles of the two Government so that they might be about their tasks in concert 3). How is each Government represented on the Management Board? I've just mentioned that. 4). Have any major issues been identified in transferring from the 1994 Memorandum of Understanding to the new governance model, and how have they been addressed? Well identifying and addressing the issues is really the role of the Working Group that I've just mentioned that have been endeavoring to work through those issues, come up with answers and a proposal for the way forward and the final one 5). Is there a timetable to review the success or otherwise of the new governance model and model of management? Well as I've just mentioned regrettably we don't have a new governance model at this stage but once that is settled then we can erect a timetable to review its success or otherwise.

MRS WARD Thank you Madam Speaker if I may ask a supplementary. The Chief Minister may well not be able to answer this question and I'm happy with that but the Chief Minister mentioned that the Norfolk Island Government had put a proposal forward but that that had been rejected by the Commonwealth. I'm just wondering whether you had any feedback from the Working Group to indicate which area was rejected, what's been accepted, what hasn't at this stage.

CHIEF MINISTER No I can't give a definitive response about that. It was more a rejection than a discussion paper that allowed it to identify those issues that

you have just mentioned. From our part we want to have a conversation so that we might be able to identify where there are differences and move forward.

CHIEF MINISTER Thank you Madam Speaker. This question – every Australian State and Territory has legislation in place to ensure that persons convicted of sex offences and other serious offences against children are able to be monitored by Police once they have served their sentence. Would the Minister explain why Norfolk Island has no similar legislation in place. Madam Speaker I thank Mrs Ward for this question. The Norfolk Island Police is advised by the Australian Federal Police when a registered sex offender under ANCOR means the Australian National Child Offender Register, when a registered sex offender under ANCOR visits Norfolk Island and depending on the circumstances Police will meet this person and conduct an interview upon arrival in Norfolk Island. Now that's addressing the visitor component. About people living in Norfolk Island there are currently residents of Norfolk Island who, having been convicted of serious sex offences on Norfolk Island, have been placed on the Australian National Child Offender Register, ANCOR that I mentioned just then. The third point I make is that there is Norfolk Island legislation in place that prevents convicted sex offenders from loitering near places where children are likely to frequent. That is Section 30 of the Summary Offences Act 2005, it's a Norfolk Island piece of legislation and it states that it is an offence to loiter or linger without reasonable excuse about in or near 1) school, kindergarten, or child care centre or 2) a public place regularly frequented by children and in which children are present at the time of the loitering. So Madam Speaker in mentioning all of that we do have registration, advice processes between Police Forces and some element of legislation in Norfolk Island. So there is a degree of monitoring Norfolk Island although not of the same legislative substance that might be experienced in larger States or Territories.

MR SHERIDAN Question reads would the Minister provide an update on the review of Plans of Management for the Public Reserves and outline the Government's policy on conservation and land management including the rehabilitation of major endemic species. Madam Speaker the Conservator's completed the initial draft of the reviewed Plans of Management for the island's 19 Public reserves and is completing the final edit of these drafts. It is expected that the revised Plans of Management will be available in the new year. Madam Speaker the Government's policy on conservation and land management for these Reserves are contained in the Plans of Management Part A and also the individual Plans of Management for each Reserve. Section 6 of Part A – the Management policies and strategies for these Reserves are detailed and Section 6 also providing management policies on the number of issues such as habitat development, rehabilitation, weed management, rat and cat control etc. The individual Plans of Management Regs Reserve outline how this will be attempted to be implemented in these each individual areas covering things such as cultural heritage, conservation, natural heritage conservation, pests, species management etc and outlines a management strategies and actions required to protect Norfolk Island's flora and fauna. Madam Speaker the ability for Norfolk Island Government to fully implement these Plans are of course limited to the funding available to be utilized in these areas and of late the Forestry Section of the Administration has had its budget reduced and as a result the Conservator has had to reduce some activities that is normally managed. Madam Speaker as an aside when those Plans of Management finally reach me and they will be able to be reviewed by this House and of course every Member here will have some opportunity to have input into the policies and the Government's policies on the conservation etc of Norfolk's native and endemic species.

CHIEF MINISTER Thank you Madam Speaker. The question asks has the Commonwealth established a new governance and taxation model for Norfolk Island and if not will the chief Minister press the urgency of its creation on behalf of the Norfolk Island community in order to assist with the creation of the economic certainty? Madam Speaker I thank Mrs Ward for this and indeed I'm pleased that there is an understanding on the part of Mrs Ward about the urgency of this matter. I explained earlier in answering this question because it has been asked of me Without Notice on another occasion, not necessarily the same words but asked me about this matter, regarding the timeframe for changes. The Commonwealth has not communicated formerly to the Norfolk Island Government its position regarding the new governance model or the options that we're provide in our revenue options paper regarding taxation models for the island. There are major elements of policy or I should say that these major elements of policy were provided to the Commonwealth in August last year and May of this year respectively. I do understand that there are probably some 15 Commonwealth Minister's who may be involved in the changes projected to advance Norfolk Island's causes. Nevertheless we're extremely frustrated that we still do not have a formal position from the Commonwealth on these crucial issues for the Norfolk Island community, and I've highlighted the urgency of being unable to provide the community with certainty on these issues directly to Minister Crean most recently as Monday of this week. The Government of course share the community concerns regarding this uncertainty and as I mentioned on earlier occasions what I mention now, I continue to press the matter Madam Speaker.

PRESENTATION OF PAPERS

MR SHERIDAN Thank you Madam Speaker. In accordance with Section 41 of the Interpretation Act 1979 I table the Dog Registration Amendment Regulations 2012, and also Madam Speaker in accordance with Section 41 of the Interpretation Act 1979 I table the Pasturage and Enclosure Amendment Regulations 2012.

MADAM SPEAKER Thank you Mr Sheridan.

CHIEF MINISTER Madam Speaker I table the list of virement of funds that I do on each monthly occasion.

STATEMENTS

MR SHERIDAN Thank you Madam Speaker. I just have two short ones. Madam Speaker I would just like to inform the community that the Healthcare Scheme brochure has been updated to reflect the changes to the Scheme which was passed through this House some months ago. The main changes to the brochure are the \$2,000 threshold for an individual prior to becoming eligible to claim a benefit. Also the change to the amount of income that a person or couple needs to earn to be eligible for an exemption from paying the levy. This of course is \$6,500 for a six month period prior for a single person and \$13,000 for a married or defacto couple in the 6 months prior to the levy period. Madam Speaker copies of this new brochure may be obtained from the Healthcare Section of the Administration of which is located up town adjacent to the Telecom building and Madam Speaker I table a copy of the new brochure.

MADAM SPEAKER

Thank you.

MR SHERIDAN

Also Madam Speaker I'm also pleased to inform the community that the Pest and Disease survey that Norfolk Island requires prior to the expansion of any importation and/or exportation of fresh products is finally underway on Norfolk Island. Madam Speaker the Australian Government is assisting the Norfolk Island Government to undertake this survey with some \$1.5m being committed over the next 2 years to conduct this survey and Madam Speaker this is Commonwealth money. The survey is intended to identify pests and diseases of ?? security concern here on Norfolk Island and will enable informed decisions to be made by the Norfolk Island Government of the future quarantine requirements when considering any new imports/exports. This project is programmed to run over the next 2 years and is being led by Dr Glen Maynard from the Department of Agriculture, Fisheries and Forestry DAFF who have vast experience in this field. Dr Maynard is currently on island to identify stakeholders and to identify sample collection sites and to engage with the community. Six surveys will be undertaken over the next 2 years with 2 in Summer, 2 in Spring, and with one each in Autumn and Winter. The first survey will take place during the 21st – 28th December of this year and will conclude by the end of 2014. The goal of the survey is to develop a report on the plant health status of Norfolk Island. Madam Speaker Dr Maynard is programmed to hold a public meeting in regard to this survey which will be held at Governors Lodge this Thursday at 5.30pm.

MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR – NO 33

MADAM SPEAKER

I record Message No 33. On 4 December 2012 acting pursuant to Section 21 of the Norfolk Island Act of 1979 I declared my assent to the following proposed laws passed by the Legislative Assembly. The Immigration Amendment Act 2012 which is Act No 10 of 2012, Goods and Services Amendment No 2 Act 2012 which is Act No 11 of 2012 and the Status of Children Act 2012 which is Act No 12 of 2012. That message is dated 4 December 2012 and signed Neil Pope, Administrator.

MADAM SPEAKER

I firstly read a message from the Office of the Administrator - Message No 34 in respect of the Appropriation Bill 2012/2013.. It read in accordance with the requirements of Section 25 of the Norfolk Island Act of 1979 I recommend to the Legislative Assembly the enactment of the proposed law entitled "An Act to authorize expenditure from the public account for the year ending 30th June 2013". Dated 11 December 2012 and signed Neil Pope, Administrator.

APPROPRIATION BILL 2012/2013

CHIEF MINISTER

Thank you Madam Speaker. I present the Appropriation Bill 2012/2013 and move that the Bill be agreed to in principle.

MADAM SPEAKER

Thank you Chief Minister are you proposing to table anything at this time.

CHIEF MINISTER

The Bill.

MADAM SPEAKER

The question before the House is that the Motion be agreed to. Debate Honourable Members.

CHIEF MINISTER Madam Speaker thank you. In June 2012 Madam Speaker I presented and we as a Parliament passed a Supply Act to provide expenditure for the 6 monthly period from the 1st July to the 30th December 2012. This was an interim measure awaiting a response from the Commonwealth to our funding request to bridge the gap between our essential expenditure and our limited income. In October Minister Simon Crean advised me of the Commonwealth's provision of \$4.5m to meet our essential needs in the full financial year to the 30th June 2013. Given that decision and although we haven't yet concluded the Funding Agreement this Bill is now presented to move us beyond the 31st December 2012 and onto the balance of the financial year to the 30th June 2013. That earlier Supply Act I referred to Madam Speaker is repealed by this succeeding legislation. Mr Deputy Speaker this does remain a Spartan budget. There is no serious change from that presented in June last year. That was a half of the year arrangement, this is now a full year arrangement. This time it takes us to the end of the financial year 30th June 2013. It funds continuation of the Hospital, Welfare Services, Education needs, Postal Services, Police Services, operation of Courts, Lands and the Registry, Land Use and Environment, Water Assurance, Waste Management, Airport operation, Emergency and Fire Services, operation of the GBE's and whilst that has just been a selective arrangement just to illustrate the range it's the normal range of essential services to meet the needs of the Norfolk Island community. Total expenditure of \$33.9m. Almost no Capital Works obviously. I mention this as a Spartan budget. These documents that relate to this have been circulated to Members and although they are aluminous in a line by line sense these figures are taken in a collective sense. On the income side of the ledger of course is not covered by this Bill that I've presented. The Bill only addresses the expenditure that is the appropriation of funds, but the budget papers I've additionally provided to Members sets out both expenditure and income, and the income assesses taxes, for example the GST, Customs Duty, revenue from charges, for example plant hire, pasturage, rentals and the like, revenue of other services, for example the Liquor Bond, Norfolk Energy, Telecom, mainly the GBE's in that general revenue of other sources. It takes us to our balanced budget when we take into account eh \$4.5m that is to be provided by the Commonwealth and that will balance our budget. The Government policies Madam Speaker, as you will know at budget time Governments normally set out a range of policies. I've said consistently that our policy is to achieve long term sustainability via the Roadmap and in the mean time we need to survive, and this Bill is the survive component during the period to the 30th June 2013, that is over the next 6 plus months. It will be tabled and sit on the table for next week and our projection is that we will come together on the 19th December to finalise this legislation because what we have in place at present expires at the end of December, 31 December. Thank you Madam Speaker.

MR SHERIDAN Thank you Madam Speaker. I won't have too much to say on this Bill because I think I said it all in June. As the Chief Minister said it's just to facilitate the expenditure of funds for the next six months and of course the budget that was presented in June, even though it was a six month budget it reflected the figures for the 12 months in there. Madam Speaker in the June Sitting I think I covered quite aptly my frustrations with regards to how our financial position currently stands and in particular with the inability for the Commonwealth and the Norfolk Island Government to agree, well not to agree because we haven't even seen any drafts but to settle on where our fiscal arrangements will be in the future and the longer they drag on the more of this type of funding we're going to see and it is very frustrating. Just on this funding for the next 6 months Madam Speaker there are some affects to my portfolio areas and

some areas that haven't been affected and I'd just like to mention a couple. Argentine ants eradication programme Madam Speaker there was \$100,000 put aside and that's still in the budget but we've also had the benefit now of accessing some \$90,000 from [unclear on tape]. Those funds have started to flow within the last month so that's taken the strain off our commitment but of course there is that money that is available for that programme. Madam Speaker over the first 6 months of this financial year our Social Services have seen a greater ask on it and that budget has been increased by \$100,000 for Social Services to \$1.3m with additional funding for medical expenses overseas for a total budget of some \$2.26m for Welfare. Madam Speaker unfortunately the Hospital has had its subsidy cut by some \$300,000 to \$1.8m. This was flagged to the Hospital Director some time ago and he's reviewed his budget and he's accommodated that within int. I must say that it's no intention to reduce any service but of course something's may suffer up there. There may not be the expected level of service available as it's been necessary to reduce the Hospital budget by some \$300,000. Madam Speaker the Roads budget has been reduced by some \$480,000 but this was enabled due to the undertaking of the Marsh's Road work wash out by realigning the road instead of the engineered proposal that was put up initially which was going to cost some \$250,260,000 and there's also been a reduction in the Roads crew for the next 6 months and the deferment of sealing of some of the roads which were planned to be sealed in this financial year. As the Chief Minister said there is no Capital Works budgeted in this next 6 months at all. So this leaves approximately I think left in the budget after what's been used in the first 6 months only \$60,000 for the road work while this is for the purchase of materials and emulsion etc for the remainder of this financial year. So Madam Speaker I believe that we have some emulsion arrive on the ship yesterday or the day before and hopefully the potholes in the roads will be commenced to get filled this week but there won't be any major work done on any roads for the remainder of this financial year. Madam Speaker Water Assurance funding. There has been a small amount of funding for a contract let for water quality testing of some \$10,980 and this is in response to a couple of reports that we've had in regards to our water quality of the past couple of years you might say and questions in this House. That work will commence in January 2013. The funds have been approved by BRC and the Administration is working on the contract as we speak so that it can commence. Waste Management has had a reduction of some \$40,000 and this is reflected in 2 positions not being there for the last 6 months of the financial year. So as you can see Madam Speaker whilst the figures don't substantially change there has had to be some further reductions because as the Chief Minister said the income that is forecast is below what was forecast some 6 months ago. So we've had to find some further savings. So Madam Speaker whilst it's not good news and whilst we're still looking at the Funding Agreement, well I haven't seen it as yet. I've been in discussion with regard to it but that's to allow for the \$4.5m that the Commonwealth has provided, the conditions on whether or not that \$4.5 actually reaches our bank account has yet to be settled. So Madam Speaker I think this budget has a lot of work to go on you might say in regards to those conditions as to whether or not next Wednesday it will finally receive assent. So I just put on the table how it affects my portfolios areas and the matter of the funding will be further discussed in the days coming. Thank you.

MR NOBBS

Thank you Madam Speaker. It will come as no surprise that I share Minister Sheridan's frustration that the subsistence budget, I certainly outlined some of those issues in the June sitting. One of the key elements from the subsistence budgeting that is of major concern to me is the lack of Capital Works that flows through to the private sector and enables the community to also gain benefit

from that area of support. The other area of concern I have is the snowballing of issues of infrastructure replacement in essential maintenance and the like that in affect have to be set aside in these budget proposals which at the end of each budget period those issues are not resolved and in fact sometimes they are exacerbated. I will say this though that within this appropriation I have a number of portfolio areas that in affect have policy outcomes related to this budget and I certainly commend the Public Service on being able to deal with these difficult times we have with the budget process. Within the appropriation that we're talking about today the continuation and the finalization of the runway ends safety area for the Airport is till a focus. It is still to be completed by the end of June of 2013. There is a commitment to expand the bandwidth through the Norfolk Island Telecom and that bandwidth expansion is proposed to be to 15mb per second. For Members around the table viewing this documentation and for all of us we received this particular documentation yesterday you may well note that there is a perhaps a different figure than your used to seeing for the Norfolk Island Government Tourist Bureau and that's because that figure is split across two areas as a result of the feedback we had from the Australian National Audit Office and Commonwealth Finance Officers input into how we might better account and be able to have effective audit for the Tourist Bureau. So that's just to inform that that figure will match the annual figure but it's across two regions of the Appropriation Bill there. There are a number of areas that we are working on that perhaps haven't made it into this budget that I will just highlight that that doesn't mean they are not getting a concentrated effort, and by that I'm indicating the electricity photovoltaic balance of over supply and capacity of the infrastructure, the work on the barges, although there is a component identified within there. Obviously with us entering into the competitive grant funding arena we'll also be putting a great deal of focus into that. Mr Sheridan talked about some of the time lines. One of the particular time lines for the steps in those grant applications will be around about I think the 11th April whereby the full grant application and submission material has to be input into the system. The ongoing work for the Aviation Firefighting areas and through the Acting CEO means that you will note some allocation there to enable them to form better alliances and training and also ensure compliance with the CASA requirements. There is a line item in commerce development and just to prevent that turning into a misunderstanding of what that goes to supporting that, in particular goes to supporting the Southern Cross partnership that we have with the Norfolk Island Carbon Health Evaluation as been previously provided to this House that encompasses the employment of two locals on the island and also provides and is about to provide some financial and health reporting outcomes and some data collection and sharing as a result of that. Additionally within this documentation you will find in the Fisheries area some \$5,000 set aside to enable the continuation of marine safety and the MOU obligations that the Norfolk Island Government undertook with Australian Fisheries Management Authority. Madam Speaker that's probably about the length and breadth of it in my portfolio areas other than to also agree with Mr Sheridan's comments that we are noting reduced incomes, whether those reduced incomes are a result of reduced tourism numbers in some areas or reduced capacities in some areas or departure of long time residents which in all cases is not a positive outcome for us. Thank you.

MR SNELL

Thank you Madam Speaker. I intend to support obviously the subsistence budget that's been presented to us today and commend the Administrative officers on their efforts to reach this finalisation and this goal which has been prepared on our behalf and I thank them most heartedly. We have on many occasions had previous instances where the island has suffered great financial hardship and to be able to submit this type of budget without having to rely on the handout or the

expectations of the \$4.5m is certainly to be congratulated on their behalf, and hopefully Madam Speaker in the next budget session we'll be able to again submit the same. Madam Speaker I just say again I'm sure Minister Crean will be appreciative that we have been able to submit a subsistence budget without having to rely on the funds that he has promised. Thank you Madam Speaker. I support the Motion.

MRS WARD

Thank you Madam Speaker. Just picking up on the phrase that the Chief Minister used pertaining to this budget and that there was no serious change and while I understand that the Chief Minister likes to hold the game together so to speak, to me this is nothing but a turn for the worse. I agree with Minister's Nobbs' words that we're starting to see the snowball affect, the negative feedback results of having such limited almost zero capital expenditure, thereby putting money back into the community, because we are seeing a further reduction in tourist numbers, and so there is nothing to subsidise that loss. So the community, the business sector really is suffering a double whammy. So I would like to acknowledge that. In addition to that is the reduced population which of course is in affect of those events occurring. The Minister's have both touched on their areas but I suppose I would just like to highlight a couple of what has had to be further reduced because of that further reduction in revenue. The Assembly budget has been reduced by \$100,000 and when that creates a situation where there is no budget for Select Committees it curtails the parliamentary process. I think that really demonstrates how serious the situation has become. In Minister Sheridan's area of Reserves and conservation has had a further reduction of \$50,000, and so I fully appreciate his response to articulating a policy on conservation, it is as is, you know what lies within the Plans of Management but it's being able to implement those, that is the problem. The Roads have been mentioned, building maintenance budget. There has been a further cut by \$110,000. One only needs to take a look through the School and the condition of those buildings to see the affect that this is already having and to think that that just becomes worse is serious. The Hospital the Minister has mentioned and unfortunately the Minister is not being able to carry forward the policy of a community Health Program Officer. So we can't even take those steps forward in those areas that we would like to. The broadening of the bandwidth and the commitment to do that of course has my full support. We know that the Federal Treasury has approved \$4.5m to help balance our budget. I'm not quite sure where Mr Snell was coming from in those comments to say that we're presenting a budget that doesn't rely on that \$4.5m, it certainly does, and I will thank Minister Crean and his colleagues on the behalf of my constituents. We know that it comes with conditions and for the record, no I have not seen the Funding Agreement. The Chief Minister is correct in assuming that I was referring to the Medial Releases made by himself and the Administrator, but we should all work hard to ensure that sensible reform does take place and therefore we will work to ensure that we reach the required milestones. There is a discussion that goes on at this table and I guess it comes to us from pressure form the private sector or the business community and that is that we could cut spending further by stopping the duplication, reducing service hours, outsourcing trade functions, for example. But that starts to mean that jobs are affected and I don't think that we can go much further in that area until we are able to assess things like the divestment of the GBE's, and that will be an evidence based professionally independently done process. What we will also have to deal with as a result of that is a capacity to deal with what may be related redundancies and we know that those changes, and it relates back to my question On Notice will mean changes to legislation to accommodate the Public Service reform and that's going to mean tough political decisions. That's why I ask whether the Minister, the Chief Minister was aware

of the timeframes associated with that because in the meantime this budget still provides and retains job security for Public Sector employees. At the beginning of the financial year, we go back to our June debate, we need to ask ourselves some serious questions and that included how are we going to broaden our taxation base and we can say that we are making some legislative moves to address that question. And as for the question of what is driving our deficit, we're also working on that in partnership with the Commonwealth and the sooner we can bed down long term commitment from the Federal Parliament the better, and I say that not to discredit the enormous efforts that have occurred under the direction of the Chief Minister and Minister Crean but because it is sole destroying to carry on this way, and it does nothing, nothing to inspire confidence in the future on the street or in the business community. Thank you.

CHIEF MINISTER Thank you Madam Speaker. Madam Speaker I thank Members for their comments around the table. I do confirm that in terms of the budget that I have put on the table today it does contain the provision for \$4.5m from the Commonwealth. I also confirm that the Supply Act that I referred to here also will be repealed but the expenditure I just give clarity to this. The expenditure authorised by that particular piece of legislation and obviously most of it already spent is enfolded into this Appropriation Bill. So you just have that confirmation. I do thank Members for their various reinforcement of the difficulties that we face in just progressing on this basis. This is not a sustainable way to move forward. I mention to you that this is a Spartan budget. Every time we go through a process on this basis we are not able to, this has been referred to by others, not able to undertake maintenance in various areas to give proper attention in a number of other areas and those areas will obviously decline and to continue on this basis is not a sustainable way to move forward. We must move into the mode that the Roadmap provides so that it will provide long term sustainability, not this annual ask which is inadequate. The matter that we do gain funds as we have seen in this context, it is not a sustainable way to continue to move forward and I just reinforce that we continue to press the Commonwealth for decisions in terms of those proposals that we have put to them. In terms of the paperwork that I have mentioned here and all of the research work I do want to thank the range of Officers that have diligently gathered information, collated figures to prepare the papers that I've been able to present today and circulate to Members for their information. Madam Speaker in terms of this particular piece of proposed legislation I move that debate be adjourned and resumption of debate made an Order of the Day for a subsequent day of sitting.

MADAM SPEAKER
the Motion be agreed to.

Thank you the question before the House is that

QUESTION PUT
QUESTION AGREED

REGISTRATION OF BULLS (REPEAL) BILL 2012

MR SHERIDAN Thank you Madam Speaker. I present the Registration of Bulls Repeal Bill 2012 and move that the Bill be agreed to in principal and I table the Explanatory Memo of the Bill.

MADAM SPEAKER Thank you Minister Sheridan. The question is that the Bill be agreed to in principal. Debate.

MR SHERIDAN Thank you Madam Speaker. This is only a brief Bill to repeal a Bill that is deemed to be obsolete and I read the Explanatory memo into Hansard there Madam Speaker. The purpose of this Bill is to repeal obsolete provisions of the law found in the Registration of Bulls Act 1937 relating to the keeping of bulls. The law has been in place for many years and while it may have served the purpose in the past it no longer does so. At present the law requires the appointment of Inspectors and requires that bulls be registered for a fee but nothing is provided as a consequence. The only aspect of the present law that is intended to be retained is that empowering the Minister to commit a specified bull to be pastured. This provision at present found in Section 10A will now find its way to Section 9 of the Pasturage and Enclosure Act 1949. Madam Speaker the Bill only has 4 clauses. Clause 1 and 2 provide the short title and commencement. Clause 3 repeals the Registration of Bulls Act 1937 and Clause 4 inserts new subsections under Section 9 of the Pasturage and Enclosure Act 1949 as follows. The proposed subsection (3) empowers the Minister to permit a bull to be depastured providing the bull is identified thereby ensuring that it can be readily tracked and the owner known and subject to further conditions that are subject to the supervision and control of the Administration while it is depastured. These animals while depastured and their owners are therefore subject to the general provisions of the Act. The proposed subsection 4 makes it clear that an approval only applies while a bull is depastured and that if, and when it is returned to pasture a new application must be made before being again depastured. That's the Explanatory Memo Madam Speaker and as indicated this Bill serves no purpose any longer in our legislation and it's an old Act going back to 1937 and the details of that Act back then was an Act to provide for the registration of bulls and for the improvement of cattle and for other purposes. Madam Speaker over these years our cattle stock has been vastly improved. There is now some very good breeding stock on the island as well as some very capable bulls in the paddock that is, and Madam Speaker as I said it's an obsolete provision that has been recommended to me that the Act be repealed. So I present it to the House.

MRS WARD Thank you Madam Speaker. I think it's interesting that the Minister has been advised, I'll acknowledge that straight up. This is advice from the Administration that this Bill no longer serves a purpose basically. That astonishes me actually, because this Act is about ensuring the quality of the breeding stock on Norfolk Island I would have thought, and the words in the Act are that a bull is well grown and sound of constitution. When it's not under Section 18 it refers to the emasculation of bulls. If they are deemed to be diseased infected or worthless. I have an interest in primary production. For me that is actually one of the areas where I would like to see future development on the island on our path to being self sustaining more at a local level. So I would have thought that it was sensible to keep this Act in place. The other point of this Act is that it's a revenue raising mechanism and in lieu of income tax and land tax over the years I would imagine that this is how these types of Acts or pieces of legislation have come into place. We have registration on dogs and there's importation and fees and charges associated with the importation of cats, dogs, fish, horses, cattle and other animals. I think if this Bill was before the House as part of a comprehensive tax reform package where we were going through all the revenue raising mechanisms or Acts that acted in part revenue raising mechanisms, I could understand this Bill coming before the House. I think it's interesting and I raised it just in my budget debate where we had to address broadening our taxation system. It would appear that we're not even adequately using what we have so I'll so an about face here. On one hand we're accepting or asking for Commonwealth handouts and yet we're not using the legislation that's in place that has been in lieu of land tax and income tax. What I didn't understand

when the Minister brought this file to us and he did back in February of this year. No it was put forward perhaps earlier than that but certainly in our time and I do recall it coming before us Madam Speaker is that at this stage no change is proposed for the registration fee under the Registration of Bulls Act. So in my naivety perhaps I assumed that this Act was being enforced and that the application of this registration was being policed but it would appear as of yesterday with information coming to us from the Minister that this Act is not being enforced in terms of the collection of registration or the registration of bulls, and I hadn't been aware of that. I guess it raises the question of how many other revenue raising pieces of legislation are in place that aren't being used. We know of one that's receiving limited use and that's the Dog Registration and we've seen that the Minister has put the Regulations through the House actually to decrease the price of that registration in an attempt to encourage people to register their animals. One could argue in terms of this proposal as the Minister has in front of us to repeal the Registration of Bulls is that it offers no service. I come back to the breeding stock levels, standard of and also make the point or ask the question what the dog owners receive as service for the registration that they pay. So I guess really just in summary if this was part of tax reform yes absolutely, let's address all of these Bills as part of a comprehensive tax reform package, but as it stands today I would prefer to see this Act being enforced in lieu of income tax and land tax. Thank you.

MR SHERIDAN

Thank you Madam Speaker and thank Mrs Ward for her comments because sometimes it's not obvious why things are done you might say and I've provided some paperwork on this proposal and in that paperwork it did actually say that back in 2010 I think it was first mooted that the Registration of Bulls Act should be repealed and that it was unnecessary. Madam Speaker I think going back some years and I'm just going off a vague memory that bulls on Norfolk Island years ago were minimal and I actually believe that there used to be a Government bull that used to go around and do his work with the herds and this may have even reflected introduction of this Bill, that's going back some years, and as the Act states it was for the improvement of the herd. Madam Speaker the Government no longer, they are no longer in that business. They don't have a Government bull going around to increase the herds or the pedigree of the herds. Our cattle owners now, or the larger ones have their own bulls and they have imported these bulls and they are of fine stock, and I'm sure that if there was a bull out there that wasn't performing, doing his job well you might say Madam Speaker that he'd lose his knackers quick smart. It may very well be a revenue raising measure back in the years gone by Madam Speaker but this Act, the Registration of Bulls Act has not been enforced for such a long time that it will be irrelevant to try and reintroduce the enforcement of it. I don't know how many bulls there are on the island and whether or not there would be any substantial funding increase to the Government. I doubt it very much, I doubt it very much. Madam Speaker I'm not going to get into the relationship between bulls and dogs, only that to say that yes upon review of all fees in the Planning Section of where I'm responsible for it was noted to me that for a tied ? dog it was a fee of \$125 per year where as for a cattle who could roam freely on the roads it was only \$75. So we were charging \$50 more for a dog of which they do roam free around town and they do create nuisances to neighbours and to other peoples stock etc and I think that was found out this year when a dog or two dogs had to be put down for killing some sheep. So there is benefits for the dogs to be registered because of the way the dogs are able to roam at times. Not all of them do I must say, but the bulls are not. They are enclosed in fenced off properties and they don't roam as the common herd on the commons. So as the recommendations that's come to me from the Service is it's no longer applicable, the fees are no longer applied. As I said there

was some reference there to 2010. It goes back quite some time and it's just happened that it's come to the surface now of the Bill reaching this House. So just with those few words Madam Speaker in response to Mrs Ward I think I've said my piece.

MADAM SPEAKER Further debate.

MR ANDERSON Thank you Madam Speaker. I wasn't going to say anything but I'm just going to echo what the Minister just said. Surely this is an example of past Governments interfering in the private enterprise and what we're trying to do is open up private enterprise generally. Now if having bulls registered and having the Government's ability to oversee breeding, what's it achieving? It's another example of something we should be getting rid of to ensure that the private enterprise gets out there, is efficient and gets on with it. That's all. Thank you Madam Speaker.

MR SHERIDAN Thank you Madam Speaker if there is any further debate well that can be brought up maybe next week if I bring it on because it will be sitting on the table. Madam Speaker I move that debate be adjourned and resumption of debate made an Order of the Day for a subsequent day of sitting.

MADAM SPEAKER Thank you Minister Sheridan. I put the question.
QUESTION PUT
QUESTION AGREED

NORFOLK ISLAND HOSPITAL (AMENDMENT) BILL 2012

MR SHERIDAN Madam Speaker I present the Norfolk Island Hospital Amendment Bill 2012 and move that the Bill be agreed to in principal and I table the Explanatory Memo to the Bill.

MADAM SPEAKER Thank you Minister Sheridan. The question before the House is that the Motion be agreed to,

MR SHERIDAN Thank you Madam Speaker. As previously stated it's only a small amendment to the Act and I'll read the Explanatory Memo into the House. Madam Speaker the principle purpose of this Bill is to provide for two additional members of the Norfolk Island Hospital Advisory Board. The intent is to provide expert outside assistance in connection with the move by government towards implementation of the proposed changes to the Health services as agreed with the Commonwealth. Additionally the opportunity has been taken to make some small changes to correct a reference error. Madam Speaker Clauses 1, 2, and 3 are standard references to the name of the Act, it's commencement and to the Act being amended. Clause 4 provides for making minor gramma cal changes in paragraphs 12 (2) (b) and 26 (1) (a) changing the quorum for meetings of the Board from 2 to 3 members with the increase of its membership subsection 18 (3), increasing the Board from 3 to 5 members section 12 and correcting a wrong reference in subsection 45 a. At present the reference is to Section 35 where as the reference should be for the provisions for the Section 45a. Deletion of 45 requires the reference be made to the section within which the references are made i.e. Section 45a. Madam Speaker this amendment to the Act has come about by our discussions you might say with the Commonwealth and with South East Sydney Local Health District. As everybody would be aware we're actually trying to get a Memorandum of Understanding signed with South East Sydney Local Health District to

assist with the provision of medical services here on Norfolk Island. As part of that it's been intimated that they would like to have a representative from South East Sydney Local Health District on the Hospital Advisory Board. Now this is to protect their interests in regards to the agreement that we plan to sign with them, and just to comment on the agreement the MOU. It's currently with Minister Crean. We have to get his approval prior to being signed off between ourselves and South East Sydney Local Health District. The only reason why it has to go to Minister Crean is under the Finance Minister's orders is that it's deemed to, it may have a liability of greater than \$1m to the Norfolk Island Government. Now whilst some may not agree with that interpretation and I fall in that category we see it prudent that it is signed off for the safe of all. Once that MOU or that agreement has been signed off and then we can fully participate with South East Sydney Local Health District in all the facilities that they do provide and there's some great opportunities there. Personnel exchange, some savings on our drugs. We can return our expired drugs. This is what we're hoping to achieve. We may be able to access their HR Services to assist us with the employment of the personnel at the Hospital. As everybody would be aware we're finding it very difficult to replace Dr Mac. I think we've been advertising now for some 12 months to get a suitable person and we're looking for certain qualifications to enable us to undertake minor surgery on the island, but also to enable our women of Norfolk Island to give birth. Unfortunately we cannot provide that service at the moment, and this is what we're trying to achieve. We're hoping that with the signing of the MOU that these services will be enhanced. We recently signed up to the ACHS accreditation scheme in Australia. We're going to try and get the Hospital services both for the patients and also our management of the Hospital up to certain levels and they've requested that if they would like to have a person on our Board to protect their interests, and I have no problem with that Madam Speaker. The other one is a request from the Territories Department. They would like to have a person from their Commonwealth Health Department on the Board and whilst I've asked what their intent is and what was their reasoning for this, well I haven't had any advice back as yet but I would imagine that it's to facilitate the extension of Commonwealth health services or state health services that are part of the Roadmap. The part of the Roadmap that we've been talking about for the last couple of years and hopefully health services like Medicare and PBS etc will be extended to Norfolk Island within the next 18 months to 2 years. I believe it's to provide some advice to the Hospital Director and that's what this Board does, it's an Advisory Board. So their representatives on the Board would then be able to you might say harbour the Commonwealth's interest in seeing that what services are provided is carried through and that the Director has some support in the extension of these services. So Madam Speaker I present the Bill to the House.

MRS WARD

Thank you Madam Speaker.. I would like to put some words of support behind the Minister's amendment to this Bill. We know that the total responsibility of the provision for health was seeded to us in 1979 under the Act and therefore we have been responsible for all services, delivery of babies, aged care, even and insurance scheme to cover health services, health insurance, cost of health on Norfolk Island, and we know that that's another obligation that we are finding more and more difficult to deal with, to cope with. So in support of Minister Sheridan that's another major reason we move in the direction that we do with the Roadmap. The Minister has touched on the South East Sydney representative, and I understand all of the, well I don't understand actually very well but I know that that's in the safe hands of the Minister, Minister Sheridan and Minister Crean in the Regional Department and South East Sydney nutting out the best possible Memorandum of Understanding for Norfolk Island and provision of health services for the future. The representative that I want to

focus on just briefly is the Commonwealth representative and the Minister has just said that that will be a health department person a Commonwealth health department person. I think that is wonderful news. That is something that we all need to embrace with both hands, pull those people in on the big fishing line and not let them go, and the first reports that they need to be made aware of, and I'm sure they already are but just in support is the Joint Standing Committee Report which was commissioned by the Federal Government in July 2001 it was released. It was an inquiry into the provisions of health services on Norfolk Island and it was titled "In the Pink or In the Red". And while the Norfolk Island Government has struggled since those recommendations were released and following on from that the Griffiths University Review which was an independent Report, that was in November the same year the Norfolk Island Government has struggled to implement, but has at the same time quite successfully implemented many, many of the recommendations that were put forward by the authors of both of those Reports, and there are others more into the Human Resources issues within the Hospital. And so while the Norfolk Island Government made every effort, the Commonwealth Government did nothing. Now somebody might like to challenge me on that statement and I welcome it, but as far as I can see they've done nothing, yet they know that we have been able to implement schemes which have been able to assist, particularly the families and the low income earners. They know the private health insurance is not extended when visitors have come to the island they've not been able to use either their Medicare or private health insurance. One of the recommendations it was recommendation 1 in the Joint Standing Committee related to the costs that visitors incurred when they visited Norfolk and if we didn't do something about it that it would be detrimental to the tourism industry and isn't hindsight a wonderful thing, that we have to ask ourselves. Is that really part of what's gone on here? The JFC Report, the representative on this Board needs to go straight to recommendation 3 of the "In the Pink or In the Red Report" which talks about Commonwealth Health Insurance Act extending to Norfolk, needs to go to 16 which talks about patient assisted travel scheme extending to Norfolk, needs to go to 18 which talks about the Aged Care Act extending to Norfolk Island, needs to go to 31 where it refers to ascertaining and establishing affordable income related health insurance for residents of Norfolk Island. And the recommendation 32 talks about Medicare. Now we know we're moving in that direction. I will take the Minister's amendment to this Bill today as a positive. I trust that the representative will be able to map out what the short, medium and long term needs are for Norfolk but I've said this before it's a bit like the Waste Management stuff you know we have piles of Reports and strategies that have been created. It is now time for implementation. It is now time for the Commonwealth to pick up on their ultimate responsibility which is for the welfare of the residents of Norfolk Island as Australian citizens. I think that I might leave it at that Madam Speaker. Thank you.

MADAM SPEAKER

Further debate on the question that the Motion be agreed to.

MR NOBBS

Thank you Madam Speaker. Just in brief I can certainly agree with a lot of the comments from Mrs Ward however I will just make this point and it's one that we made through the Australian National Audit Office Appointment that the Norfolk Island Government, this Government and previous Government's have sought is that we have nothing to hide in a lot of these areas, in any of these areas and to have that conduit of information being able to be transferred of both the challenges and some of the initiatives that are being used on Norfolk Island and in particular in this case through the Hospital's use of their resources as well as the challenges that are

associated with ever increasing medical costs, the contract costs for the professionals at the Hospital and things like that, I think this can only bring good outcomes in terms of informed decisions on Norfolk Island and outside of Norfolk Island. Thank you.

MADAM SPEAKER Further debate on the question that the Motion be agreed to.

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

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

QUESTION PUT
QUESTION AGREED

MR SNELL Madam Speaker taking into account the hour I would like to move a Motion that we suspend for a short lunch break for 1 hour and return on 1.00 O'clock.

MADAM SPEAKER I put that question to Members. Happy to suspend for an hour returning at 1 O'clock, comfortable?

MEMBERS Aye

The House stands suspended until 1.05pm.

MARINE SAFETY BILL 2012

MR NOBBS Thank you Madam Speaker. I present the Marine Safety Bill 2012 and move that the Bill be agreed to in principle and I table the Explanatory Memorandum to the Bill.

MADAM SPEAKER Thank you Minister Nobbs. The question before the House is that the Motion be agreed to. Is there any debate Honourable Members.

MR NOBBS Thank you Madam Speaker. I'll commence by going through the Explanatory Memorandum which actually gives the information and background to development of this Marine Safety Bill. This Bill proposes to provide a legislative foundation for the management and control of Marine Safety issues rising in the course of maritime activity in the waters of Norfolk Island. In March of 2010 the then Norfolk Island Minister for Fisheries Mr Chris Magri, a Member of the 12th Assembly signed a Memorandum of Understanding between the Norfolk Island Government and the Australian Fisheries Management Authority AFMA. The signing of the MOU was a requirement of the Norfolk Island Fishery Management Policy developed and adopted by the Norfolk Island Government during 2009. Now that policy was developed in conjunction with the Norfolk Island Fishing Association. The objectives of the signed MOU are as follows; to formalise and strengthen current effective cooperative and self regulating fishery management practices, consistent with obligations under National and International Laws and AFMA's obligations as a fisheries regulator under Australian

Federal Laws. Second dot point – to support ecologically sustainable development of the Fishery in line with the precautionary principal to ensure it's long term viability as a recreational and economic resource for Norfolk Island. Dot point 3 – to improve upon available information on the Fisher. Dot point 4 – to maintain biologically diverse and productive marine eco systems to foster long term ongoing use of Norfolk Island Fishery resources in an ecologically sustainable and culturally sensitive manner. Next dot point – to encourage and provide for ongoing participation of the local community in conservation and management of the Norfolk Island district. To improve the quantity and quality of available information for the sustainable management of the fishery, Next dot point – to develop cost effective and efficient fishery management practices. Next dot point – to ensure that use of Fishery resources and the operation of related activities are conducted in a culturally sensitive manner consistent with principles of ecologically sustainable development and exercise of the precautionary principal, in particular the need to have regard to any impacts of fishing activities, especially on species listed in the EPBC Act. Next dot point – to ensure that Fisheries operating under the FMP take all reasonable steps to ensure that members of protected species are not killed or injured as a result of fishing, or the Fishery does not or is not likely to adversely affect the survival or conservation status of a protected species or population of that species. Next dot point – to ensure accountability to stakeholders by those managing the Fishery. The Norfolk Island Government following the signing of the MOU undertook to develop and implement appropriate management strategies to ensure that some of the objectives that are described above are achieved. Consultation processes – the 13th Assembly commenced implementation of the MOU by preparing a policy discussion paper on a Marine Safety Bill for Norfolk Island in 2010 which at that time also included references to fish management. Agreement was not reached and this particular attempt was abandoned. In the second half of 2011 stakeholders were identified, a Working Group was established by myself. The group includes participants drawn from the Norfolk Island Fishing Association, Norfolk Island Administration and Legal Services unit, the Registrar, the Norfolk Island Police, Risk Management Officer from the Administration, the Chief of Staff of the Norfolk Island legislative Assembly and her role included as acting as Secretary to the Working Group. Following the Working Groups initial deliberations the Minister made the decision to exclude Fishery Management from legislation at this point and to concentrate efforts on preparing and consulting appropriately with stakeholder participants and the local community in order to develop responsible marine safety legislative parameters. This work commenced in January 2012 when an early public meeting with Norfolk Island Fishing Association was attended by myself and the Deputy Crown Counsel Mr Geoff Atkinson. Submissions were sought from the local Norfolk Island community all of which were examined by the Working Group and some ideas included in the legislation which was tabled as an exposure draft in the Legislative Assembly at its October sitting. The decision to split the legislation came about due to the Australian Governments consultation around the declaration of the temperate East Marine Reserve that was proclaimed on 17th November 2012. The next phase in this process is for the commencement of the consultation on Fishery Management within the Reserves which has recently been announced by the Australian Government and is scheduled to commence early in 2013 on dates yet to be advised. Given the local community concerns expressed around Marine Safety issues to date it was also agreed by the Working Group that it would be inappropriate to include its [unclear on tape] management in this Bill. During the Working Groups deliberations it became clear that the Australian Government was also involved in a comprehensive rewrite of the 1912 Navigation Act 1912 which contained no mention of Norfolk Island. The Navigation Act 2012 Commonwealth proclaimed in September 2012 applies to

Norfolk Island and will take precedence over Norfolk Island Marine Safety legislation in the event of conflict and will apply in situations not dealt with by a Norfolk Island legislation. It is difficult to predict examples of how this might occur. In developing this Bill close attention has been paid to ensure that it is complimentary rather than in conflict with the new Australian legislation. The Australian Federal Police Legal Unit has been consulted and has provided comment throughout the Bill's development. As well the Australian Marine Safety Authority AMSA has been kept informed during the preparation of this legislation. If any emergency is at sea is declared close to Norfolk Island the AFP Officer the Australian Federal Police Officer in command OIC will take charge of any rescue. In 2004 a Council of Australian Government Agreement signed by the Commonwealth and the States and Territories Ministers appointed the AFP as the responsible Australian Government Agency in all emergency rescues at sea for Australia's external territories including Norfolk Island. The exposure draft of the Marine Safety Bill 2012 was forwarded on 8th November to the Department of Regional Australia via the Norfolk Island Administrator who indicated to the Department that both the AFP and AMSA had been consulted. The Administrator was advised by the Department on the 20th November that and I quote "at this time the Department of Regional Australia has no comment to make other than to note that bringing modern maritime legislation into effect on Norfolk Island is to be commended and it should contribute to the long term development of the island". The Department of Regional Australia has advised that it has past a copy of the exposure draft Bill to AMSA for its information and comment. The Bill – in seeking to prescribe safety issues to protect the public and discourage unsafe practices the Marine Safety Bill 2012 will require registration of local boats, prohibit operating vessels while under the influence of liquor or drugs and authorise the direction of local and visiting vessels to positions at sea that do not endanger lives, coastline or property. Through regulation boat owners will be required to carry safety equipment and in a manner similar to that of motor vehicles. Local craft will be required to be passed as seaworthy through checks prior to the issue of a licence. The Bill will enable authorised Officers to ensure that water craft are operated safely. The jurisdiction of the Coroner to conduct an inquiry should there be a death on a vessel locally or in Norfolk Island waters is clarified by amendment to the Coroners Act 1993. The Bill establishes the Norfolk Island Marine and Harbour Authority and a Harbour Master. It also provides for authorised persons with powers to act in various circumstances. Proposed penalties for breaches of the proposed Act will be similar in extent to those currently provided under the traffic Act 2010. It is intended that there be no licence fees in the first year of operation and that the Act will be subject to review after 12 months of operation. This Bill has drawn on the legislative experience of NSW, Victoria and Tasmania. The Bill is divided into ten parts and two Schedules. Part 1 the preliminary deals with a number of preliminary and definitional matters that describe the objects of the proposed law. Part 2 and Madam Speaker I might take a bit of licence here and summarise these into the headings and certainly welcome anyone querying those if they'd like further information but it will get lengthy. Part 2 deals with the safety of navigation. Part 3 deals with boating safety, alcohol and drugs. Part 4 deals with marine certificates. Part 5 the requirement for vessels and that deals with several matters including prohibited operation of an unsafe vessel and providing powers to detain unsafe vessels. Part 6 – marine investigation and enforcement. Part 7 – legal proceedings. Part 8 – search and rescue. Part 9 – Norfolk Island Marine and Harbour Authority and Harbour Master. Part 10 is a miscellaneous which deals with various miscellaneous matters such as delegations, finding the crown, the making of rules and regulations, adoption of standards, and the provision of exemptions. The final section requires the Minister to conduct an inquiry into the operation of the Act as soon as possible after the first 12

months of the Acts operation. Schedule 1 provides the powers of authorised Officers. Schedule 2 provides for the amendment to the Coroners Act to clarify the powers of the Coroner with respect to certain deaths at sea. Madam Speaker that is the overview that is part of the Explanatory Memorandum. There has certainly been a wide range of feedback that has been provided to myself and members of the Working Group in both the development of this Bill which I should point out is a substantial piece of work that has been developed up from the ground up to be a practical piece of legislation for Norfolk Island and marine safety. In saying all that I certainly welcome further input around the table. I'm aware of some of the areas of issue and contention from some of my colleagues around the table and as I've explained to them and as I'll reiterate now I intend to bring a detail stage amendment to the House to finalise this Bill that will demonstrate we have heard both community issues and legislative issues that need to be readjusted within that Bill before its finalised through the House. Thank you.

MR SNELL Thank you Madam Speaker. I appreciate the words expressed by Minister Nobbs in his clarification of the proposed Bill but Madam Speaker my preference is that the Bill as it stands goes a lot further than what is required for Norfolk Island, and it required also a huge amount of clarification possibly by regulation yet to be introduced. Madam Speaker it worries me that sections of the Bill will have a grave impact on Norfolk Island and its fishermen and those that use the waters around Norfolk Island for recreation and also semi commercial activities. Some of the areas have been expressed by other colleagues around the table regarding Sections 87 and 88 but there are other areas. The Policing of the Bill itself, budget implications and the effect on local traditions, over regulation of a prime recreation and semi commercial area and industry that manages itself quite well now and you know we have to ask ourselves what are we doing introducing regulations of this nature to an area which is really quite small in comparison with Australia. We turn to areas like in Part 5 Section 39 requirements for vessels and we see that the number of qualifications of its crew, the number or qualifications of its crew which indicates all persons using a vessel must be qualified and how are you going to make a decision on that. Then we go to Sections 59 and just pick out just one area, Section E,F with the collision of the vessel with another vessel or with any object should be reported, and we go to areas like legal responsibilities, power to attend and answer questions which will also come up no doubt in the Minister's final recommendations when this Bill is sat on the table. We look at the legal responsibilities by post. You can get a, in Section 91 a Police Officer may serve a penalty notice on a person if it appears to the Officer that a person has committed an offence against the marine legislation and it can be done by post and the legalities concerning that, and obviously the Police in charge of search and rescue. There are areas of the Bill Madam Speaker that certainly are beneficial to the island and my preference would be that the Bill as it stands be broken up into areas of both international and local implications for Norfolk Island. So I would recommend Madam Speaker that the Bill be forwarded to the Impact of Bills Committee and also I believe that the policies and the penalties associated with parts of the Bill also be made known. I do not intend to support the Bill in its present stage.

MR NOBBS Thank you Madam Speaker. Where I'm able to give immediate responses to some of the things raised in this House today I will certainly do my damnest and the reason for this I do see a demonstrable need for this, for the bulk of the content of this proposed Bill and in responding to Mr Snell's queries there. The Regulations which will form part of the supporting content of this Bill will be disallowable instruments when they are created and implemented. So that will certainly

come to the House. Mr Snell mentioned that this Bill will have impacts on fishermen and those users of the marine environment, it will. If they are operating outside of the law then it will. That is its specific purpose, is to bring as much safety as is practically required, and that's the bottom line of this Madam Speaker is that a great deal of the safety requirements and recognition that has found its way into this Bill has come forward out of our own fishermen, in some cases out of the Norfolk Island Fishing Association and it's also come to us from members of the public who perhaps had near misses with personal water craft and the like in our bays as well. But the bottom line for Fishing Association was that with this Bill activated there would be no impact on the majority if any of their membership because they all comply with these areas already. The Norfolk Island Fishing Association has certainly done an enormous amount of work to try and bring, certainly safety to the fore in how they manage their membership and how they also encourage operators to manage their safety for not only their vessel in private use but also for charter operators. The budget question was raised by Mr Snell. As indicated in the appropriation being put on the table this morning there is an element that's allocated to that. The impact of local traditions that Mr Snell is talking about, I'd certainly welcome him in providing me any information on that because we had a discussion around this table and in particular I thank Mrs Griffiths for highlighting that where possible if we can identify those traditions then we include them. I totally agree. This is not designed to impact and if anything I'd like to use it to recognise some of our traditions in that use of the water. The qualifications of crew that Mr Snell talked about – yes in just the same capacity as driving a motor vehicle there are limitations on the age grouping and on the capacity to do certain things in that vessel exactly the same with a marine vessel. And so yes you will find that the perhaps 12 year old son isn't going to be allowed to drive the boat into the pier and pull up next to the crane while the Father hoists it out, but that is something that needs to be dealt with and brought back to a rational and safe approach. The question on the power to answer questions as in Section 88 has certainly been a good debating point around this table in terms of the best outcomes there and the protection of certain rights and making sure that your innocent until proven guilty, and I'm certainly willing to take on board all the responses to that around this table before we go to the detail stage amendment position. The AFP being in charge of search and rescue was also raised by Mr Snell. As I said that was a COAG initiative and really I don't see any issue with that. There needs to be a central body that has not only the capacity but the endorsement to manage those rescues at sea and those emergency situations. So hopefully that goes some way to answering the first lot of queries Madam Speaker.

MRS WARD

Thank you Madam Speaker. I'll just cut straight to the chase with the Bill and I don't think that I need to repeat anything that I've already said to the Minister. I've actually written two letters to the Minister, one was dated the 25th October and the other is the 9th November particularly following public Fishing Association Meetings. So those people who raised those issues can be assured that they have been passed through to the Minister. That will lead on to what maybe a large or sizeable detailed stage amendment and that's I suppose when I will re look at the Bill with that in mind. Coming back to the policy and asking the question why has this Bill been developed? I guess I've been able to look at this in a pretty detached way. The pressure did originally come it would appear from the fishing Club and those members wanting to be able to maintain the control of the local waters and to ensure that the resource was protected for future generations, and so it was really a question of the local Norfolk Island Government stepping up and saying well maybe it's time that we took on our responsibilities and that's sort of the starting point that I approached this Bill and

people with concern. Well do you want to have a crack at maintaining control the best we can even though we know that they are Commonwealth waters or don't we and the response to that was yes. So this is about us contributing to the long term development of fishing and marine activities for Norfolk. It is true that the Bill has grown into something a lot larger than just the local fishermen and certainly larger than that original 2009 policy which was signed between AFMA and the local government. It's a forward thinking Bill, piece of legislation. It takes us into the 21st century whether we like it or not but a part of it is giving teeth to the requirements to and I think of catch data as an example but basically to be able to monitor our resources and protect our resources. So that's what it's about. The licences just very simply with the Bill, I would just think road traffic, traffic licences, cars and as the Minister has said, your not drink driving you won't have a problem. You're obeying the law and you're being sensible and it's basically common sense, isn't it. I think most people do the right thing but I think if people are moving into more tourist orientated commercial areas we do need to make sure that there are safety standards because we're a tourist industry. So it makes perfect sense and in terms of us stepping up and creating our own legislation so that we can put in there what we feel is relevant rather than just having some Commonwealth or another States legislation overlay us then I think that's a preferable option. So that's why I'm prepared to follow through with this Bill. But it goes further - it talks about future shipping control. There are obligations, we do have obligations to manage resources under National and International law and that relates to the marine search and rescue as well, and the Bill goes on to covering legal proceedings which we have touched on. There are appeal rights within this Bill so that if anybody has a complaint or doesn't agree with whether there boat, if it hasn't been deemed sea worthy but they think it should have been and sort of making sure that we have authorised mechanics, diesel mechanics and again this is all going to progress. I see this Bill very much as a framework of what's then going to lead into regulations and the nuts and bolts, the detail is yet to be nussed out. And there is a review mechanism so that after 12 months everything will be reviewed so again you can iron out any wrinkles that may be in there. In terms of what is to be carried on the boat, when I look back at the work that has already been done by the Fishing Club they already seem to have a basic list of Eperbs and safety jackets and all the equipment that they require. So really we're just reinforcing or stamping what they have already committed to. There's a couple of contentious issues. One is the creation of a Harbour Master and it is clearly defined, there roles within the Bill. Because this is sitting on the table I think until January it certainly gives the community opportunity to have another look at it. One of the questions that was raised was, by one of the local fishermen was well does this mean that Joe Blow is going to be standing on the pier and telling me when I can and can't leave and enter the harbour, the harbour, we don't have a harbour. Maybe one day we'll have a harbour Madam Speaker. No that's not, and of course we carry that straight through to the Minister. No that is not the intent of the Bill that somebody would be stood at the end of the pier telling the fishermen that they can come and go. The other one which people have pressed me on for a long time is the jet skis in Emily Bay and most people are wanting to get rid of them, let's be honest. What this Bill allows for under Section 16, 3 and 4 are for regulations to be made which may prohibit or regulate the conduct of aquatic activities, and under the definitions, jet skis is one of those things, if this Bill is passed and introduced, does it automatically mean that the jet skis are banned from Emily Bay? No it doesn't, no it doesn't, but what it does, it gives the relevant Minister's opportunity to sit down with those people again, go through the code of conduct, see what's working, what isn't, I would say at the moment it is not working, but that's how it is covered in this Bill. So I look forward to the detailed stage amendment coming forward. Thank you Madam Speaker.

SPEAKER Thank you Mrs Ward, further debate Honourable Members on the question that the Motion be agreed to, and I am going to turn to Mrs Griffiths and then Minister Nobbs you may be able to respond to two. Mrs Griffiths.

MRS GRIFFITHS I think his response to me will be pretty brief Madam Speaker, I just want to say that despite its unpalatable nature, I support the introduction of this Bill in principle.

MR NOBBS Thank you, and I sincerely say thank you, because this again, is a fairly comprehensive change for Norfolk Island, but this change has been certainly well measured and well structured and worked on by a wide range of stakeholders. If I could just provide a few responses to Mrs Wards discussion there and that is to, in particular I might start with the jet skis first, and that is that up to this point in time, in effect, a bit of a gentlemen's agreement with the jet ski operators, but the intention was that everyone would use the Emily Bay launch area in a certain manner that would be safe for those people snorkelling and using the bay in their normal way. It hasn't worked out, we have had a number of instances where inappropriate use of the jet skis has occurred in the Bay, we have had a few near misses along the way, and the downside of that if we were to retain just a gentlemen's agreement would be, as far as I am concerned would be one out, all out. Whereas as we move down the path of this Bill, whereby individuals have a PWC, or personal water craft, or jet ski, and the licence to operate that, and if they create the issue within the Bay, then they, singularly, are out. Rather than the entire grouping who would otherwise normally operate within the Bay appropriately. Mrs Ward is quite right, there are appeal rights within the legislation, specifically to make sure that we get the right balance in this. And that may be to do with the evaluation of a safe vessel or not, the catch data has been highlighted there, the catch data is an important aspect of how we manage our fishery, and it is also an important element of the Norfolk Island Fishing Association and they have certainly managed the fishery area for Norfolk Island in a responsible way, particularly in seasonal and spawning periods, the future shipping control which was mentioned also by Mrs Ward, is also specifically about vessels that are not from Norfolk Island and may drop anchor around Norfolk Island in areas whereby we may need to perhaps ask them to relocate, which at the moment there is no real capacity built into our abilities there. With regard to the safety equipment, I would again, like to commend the Norfolk Island Fishing Association, because they have gone to great lengths, to not only define what is the appropriate safety equipment for their membership to carry on their fishing vessels, they have also gone to the lengths of bulk purchasing, they are also currently working through methodologies whereby they can provide those people who don't have the full kit a hire kit that will do them if they are using their fishing vessel very sporadically. That will do for now thanks Madam Speaker.

MR ANDERSON Thank you Madam Speaker, I have to say that it is good to finally see these matters being regulated and being as broad as the Bill is intended to cover, speaking from a lawyers point of view, from Mr Snell, keeping things simple, as I have said before in this House, always results in 98% of issues that arise being those matters that were excluded to keep things simple. And I don't think this is too complex, I think it's well balanced and is very necessary. I think it is probably two and a half years ago since we started talking about jet ski problems and the need to, and I said at that time, there is a need to regulate them, so it is good to see that, and these other issues are now coming up. Just from a legal perspective, I have referred other

issues to the Minister, which I believe he is addressing; I'm really going to merely mention two of them. One that I may not have raised before, and that is Section 61, in relation to authorised officers that carry out investigations and I notice that it is limited, that there is a list of types of positions that are included, and it says that the Minister may appoint an authorised officer for the purpose of the Maritime Legislation, any person who is a public sector employee, I just think that we still may need to make sure that if we have a major maritime incident here, we would probably want a major maritime lawyer or barrister or judge to come and officiate over it, and he won't be a public sector employee. The other one of course is the one that I have raised, and everyone has referred to, and that is Section 88, which is the limitation of self-incrimination, which I have great difficulty with, and I understand that the Minister is already looking at. It raises issues where a person can be forced by an authorised officer to answer a question or produce a document, and in answering that question or producing that document, the answer or the document can be used against that person in criminal proceedings, there is an exclusion for civil proceedings, which is when someone else sues that person arising out of the accident or whatever. So they have a lower standard of proof anyway, but they can't rely on the answers, the higher standard of proof in the criminal proceedings, it is a lay down misere, the people have to give the answer and it can be used against them. It immediately infringes on the premise that everyone is innocent until they are proven guilty and everyone has a right to silence, they don't have to assist in any enforcer or prosecutor being able to enforce the law against them. I appreciate that there is a need to make enforcement straight forward, but it should not be at the expense of the rights of the individual to remain silent, so this is why I have a problem with that clause. The investigating officers must get the proof themselves, and they can put it before a judge or a magistrate and let the judge or the magistrate be convinced by the evidence that they put together. Someone should not be compelled to incriminate themselves. We have in the Act, or in the Bill at this stage, Section 91 has penalty notices, the same as traffic infringement notices, the police can issue a notice saying that you have broken the law, here is your notice, you can take it to court and argue about it, or you can pay it, and if you pay it, the Bill says that that is not an admission, it is the same as a traffic infringement notice, you pay your traffic infringement notice, you haven't admitted any guilt, you have just paid the fine. So there is means already there for enforcing the law, without forcing people to incriminate themselves. I've raised and circulated around the situation as it is occurring in New South Wales, where the legal profession there is fighting the New South Wales Governments efforts to introduce, effectively inferences that arise from people remaining silent, and in justifying why that's unacceptable, they are pushing the fact that people have a right, or must have a right to remain silent. Basically it has been resisted by the entire legal profession and I would say that I would probably speak on the behalf of the Norfolk Island legal profession in saying that Section 88 would be offensive to them as well. I am merely going to read some, I have circulated this for the benefit of the Members, but I was going to read it for the benefit of Hansard, the New South Wales Law Society President, Justin Dowd, said on the 17th of August in an article he wrote for the Australian, this is a paraphrase mostly, the most basic protection that we citizens have against the exercise of state authority in the area of criminal law, is that a person is presumed innocent until proven guilty, this principle has been enshrined in the common law and legislation of the Westminster countries for centuries. The principle of presumed innocence is supported by necessary corollaries that are also enshrined in our laws, and those corollaries include that a person does not have to prove his or her innocence, he has the right to remain silent, and any admission of guilt must be made voluntarily. Interestingly enough in 1994 the United Kingdom changed its law to allow adverse inferences to be drawn if a person chose to remain

silent, but as a balance to that, they introduced and paid for a requirement that legal aid be provided to any accused person before they be questioned. So in those circumstances, if they say nothing, that can later on raise inferences, but the law requires them to be advised on their position before they can be asked any questions, and the UK Government pays for it. In 2000 the New South Wales law reform commission studied these issues as well, it received over 60 submissions from all sectors of the community and it concluded an examination of the empirical data does not support the argument that the right to silence is widely exploited by guilty suspects as distinct from innocent ones, or the argument that it impedes the prosecution or conviction of offenders. So look, the law reform commission would have probably done an investigation that would have run, usually up to 18 months/2 years, into what the situation is, and they determined the right to remain silent is basically – taking it away is not going to improve the administration of justice, it is going to take away necessary rights that the individual should have. I think that Justin Dowd said that if these inferences were allowed to be drawn, i.e. we are forcing people to make and give answers and they say nothing, he suggested that perhaps there should be a warning, and you have to listen to it carefully because it is clever – anything you say may be used against you, anything you don't say will be. So I am happy to leave it until the detail stage, but I think it is a very important, for lawyers, to protect the rights of individuals, and I am very concerned if that remains in that form. Thank you Madam Speaker.

MR NOBBS Thank you Madam Speaker, those points are certainly well taken, and in a response I had given to Mr Anderson some time ago, I do appreciate his input, particularly as one of his former roles I think was Assistant Coroner or Coroner? Deputy Coroner, so in terms of coronial inquiries I obviously want this to be a workable piece of legislation as well, thank you.

SPEAKER Further debate Honourable Members on the question that the motion be agreed to, we may have exhausted debate, Chief Minister were you – no, Mr King?

MR KING Just a few words Madam Speaker, I would herald my support for this ultimately, and whilst I am not a supporter of legislation or regulation for its own sake, yes, a need is manifest now and I accept that and we all understand that certainly over the past few decades that need has manifested in the form of an increasing number of craft on the waters, of an increasing size, and an increasing number of those participating in commercial activities, whether it be fishing or carting tourists out on the water, and of course motorised pleasure craft inside the reef, all those things have emerged over the last decade, and with that has come a very real need for regulation, and I say that whilst acknowledging the fact that we are only a small jurisdiction, there has been disproportionate growth in that area which has given rise to that real need. I do note Madam Speaker that this is likely to pass through in the term of this Assembly, and perhaps it is time given that a couple of brief months to go in this Assembly to offer an accolade to Mr Nobbs, not necessarily a bouquet, but an accolade for bringing forward a substantive piece of legislation, one of the few I have to say in this term of this Assembly, who will probably have the poorest legislation record of all the Assembly's when you look back and do the statistics, but I applaud this piece of legislation, principally because it is a substantive piece of legislation which has a local initiative. And subject to the legal technicalities that Mr Anderson has raised being addressed I would likely support this at the next reading, thank you.

SPEAKER Thank you Mr King, further debate Honourable Members? It would seem that we have exhausted debate at this time and I look to you Minister Nobbs.

MR NOBBS Thank you Madam Speaker, I move that debate be adjourned and the resumption of debate be made an order of the day for subsequent day of sitting.

SPEAKER Thank you Minister Nobbs.
QUESTION PUT
QUESTION SO AGREED

I believe the aye's have it, the motion is agreed, debate is so adjourned. We move now to the final notice, Public Sector Management (Amendment) Bill 2012, you have the call Chief Minister please.

PUBLIC SECTOR MANAGEMENT (AMENDMENT) ACT 2012

MR BUFFETT Thank you Madam Speaker, Madam Speaker I present the Public Sector Management (Amendment) Bill 2012 and I move that the Bill be agreed to in principle and I table the Explanatory Memorandum.

SPEAKER Thank you Chief Minister, the question before the House is that the motion be agreed to, debate Honourable Members, Chief Minister.

MR BUFFETT Thank you Madam Speaker, this Bill seeks to update and clarify those positions in the public service that will be automatically vacated if the holder is elected to the Legislative Assembly. This is not a new measure Madam Speaker, this is an existing list, but it is an out dated list that is being brought up to date. The list of positions that are affected and which are set out in Schedule 4 of the Public Sector Management Act 2000 hasn't been amended since its commencement. There have been many changes to the public service over the past 12 years and this Bill seeks to bring the list up to date and make it easier to change in the future as the requirements and posts within the service change and evolve. The Bill provides a specific power to change the list in Schedule 4 by regulation; it makes it clear that the relevant aspect of the list is the function performed rather than the naming and provides that any new positions above that of Administrative Officer Grade 3 (AO3) is deemed to be included. These latter provisions are intended to ensure that changes will take place even if a change to the formal list has not been made or is overlooked. And so the Bill has four clauses, one to three provide the short title, commencement on Gazettal of assent, and a description of the Act being amended. And Clause four, sets out in a Schedule the amendments that are to be actually made, the one about the regulation power, it has a change from the existing schedule to a new schedule and that is really the substance of this particular piece of legislation Madam Speaker.

SPEAKER Thank you Chief Minister, debate Honourable Members? It would seem Chief Minister that you have the call.

MR BUFFETT Thank you, it is not planned that we progress further with it today, so I move that debate be adjourned and the resumption of debate be made an order of the day for a subsequent day of sitting.

SPEAKER Thank you Chief Minister, I put that question Honourable Members.

QUESTION PUT
QUESTION AGREED

I believe the aye's have it, the motion is agreed, debate is so adjourned. That concludes notices. We now move to orders of the day.

POLICY PAPER – POLICIES TO IMPROVE IMMIGRATION IN NORFOLK ISLAND

SPEAKER And Order of the Day number one is the Policy Paper: Policies to Improve Immigration in Norfolk Island and we resume on the question that this House take note of that paper, Mrs Griffiths, you have the call to resume.

MRS GRIFFITHS Thank you Madam Speaker, Madam Speaker I can't say how disappointed I am that the opportunity to discuss this Government's Immigration Policy has come a month after a draft Bill on Immigration has been presented to this House. You may recall that I said I didn't support the Bill because I said the policy work hadn't been properly done yet. I am still of that view. I don't oppose reform. I like to think that my views on reform are objective. I firmly believe that any reform needs to be well considered and then well planned. We haven't got that yet. Perhaps my expectations were too high when I said I thought that our highest decision making body on the island would have a robust research and policy making capacity. It does not. It is true I commended the Chief Minister for providing us with a policy document in our September sitting. I also commended the Chief Minister for us doing this ourselves rather than letting the Commonwealth do it for us. It is still a good attempt at doing the right thing but the truth is we need a population policy before we amend our immigration legislation. If we had that, we might finally be moving slowly in the right direction. I apologise to my Liberal and Labour colleagues around this table when I echo the Greens by saying that population policy is complex and should not be determined by the number of people in a place, but also the way they live. Call me idealistic when I say that population policy should not be driven only by economic goals. We hold many other things than money dear. Madam Speaker it is painfully obvious down here that there is little understanding of the role and value of policymaking to law-making regardless of the fact that it is the main way a government translates its political vision into action. I'm not saying that we shouldn't change, because I believe we should. I agree we need more people here. The larger the work force, the more there is being produced. More production means more wealth. More wealth means more consumption and so on. A good population policy might have seen this Government working harder to attract our diaspora, our people who have given up Norfolk to experience life and opportunities elsewhere. Norfolk is not just home to those that live here but it is home to many who don't. What we want is to attract them back but we have to offer them something to come back too. I consider it mine, and each of my colleague's responsibility, to safeguard this place for these people as much as it is for those who live here, as well as those who haven't been born yet. I'm not saying that getting people to come home is the only answer, but it is one possibility we should work on first. We haven't tried anything and yet this Government is prepared to throw my community to the lions. Policy is slow but it is important. Doing it right, particularly on an issue as significant as this, is far more important than being seen to be doing something. Had we completed the first process properly we may have been able to strike a balance among a wide range of competing interests without losing sight of the desired policy outcome. If the policy had been any good – it may have made mention of skills-based immigration. It may have

mentioned of our society and culture, it may have mentioned our environment. It may have made mention of the impact of open immigration on our wages. It doesn't. A robust policy development process would have seen better research being done. We should have been given alternatives; we should have had ample time for debate; a range of views should have been heard. Madam Speaker this Government has failed the people it supposedly represents. To say that I am bitterly disappointed in the Chief Minister and his Government over the past three years is an understatement. I will not fall for Mr Buffett's dulcet tones telling us to enter the bigger pool, that the water's fine. Mr Buffett the water is not fine, and I'm not prepared to drown with you. Thank you.

SPEAKER Thank you Mrs Griffiths, further debate Honourable Members on the question that the motion be agreed to. Mrs Ward.

MRS WARD Thank you Madam Speaker, probably apart from the last few sentences uttered by Mrs Griffiths, I would have to agree with her, I don't feel like I'm drowning, I feel I am a democratically elected independent Member of this House who will fight hard to do what is right for Norfolk Island and dealing with Immigration is one of those things. Unfortunately I didn't have any of this work done for me, Mrs Griffiths is absolutely right, it has probably taken me 18 months to go through everything that I could find, and make my own decision. I would point anybody first to a March 1987 document, titled, The Past, Present and Future Population of Norfolk Island. It is a report of the Norfolk Island Legislative Assembly Select Committee on population, it was tabled in this House on the 18th of March 1987, by the late Mr Ed Howard, Madam Speaker you may remember it well, you were Secretary to the Committee. I found this document disturbing, I also appreciated that it was a sign of the times, it was 1987 when Burnt Pine was booming, everything was fine, no one really needed to think much about the future, there was so much money pouring through this island. But what it spoke about was how were we going to control these massive numbers of people who were coming in, and I've said this before in this House, if you think back to the '60's and the '70's, and look at yes, there was that spike, well there was an influx of people, the economic development and the benefits that were a result of that time, and people who were Islanders, who were away, were able to come home and ride on the economic activity, development and fortunes that new people coming created, and I won't look at Minister Sheridan when I say that I was created too in 1968, some people may not see that as a blessing, but it happened! But what this report did, was looked at, it is a comprehensive report, I encourage Mrs Griffiths and all Members to look at it. The trouble is – nothing has changed – it is exactly the same! It talks about controlling the population in every sector apart from the Pitcairn descendants, I think they are referred to as Islanders, were allowed to increase in population by, I think it was between .3 and .5 of a percent. But there were highly restrictive measures that then of course morphed into our tourism industry, and our immigration regime. And they were things like not being able to start a new business, not being able to employ outside people, and if that business was already allocated for, well you couldn't create another one. Obviously over the years that wasn't strictly adhered to, if it was we would probably still be, well I can only think back as far Smithy's Milk Bar, but I am sure the Chief Minister could go back further. But it was all about controlling and suppressing, it was like this policy hit the panic button, but the problem was that it didn't come off! And people were seen as a problem, absolutely, there was community input, there were phrases such as controlling the number of Islander residents, new enterprises should be limited to those who can be manned by people in the existing resident population. There are lists, I really do encourage people to have a look at that. What happened after that, about six years

later, was you found that the debate in the House, which Mr King referred to at the last meeting, which was the 15th of the 12th 1993, it is almost 19 years ago to today, when you read that report and we understand that the brakes have been on for six years, from '87 through to '93, that it is starting to have an adverse effect. So there is talk about increasing the quota and the debate that goes on in the House is sort of no different to today, it is that pull between those of us who want a very controlled population, there are people who still want zero growth I can tell you, or there are those who unfortunately, as Mrs Griffiths says, turn to the economic argument, and I can't deny that, that's absolutely the point that I have come to, it doesn't mean that I don't consider the social impacts, but I guess because I want to educate my children and I want there to be a Hospital and I want the internet and I want us to be able to maintain the standards that people like the Chief Minister and other Members of this House who have sat here and past Members have worked for, have fought for. I don't want us to lose that, but I see that progressing the Roadmap is very much about retaining that standard, that those who came before us have set. If that means in partnership with the Commonwealth, so be it. To me that is just sensible, times have changed, we have hit the 21st Century, I have said this before, we didn't ever, well those people in '79 didn't ever think about the increased costs of health, education, the internet, who had heard of it, and they are just realities that we have to face. The question then, and it was again with respect, the late Mr Brian Bates, and he asks the same question, such as, and if I may quote Madam Speaker, "I need to know if these new residents will in fact boost the economy, or soon become a burden on it", and they are questions relating to natural resources and water. I think the point that is poignant is that what some of the Members at that time were trying to find, and you hear it today, is asking the current population to boost the economy, and then that will attract new people, and to me that is upside down, you can not expect a financially, and sometimes emotionally, exhausted community with limited resources to re-build, re-invent, and I am going to expand on that a little bit more with the Tourism Strategy, because thank goodness that the General Manager of the Tourist Bureau is onto it. So that was that next document, that was 19 years ago, it is certainly not my intention to sit here and prolong the procrastination on this subject, even though I have to agree with Mrs Griffiths, some of those elements which we may like to do further impact assessments into we are under water, we are under water with a snorkel which has got, hopefully \$4.5 million trickling into it to sustain our standard of living and essential services. So that's where we are at. And it is a shame that we have had to get to this point, where we are on our knees, but I think we have to detach, we have to say, because some people, if I can clarify there, some people around this table I feel are feeling like victims in all of this. And I think you have to be able to step back and detach from it and not feel like we are being, I'm not sure what Mrs Griffiths said, I won't repeat the words she used, but we obviously don't feel the same, I feel that we have a choice here to recognise what we need to do for the future of our community and future generations, so obviously we represent different groups of people, I think it needs to be said Madam Speaker that there are those of us who, of our own accord, have gone through past population studies and debates, it's very tied with tourism, absolutely, the two are hand in glove, but I will go onto that more in the next debate. I could go on for hours Madam Speaker, I just want to reiterate my support for the direction of the policy, I mean we have gone a step further, we have got a Bill in the House, the Chief Minister also knows that I don't think that Bill goes far enough, and it's because I have done the work, and made my own assessment of what we need to do, to ensure the future of our community, thank you.

SPEAKER Thank you Mrs Ward, further debate Honourable Members? Mrs Griffiths, no, changed your mind. Further debate Honourable Members? Mr Snell.

MR SNELL Thank you Madam Speaker, Madam Speaker I agree with the comments made by the two previous speakers, this is a grave situation immigration. And I sympathise with the Chief Minister, the Chief Minister is in a terrible situation where he has to make a decision, whether he has been forced to do that with regards to the Funding Agreement he probably alone knows the answer to that and his deliberations with Minister Crean and the Regional Services and Territories Department in Canberra, but the problems associated with this Policy Paper and the outflow of the changes to the Migration situation to Norfolk Island, the Migration Act to Norfolk Island, is the unknowns associated with it. There are many instances such as questions that have been asked of us, can the Chief Minister confirm that the changes contained within the Migration Amendment Bill will not adversely impact profitability of existing businesses on the Island – hypothetical – of course he can't, but it has those implications that it could. And other areas – can the Chief Minister confirm that the changes contained within the Migration Amendment Act will not in anyway threaten the natural environment of Norfolk Island – of course you can't, you are never going to know what is going to happen, how many visitors are going to arrive here? Others – prior to the passage of the Migration Amendment Bill, will the Chief Minister be bringing to this House a further Bill to create a sex offender registry to notify the community of the whereabouts of such offenders – hypothetical again – will they or won't they. And there are other areas of questions along that line, there are areas like – can the Chief Minister confirm that the changes contained within the Migration Amendment Act will not in anyway threaten the culture of Norfolk Island – probably not, but again a hypothetical, can the Minister provide the House with the estimated number of new residents we can expect in 2013 as a direct result to the proposed amendments to Migration Act – of course you can't. Can the Chief Minister, as I have mentioned before, confirm that the Migration Amendment Act will deliver a net benefit to the Norfolk Island community, or is the Chief Minister bringing this Bill to the House in the knowledge that its passage will be detrimental to the community under the threat of not receiving Commonwealth assistance – how do we know? Will the Chief Minister be providing this House with a resources management plans and infrastructure development plans which he used to support the introduction of the Migration Amendment Bill. Madam Speaker this just goes on to ask questions of the many implications of the changes to the Migration to Norfolk Island and there are many others, it is a very very difficult situation, and one which we should tread very very carefully on, as I have mentioned before. Thank you Madam Speaker.

SPEAKER Thank you Mr Snell, further debate Honourable Members on the question that the motion be agreed to. Chief Minister.

MR BUFFETT If others have had their opportunity I would just like to conclude if I may Madam Speaker, Madam Speaker that which is on the table is an Immigration Policy Paper, and I thank Mr Snell particularly for recognising the difficulty of the overall situation that we face in immigration and in a wider range as well. But in terms of immigration, we have had a number of population studies Madam Speaker, I mentioned Mr Butland before, Professor Butland, the Select Committee has just been mentioned now, there has been some others as well, in an ideal world Madam Speaker, you often refer to that if I might respectfully say so, in an ideal world we would carry out all the research and all of the studies before we took any steps, but the reality is that we

don't live in an ideal world Madam Speaker, if we wait for everyone to be in step, our Army will never march, and we must move, notwithstanding the difficulties of moving. What has been clearly shown in most of the earlier reports is that there is a need to increase, and there is a capacity to increase, and that need and capacity still exists, I do acknowledge that we do not have sufficient studies as to know at this time what the top of the graph might be, I acknowledge that, but what I do have, very clearly in front of me, is that we are at the bottom of the graph at this moment, and we must rise the graph, and there is time to be able to have further examination as to how far we should rise. This is not abdicating Norfolk Island's capacity with immigration, and if in fact we have further indicators at another time, that we need to curtail, in other words rising too fast or whatever, that's not been exhibited to date I might say, it has not been exhibited for many, many, many decades I might equally say, then we might still have the capacity to be able to have immigration mechanisms brought into play, as well as others. But what must be clearly also explained Madam Speaker if I may, that this measure about immigration policy, to improve our lot, is not in isolation, it is not just this that will solve our difficulties, there are a range of factors, that we all see in the Roadmap, I won't repeat them again here at this very minute, but they need to come into play also. Norfolk Island's revised governance model needs to come into play, are entry into the GST needs to come into play, equally so with the taxation regime, a whole range of factors, so that there will be surety about how we move forward, surety about how we move forward, so that there is surety for our people to return and surety for new people to come and be added to our community, because no matter what other people may say, and have been said this afternoon, we do need to enter the bigger pool. We must enter the bigger pool if we are to be able to maintain those standards such as health, hospital and the like, education and the like, telecommunications and the like, if we want to go back to third world, well that's another matter, but the community will not want to do that, quite clearly would not want to do that, and the Roadmap is not leading us in that direction, it is leading us towards a world that we will be able to enter a sustained arrangement and have those facilities, and in moving in that direction, I do need to very clearly say something, which I have said on other occasions, it's been quite clearly shown that those who live and have their being in Norfolk Island in moving into a wider world, quite the contrary to being drowned, have been shown to adequately be able to hold their own, and I am very firmly continuing of that view. It needs to be clearly understood that Norfolk Island people, residents of Norfolk Island, have the capacity in their being, in their business capacity, in whatever other capacity, in their educational wants and needs, the capacity to pursue those, have been shown very clearly to be able to hold their own and compete with all comers. It is quite the opposite of being drowned Madam Speaker. And so this particular piece of legislation, I have already signalled that it might require some amendments, we will talk about that further. But needs to work, as far as moving forward, widening our horizons, giving greater opportunity for both visitors and residents of the island, it is no longer possible for us to sustain those things that we need in the smallness of the pool that we have. And that is one of the reasons why we are moving forward with the revised immigration arrangement for Norfolk Island, again, difficult though it may be.

SPEAKER

Thank you Chief Minister, Mr King.

MR KING

Thank you, I am going to make a brief contribution in defence of something that Mrs Griffiths said, and I have listened a number of times to the Chief Minister's eloquent presentation about where we are heading, the Roadmap and where he hopes it will take us in due course, and I couldn't agree more, but Mrs Griffiths

is perfectly correct when she says more things could have been done better, there could have been more factors considered, we could have taken more time to consider it clearly, when you think back on the process of how this has occurred over the past couple of months, it has occurred like a machine gun – rat a tat tat – on one occasion I recall we got a policy paper on the Tuesday before the meeting and we were told that it was open for discussion at the meeting the following week or some such thing and yet it appeared in the paper at the weekend as a fait accompli, that's not the first time that those processes have occurred and have left the back benchers out of the consideration of which could have been wider and more complete as Mrs Griffiths has said, she has said that there is a whole range of views, relevant views that ought to have been considered in relation to this matter, and they should have, notwithstanding the fact that we were being pushed from behind by the Commonwealth, we knew, the Government knew that that push was coming, you felt the hands on your poeht for a long time, we had ample time to consider the very factors that Mrs Griffiths said ought to be considered in a fuller and more complete manner which may have resulted in back benchers like Mrs Griffiths and perhaps myself feeling more included in bringing this matter to the point that it is at now. So I make that defence in respect. Nevertheless, having said that Madam Speaker it is regretful that we were pushed to the point where we have now, and it has occurred in such a quick manner, the writing has been on the wall for a long, long time, the Chief Minister has said that we haven't been ill equipped, I think he spoke about being in an ideal world, in an ideal world we would have considered certain things, but you know I have mentioned on past occasions that there have been policies, prohibitive policies on our book, on our immigration policy, which has restricted entry into the island and further economic contribution, which have remained unreviewed through peaks and troughs in the economy over a period of 30 years and that is next to shameful that those sort of things have occurred, so it is something that should have been considered more closely and more fully, from time to time over those decades, and it could have been done in more recent times a lot better, thank you.

SPEAKER Thank you Mr King, further debate Honourable Members before I put the question. It would seem that we have exhausted debate, I put the question which is that the House take note of paper.

QUESTION PUT

QUESTION AGREED

I believe the aye's have it, the motion is so agreed.

DRAFT NORFOLK ISLAND TOURISM STRATEGIC PLAN 2012 TO 2022

We move now to Order of the Day Number 2, Draft Norfolk Island Tourism Strategic Plan 2012 to 2022, we are resuming on the question that this House take note of the paper, Mrs Ward you have the call to resume, and I ask Acting Deputy Speaker Sheridan to take the Chair please for five minutes. Mrs Ward.

SPEAKER Thank you Madam Speaker, this debate as we know is a follow on from Minister Nobbs, Minister for Tourism, tabling a draft copy of the Norfolk Island Tourism Strategic Plan 2012 to 22. My main aim in doing that, in prolonging the debate a little was to give opportunity for the wider public to make their comment, I said at the last sitting it was a matter of fully embracing it, or at least making comment, constructive comment on how it could be done better. We understand from the Minister that he has had a great deal of feedback, positive, negative, constructive, helpful, not. I think the words that struck me when Minister Nobbs tabled the strategy,

the strategic plan, was that we need to understand it. And I had to admit to myself that I didn't really understand it. And as the driving force, the main force in our economy, sitting where I do in this role, well I'm going to look pretty stupid if I don't understand it. So I set to having a look, I must admit that every time I look at it I see something different. It also took me back, and it's funny, we have just been dealing with immigration and tourism, it took me back to the Exit Report of the previous Norfolk Island Government Tourist Bureau Manager, who left us sometime over 12 months ago, and he said that Norfolk Island had the raw materials to be an iconic and unique cultural heritage tourism experience, he said that to do so, however, to become that in the very competitive world of tourism, was that it required some strong and visionary leadership from Government to drive a revised and realistic strategic tourism recovery plan and then onto the next plan of course, and as I see it, that is what the current General Manager of the Tourist Bureau has done. I think I am quite comfortable to say these things, I am quite comfortable to say them if the current Manager didn't agree, but basically when you read the strategy the Manager has picked up and has carried through, he absolutely agrees that it must be coupled with sufficient partnering support, financially and intellectually in a holistic fashion from the Norfolk Island Government along with assistance through grants and expertise available from the Commonwealth Government in order to deliver on the Island's true potential. And it says that the Norfolk Island Government must also become more progressive in order to revive the tourism experience available and open its doors to outside industry investment. So there you have somebody who's top of the game saying that's what you need to do, you don't want to do that if you want keep your doors closed and keep yourself isolated, you are going to pay the price. It said that legislative reform to encourage overseas investors to establish themselves on island, build new tourism product, generate employment through the community and retain a viable return on investment, it goes on, that that should be progressed and supported by the Government. Also in areas such as tax incentives, and it refers to seed development funds, and we have already had some discussion around this table on those points. The five solid strategic themes that are picked up on in the strategy are 1- to increase visitor numbers, that seems pretty simple to me. To provide an environment conducive to investment; and that is really when you sit in this role what you need to look at, what we can do as a Government, and that is where we see moves such as the changes made to the Tourist Accommodation including what will be the removal of the quota and immigration reform, so that is what the Chief Minister and the Minister, as I see it, are doing, they are understanding that we need to progress in the tourism area to drive the economy to make ourselves sustainable, it is pretty simple really. 3 – was to seek to provide the best in our visitor experience. To me the Government is not in the business of providing a smile or clean sheets or fresh flowers, that is very much about the industry needing to step up and provide best product and best visitor experience, having said that, that also comes back to areas such as roads, maintenance of roads, commitment to improving reserves, walkways, all of those areas. 4 – is to develop sustainability, infrastructure and capacity, and again it is a joint task there. And 5 – talks about build employment capacity and skill within the sector and that is very much based on improving and upskilling in those human resources. I think what my brain has wanted to do, is really have a look at what is the expectations from now on in, this is a draft strategy, but it will turn into what will take us forward for the next 10 years, although it will be reviewed annually. And what I found looking back at the last strategy, there is a number in there, there is a figure, it is 45,000 visitors, and so all of a sudden in the community there was this expectation that that was the number of visitors that were going to come on the aeroplane, and when that didn't happen, it would appear that everyone either wanted to blame the General

Manager's of the Tourist Bureau, or the Government. I think that goal that was set was unrealistic, I have already spoken with the Minister, he has taken this point on board, which talks about the graph which has the potential visitor numbers by cruise ships, I will stress this one because we have only put in an Expression of Interest, in supporting infrastructure to accommodate the cruise ship industry, so I wouldn't want to see us fall into the same trap of creating that inflated expectation from within the community that the cruise ship industry was going to save our bacon within the next 12 months – two years – five years even. So I put that on the record. I do think it is important that this strategy shows what the Government, and when I say the Government, I should say the Norfolk Island Government and the Commonwealth Government are prepared to commit to over the next 10 years, and then I would like it clearly defined. And I think it is in the tables of what will be expected of the Tourist Bureau. And then what will be expected from the community, because I think unless we understand it, unless we have a clear understanding of what's expected from everybody because we are all in this together, then we are going to have the same problems that we have seen over the last five years, and that is that the community sitting back and saying, and whipping the Tourist Bureau or the Government. Having said that, I've already said, and I'll say it again, it needs to be very clear what the Government is going to commit too. Funding is obviously the issue, there will be caveats in there. I've made lots of notes, but most of them I have shared around this table at MLA's, I probably don't need to go through them again, just that there is certainly a recognition on my part that the Government can probably do better at informing the community at what it is capable of delivering and not give false expectations in doing in that. So I hope that in raising or keeping this debate on the table just for today it has raised the profile of this strategy, the other point which is probably worth mentioning in a public forum is the importance of our links going forward with the National Parks, and with KAVHA and with utilising our World Heritage tag, and hopefully with Tourism Australia in the future. The strategy as I was saying before the General Manager has highlighted the importance of progressing the Roadmap and the elements within that he also refers to the competition principles, so I guess I would just say to anybody in the community who has comment to make, the Minister and the General Manager have already been on the radio saying they would like comment by the 14th as I understand it, the sooner the better, and I wish the Minister well with progressing this strategy and bringing it back into the House for endorsement, thank you.

SPEAKER Thank you Mrs Ward, further debate Honourable Members, Minister Nobbs then Mrs Griffiths.

MR NOBBS Thank you Madam Speaker, and thank you Mrs Ward for your input, it is an important document for how we manage ourselves within our tourism capacities, within our community expectations, within our Government commitments to tourism and infrastructure, within the commitments from peak bodies for example such as the ATA, Accommodation Tourism Association and the Chamber of Commerce, and any other organisations that particularly wanted to have a representative role in tourism for example, there was talk about a Norfolk Island Tourism Industry Council forming at one point in time. There is a role for each area in this strategy and it really does come down to taking the time to understanding it and participating in it, and to put that in context with the participation, I tabled this at our last Sitting, since that tabling I have probably rewritten at least 5 – 20% of every page where I've put some additional notes and clarification thoughts, and I know I am not the only one, I have had feedback, certainly from around this table, from a number of areas

where perhaps the message isn't clear enough or the motherhood statement doesn't necessarily match what the intent may be. We're taking that on board, this ultimately isn't a single person's document, it's not the GM's document, it's not the Minister's document, this comes out of a community evolution of a vision, and some objectives that the community, the stakeholders and our various partners have put on the table after reviewing such documents as Mrs Ward talked about before, the Exit Report from the former GM, the traffic light analysis for the previous five year tourism strategy, the analysis by the Norfolk Island Government Tourist Bureau Advisory Board, the review on any of the initiatives that have been operational and can be reconciled against their performance, has also fed into this. We've certainly made the strategy available far and wide and certainly invited all areas on island and off island that we interact with to provide us feedback on it. Ultimately this has to be a good working document for us to move forward, I completely agree with what Mrs Wards talking about there about not presenting any unrealistic expectations in this document, that was certainly an area in the previous strategy that let us down. Although I will point out that some of those figures were actually supplied by the peak bodies at the time, who perhaps were more optimistic than the situations actually enabled to eventuate. But ultimately it does come down to the strategic themes, it does come down to understanding the private sector and public sector ownership and development of those themes and strategies, in the final development of the strategic plan for tourism that I will table in this House and will look towards the membership for their endorsement of, I will hope that we have the tables that include the Norfolk Island Government's commitment to infrastructure and those elements, in particular, impact on the experience for the visitor of Norfolk Island, I would certainly hope that we have commitment from peak bodies such as the Chamber and the ATA, that spells out what they are going to put in place, what initiatives that they are going to work in. This is really spelling out that it is not just up to a Bureau, it's not just up to a Government, it's up to all of us. Thank you.

SPEAKER Thank you Minister Nobbs, further debate Honourable Members, Mrs Griffiths and then Mr Snell.

MRS GRIFFITHS Thank you Madam Speaker, Madam Speaker I have been looking forward to receiving this strategic plan. It is particularly timely as our current tourism plan comes to an end this year. A strategic plan is a document that spells out where an organization is going and how it is going to get there. It is particularly important as it must also justify an annual commitment of over one million dollars each year. Madam Speaker, preparing a strategy is important work and I commend the Tourism General Manager for his attempt to produce such a document. It is essential that we know where the Bureau is going. I have to say I was surprised that this was a 10 year plan. I appreciate that tourism is a long-term business for Norfolk but in such changing times I would have thought a shorter term plan, say three to five years would have been appropriate. I know that there will be comments on the titles of areas and the wordiness of the document. I am not concerned with that. I am concerned with the substance. And while I can make substantial comments on the content - what I really think is that no amount of changing titles or editing could possibly make this a working strategy. It is a pity that the Minister for Tourism did not recognise this before he allowed it to be sent offshore. That fact that it has been circulated regardless of whether it is as a draft or not is embarrassing. Madam Speaker I can see nothing that would justify the money that the Bureau requires. I would suggest that it go back to the drawing board or engage somebody that knows that a strategy is supposed to be. Thank you.

SPEAKER

Thank you Mrs Griffiths, further debate, Mr Snell.

MR SNELL

Thank you Madam Speaker, Madam Speaker I appreciate that the Minister has submitted this as a draft Norfolk Island Tourism Strategic Plan and I echo the words of Mrs Griffiths and congratulate the CEO of the Tourist Bureau of trying to put such a plan together with of course the assistance of the Minister and his Board, however Madam Speaker it is a little disappointing to read the plan that it does not address major issues if they want to increase tourism to Norfolk Island, in my experience and direct involvement with the tourism industry here, there are areas here which we suffer terribly from not being able to participate in, and I refer in particular to a Melbourne-Norfolk direct flight, which provided a lot of visitors in the years when that service did operate, there's no mention of any inclusion of that in the draft Tourism Strategic Plan, it is something that should be looked at, and it should be a major part of it, and Minister Nobbs has mentioned that he has rewritten pages by 5-20% and maybe that's part of it. So I may be a little bit ahead of myself on that, but I would like to see that as a direct recommendation of the report. And obviously there is also the proposal that has been submitted from time to time Madam Speaker, is the reversal from the International to a Domestic Airline services to Norfolk Island, and this may not fit in with the services provided by Air New Zealand, the international carrier that we are so very fortunate to have, and we are so very fortunate that the Commonwealth has assisted in providing that service to us at no charge, and I extend, of course, the thanks, on behalf of the people that represent for having that Airline Service, but we need to look at whether it is serving us the way it should be, whether we should have that Melbourne-Norfolk flight, whether it should come out of the Domestic terminal. The Airline service, this is not specifically Air New Zealand, and the removal of the need for passports into Norfolk Island, people I have spoken to said that if they didn't have to get a passport to come here, that tourism numbers would double or triple, because it is an impediment and the services that you have to go to get a passport does put some people off. The other areas obviously that I was hoping that maybe in the report that would have given some detail, as to seek local consideration into the Airline situation particularly regarding ticketing pricing, whether Norfolk Island could have some input into why the Airline structures it's airfares in such a high scale, certainly probably to make money, they don't want to lose money! But you know if you wanted to go to Australia in the next few days without pre-booking, return you are looking at nearly \$2,000 which is out of the question for a lot of people, particularly if they are in an emergency situation, and I would have hoped that as an aside, that maybe Air New Zealand could have been encouraged to put in such things as a medical airfare and so on, and those are areas that maybe, as part of the objectives. I figure Madam Speaker too that too much emphasis has been placed on the Cruise Ship visitation at this time when no commitment has been made for a better wharf facility. Sure it has been talked about, but it will take a long time, and we can't base any strategic plan on the hope that tourists will arrive from cruise ship visitations when we don't have the proper wharf facility to handle such visitation. I feel from reading the report that too much reliance has been made on the work on the branding that's already been implemented, consultants, again, and no clear support that I can see in the report has given to improving our association with the wholesalers and the burgeoning group market, and in particular our senior citizens market, which is a most important area of tourism to Norfolk Island. I appreciate the objectives, I appreciate that this has come to the House, but it lacks in some areas – I consider. Thank you Madam Speaker.

SPEAKER Thank you Mr Snell, further debate Honourable Members? It would seem not. Chief Minister, no? I put the question, the question being that the House take note of the paper.

QUESTION PUT

QUESTION AGREED

I believe the aye's have it. The paper is so noted.

TRAFFIC (AMENDMENT) BILL 2012

SPEAKER Order of the Day number three, Traffic (Amendment) Bill 2012, we resume on the question that the Bill be agreed to in principle, Minister Sheridan you have the call to resume.

MR SHERIDAN Thank you Madam Speaker, Madam Speaker this Traffic (Amendment) Bill, as I said last month when I introduced it, is to make amendments to the Traffic Act 2010 in order to satisfy some uncertainties that have arisen and to correct a cross reference. It is not a very substantial Bill as Mr King would say, it is just a minor Bill that's just correcting, or not correcting, it is putting some certainty to some intent of the Act, and as I said at the last month Madam Speaker, it refers to the traffic signs, but in particular traffic signs that are erected in a public place, not necessarily a Road Reserve. Also deals with a situation where a person might seek to assert that he or she is not any other class of driver, clarifies the relationship between the percentage of alcohol in a blood sample, and makes an offence of driving under the influence of drink or drugs under Section 32(1) and an offence of strict liability. Madam Speaker I haven't got anything further to say to this Bill, and I pass it over to the Members for their comments, I don't think there were too many comments last time.

SPEAKER Thank you Minister Sheridan, is there any debate Honourable Members? Seeing there is no debate, I put the question, that the Bill be agreed to in principle.

QUESTION PUT

QUESTION AGREED

I believe the aye's have it, the Bill is agreed to in principle. Is it the wish of the House to dispense with the detail stage?

MEMBERS Aye.

SPEAKER The detail stage is dispensed with, Minister Sheridan.

MR SHERIDAN Where am I Madam Speaker, Madam Speaker, I move that the Bill be agreed to.

SPEAKER Thank you Minister Sheridan, is there any final debate Honourable Members before I put that question? There being no debate, I put the question.

QUESTION PUT

QUESTION AGREED

I believe the aye's have it. The Bill is agreed too.

INTERPRETATION (AMENDMENT) BILL 2012

SPEAKER The final Order of the Day on the Notice Paper, Number four, the Interpretation (Amendment) Bill 2012, we resume on the question that the Bill be agreed to in principle. Chief Minister you have the call to resume.

MR BUFFETT Thank you Madam Speaker, we are resuming the debate on the Interpretation (Amendment) Bill 2012. As I explained when I introduced this Bill Madam Speaker, the purpose of it is to give formal effect in Norfolk Island Law to the changes to the reference to Members of the Executive Council of Norfolk Island, previously Members were known as Executive Members but they were also generally referred to as Minister's. The Territories Law Reform Act, that is the Commonwealth legislation, formally changed the title from Executive Member to Minister, and so this is about reflecting that change in this Interpretation (Amendment) Bill to give effect to all of this in the Norfolk Island legislation. It also covers the definition of property, as used in the legislation, to clarify its meaning, I did explain all of that when we had introduction of the Bill Madam Speaker, this is endeavouring to bring it to its finality today, I commend the Bill to the House Madam Speaker.

SPEAKER Thank you Chief Minister, debate Honourable Members? It would seem that there is no debate, I put the question that the Bill be agreed to in principle.

QUESTION PUT

QUESTION AGREED

I believe the aye's have it. The Bill is agreed to in principle. Is it the wish of the House to dispense of the detail stage?

MEMBERS Aye.

SPEAKER The detail stage is so dispensed with. Chief Minister I seek a final motion.

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

SPEAKER Thank you Chief Minister, I put that question unless there is any further debate? No debate, I put the question.

QUESTION PUT

QUESTION AGREED

I believe the aye's have it, the Bill is so agreed.

FIXING OF THE NEXT SITTING DAY

SPEAKER The fixing of the next Sitting day, Mr King.

MR KING Madam Speaker I move that this House at its rising adjourn until Wednesday 19 December 2012 at 10am, that is next week.

SPEAKER Thank you Mr King, is there any debate Honourable Members? It might be helpful to Members to remember that tomorrow the Notice Paper closes at 4pm for next Wednesday's meeting.

MR SHERIDAN Madam Speaker we will be able to get Hansard done by tonight then!?

SPEAKER We will give it our best shot! Miracles happen! Is there any debate? I put the question.

QUESTION PUT

QUESTION AGREED

I think the aye's have it. The motion is so agreed.

ADJOURNMENT DEBATE

SPEAKER We move now to the adjournment debate and I look to Mrs Ward.

MRS WARD Thank you Madam Speaker, I move that the House do now adjourn.

SPEAKER Thank you, the question before the House is that we now adjourn, and I ask the Deputy Speaker to take the Chair, thank you.

MR SNELL Thank you Honourable Members, I call on debate, adjournment debate, any debate Honourable Members? Ms Adams.

MS ADAMS Thank you Mr Deputy Speaker. Honourable Members, what I plan to say this afternoon is about principles, processes and our Parliament. Parliament is the voice of the people and I was honoured by the people in March 2010 to be elected as a Member of the Norfolk Island Parliament, the Legislative Assembly of Norfolk Island, and I was humbled that those members of the community who voted for me were prepared to put their confidence in me as their representative. To then be elected by Members of the Legislative Assembly to the prestigious position of Speaker of the House has been the greatest honour of my parliamentary career, where I started out as a parliamentary officer in the role of Deputy Clerk in 1981, as the Clerk for 26 years from 1984 and finally as a Member of the Legislative Assembly of Norfolk Island since 2010, a period spanning some 31 years. I thank my Assembly colleagues for having appointed me to, and supported me in, my role as Speaker. Honourable Members, I hold the firm view, and I have expressed it regularly, that my first loyalty as a Member of Parliament is to the people who elected me and the issues that the House is now being required to take decisions on have required me to seriously consider whether or not I am adequately representing on the floor of the House those who elected me, many of whom are not comfortable with the decisions that are being taken by the House on the Island's future, under external political pressure. I believe it behoves me to endeavour to make their point of view known in the Parliament and I have taken the very, very hard decision to step down as Speaker which I will do before the Sitting of the House next week, on the 19th of December, so that I can, in the final stages of this, the 13th Legislative Assembly, speak freely and openly on behalf of those electors, many of whom wish me to put forward an alternative future for Norfolk Island than the one that is currently being proposed. However, Honourable Members, there is another even more

important reason for my decision to step down as Speaker and that is that there comes a time in life when one must stand up for the principles that one believes in, and to be counted when one sees an injustice being done. And for this reason I will also be stepping down as Speaker to allow me to publicly protest, and to speak out at what is happening to the independence and sovereignty of the Norfolk Island Parliament; a Parliament which is being compelled to enact legislation in order to receive funding for essential services. To illustrate this, I turn to the words of Minister Crean in October in which he made it clear that the Australian Government expects practical and demonstrable steps towards genuine reform as part of any funding package. These are to include: 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; introducing an acceptable land valuation bill as a prelude to the introduction of property based taxes; deregulating the tourism accommodation sector which involves the removal of licences and quotas, through the enactment of Tourist Accommodation (Amendment) Bills; amending the Public Sector Management Act to remove the Public Service Board and to align provisions relating to redundancy entitlements with mainland public sector jurisdictions. There are other demands being made by the Australian Government but the ones that I have mentioned here today are chosen to highlight that the Australian Government is making demands on our Parliament to make legislative change, which as I pointed out in my letter to Minister Crean of 26 October 2012 and which I quoted from at the sitting on 21 November 2012, "is inimical to the independence and sovereignty of the Parliament"; and with respect, such requirements of a parliament by the Australian Government through Minister Crean are not appropriate. It is regrettable that three of the foregoing pieces of legislation that the Australian Government is demanding actually appear on the Notice Paper today. Minister Crean has made it quite clear that payment of any funding provided by the Commonwealth will be subject to the Norfolk Island Government meeting the demands of the Australian Government. His Honour the Administrator re-enforces this to be the case and I quote from the transcript in *The Norfolk Islander* last weekend which reported on the Administrator's fortnightly talk with Mr George Smith on the local radio, and I quote from the newspaper, "Next week we start on the Funding Agreement and obviously the funding agreement is such that the \$4.5 million is not going to be paid out in one lump sum but will be distributed in various amounts until the end of June". That's fine, however, "Whether or not they are paid depends on the milestones that are negotiated next week on the various conditions and it is left to myself (that is the Administrator) and the Commonwealth Officers whether to advise the Federal Government whether or not the milestones have been met to actually get that amount of funding. If the milestones are not met the funding won't be coming. It is as simple as that". End quote. Honourable Members the independence and the sovereignty of the Norfolk Island Parliament is again at risk. Equally democracy on Norfolk Island is also at risk. And whilst this is not a new situation for Norfolk Island, what is happening today, is for me, for me personally, far more serious than what has gone before. And what I am going to say now is something that I have also said on many occasions to the Joint Standing Committees, in articles in *The Parliamentarian*. On Anzac Day and Remembrance Day we gather at the Cenotaph to honour the Norfolk Islanders who have sacrificed their lives to protect the freedom we enjoy today on Norfolk Island; they fought alongside Australia against a common enemy; an enemy that believed that might is right and that a greater power has the right to come over the top of a lesser power and put it into submission. I repeat, these Norfolk Islanders sacrificed their lives for our freedom to choose our future in a democratic and peaceful world. Did Fletcher Christian not mutiny against William Bligh on a very similar principle? To conclude Mr Deputy Speaker, I

reiterate, the Parliament is the voice of the people who elected it; and it is to those people that the Parliament owes its allegiance and to whom it should answer for its actions either at election time or through citizen initiated referenda. It is not appropriate that Federal politicians or bureaucrats in Canberra should dictate to this democratic Assembly through Funding Agreements which require the parliament to achieve milestones, including passing legislation to meet those milestones; and I again emphasise, such requirements are inimical to the independence and sovereignty of the Parliament and if we allow this to happen to our Parliament does it exist any longer? Thank you Mr Deputy Speaker.

DEPUTY SPEAKER

Thank you Ms Adams, further debate. Mr King.

MR KING

Thank you Mr Deputy Speaker. Could I say that I thank Ms Adams for having alerted us a little while earlier behind closed doors that she was to announce her intended resignation from the Office of Speaker, because that has given me time to marshal some words, some thoughts and some words that I might say in response to Ms Adams. And I have no wish to enter into discussion on the substance of Ms Adams' debate, it would appear that there is going to be more opportunity for that one in the next couple of months. But I merely wish to make some comments on the decision to resign from the position of Speaker. Ms Adams has, respectfully, demonstrated that she is a person of political passion, I can't accept readily that this is a moment which has just dawned on her as a time to act, Ms Adams activities and pursuits in the past and her forays down to the floor of the Parliament, have indicated fairly clearly that she is a person of political passion and has a wish to perhaps act in a manner in which the Speaker of this House has not acted in the past, we have differing views about that, and I have expressed those views from time to time. Ms Adams has said that part of her decision is to reflect on the principles and processes of the parliamentary practices here and to maintain the dignity of the House, I think those words may have been mentioned behind closed doors, not necessarily repeated just now. But indeed I have questioned in the past, with some respect, and without any personal animus, I repeat that very loudly, that I had some questions in my mind as to whether the continual forays or entry by the sitting Speaker, albeit on the floor of the House, into matters of policy and policy making and policy debate, or whether in fact that preserved, very clearly that the impartiality and the independence of the Chair, which is an essential requirement of the Westminster traditions and convention, Ms Adams has said that there are matters which have come before this Parliament are different from those which demanded close adherence in the past, to those traditions of impartiality and independence, I would beg to differ, I have raised some criticisms about the appropriateness of the sitting Speaker placing substantive motions on the Notice Paper, I have raised some criticisms about the sitting Speaker placing questions on the Notice Paper, all of which were in the nature of a challenge, a challenge to the Government. I have no difficulty of course challenging the Government! I think the more the better! But I do have an issue of preserving the independence of the Chair and the impartiality of the Chair, there have been occasions, when for example I have raised some criticism about the inclusion in the Hansard record of this House, an Alternative Roadmap, I claimed then, and I claim now, that that was included in the Hansard record without the authority of the House, I claim now, I repeat now that that reflected the views that Ms Adams has espoused from time to time and is clearly now seeking greater capacity of flexibility to espouse and continue to espouse. Having said that Mr Deputy Speaker, well add to that Mr Speaker, these words, that all that activity has created in me some difficulty in accepting that there was proper independence in the Chair, and in that

regard it does tend to stifle debate, and to create suspicions in the minds of some people in the Parliament and perhaps some listeners and notwithstanding all that, I have had some almost stand up arguments with Madam Speaker and she has shown me great forbearance in not throwing me out of the Chamber as she might well have done on a number of occasions and I thank her for that. I applaud her for her efforts and her passion and her decision to step down from the Chair so she can participate fully and extensively in the current topical discussions, thank you.

DEPUTY SPEAKER
Members?

Thank you Mr King, any further debate Honourable

MRS WARD

Thank you Mr Deputy Speaker, I would just also like to applaud Madam Speaker's decision, not for exactly the same reasons for Mr King, I always felt that I was treated fairly and honestly by Madam Speaker when she was, still is in the role of the Speaker, I supported Ms Adams after the election, that was the first thing we did, voted in our Speaker, as is the way. But I applaud her courage, Ms Adams is perhaps the dark horse, the real political animal amongst us, because she has had the guts to stand by her principles, she has actually been able to step down and say, that I am going to put forward the alternative future, the one that we all know she has been wanting to do, but perhaps has been constrained by the fact that she is the Speaker of the House, so I applaud the courage to say that the first loyalty is to the people, I have to confess that I wish it was still to us, the MLA's in the House, but it is not, it is to the people. Ms Adams I am sure that now you will do well in publically protesting the current path that we are on, we sit pretty well diagonally in the House and I'm sure we are in for some feisty debates, I welcome that, that's what we do, we represent the people, in terms of independence and sovereignty and what is going on at the moment under the most recent Funding Agreement which is being dealt with. We have a choice, we have a choice, we can vote down the Immigration Bill, we can vote down the quota, we can vote down Land Valuation, and then what? And it is not the then what that worries me, or that I think about particularly, it's that I represent people who know that there is an alternative, that is, the Roadmap, that is the path that we are on. But as I said in the last meeting, I certainly welcome any debate to broadening the path to the Roadmap and costings always come in handy. Thank you Mr Deputy Speaker.

DEPUTY SPEAKER
Sheridan.

Thank you Mrs Ward, further debate, Minister

MR SHERIDAN

Thank you Mr Deputy Speaker, Mr Deputy Speaker I am not going to go in semantics as to why Ms Adams has resigned, I will leave that for others to talk about. I would just like to pass on my personal thanks to Ms Adams, to Robin, for the job that she has done as Speaker, it hasn't been easy time really in this Government in the position that this Government finds ourselves in, but I would also like to thank her, in her role as Clerk previously in my time down here, in the last three Assembly's you might say, I forget when I first came in, but obviously 8/9 years ago. She was terrific, someone to learn from, because she had been around for so long, and I would just like to pass on my personal thanks to Robin for the guidance that she has shown me over those years and for the job that she has done for the people of Norfolk Island in those roles, as Clerk and then Speaker, and of course now, sitting around this table to represent the people that she loves, so thank you Robin.

DEPUTY SPEAKER Thank you Minister, any further debate Honourable Members? There being no further debate, I beg your pardon, Chief Minister.

MR BUFFETT Thank you Mr Deputy Speaker, I refer to the statement by Ms Adams, we all know Mr Deputy Speaker, that she has questioned with passion the Roadmap path, I do respect her views, whilst obviously in that context not agreed with her views. But I do wish today given her statement, I wish to applaud the strength of her principles, to step down so that she might become a fully participating elected Member on the floor of the House with full capacity to act in that context so that she may be able to pursue that which she feels she needs to pursue and represent those who obviously she considers she needs to represent. But those two factors probably have thoughts for another day, and I dwell no further on them at this moment. Today given the statement, I want to acknowledge Ms Adams significant breadth of skill and knowledge which she has brought to the role of Speaker, decades as Deputy Clerk and Clerk and now as Speaker, and she mentioned to us – 31 years – that is quite some significant time, it is a significant record Mr Deputy Speaker. And therefore it will be a great loss to this House when she no longer occupies the position of Speaker and occupies the Chair. I would of course prefer that, for a number of reasons, that she might continue her skills as Speaker! But I acknowledge very clearly that which she has explained to us this afternoon and I want to say thank you to her for her role as Speaker of this the Norfolk Island Legislative Assembly.

MEMBERS Here here.

DEPUTY SPEAKER Any further debate Honourable Members? Mr Anderson.

MR ANDERSON Thank you Mr Deputy Speaker, I just want to say welcome to the powerhouse known as the backbench! Thank you.

DEPUTY SPEAKER Thank you Mr Anderson. Ms Adams.

MS ADAMS At the risk of being emotional, I will say very little other than to thank my colleagues for their kind words, thank you Chief Minister, thank you Mr Sheridan, thank you [unclear on tape].

DEPUTY SPEAKER Thank you Ms Adams, no further debate Honourable Members? There being no further debate, I put the question that the motion be agreed to.

QUESTON PUT
QUESTION AGREED

I think the aye's have it, the motion is agreed, this House stands adjourned until Wednesday the 19th of December 2012 at 10am.