



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
13TH NILA HANSARD – 19 & 21 DECEMBER 2012**

CLERK 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.

CLERK A vacancy has occurred in the Office of the Speaker due to the resignation of Speaker Adams. The House shall forthwith proceed to the election of a new Speaker of the Norfolk Island Legislative Assembly. Are there any nominations please?

MR BUFFETT Thank you Madam Clerk. I move that Lisle Dennis Snell be elected Speaker of the Norfolk Island Legislative Assembly and do now take the Chair as Speaker.

CLERK Thank you Chief Minister. Mr Snell do you accept nomination?

MR SNELL Thank you Madam Clerk. I accept nomination.

CLERK Are there any further proposals. There being no further proposals the time for proposals has expired and I declare that Lisle Dennis Snell has been elected as Speaker and I offer congratulations to him on his election. Would Mr Snell please take the Chair.

SPEAKER Thank you Honourable Members. I thank you for your support and encouragement in this position which is dignified under rules and policies of Parliament and I intend to uphold those as best to my ability. Thank you for electing me Speaker this morning. Honourable Members the next business is the election of a Deputy Speaker of the Legislative Assembly and I ask are there any nominations please.

MRS WARD Thank you Mr Speaker, I move that Ms Rhonda Evelyn Griffiths be elected as Deputy Speaker.

SPEAKER Mrs Griffiths do you accept nomination?

MRS GRIFFITHS I accept nomination Mr Speaker.

SPEAKER Thank you, are there any further proposals. There being no further proposals the time for proposals has expired and therefore I declare that Mrs Rhonda Evelyn Griffiths has been elected as Deputy Speaker and offer congratulations to you on your election.

SPEAKER Honourable Members the first order is Condolences. Whilst we appreciate that this has been a very sad occasion for Norfolk Island in the last fortnight and even up until yesterday there are no condolences today and I reiterate the reason why is that we don't refer to Condolences until after the funeral. That is for the listening public and there will be no Condolences read today.

QUESTIONS WITHOUT NOTICE

MR KING Thank you Mr Speaker. I wonder whether the Chief Minister might advise the House and the community on the status of negotiations on the conditions of the Funding Agreement and include perhaps in his reply some commentary on the, not only the description of the progress but the atmosphere, the relations between the party and any sticking points.

MR BUFFETT Thank you Mr Speaker. I'll make a Statement shortly Mr Speaker that will cover part of that, suffice to say at this moment that the negotiations about the Funding Agreement continue. We haven't got a final document at this moment. There has been a great effort on the part of both parties Mr Speaker to find a conclusion in terms of the Agreement. I consider that we are almost there and I foreshadowed with Members earlier that I would say something about that and when Statements come I will.

MR KING Thank you a supplementary perhaps, I take it the Chief Minister is not prepared at this stage to elaborate on what the sticking points might be but perhaps he might inform the House on what the consequences of failed negotiations might be and how the Government might meet those consequences.

MR BUFFETT Mr Speaker the Funding Agreement relates to the provision of \$4.5 million to Norfolk Island to be able to meet essential services in Norfolk Island. Obviously from the Commonwealth's part they are obliged legally to see value for that allocation of funds and they do it by a Funding Agreement. Norfolk Island is not the only one in which the Commonwealth makes allocation of monies to and the reality is that they usually have Funding Agreements. So this is not just new for Norfolk Island. If we are to secure the \$4.5 million therefore in that context then we need to conclude a Funding Agreement and that is the document that is being pursued at this moment. I don't think it's going to be useful for me, not exactly midway but until there are some conclusions about that to go on about the detail, that's doesn't usually help the negotiation process, but nevertheless one needs to see that we do need to bring a conclusion to the Funding Agreement to secure the \$4.5 million.

MR KING Just a departure slightly from the Funding Agreement Mr Speaker. Is the Chief Minister able to advise the House and the community on when some light might be thrown on a clear timetable or timing for identification of the future form of governance and clarity regarding taxation arrangements. When may that become clearer than what it is now?

might say and they are the ones that put a strain on the underground aquifers at this point in time. A fix there? It hasn't been considered at this point in time but that would be putting in some legislation requiring those house who have only, and as there used to be in the years gone by, they only used to have a 1,000 2,000 gallon tanks. Well of course this day now with, and that was before they had water pumps etc Mr Speaker. So you might say that now in this day and age where we have pumps, water pumps etc a lot of people do use more water. Maybe it is time to review the requirements of the older dwellings and over a period of time ensure that they do upgrade their water supplies. That's for another day but as for the review of this DCP in light of our intentions to remove some of our immigration requirements I can discuss that with the Planning Officer. I think that he's already undertaken that necessary work in the Review last year but I can also, as I said I can discuss it with him to see whether or not there would be any other requirements under the Development Control Plan that may need to be inserted.

MS ADAMS Thank you Mr Speaker, a question for the Minister for Tourism Industry and Development. What are the current barriers to Norfolk Island being a domestic destination for visitors to the island from Australia and what tangible benefits have been identified to our tourist industry were aircraft to Norfolk Island to depart from the Domestic Terminals in Australia.

MR NOBBS Thank you Mr Speaker, thank you Ms Adams for the question. I spent some considerable amount of time working on a number of other issues last evening and within those I was doing some work on the Norfolk Island Economic Development Report which refers to domestic travel and what they may mean and what the limitations for it may be. Just to give an insight into Dr Fogarty's thinking with regards to reductions in costs associated with leaving the domestic airport and also to do with insurance travel costs reductions, and I'll quote from page 78 of his Report. "Using an own price elasticity value of negative 1.4 implies that the cost reduction associated with shifting to domestic airport arrangements would generate around 2,200 additional visitors and that the insurance travel cost reduction if medical cover was not required for visitors to Norfolk Island would generate around 2,400 additional visitors". So in effect 4,600 visitors for those two factors to come into play. However he follows it up with a note that says "in terms of the cost of making Norfolk Island a domestic terminal for air travel preliminary discussions indicate that the costs would outweigh the benefit". We have had the discussion with the Commonwealth in terms of how we may facilitate that, it hasn't been able to advance any at this point in time and perhaps for some of those reasons identified there, and hopefully that's a sufficient answer.

MS ADAMS Thank you Mr Speaker. I have several to the Chief Minister. Will the Chief Minister provide comprehensive detail on how it is proposed to satisfy the economic development aspirational goal in the Roadmap which requires Norfolk Island's culture and heritage is valued, preserved enhanced and recognised for its value to social and economic outcomes. And further would he advise what actions have been taken to date to achieve this goal and what tangible outcomes have been achieved.

MR BUFFETT Thank you Mr President. Those words that have just been asked of me and quoted by Ms Adams comes from the Roadmap under the heading Economic Development. It's one of the aspirational goals that the question identifies. That part of the Roadmap then goes on to indicate actions in terms of those aspirational goals and I might just identify part of the aspirational goals that are seen to

make some response to that question. The actions under that area talks about examining opportunities to improve tourism experience on Norfolk Island such as sealing roads, access to the coast, walking trails and modest tourist facilities, update and implement the tourism strategy for Norfolk Island and develop and implement a land use plan and town planning strategy and undertake a socioeconomic study for Norfolk Island. Now they are quite wide ranging but obviously that's some effort to respond to the earlier aspirational goals. In terms of the socioeconomic, the social component which has cultural and heritage components attached to it we of course have undertaken a number of studies. Whilst it just refers to a socioeconomic study here, the reality is that the studies that we have taken have been divided into various areas. When we undertook a Wellbeing Study, that was earlier in the piece. More recently a Economic Development Study was undertaken and again more recently but not yet delivered Family and Social Services Report. So we don't have a response to all of those but we have a response to some of them. And all of that is designed to give us sustainable self government, and a sustainable self government really means that we will be able to make better decisions if we have a self sustainable arrangement and our culture of self government is maintained. So the answers are not all there on the table at this stage but it is encompassed in reports and actions such as are being pursued and such as I've endeavoured to outline.

MS ADAMS Thank you Mr Speaker. Would you be able Chief Minister, to elaborate a bit more on what tangible outcomes have been achieved to date in the value, preservation, enhancement and recognition of the culture and heritage?

MR BUFFETT Yes Mr Speaker I have endeavoured to set out those things that we have done to date and a number of progressions have come out of them. We are for example in terms of the Economic Development Study doing a range of things which obviously the more healthy we are in terms of our financial situation gives wider scope for being able to pursue those things that Ms Adams is quite rightly concerned about.

MS ADAMS Thank you Mr Speaker, again to the Chief Minister. Will the Chief Minister advise what Commonwealth laws in addition to those identified on Page 9 of the Roadmap need to be extended to the island in the years 2011 to 2015 as part of the reform process to promote improved economic growth and diversification.

MR BUFFETT Thank you Mr Speaker. Which laws in addition to those nine? I suspect Mr Speaker that they probably number in the hundreds. We don't have a figure. I suspect the Commonwealth doesn't have a figure either and I think some of them may be debatable as to whether they should be amended. So there is not a final answer to all of that at this moment but what I should emphasise and say is that the Norfolk Island Government has identified priorities in terms of Commonwealth legislation that may need to extend to Norfolk Island to give sustainability to us in the long term, and that is the taxation legislation. Now that does extend at this moment but nevertheless it needs to be switched on in some particular components, but the GST arrangement, the Medicare arrangement and a number of others of that magnitude and they already have been identified to the Commonwealth as being important and we continue to press in terms of those pieces of legislation extending to Norfolk Island so that Norfolk Island therefore will gravitate from our smaller pool into the Australian larger pool and present to the community, a greater range of assurance in terms of moving forward than we are able to exhibit at this moment.

MS ADAMS Thank you Mr Speaker. Will the Chief Minister give a guarantee as best as he is able that as provided in the Roadmap in respect of the extension of Commonwealth laws there will be full community consultation as promised in the Roadmap on the extension of the Commonwealth legislation to Norfolk Island.

MR BUFFETT Thank you Mr Speaker. Mr Speaker the Roadmap indicates that there are to be consultative processes and the Government is committed to that.

MRS GRIFFITHS Supplementary if I may Mr Speaker. Can the Chief Minister outline those consultative processes that have taken place to date.

MR BUFFETT Well I mentioned one a little earlier Mr Speaker. One is the governance model. There has been a Public Meeting about the governance model, a range of consultative processes. There have been policy papers by the Government on the range of revenue raising arrangements, on the immigration process. There have been a number of ways in which the Norfolk Island Government has identified policies, gone through a consultative process and indeed, now going through the legislative process in this house to advance our progress towards long term sustainability in Norfolk Island.

MS ADAMS Supplementary please Mr Speaker. Can the Chief Minister give the community an assurance that it will be consulted in the fullest sense of the word through the Referendum process at some point in time before full integration into Australia is a fact accomplished.

MR BUFFETT Mr Speaker the Roadmap is not about full integration into Australia. It certainly recognising that there are some areas in which the Commonwealth of Australia should pick up responsibility including the financial responsibility. If Ms Adams is asking me for a Referendum on every particular step of the way then I'm not able to give that at this moment. One needs to assess the importance, the value and where we are at in term of particular matters as to whether the process in a consultative way needs to go to a Referendum. Members of the Assembly are elected to take decisions in respect of how things are to progress in a governance sense in Norfolk Island and need to recognise their responsibilities in pursuing that. It's not a game in sitting around this table, it's a genuine responsibility and Members need to pick up that responsibility if they are so elected. You may say hear, hear if you would care to do so Mr King.

MS ADAMS A question to the Chief Minister. Can the Chief Minister advise who are the relevant Commonwealth Minister's that gave their agreement for Norfolk Island to receive funding in accordance with Clause G in the Memorandum of Understanding signed on 25 November 2010.

MR BUFFETT Thank you Mr Speaker, thank you Ms Adams. That particular document Memorandum of Understanding on the 25th November 2010 was signed by myself and Minister Crean in terms of a way forward for Norfolk Island. For my part there was no consultation with other Minister's. Minister Crean has the responsibility in repour and dialogue with Norfolk Island but that does not mean that he may not have had some dialogue on his part with his colleagues in the Australian sphere. What is clear now is that the range of Minister's who has responsibility for some Norfolk Island matters need to be consulted about detail of progression and we certainly

understand that Minister Crean is progressing that. We are pressing for information as to how that is travelling so that we might know and share it with the Norfolk Island community.

MS ADAMS Thank you the next question in fact leads on from the answer that the Chief Minister just gave and it's a question to the Chief Minister. Has there been direct communication between Norfolk Island Government Minister's and other Commonwealth Minister's on the provisions and aspirations in the Roadmap, and if so will the Chief Minister advise 1) Which Ministers were consulted and their areas of responsibility and 2) What issues were raised with each of them and 3) What responses if any were received directly from those Ministers.

MR BUFFETT Thank you Mr Speaker, thank you Ms Adams. There are a number of Australian Ministers as I've mentioned earlier in response to another question that will have impact in terms of Norfolk Island matters. We have identified a number of Minister's. I think something like 12 or 13 and we have initiated some correspondence to explain Norfolk Island's situation in terms of those ministerial areas. They have been lodged with Minister Crean for him to take that up with his colleagues as he thinks best to achieve our aims. We haven't received a response to those particular approaches at this time.

MS ADAMS A final one from a member of the community. Can the Chief Minister 1) provide an update on progress with Norfolk Island being included in the Australian GST and transfer payment system as affirmed by the Legislative Assembly in the Motion of the House of 11 July 2012 and 2) quantify the revenue that would have been received from the Commonwealth under the transfer payment system for the previous financial year based on the revenue contributed by Norfolk Island in that financial year from locally raised GST.

MR BUFFETT Thank you Mr Speaker and Ms Adams. The GST, our entry into the GST, has been a subject of a Motion of this House endorsed here and the Norfolk Island Government has gone into bat with the Commonwealth to seek entry into that arrangement. From Minister Crean's point of view there has been an indicator that he would want to progress that. We are still yet to have joy from appropriate Australian Ministers but that is progressing and I think we are much closer to the mark than we were at the time of that Motion coming before the House. The matter of quantifying the revenue. In terms of the year that is mentioned here, the previous year I'm assuming that that is referring to the year 10/11 2010/2011. That information is not available at this time, at this time. However what is available is the year before that and the reason it's not available now as I understand the processes in the Commonwealth sphere is that the Commonwealth Grants Commission makes their calculation on the year before and that therefore for the year that you've asked me about that won't be available until the end of this year. However having said that what is available are figures for the year before, that is 2009/2010. The Commonwealth Grants Commission have published a report about that and the figures are in this report and it clearly says that in Norfolk Island's context we would receive something like \$13.1 million. Now that's on the basis that we don't have our GST but we're using theirs, we make a contribution to theirs and we would gain out of the pool according to the various formulas \$13.1 million. You measure that against what we gain for our own at this moment which is around the \$7 million with a plus of the difference, almost \$7 million.

MR KING Thank you. Just one for the Minister with responsibility for power reticulation. On the last occasion the House sat which I appreciate was only last week I did ask whether the community, particularly the business community could be given some reassurance in relation to power blackouts in the light of 3 blackouts occurring in one day. I wonder whether those explanations and assurances may be given today.

MR NOBBS Thank you Mr Speaker. I thought I was going to have to bring this up in adjournment debate if it wasn't brought up other wise. The cause for the outage appears to have been an instance such as an excavator or the like hitting the overhead lines, or a tree falling across the lines which triggers the safety mechanisms and the safety mechanisms shut down the grid to protect the individuals and equipment. That shut down occurred on the Thursday. The situation at that time was further complicated by there being a short in the Telecom line so the staff were unable to bring the sub-station back on quickly enough before the photovoltaic system kicked in. The Telecom fault was quickly fixed. Staff were then deployed to man all substations to allow the system to be brought back on line before the photovoltaic systems kicked in. It's worth noting Mr Speaker that outages of the same kind will occur every time the system detects a problem, such as an excavator hitting an overhead power line. Shutting down is a safety mechanism. Those who have sensitive equipment and are encouraged to discuss the use of protection strategies such as UPS surge arresters and regular computer backups with their technician.

MS ADAMS Thank you Mr Speaker. Just one arising from the earlier question on GST to the Chief Minister. Has discussion taken place with Minister Crean on how it proposes to accommodate Norfolk Island's participation in the Australian GST system if the States and Territories do not give agreement to that happening?

MR KING Point of Order on that Mr Speaker. The Chief Minister hasn't answered the question

SPEAKER Yes I'm aware of that but I'll leave it up to the Chief Minister. Do you wish to answer that?

MR BUFFETT Yes I'm happy to respond to that. No the detail of discussion has not reached that stage Mr Speaker. There is an element of hypothesis about it.

QUESTIONS ON NOTICE

MR BUFFETT I'm sorry to keep you Mr Speaker. The question that is asked of me 507 – Can the Chief Minister describe what is sustainable about giving a small amount of money to the Commonwealth of Australia and expecting more in return. I might say at the outset that Question 507 and 508 have some elements of interchangeability Mr Speaker so I'll be referring one to the other but 507 first. The principal of making an affordable contribution Mr Speaker to a pool of funds and then drawing from that pool of funds, not unusually a sum larger than you might contribute to meet prescribed needs, and that's what we're proposing to do on the Roadmap program, that is contribute to Australian tax to the GST, Medicare and the like to receive prescribed benefits from those contributions. That particular principle is actioned by most of us today here in Norfolk Island. We do it in Healthcare. We have house insurance premiums, we have motor vehicle insurance, we have a GST scheme and all

Migration Act 1958 and that this condition is subject to the Commonwealth outlining an implementation plan for access to Commonwealth benefit schemes including Social Security and Medicare. If so A) Why is the Commonwealth now requiring Norfolk Island to amend its legislation if the Commonwealth is going to extend the Migration Act and B) Why is that you have introduced legislation to remove immigration restrictions without Norfolk Island first receiving from the Commonwealth of Australia the implementation plan for the benefit schemes including Social Security and Medicare as agreed. Mr Speaker the 22nd September 2011 Funding Agreement did contain conditions that would facilitate the extension of the Commonwealth Migration Act 1958 to Norfolk Island in preparation for the extension of an implementation plan for access to Social Security and Medicare. The Australian Government has obviously been unable to yet extend that 58 Migration Act. It is thought that the Pest and Diseases survey may be a pre requisite. This survey has commenced and projected to take at least 2 years and it suggests that the Australian Government is unable to undertake legislative changes to amend the Migration Act that has just been referred to until it's complete. The Australian Customs Quarantine Border Protection legislation, all of those are related in terms of this particular question. In answer to part A of the question. The Norfolk Island Government recognizes that it mustn't just sit and wait but needs to take action on its own account and I example immigration.. These legislative changes are designed to remove immigration barriers to Australian and New Zealand citizens who may be contemplating moving here to invest in either property or commerce business which in turn will inject new money, new ideas, recover vibrancy in the local economy and in answer to Part B – The Australian Government has been provided with the potential for increased expenditure that Norfolk Island may encounter in relation to health and increased social welfare benefits that may emerge in advance of the extension of the safety net, and therefore if the costs do arise then the Commonwealth will need to understand that the cost will fall in their bale wig. Now why do I have confidence that they would respond to that. Well I have confidence because that's what they have done for this year, last year and the year before. We've had a shortfall in meeting this sort of cost and we've explained that to the Commonwealth and in the year before last they responded by providing the gap. They did so last year and have provided \$4.5m in this particular year. So you will see if there is an expenditure in terms of the proposals that we are putting without the progression at this time to Medicare and other welfare arrangements, then if there is a cost then it would fall into the gap which the Commonwealth have assisted us with over the past 3 years. I hope that is helpful to Members.

MR BUFFETT

Question 510 - Ms Adams to the Chief Minister: Has the Norfolk Island Government taken steps to ensure that New Zealand citizens of Pitcairn descent or otherwise who live and work in Norfolk Island and who either enjoy at present or would ordinarily be entitled to welfare benefits under Norfolk Island legislation will continue to receive such benefits or entitlements if and when the Australian Social Security system is applied to Norfolk Island as part of the Roadmap. Mr Speaker the Norfolk Island Government has of course been in discussion with the Australian Government aimed at ensuring that the proposed changes for the Immigration Act will ensure that New Zealand citizens will be afforded the same rights to reside on Norfolk Island as Australian citizens and access to the Australian Social Security system is a matter for Australian authorities however in the transition of access to the island the Government will advocate that New Zealand citizens have the same access on Norfolk Island as they do have in Mainland Australia and that's reflected in the legislation that we've already put on the table. 2) If not will the Minister give assurance – well it's not a matter of if not so that doesn't apply. Item 3) Will the Minister give his assurance that those New Zealand citizens living and working in Norfolk Island whether of Pitcairn

descent or otherwise are kept well informed of our progress with these discussions and I of course respond yes Mr Speaker. The 4th part is – The Social Security fact sheet indicates to be eligible for any welfare support a New Zealand citizen must first have a special category Visa, such that is issued automatically on arrival in Australia. Will special category Visa's be deemed to have been issues when New Zealand citizens first arrive in Norfolk Island other than as a tourist. I mentioned earlier Mr Speaker that the current Bills intent is for Norfolk Island legislation to provide parity to that which exists for Australian and New Zealanders if they are currently resident in Norfolk Island or intending to reside permanently in Norfolk Island. We of course cannot speak for the Australian Government's perspective but that is the Norfolk Island Government's aim. 5) Is it a fact that the Australian Social Security rules requires a New Zealand citizen entering Australian to hold a protected special category Visa before being entitled to the full range of Social Security benefits and given that a protected special category Visa is generally available only if one lived in or is currently living in Australia and has been since 2001. If so what steps have been or will be taken to ensure that Norfolk Islanders with New Zealand citizenship who retain the entitlement to return and reside in Norfolk Island get access to benefits as they would at present when the Australian Social Security system is extended in full to Norfolk Island. I can only say again Mr Speaker that we are seeking parity in our discussions. There is not clarity to all of that at this time because the quotations that I have read there are really quoting Australian arrangements and I can only quote them but I need to emphasize that in our discussions for the extension for Welfare services here that we are seeking parity. Item 6 – Will the Minister advise that the same criteria for determining whether a New Zealand citizen can be characterized as the protected special category Visa holder will apply to New Zealand citizens living on Norfolk Island who do not have residency status. I've got to say that at this stage in the context of this question that's a matter for the Australian Government and I'm not able to give a definitive response about at this time. And the final one is – Is it intended that Social Security and other Australian benefits be available to those persons resident in Norfolk Island who are citizens of other countries. Norfolk Island residents from countries other than Australia or New Zealand will obviously be subject to international agreements in place between Australia and that particular country. If no reciprocal international agreements are in place it may be an option for people who may be in that category to look at examining Australian citizenship if that's an option that's available to them.

PRESENTATION OF PAPERS

MR NOBBS

Thank you Mr Speaker. I think there has been a reasonable amount of interest around the table with regard to the outcomes and performance for the Gaming Authority on Norfolk Island. I approached the Gaming Director and also the Presiding Member to provide us a report. I now table that Report. However in the interests of everyone being informed I'm more than happy to read it if that is agreeable to yourself Mr Speaker. The Report is a Report to Minister for 3rd December 2012, it outlines the membership of the Gaming Authority. The preamble reads The Authority held a formal sitting on the 3rd December 2012. This was to consider applications, review existing licencees and explore future activities. It also enabled consideration of the competitive duty rates that were implemented from the 1st January 2012. Revenue results – the Norfolk Island Administration set a budget revenue forecast of \$150,000 for the 6 months to 31 December 2012. Revenue to 30 November 2012 (5 months) \$485,905. Administration budget forecast for 30 November 2012 \$125,000, in this document written is budget surplus \$360,905. This is on wagering turnover in excess of \$185m Mr Speaker. The effect in the 6 months to 30

June 2013 will not be as impressive as turnover duty caps will come into play. Licencee and applications – in terms of licences and applications we currently have the following. Wagering operational – 3, implementation stage – 5, gaming implementation stage – 1, recent approval – 1. Applications in the pipeline – 3. So there's a total of 13 in those areas. We continue to receive good inquiry and currently have interest from Northern Hemisphere Bookmakers. In the discussion element of the Report Mr Speaker it reads – “following the review and implementation of new duty rates the authority is now well placed in the Australasia area and also competitive with some of the better known Northern Hemisphere jurisdictions. Strong relationships have been developed between the Norfolk Island Gaming Authority and that of the Isle of Man. We expect 4 Licencees to come on line in the 2nd half of this financial year. This will compliment the income drive of the first half of the year. A major operator has recently appointed a new CEO and this is expected to now bring this business quickly to the market. It should be noted that the work undertaken by the Authority to gain new business has a significant gestation period. We are now increasing our marketing efforts to ensure we maintain the current impetus. We seek the Minister's support in this regard through the budgetary process. The Authority is mindful of change that is affecting Norfolk Island's taxation landscape. Competitive advantage can be achieved through careful consideration of the existing exemptions for Licencees. Mutual assistance in this regard would ensure greater revenues for Norfolk Island. This has previously been promoted to both Governments, the opportunity should not be missed. The Authority acknowledges the support of the Minister and the work undertaken on behalf of the Authority by the Director and the Secretary, signed by Ronald Irvine the Presiding Member.

STATEMENTS OF AN OFFICIAL NATURE

MR SHERIDAN Thank you Mr Speaker. I have a small Statement to make in regards to employment. This is in consideration of the festive season upon us. As this is the time of the year when it's quite busy and there are a few Public Holidays whereas persons who would not normally work a Public Holiday are required to do so by their employers. I'd like to remind employers of their responsibilities under the Employment Act 1991 in regard to the conditions of employment and employees for Public Holidays. Section 16 of the Employment Act sets out the requirements for the payment of employees for Public Holidays and I would like to remind employers to be up to date with these requirements and also to remind employees that if they do have problems with their employer that there are avenues to address them. Advice can be obtained from the Employment Officer located the building adjacent to Telecom.

MR BUFFETT Mr Speaker I have a Statement which really relates to the Appropriation Bill that is on the Programme, the Order of the Day. The Appropriation Bill and the Funding Agreement are of course related Mr Speaker. I'm ready to go, we all are with the Appropriation Bill and we must conclude it by the 31st of December otherwise we won't really have any funds authorised. The Funding Agreement is not yet finalised, I've referred to this earlier in respect to questions that have come forward, although we are close to it in my view. On this basis I have asked that we proceed with all other business scheduled for today except the Appropriation Bill, and therefore at the conclusion of the business that we've got on our programme I will move a suspension not an adjournment but a suspension until I have suitable documents to proceed and I expect to be able to proceed by Thursday or Friday to just give an indicator to the Chair.

BUILDING AN INNOVATIVE PARTNERSHIP BETWEEN THE COMMONWEALTH OF AUSTRALIAN, NORFOLK ISLAND AND THE PACIFIC

MS ADAMS Thank you Mr Speaker. I move that this House 1) acknowledges the Commonwealth of Australia's commitment to the Commonwealth principle agreed affirmed in the Harare Commonwealth declaration in 1991 namely that "we believe in the liberty of the individual under the law in equal rights for all citizens regardless of gender, race, colour, creed or political belief in the individuals in alienable light to participate by means of free and democratic political processes in framing the society in which he or she lives, and therefore 2) this House seeking to achieve long term constitutional certainty together with economic and environmental sustainability for Norfolk Island supports the development in consultation with the Commonwealth of Australia of a broader blueprint for Norfolk Island's future than the current Roadmap offers, a blueprint that 1) gives greater clarity, gives greater certainty to Norfolk Island's constitutional status visibly Australia 2) provides a clear legal framework for Norfolk Island such as a constitution similar to that enacted by the United Kingdom for the Falkland Islands and 3) acknowledges and confirms the preamble to the Norfolk Island Act 1979 that "the residents of Norfolk Island include descendants of the settlers from Pitcairn Island and that the Parliament recognises the special relationship of the said descendants with Norfolk Island and their desire to preserve their traditions and culture", with the intention that a clear definition of "Norfolk Islander" is enshrined in legislation 4) gives Norfolk "ownership" of the 200 mile EEZ around it and the ability to earn income from this resource. 5) endorses Norfolk Island to becoming a commercial hub for the Pacific including being an offshore banking unit similar to that proposed in the Labour Party commissioned 2009 "Johnson Report" which was entitled Australia as a Financial Centre Building on our Strengths. 6) acknowledges the need for Norfolk Island to access as a priority high speed broadband via fibre optic cable connectivity rather than via satellite to enable mobile access to 4g and beyond, e-learning for school and training including remote learning and connection with offshore universities e-administration, telemedicine and such other support technologies needed to enhance Norfolk's capabilities as a commercial hub for the Pacific and the World and 7) supports Norfolk Island being able to access capital funding including grant and sponsorship funding from sources both from within and from outside of the Commonwealth of Australia for infrastructure in particular a harbour and a fibre optic cable that joins Norfolk Island to overseas destinations thereby enhancing Norfolk Island becoming a commercial hub both for the Commonwealth of Australia, the Pacific and for the World.

SPEAKER Thank you Ms Adams. The question before the House is that the Motion be agreed to. Debate please.

MS ADAMS Honourable Members Professor Butland in his 1974 population study of Norfolk Island for the Commonwealth Government concluded and I quote from that conclusion "that the Norfolk Island community could turn the very small area of this island to its own advantage by converting Norfolk Island into the best small island in the world". I share his vision and I use his vision at election time when I stood for the 13th Legislative Assembly. The vision that remains as valid for me today as it was then in 2010, namely that Norfolk Island can showcase an island community that is totally sustainable That Norfolk Island can showcase an island community that is totally sustainable – financially, governmentally, environmentally and culturally – a community that prides itself in being known globally as the No. 1 sustainable tourism destination in the world. I hold the view today that this vision is achievable despite what is around us at this time but it is up to us. To succeed we have to begin and to embrace this vision and work towards achieving it. After deep personal consideration and consultation with quite a broad cross section of the community I have developed the blueprint that is

before you today for your consideration. It is not my intention for it to be brought to finality today – in fact quite the opposite – as there are elements in it which I would hope that the community will reflect on and discuss with me or with other members of the Assembly before the House next sits. You will on earlier occasions have heard me talk in the House about the potential for Norfolk Island to be a bridge to and from Australia to the Pacific; and this was clearly brought home to me when I attended the Presiding Officers and Clerks Conference and chaired the various CPA meetings in the Solomon Islands in July this year; the understanding being “that Norfolk Island walks between the worlds” in that through our culture and traditions we walk in Polynesia whilst at the same time owing our allegiance to Australia. However at the time it was not clear to me how this could be achieved. It was during debate in the House some months back that I had absolute clarity around one of the causes of our economic ills; namely that we are totally dependent for our economic survival on tourism and that the degree of certainty around the success of our tourist industry was in the main influenced by forces outside our control. The global financial collapse is a perfect example of this; and indicators are that we are potentially heading to another collapse depending on what transpires in Europe in the months ahead. A recent communication from the Isle of Man confirms this to be the case. As a consequence it has become clear to me that Norfolk Island has to change how it does business into the future and the motion, particularly at clauses 4 through to 7 inclusive, attempts to show possibilities to be explored with the Commonwealth of Australia to diversify how we do business in a more sustainable way. The blue print does not seek to disrupt the roadmap process – in fact it could be used to give added clarity around the road map by providing a broader perspective on potential opportunities and the possibility of building innovatively on the road map’s outlines. The blue print also introduces a range of issues not included in the road map where little attention has been focussed so far in the process by the Commonwealth and Norfolk Island Governments. Amongst these are critical considerations of medium to long term strategies to provide sustainable economic development; to identify and safeguard the culture, history and status of the Norfolk Islander; and to protect and enhance our unique ecology and environment. I acknowledge that through the road map the Commonwealth is making funds available for some short-term strategies and potentially allowing Norfolk Island to compete for infrastructure funding. I applaud this and whilst this might allow us to be part of a bigger pool of money, there is a limitation to what’s available in a pool, that is, somewhat like being a small goldfish in a large bowl. By contrast, the blue print demonstrates how we might achieve an ability to be part of a much bigger pool an ocean in which we can swim in any direction we choose toward achieving long term constitutional certainty, together with economic and environmental sustainability. This goal is in fact consistent with the action plan proposed in the area of Economic Development in the Road Map which proposes the facilitation of opportunities to diversify the economy in the timeframe of 2011 to 2015 and the goal stated in the road map to encourage diversification and broaden the Island’s economic base. So let’s now turn to the motion itself. Clause 1 provides the plank from which the content of the motion is launched; namely, that the Commonwealth of Australia has in principle acknowledged the individual’s inalienable right by means of free and democratic political processes to frame the society in which he or she lives and the motion seeks to encourage community support for us to frame our society into the future in a way that honours us and builds on the potential for us to become a showpiece to the world of how a small isolated Island territory situated in the Pacific Ocean can become self sustaining without negatively impacting on its unique environment or on the culture and traditional way of life of the Norfolk Islander. Aspiration No. 1 which is to give greater certainty to Norfolk Island’s constitutional status vis a vis Australia. The question of constitutional certainty remains a thorn in the side of many Norfolk Islanders and wouldn’t it be a positive outcome were

we able to settle the argument once and for all. I flagged this need in earlier debate last year to put our future constitutional status onto the negotiation table as part of the road map discussions with the Commonwealth of Australia; the issue was also raised in the Alternative Roadmap; with the uncertainty having again come to the fore in the 2007 High Court case of Bennett versus the Commonwealth. The Alternative road map put on the negotiation table the possibility of a similar style of relationship that exists between Britain and the Channel Islands; or between Territories such as Niue or ta' Palau with New Zealand. This motion does not attempt to suggest and let me make that quite clear this Motion does not attempt to suggest what the constitutional status with Australia into the future could be; it merely flags the possibilities that could be brought to the negotiation table if there is willingness for this to happen by all parties. Aspiration No. 2 in the Motion to provide a clear legal framework for Norfolk Island, such as a constitution similar to that enacted by the United Kingdom for the Falkland Islands and I seek leave to table the constitution of the Falkland Islands merely to demonstrate how their constitution is crafted. I so seek leave of the House to do that.

SPEAKER

Is leave granted Honourable Members? Leave is

granted Ms Adams

MS ADAMS

Thank you Honourable Members. I found the first paragraph of chapter 1 of the constitution interesting as it almost mirrors the Commonwealth Principle in the 1991 Harare convention mentioned in paragraph 1 of this motion. The Commonwealth of Australia as I have said is a signatory to this convention. Chapter 1 of the Falkland Islands constitution is headed "Protection of fundamental rights and freedoms of the individual", and it commences as follow: 1. Whereas a) all people have the right to self-determination and by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. This aspiration of course also is dependent on the willingness of all parties to come to the table for discussion Aspiration No. 3 - Acknowledges and confirms the Preamble to the Norfolk Island Act 1979 and I just reiterate "the residents of Norfolk Island include descendants of the settlers from Pitcairn Island"; and that "the Parliament recognises the special relationship of the said descendents with Norfolk Island and their desire to preserve their traditions and culture" with the intention that a clear definition of "Norfolk Islander" is also enshrined in legislation. I think this aspiration is self-explanatory. It just remains to craft an acceptable definition in consultation between stakeholders. Aspiration No. 4 - Give Norfolk "ownership" of the 200 mile EEZ around it and the ability to earn income from this resource. I think this aspiration is also self explanatory though I ask you to note that the word "ownership" is in quotes and does not nor do I intend to presume legal ownership; however, I also turned to the report of the United Nations Conference on Environment and development in Rio De Janeiro in 1992 which reaffirmed the 1972 Declaration of the United Nations Conference on the Human Environment and I quote "Principle 2 States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies. Yes, there does continue to be uncertainty around whether or not Norfolk Island has sovereignty over the 200 mile EEZ around the Island as was flagged by New Zealand at the 2004 delimitation talks which former member Geoff Gardner attended. The motion before us today merely intends that there be dialogue on the issue and a willingness to deem Norfolk has "ownership" of the waters for the purpose of reaching consensus on our ability to earn income from the resource as happens very successfully in the Falkland Islands which earns a substantial annual income in the millions from fishing for squid some \$25 million dollars a year -and today from oil exploration which it

is understood now has the Falklands in a very comfortable financial position and I welcome the opportunity on the return of Duncan Evans who has just recently visited the Falkland Islands and St Helena and was intending to have discussions with them on how they go about doing their business. I look forward to hearing what he has to say after that visit. Aspiration No 5 – endorse Norfolk Island becoming a commercial hub for the Pacific including being an offshore banking unit similar to that proposed in the Labour Party commissioned 2009 Johnson Report – Australia as a financial centre building on our strengths. Again I seek leave to table the Johnson Report which was provided to the Australian Government in November 2009. I so seek your leave.

SPEAKER

Is leave so granted? Leave is granted Ms Adams

MS ADAMS

This document is 166 pages long and I have a copy, your very welcome to borrow; and I will be brief in summarising the report which strongly supported positive reforms to Australian financial structures and procedures. A key element of the Johnson Report related to Offshore Banking Unit (OBU) activities and goes on to state “an effective OBU regime is a key element in ensuring that Australia’s financial sector takes full advantage of opportunities to participate in international transactions”. I am suggesting that the Johnson Report and the Australian Government response create a window of opportunity for Norfolk Island since our legal, political and administrative structures in part already comply with established international benchmarks for OBU operations and I urge the Norfolk Island government to be proactive in pursuing this window of opportunity as a means of diversifying the Norfolk Island economy. Aspiration No. 6 - Acknowledges the need for Norfolk Island to access as a priority high speed broad band via fibre-optic cable connectivity rather than via satellite to enable mobile access to 4G and beyond; E learning for school and training including remote learning and connection with offshore universities; E-administration; Telemedicine; and such other support technologies needed to enhance Norfolk’s capabilities as a commercial hub for the Pacific and the world. Again, this aspiration is self-explanatory and the Hawaiki presentation some months back demonstrated that fibre optic cable connectivity is key to Norfolk Island’s potential to become a commercial hub. Discussion at the negotiation table needs to commence as a matter of priority on how this opportunity can be funded. Aspiration No. 7 - Supports Norfolk Island being able to access capital funding including grant and sponsorship funding from sources both from within and from outside of the Commonwealth of Australia, for infrastructure, in particular, a harbour and a fibre optic cable that joins Norfolk Island to overseas destinations thereby enhancing Norfolk Island becoming a commercial hub both for the Commonwealth of Australia, the Pacific and for the world. Again Honourable Members I believe this aspiration is self-explanatory. In conclusion inherent in the motion is the need for the two governments to return to the negotiation table with a willingness to explore diversification of the Island’s economic base and to develop medium to long term strategies to provide sustainable economic development; to identify and safeguard the culture, history and status of the Norfolk Islander; and to protect and enhance our unique ecology and environment into the future; a future which aligns Norfolk Island with an innovative and “ground breaking” partnership with the Commonwealth of Australia, the Pacific and the world; a partnership where this tiny external territory in the middle of the Pacific Ocean becomes an Australian icon. Australia’s showpiece to the world rather than Norfolk Island being a growing contingent liability. I seek your support for the aspirations in this motion Honourable Members.

SPEAKER

Thank you Ms Adams, debate.

MR KING

Thank you Mr Speaker. What worries me most about this Motion Mr Speaker is that Ms Adams seems quite serious in her endeavours. I find that terribly scary. I find it difficult to understand how any Member of this House could contemplate with a Motion of this nature on the table now in the last two months of the term of this Assembly, whilst the Government is in the process of negotiations the final stages of negotiating the Funding Agreement to ensure our financial and economic survival a Funding agreement which has been part of a series of agreements all revolving around an established direction of two years ago I think it was November 10. I cannot for the life of me see how anyone could contemplate agreeing this Motion and throwing at the feet of the Government whilst that process is taking place. That is just totally beyond me. I do not think, I accept that there are many aspirations in this which may be felt by some to be deserving for further consideration. Many of them have had lengthy consideration over a long, long, long period of time. I really am, I'm quite stunned. Then Ms Adams said it should I don't recall her exact words but has said it's something that is not meant to displace or disrupt the Roadmap process but support it by running along side it or similar words of that nature but it is meant only to establish matters about which dialogue should be entered into, dialogue is underway. It is underway in a very deep and meaningful manner in relation to the Funding Agreement at present as negotiations are occurring. I don't want this hanging around. I'm sure the Government doesn't want it hanging around for any further period beyond today. I really thing it should be voted on today. It's no appropriate to leave this matter hanging for the next Assembly, and in any event one would have to wonder what status it is that this document would have, this Motion would have if it were carried over to the next Assembly given that it would lack the support of legislation my understanding as it is, is that it would lapse. People would have no effect or bearing on the next Assembly and there is no way, there is no way of course that any of these dialogues can take place in a meaningful manner between now and the end of the term of this House. Absolutely not. So if I'm not mistaken it has no value, no status at all beyond the term of this Assembly and that goes for any other Motions which don't have the support of legislation, so why are we undertaking this. Seems to me Mr Speaker that the Government and the Assembly are up against a concerted effort to unsettle the Roadmap. That's the impression I get not only from this Motion but by the common thread or the common theme that ran through the contribution as to the local paper in the last week and of course you know Mr Speaker in the run up to what will be a crucial General Election occurring here no later than March, it's probably time for a little political posturing and grand speeches about the loss of sovereignty and democracy cause celeb type resignations. I note that Ms Adams the mover of this Motion did not seem confined in any way from pursuing political and policy issues when she was the Speaker of the House and all of a sudden it seems necessary to her two months out from the election to engage with the Government on its direction. It's unfortunate that Norfolk Island heads into a General Election of the Government and the Assembly, in fact all the parties to the agreed changes including the Commonwealth having failed to cement in place the broad changes that were envisaged two years ago when Mr Buffett, Chief Minister signed the first agreement in relation to this new direction. But having failed to cement those things in place of course we've left it wide open for those who oppose the directions that's been established to pursue an election campaign which plays on uncertainty and insecurity and emotion and which employs misinformation and destabilization. That campaign has begun with this Motion. I have no doubt about that. So Mr Speaker where would this Motion take us if it were approved? I maintain as I said before that it will have no value and absolutely no status as soon as we dissolve this House or whatever step we take to finish our existence. No status beyond that point in time but what it does seek on close analysis is to throw out, despite what Ms Adams has said, to throw out the direction

established in 2010, to go back to the start, to turn the clock back for a couple of years and set out on a different path. It surprises me to hear Ms Adams call it a blueprint, the preamble to the Motion talks of establishing a broader blueprint and goes on to offer some what appears to me to be elements of what that blueprint might be not the entire blueprint in itself, blueprint being of course a somewhat carefully chosen word, it's not a repeatable word like a pathway or roadmap which is currently being used. It means exactly the same thing. So it says that the new [unclear on tape] would give greater certainty to Norfolk's constitutional status vis a vis Australia. Well Mr Speaker who says there's uncertainty. I don't say there is any uncertainty, no uncertainty in my mind. I know there will be continuing discussion about what happened in 1856 or the lead up to 1856 and the various court cases that have considered this matter at the Federal and High Court level and those discussions will go on for ever and ever and ever, for a long time after we're all gone. But there is no uncertainty in my mind, we are an integral part of the Commonwealth of Australia and the direction in which we are heading reflects that very view. What precisely has been spoken about with uncertainty? The Motion goes on to infer that there was no clear legal framework for Norfolk Island that we should have our own unique constitution separate from that of the other States and Territories. I acknowledge of course that we weren't around, we weren't part of the Commonwealth of Australia when the constitution was established, that we came later but in my view there was adequate provision in that constitution Act to allow the establishment of another Territory but those are legal points and I don't want to get into any legal argument here. We have a constitution whether we like it or not we are part of the Commonwealth of Australia but we are another Territory of the Commonwealth of Australia. Is there some lack of clarity in that framework Mr Speaker? I understand it quite well and as do many others. It's really a simply a the expression escapes me, it's a curly topic Mr Speaker you know constitutional status and the old chestnut of separateness, now that's a real can of worms which I'm not really prepared to delve into. Ms Adams calls on the Commonwealth to give up the 200 mile economic zone around Norfolk. Well that's not a new issue, I was going to complicate matters earlier on by asking some questions of the Chief Minister whether he might describe the nature and the extent and the period of time over which this matter has been discussed previously, dialogue has taken place. I know it's been written about in chapter and verse for decades the Chief Minister can probably show greater light on that. It hasn't gotten us anywhere; it's not likely to get us anywhere. The 200 mile zone belongs to the Commonwealth of Australia and that's that. I mean the argument has been had and lost on more than one occasion. I don't think it actually got off first base Mr Speaker yet Ms Adams wants to devote time and resources to pursuing it once again when she knows full well that it would be a fruitful exercise. Her pursuit of it in this Motion is simply political point scoring. If she really expected me or some others around this table to support the idea she might like to demonstrate that under self government that we have successfully administered the 15 square mile of terra firma and where we can find a history in the Administration of that 15 square miles which demonstrates an ability to administer some 40,000 square miles of surrounding territory. The proposition is simply nonsense. Ms Adams wants to enshrine in law a definition of Norfolk Islander, that is amusing given the preamble about the qualities and the rights set out not only in the ICCPR but in the whatever documents over many years. The Harare Commonwealth declaration you know pursuing matters regardless of gender, race, colour. What is thought to be achieved by coming up with a definition of Norfolk Islander? Is that so Norfolk Island will be placed in some position of preference? Is that's what required here? What happens to the old mug Mainlanders like me who have been hanging around here for 45 years? Am I a Norfolk Islander? I am? Well that encompasses a lot of other undesirables Ms Adams. But what definition did Ms Adams have in mind Mr Speaker? If it turns out of course that she is simply

pursuing a definition which might fall foul of or be based on descent then I would remind Ms Adams of the Racial Discrimination Act that extends to Norfolk Island already. Finally Mr Speaker the Motion suggests that Norfolk Island ought to be able to access Commonwealth funding for Capital Works, absolutely. I couldn't agree more. By Ms Adams rejection or what seems to me to be a rejection of the current Roadmap process and the terms attached to the various Funding Agreements I expect that she, like many others and particularly other roadmap dissidents would prefer that there were no conditions attached to the funding. In other words give us the money and we'll do the rest. Well Mr Speaker I suspect that the Federal Minister is sitting back and saying, well I might be an idiot but I ain't no fool. We have a history Mr Speaker and it is not a very pretty history of financial management. If anyone is in doubt about our demonstrated lack of financial economic management just let me know and I'll pull out chapter and verse and we'll have a nice long meaningful discussion about that, discussion which we've had before, time and time again but it appears to be conveniently overlooked like a lot of things that I've said I accept that. Incidentally Mr Speaker whilst we are perhaps entitled to take exception to the demands of the Commonwealth in placing conditions on funding, we're not alone. The Chief Minister has highlighted in his debate earlier and I'm not here to defend the Commonwealth. I don't like it any more than anyone else around this table that we're being told what to do in relation to certain things. What I think that many people are misunderstood about is that the Commonwealth is acting in relation to those placing conditions on us as they act in relation to other States and Territories in discussions and negotiations about the fiscal equalization and other Commonwealth funding programmes, no more, no less, and they use their position to pursue Commonwealth objectives, objectives which they are lawfully entitled to adopt and they have, as expressed by Mr Crean adopted objectives in relation to Norfolk Island. So we're not being singled out and treated specially in relation to them placing conditions on us. We don't like them, we don't like the haste with which they are being pursued, we don't like the haste with which the Government has thrown it at the feet of the backbenchers with very little consultation in House and very little understanding before we come to this Parliament to pass them finally as we're asked to do in relation to pieces of legislation today, given the extensive detail stage amendments yesterday, I don't like that. I hate it but that's the way the whole shebang has been for the last three years quite frankly but I will probably support those pieces of legislation because they pursue the broader and wider objectives of sustainability a path that has been chosen by the Government, endorsed by this House. I'm not prepared in any way to roll back the Roadmap particularly in favour of such what I believe is an obscure and spurious Motion such as this is. I'm not happy with the poor progress nor with the fact that we've been unable to lock away the future governance and financial taxation arrangements. I expect that we all would have like to have been able to complete this term with that certainty established in these matters but we haven't been able to do that. That is most unfortunate, most unfortunate. At best we can hope now that we have advanced a framework, the Government has over which time will see Norfolk Island become an established part of the far more stable and sustainable social economic and financial system and that an electorate, that an electorate Mr Speaker will see the wisdom of staying the distance and not falling prey to illogical whimsical alternatives that have no substance and no basis in reality. In the end this community understands Mr Speaker that we cannot carry on the way we have in the past and that abandoning the present pathway or obscuring it, convoluting it, pushing it aside, displacing it, spitting on it will simply exacerbate our situation. There is no doubt in my mind about that. I call on the House to vote on this Motion today and to vote it down. Thank you.

MRS GRIFFITHS Thank you Mr Speaker. I'm pleased that Ms Adams has put this Motion on the floor because it is trying to layout what I think is a way forward for Norfolk. I support it. I support it because it is about advancing not going back. It is about maturing not disappearing. My experience has made me very much aware of the chasm between Norfolk Island and our Pacific neighbours. Mr. Speaker I want more for Norfolk. Wanting more is not wrong and I know that I'm not being naive or silly for wanting it. In the absence of any evidence that confirms that there is a net benefit for us going down Mr Buffett's road let us look at other possibilities. Mr. Speaker Please allow me to compare us to a place that I consider is on the right path. It is not a shortcut to heaven but it is worth examining. That place is Niue Island. The Island itself is geographically isolated; its resident population is about 1500. It has limited natural resources, and has a lack of skilled labour. The fundamental difference between Niue and Norfolk is its relationship with their former colonial powers. Indeed its relationship with our colonial power is better than what we have. Niue is a self-governing state in free association with New Zealand. The people of Niue chose that status in preference to full independence or political integration with New Zealand in 1974. Earlier that year, the New Zealand Associate Minister of Foreign Affairs, informed the United Nations General Assembly that and I quote On 19 October New Zealand and Niue will end their relationship of administering Power and Non-Self-Governing Territory; we will enter a new period of partnership on a basis of equality. As a self-governing State, Niue will take its place as a full member of the South Pacific Forum along with other independent and self-governing States in the Pacific. Niue's new Constitution contains my Government's assurance that New Zealand's economic assistance to Niue will continue as before. Unquote. Today Niue has an Assembly of 20 members. Elections are held every three years. All members serve as independents. A Speaker is elected from outside Assembly ranks. The Assembly has full law-making powers in all matters. Niueans are New Zealand citizens and have automatic right of entry into New Zealand. Visitors to Niue require a permit. New Zealanders are granted a 30 day visitors permit on arrival. The New Zealand Parliament has no power to make laws in respect of Niue on any matter, except with the express request and consent of the Niue Government. Under the Niue Constitution, New Zealand is responsible for Niue's defence. By convention this responsibility would only be exercised at the request of the Niue Government, however a defence adviser based in Wellington is accredited to Niue and surveillance flights of Niue's EEZ are carried out by the Royal New Zealand Air Force on a regular basis. Only the Niue Assembly itself may amend the Constitution by a special procedure and subject to confirmation by the people in a referendum. Under the terms of the constitutional agreement between the two countries, New Zealand provides substantial economic and administrative assistance to Niue. Economic assistance is provided in the form of both direct budget support and project-related aid. Niue has the full constitutional capacity to conduct its own external affairs and to enter into treaties, and has done so on occasions, especially at the regional level. Niue has signed the Pacific Islands Countries Trade Agreement (PICTA), under which member countries agree to liberalize trade in goods. It also has duty-free access to the Australian and New Zealand markets under the South Pacific Agreement on Regional Trade and Economic Co-operation (SPARTECA). New Zealand has encouraged acceptance of Niue's participation in its own right in relevant international meetings, organisation and treaties. Since 1988, New Zealand treaty action does not extend to Niue unless it is expressly so extended with Niue's consent. Niue is a member of the following regional and international organisations: Secretariat of the Pacific Community (SPC); Pacific Islands Forum; South Pacific Regional Environment Programme. (SPREP); University of the South Pacific (USP); South Pacific Tourism Organisation (SPTO); United Nations Education, Scientific and Cultural Organisation (UNESCO); World Health Organisation (WHO); World Metrological Organisation (WMO);

Commonwealth Parliamentarian Association (CPA); Forum Fisheries Agency (FFA); United Nations Development Programme (UNDP); United Nations International Childrens Fund (UNICEF); United Nations Population Fund (UNFPA); Pacific Island Development Fund (PIPD); Commonwealth Fund for Technical Cooperation (CFTC). It is a Pacific State of the African, Caribbean Pacific State member to the European Union and has acceded to a several relevant international Conventions: Mr. Speaker, an act of Self Determination and a better relationship with New Zealand did not make Niue perfect; over the past decade particularly - Niue has faced some formidable but familiar development constraints. Government expenditure regularly exceeded revenue and the shortfall was made up by critically needed grants from New Zealand. It had cut government expenditure by reducing the public service by almost half. Selling stamps to foreign collectors was an important source of revenue. The island was suffering a serious loss of population because of Niuean migration to New Zealand. Efforts to increase the promotion of tourism were slow and arduous. Then in 2002, Niue did something that profoundly moved it forward – it repealed the laws which permitted its off-shore banking industry effectively removing it from the OECD's blacklist. This was done because the then Premier rightfully said his top priorities were good governance, transparency and accountability. At the time economic aid from New Zealand was about \$2.6 million per annum. In 2006 the Niue, New Zealand, and Australian governments established the Niue International Trust Fund. The funds aim is to provide a long-term, dependable revenue stream for Niue, and to encourage self-reliance and decrease dependency on aid. Since 2004, Australia has contributed approximately \$6 million to this Fund. New Zealand is the main contributor which now contains \$41 million. Moving on to 2009, the Pacific Community (SPC) and the Niue Government developed a Joint Country Strategy. Like other joint strategies, it was developed nationally and reflects that SPC assistance must help a county achieve its national objectives as outlined in its national development strategy. In the first 2009 SPC did a number of notable activities in Niue. The Land Resources Division (LRD) supported Niue in the development of its Sustainable Land Management Project making sure that local growers adopt a balance between traditional and modern land management concepts. This Division also assisted with the installation of the bucket drip irrigation system in food plantation sites resulting in successful cultivation of vegetables and fruits. The Public Health Division with the World Health Organisation supported Niue in its preparedness of Niue's emergency response to the pandemics. The Healthy Lifestyle Section finalised the Non Communicable Diseases (NCD) Plan. Niue is now eligible for a large grant to allocate to various community groups addressing priorities identified in its national strategy. The Coastal Fisheries Programme provided funding for renovations and office equipment for the local fishing association. Association members were also provided with catch and effort logbooks to help them provide catch data, particularly around fish aggregating devices. The Pacific Way TV and Radio Documentary Programme, was distributed to the Broadcasting Corporation of Niue. A Niuean parliamentarian was trained in how to engage the media to sensitise the public on important issues relating to HIV AID's and youth. Niue is ahead of the game Mr. Speaker as like Norfolk – it has not had a reported HIV positive case yet. The SPC Regional Rights Resources Team trained two parliamentarians from Niue in human rights and policy. This training examined human rights issues relating to issues like HIV, violence against women, and good governance. It provided advice and strategies on how to address these issues through policy or legislative changes. Niue has now reconsidered its approach to combating HIV through increased immigration precautions and mandatory testing, and is now focussing on more human rights compliant approaches to HIV. The Regional Maritime Programme provided legal assistance to allow Niue's maritime legislation to be enacted, and to promote maritime safety and security. Niue holds the distinction of the first country in the

world where every child has a laptop. SPC supported the introduction of 500 One Laptop Per Child (OLPC) laptops with two weeks of training for education staff, students and parents. Mr. Speaker – that is just one organisation in one six month period. In 2011 the United Nations Food and Agriculture Organization and the Secretariat of the Pacific Regional Environment Programme (SPREP) are working with Niue to remove pesticide contaminated soil and improve its pesticide management practices. This year, because of its membership of the Forum, the Niue government invited a Peer Review Team to review its planning, budgeting, and public financial and aid management processes. The Team, made up of representatives from Nauru, Samoa and Australia, made 12 recommendations which were endorsed by the Government in consultation with Niue's development partners. Last month, saw a signing ceremony in Niue for a four million dollar Pacific Environment Facility. Work will soon begin on the design and installation of solar powered grid connected generators and battery backed power stabilizers significantly reducing Niue's reliance on fossil fuels and going a long way in helping Niue reach its energy goals, which includes one hundred percent reliance on renewable energy sources. Last month 14 Pacific Countries including Niue gathered in Fiji to discuss public sector needs of their countries. It was also designed for countries to engage with the Pacific Islands Centre for Public Administration (PICPA). PICPA is a joint initiative between the University of the South Pacific (USP) and the Australian Government; its role is to strengthen public administration to foster economic growth and improve service delivery. Australia and Niue enjoy a friendly relationship based on shared membership of Pacific regional organisations. Australia is providing \$4.5 million in official development assistance to Niue in 2012-13. Australia is providing \$4.5 million in official development assistance to Niue because New Zealand gave the Niuean people the choice of self determination. Australia is giving us \$4.5 million this year and turning us in a direction that will destroy us. A demonstration of how confined we are is: Norfolk is member of the Commonwealth Parliamentary Association, where we participate as part of the Australian region. Each of the different states and territories of the Australian CPA have a capacity building partnership with a Pacific State. It is the Northern Territory that is in partnership with Niue. As a territory of Australia we can offer nothing to assist to build the capacity of other Pacific parliaments. And yet, as a territory of Australia, and despite the great need, we are not able to receive any possible assistance from Australia within this partnership. Because of where we sit - we have nothing to give and nothing to gain. What has happened instead is we have joined the northern Territory/Niue partnership and just become the proverbial third wheel. On asking what purpose we serve in this partnership – we were told, we are a bridge. A bridge to what? A bridge to where? A bridge to nowhere I reckon. I argue that this bridge has to go somewhere and I think there is still a chance to abandon this juggernaut that has delivered so little. It has to be a Commonwealth choice. The Commonwealth may choose to give us self determination. It is our right to determine the relationship. It doesn't have to be immediate but even the French, through its Noumea Accord, have put New Caledonia on a path to self determination. The Commonwealth may choose to allow us access to development partners. We don't have to start with everything but starting with SPC makes sound financial sense. Look at what it achieved for Niue in just 6 months. For this to occur the biggest change needed is a change of heart. The final choice is the Commonwealth can continue driving us down this road knowing full-well that despite it being a country of considerable capacity - it is still knowingly practicing neo-colonialism. Mr. Speaker - Neo-colonialism is the worst form of imperialism. Its subjects appear to have all the trappings of sovereignty. The reality is that its economic system and political policy is directed from outside. For those who practise it, it means power without responsibility. For those who suffer from it, it means exploitation without redress. Most importantly, neo-colonialism just postpones facing the real issues. Neo-

colonialism is a dead weight around the necks of the developed countries which practise it. Nowhere has it proven successful, either in raising living standards or in benefiting countries which have indulged in it. Coming back to this motion which talks specifically of off-shore banking, access to our EEZ and improving our IT systems. With the exception of off-shore banking I agree that we should consider these possibilities but not one alone can achieve economic prosperity for us. Our own priority is still to improve our own governance, accountability and transparency. We still need to plan better and we still need a national strategy. We still need more people on the Island. We still need to create jobs. We still need a robust and progressive tax regime. We still need a partnership with Australia but we have to be treated as equals; the Commonwealth has to want what is best for us. That unfortunately Mr. Speaker may be the hardest thing of all to achieve. Thank you.

MR NOBBS

Thank you Mr Speaker. Where to start on this. I'll start by saying like it or not the Roadmap got the ball rolling and that basis I bring that on is that in previous Governments which was a reform Government with myself as Chief Minister enormous attempts were put in place, to not only put in place in areas such as the Ombudsman and the Anti Corruption Commission but also to establish a concrete link to the Commonwealth, a clearer vision of what was happening on Norfolk Island both legislatively and financially through trying to implement the Australian National Audit Office into most procedures. In real terms Norfolk prepared in every conceivable way for the Ombudsman to be introduced. We prepared in every conceivable way with the Anti Corruption Commission. I dealt directly with the Commonwealth Ombudsman, I dealt directly with Commission groups from the Antic Corruption Commission. We reached a point where everything was set to go except the Commonwealth needed to make its adjustments to facilitate, it didn't happen. On a number of fronts Norfolk made approaches well before the GFC to the Commonwealth to highlight that there were some financial implications coming for Norfolk Island as a result of that GFC that would require us to be assisted. In that process we also directly offered to contribute the GST collected on Norfolk Island directly into the Australian system as a form of instantaneous contribution to the taxation system until another arrangement could be facilitated. Now I'm highlighting those areas because they were areas where we tried for very constructive dialogue with the Commonwealth for constructive outcomes for Norfolk Island. Unfortunately it was lost, lost in the ether. To give another example in the previous Government we were also invited to be part of grants, we were invited specifically by Minister Bob Debus to put application to the Infrastructure Australia Grants Scheme, we put several. I just should highlight that that doesn't mean that their successful. In none of those were we successful. In fact there doesn't seem to be a wealth of information about what actually occurred with those grant applications that I'm aware of. Mr Speaker I actually see that given the Roadmap commencing March 2011 there should be a review period of the Roadmap in how we move forward and I see some of these elements could be woven into a review of the moving forward of a Roadmap. Now it's interesting that Mr King in reading through Point 1 says – we have great certainty of constitutional status. One of Mr King's earlier Questions Without Notice was – when will we know what's happening with our governance, when will we know what's happening with our taxation, they are integral to us understanding where we fit in the constitutional framework and how we even devise our forward structure for our businesses our families and the longer term outcomes for Norfolk Island. I think there are some issues that I'll certainly raise later on in the Sitting today whereby the lack of knowledge of financial linkages to Australia of taxation operations to Norfolk Island and of the governance arrangements which have been in discussion for quite some time. I would have to say that I'm ignorant, have not been shown any of the

models that were likely to be used in that regard. I'm certainly hopeful that we're going down the arranged plan that we've agreed to in this House of the island governance arrangements but it is very frustrating at a Government level, as well as at a community level to find where we are at and where we are actually going so that as a business operator you can determine exactly what level of investment you're about to make into your business and what the ongoing costs and operational parameters will be. Mr King highlighted that frustration from the community and from himself and I share it, absolutely. In regard to part of this Motion as I say these things perhaps need to be built in to a review of the Roadmap and ongoing arrangements. I'll go straight to Point 3 which is about confirming the residents of Norfolk Island include descendants of the settlers etc. I do agree that there needs to be some recognition maintained for that. I was at a conference on Lord Howe Island, the conference was actually endorsed by Minister Crean. At that conference which was a Small Island's Forum, Australian Small Island's Forum the Administrator for Christmas Islands the Honourable Brian Lacey gave a presentation on Christmas Island and advised us that three indigenous groups who arrived on Christmas Island post 1857 from my recollection were given indigenous recognition for Christmas Island by the UN and by Australia. They actually arrived after the Pitcairners arrived on Norfolk Island Mr Speaker – isn't that interesting. As a Norfolk Islander of Pitcairn descent I think to have that lineage not recognised is abhorrent. Mr Speaker the element that deals with Number 4 which is ownership of the 200 mile EEZ that there have certainly been numerous attempts to gather information on what the capacity is of the EEZ and there's certainly been a lack of available data to work out what it would mean to us. So I am challenged in that way in terms of how that might benefit or otherwise challenge us in terms of monitoring and management, however I'm sure that conversation will continue for a very long time. It is worth pointing out that through the Norfolk Island Fishing Association I have lobbied the Australian Fisheries Management Authority to enable small commercial fishing arrangement operated from Norfolk Island in our waters. Interestingly enough that access was sealed off by a member of the Department of Regional who decided that no Norfolk didn't really want to embark on that and I only found out about that during a teleconference that I'd invited the Norfolk Island Fishing Association to participate with me in to discuss matters with AFMA. So there needs to be a continuous effort on all sides to evaluate diversification of revenue opportunities for Norfolk Island productive outcomes for people who live on Norfolk to earn and earn their own keep and manage their way forward. The Section 5 which was endorsing Norfolk Island becoming a commercial hub. I would have to say that I've certainly pursued that strongly on island through an interested group outside of the island and also directly to Minister Crean's office. That is still ongoing although as I understand it there are some areas within the Australian States that could equally take on the OBU capacity. So again I think what we'll find is that it will be on a competitive basis very much like the grants system. Point 6 talks about the NVN and the ability to expand our connectivity and the educational elements the health elements and the like. That is a difficult one for Norfolk Island. It is difficult in that at the moment we are restricted to the satellite. There are cost implications with the satellite, there are signals limitations and latency that is attached to the satellite that does impact on some of the businesses including the gaming which I tabled the Gaming Report earlier today. The issue does need to be further discussed. I've certainly written to the Department on numerous occasions and certainly over a lengthy period of time and particularly when the NBN proposal was rolled out I sought specialist advice on the NBN offering, I sought specialist advice on Norfolk Island's current and future requirements and provided documentation to the Department and to the NBN areas to give them a better understanding of what Norfolk's requirements were because the NBN for Norfolk Island is actually a step backwards, it is not a step forwards and so I have major concerns in

terms of our existing industries that utilise that communication system through the satellite at the moment, as well as the opportunity for growth on a commerce development basis. The last element deals with the grants and grants from Australia and outside of Australia. I've already given some feedback on grants whereby we were specifically invited to them by a former Federal Minister. The willingness of Norfolk Island to contribute to the tax scheme is I think an indication that the Australian Tax Scheme I should say, is an indicator that we want to be part of these bigger schemes and of the safety nets and the like. A side element of those areas is that grants systems and the like so one would hope that not only do we have the access but we have the capacity to achieve these grants. Mr Speaker in winding up as I say I see these elements could easily be a review of the Roadmap, some of those elements anyway. I will make one further comment on something Mr King also said which was that to quote exactly – “failed to cement broad changes in parts of the Roadmap progression”, frustrates us all Mr Speaker in just the same way as we talk about the Ombudsman or I talk about the Ombudsman and those things earlier we've had a commitment to have the dry run on the tax returns of June, commencing June last year that would have helped the business environment understand how they needed to modify their bookkeeping systems, how they needed to accommodate a system that might change, how they might find benefit in it. It's very hard to cement some of the changes that are outside of the control of Norfolk Island. I'll just finish by saying Mr Speaker that I see some of these elements could be rolled into a Roadmap review, however never forget we are an island.

MR BUFFETT

Thank you Mr Speaker. The Roadmap is a significant document notwithstanding what people may want to say about it. It has been planned, it has been progressed in significant part, not necessarily to the extent that we would have liked in many instances but it is an all embracing document that is planned to bring us to long term sustainability in Norfolk Island and until we reach that stage we have needed to survive in terms of annual [unclear on tape] from the Commonwealth Government. The Roadmap itself requires maintenance of a vision, it calls for energy, it calls for application and without those things we won't get to the end of this stony path and we need to be emphatic that we must go there. I do understand that there are people in the community who would prefer not to go but I think that there is a greater awareness that we do need to go and need to tread the path. Those that who don't want to go will place barriers, regrettably, because the barriers will not lead us to long term sustainability, it will in fact keep us more where we are in the difficult situation that exists at this very moment, and when things are cast in front of the Roadmap we are at risk about being diverted, our energies engaged on other tasks, our efforts thwarted. I wouldn't want to say that all of the points in this particular Motion don't deserve attention, that's not the point. In fact some of them are receiving attention under the Roadmap proposals, but some of the proposals also ask us to embark upon constitutional arguments. Indeed some of the arguments that are being argued about for 150 years without any solution what so ever. The energy cannot be spared for those arguments today, today at this very minute. We need to ensure that we get further along the track with the Roadmap, that we do secure interim funding to ensure viability for the Norfolk Island community and not be distracted from that task. Those components of this Motion that are helpful to that cause are taken into account in the cause that we already espouse. The more time spent on this to be quite frank is a demonstration of some element of diversion, not totally because there are some components here that are deserving but I do say that a majority of those are in the map at this moment. If asked to support this Motion I could not do so but that doesn't mean that I wouldn't pick up and continue those points that are already being pursued. But to be diverted I can't do that. That's not what will benefit the Norfolk Island community. I don't think that we should

have something hanging in our face that gives opportunity for diversion. If you want to delay this matter for a further period of time, well so be it, it wouldn't be my wish. But for reasons that I have mentioned it's unlikely that I would support it when the vote came. We need to be clear about where we're going. We need to have emphasis with where we're going and we need to keep saying it and reminding each other of it. There are difficulties, I've outlined those continuously but just because there are difficulties doesn't mean that we should abandon our course.

MRS WARD

Thank you Mr Speaker. It will come as no surprise that I support the words of the Chief Minister. I will not be supporting this Motion. I hope that we get it dealt with today. It does not mean however that I don't understand that we're all in this together and we need to continue these discussions. The Chief Minister has rightly said there are points within the Motion which have been on and off the agenda for 30 years and some are still being dealt with, that will continue. But we are on track, we have a Roadmap that was signed almost two years ago, we continue with that. Our constitutional, current constitutional status is very clear to me, it's written in plain English, is it going to be modified? Yes it is. Why? Because our current model is unsustainable. Referring to the status and recognition of Pitcairn Descendants of which my three children are the preamble is firmly in place, it is within the Norfolk Island Act, it is within the Roadmap, nobody is taking that away. So currently we're walking through a sensible reform process, I'm not going to waste any more time on this debate now because we have big important issues to deal with. Thank you Mr Speaker.

MS ADAMS

Thank you Mr Speaker. I thank Members who have spoken for their contribution and I respect the points of view. I have a question to the Chief Minister. Show me where there is a diversion in the Motion, show me where the Motion is abandoning our course and how? I have clearly said in my debate that the blueprint does not seek to disrupt the Roadmap process. In fact it could be used to give added clarity around the Roadmap by providing a broader perspective on potential opportunities and the possibility of building innovatively on the Roadmap's outlines. How is that a diversion? How is that abandoning the course? Let's go to the Roadmap. The Roadmap of change. This Roadmap has been developed in partnership between the two Governance's and is subject to budget outcomes from both the Commonwealth and Norfolk Island. It's purpose is to describe the reforms needed to strengthen the island's economic diversity to provide a sustainable and growing economy, the Island's social cohesion and resilience, the Island's unique heritage and environment, it goes on. Tourism has been the island's primary industry for many years but the number of tourists has been in steady decline for the past decade. A direct consequence is that the island's economy is no longer sustainable in its current form. The Island's infrastructure is also declining and now I'm picking out of it and the Island's economy without reform and development will not be able to fund much needed replacement and improvement of critical infrastructure including the ports, roads and essential services. This Roadmap describes the changes needed to Norfolk Island's circumstances. It requires local input, leadership and commitment to change from the Norfolk Island community, the Norfolk Island Government and the Australian Government. I have said quite clearly in the Motion that this Motion has evolved out of consultation with the community. Perhaps if that consultation had been had with the community as promised along the way that opportunity might have been taken by the community to share with the Parliament how the community is feeling. Minister Nobbs has said that the Roadmap got the ball rolling and he is right. He's also said that there's a possibility of a review period of the Roadmap which could happen and elements of the Motion could be included in it. I thank him for that, for having that understanding. Equally I share with him the question

of indigenous. This House has already addressed this issue many, many years ago and believe it or not there are many people in this community who find it abhorrent that there is no recognition and that we sat here in the Chamber all of us together when we had bureaucrats from Canberra sharing with us the difficulties that Regional Australia had with finding funding to provide to Norfolk Island that how once we were and the words were fully integrated into Australia all would be well. In this Chamber, all of us here and I have to remind the bureaucrat from Canberra that he needed to look at the Norfolk Island Act preamble and what that actually said and meant to the people of Norfolk Island. The people of Norfolk Island are asking for recognition, let us not forget that. I say again this Motion was crafted in consultation with members of the community and I represent these people in the community who hold this view and that's why I am now on the floor to represent that view and no longer the Speaker in the Chair. I am certainly not electioneering, it is about and I repeat representing the people who voted for you and endeavouring to meet their expectations in this Parliament because let us not forget that the Parliament is the voice of the people. So I go back to the question show me the barriers in the Motion which are in direct contradiction to the Roadmap Chief Minister? Where is the diversionary tactic in the Motion and how does it abandon our course? Thank you Mr Speaker.

MR ANDERSON Thank you Mr Speaker, I'll be brief. I have to endorse the comments of both Mr King and the Chief Minister. I see it as a diversion, I see it as a list of old chestnuts and a wish list some which have been addressed before and it's just been brought up again. I intended to go through them but given the amount of time that we've spent on it I don't intend to now do that. I think the Government that we have now with the assistance of the majority of this House is already progressing on a path which is leading somewhere and leading somewhere positive. It is going to guarantee sustainability and survivability. I now move that the question be now put.

SPEAKER Thank you Mr Anderson. The question is that the question be now put. Before I now endorse that Mr Anderson, Ms Adams you foreshadowed a Motion to adjourn the debate.

MS ADAMS I'm very comfortable that.

MR KING Point of Order Mr Speaker.

MS ADAMS If you could just let me finish I'm very comfortable that the Motion that is to be put be put.

MR KING My Point of Order is that the question has to be put.

SPEAKER Yes Mr King so I put the Motion that the question be now put.

QUESTION PUT

SPEAKER Can the Clerk please call the House.

CLERK

Mr Snell	No
Ms Adams	No
Mr Sheridan	Yes
Mrs Griffiths	No
Mr Buffett	Aye

Mr Nobbs	Aye
Mrs Ward	Aye
Mr King	Aye
Mr Anderson	Aye

SPEAKER Thank you Honourable Members the Ayes 6 the No's 3 the Motion is so carried. The Motion is now that the Motion be put, and that is that the question before the House is that the Motion be agreed to.

QUESTION PUT

SPEAKER Madam Clerk would you please call the House.

CLERK	
Mr Snell	Aye
Ms Adams	Aye
Mr Sheridan	No
Mrs Griffiths	Aye
Mr Buffett	No
Mr Nobbs	No
Mrs Ward	No
Mr King	No
Mr Anderson	No

SPEAKER Thank you the Ayes 3 the No's 6 the Motion is lost. We move on. I take note of the time Honourable Members and I do propose that we have a convenience break for 30 minutes.

MEMBERS No

SPEAKER Then we shall continue thank you. Honourable Members we have a Bill by leave.

CROWN LANDS (AMENDMENT) BILL 2012

MR SHERIDAN Thank you Mr Speaker. I seek leave to present the Crown Lands Amendment Bill 2012.

SPEAKER Is leave granted? Leave is granted Mr Sheridan

MR SHERIDAN Thank you Mr Speaker. I present the Crown Lands Amendment Bill 2012 and move that the Bill be agreed to in principle and I table the Explanatory Memo to the Bill.

SPEAKER Thank you the question before the House is that the Motion be agreed to. Debate?

MR SHERIDAN Thank you Mr Speaker. I just quickly read the Explanatory Memo. This is only a one line Amendment Bill. This Bill seeks to remove from the Crown Lands Act 1996 the requirement that a natural person within the Crown Lease may be granted must be a resident or the holder of a General Entry Permit. Mr Speaker this Amendment has come about by representation from a member of the

community back in going back as far as 2011 when this person approached the Federal Government Minister the Honourable Simon Crean in regards to the inability to transfer a lease you might say, sell a lease to a person other than a resident or a person who held a GEP on Norfolk Island. She felt that she was being discriminated against in that the pool of people that she had [unclear on tape] to sell her property was limited and of course being Crown land, I've had to get permission from the Federal Minister to do so and he has responded only recently through the Administrator on the 30th November that the Minister has asked me to convey his support for the Norfolk Island Government amending the Act to remove the requirements limiting the lease of Crown land to residents of the island. Mr Speaker currently there is approximately 14 or 15 Crown Leases that are occupied by persons on Norfolk Island and in the main these are held in a business sense, there is some type of business activity being undertaken on these portions. About half of those actually belong to the Church arena you might say, so there is only a handful of individual persons who actually hold a lease of which they undertake a commercial business of which this may be applicable to. This enables a person who does hold a lease over Crown land that if they wish to dispose of it that then they have full access to all persons in that disposal via a sale, so that the full expectation of their property may be realized. The Federal Minister has seen it in this light and he supports this move towards the Crown land that's under lease to be opened up to a bigger pool of people you might say when the person holds a lease decides to wind up their business or sell it or which ever way they want to see it. So I don't want to spend too much time on this Mr Speaker. So I leave this in the hands of the House.

SPEAKER Thank you, any further debate? I ask Mr Sheridan.

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

SPEAKER Thank you. Any final debate Honourable Members?

QUESTION PUT
QUESTION AGREED

We move to Orders of the Day Honourable Members.

LAND VALUATION BILL 2012

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

MR SHERIDAN Thank you Mr Speaker. I Just foreshadow that later in the proceeding I'll be presenting a detail stage amendment to the Bill and I apologise for the lateness of the notification to other Members of this detail stage amendment but it took some fiddling you might say to make sure that the changes reflected exactly in sections referring to other section that they were quite correct. I think about 2 months ago that I tabled this Bill for the first time. I tabled it a month prior to that as an explanatory Bill then I tabled it in full and since that time we've taken heed of comments from the community and the Service, National Valuer General's Office, the Queensland National Valuer's Office, comments from the Territories Department and also from the AAT. And so I'll talk to the detail stage amendment as if I've tabled it because that's really all that's needs to be explained and the explanation there is that the information

we received was that the Bill was a bit complicated in regards to how we intended to value property here in Norfolk Island and that was because in the Bill as tabled was the reference to site valuation and deductions applicable for properties who are improved. This complicated the Bill to a degree that was we didn't think was necessary for Norfolk Island and it's been removed, all of that inference to site valuation and deductions applicable have been removed. So now what we have is a Bill which looks at improved capital value or unimproved value. So it's a very simple Bill of valuing land either at its unimproved status or its improved capital value status upon which you might expect to receive the monies under a proper sale. During the course of the investigations I just point out a couple of things that did come up and during the initial debate a question was asked as to the cost of implementing this Bill. Now whilst there is a cost for the administration of the Bill locally, it is deemed that the cost locally would be small. The large cost is for the valuations by an authorised person to undertake a valuation of all properties on Norfolk Island and the advice that we have received back from the National Valuers Office in Canberra Australian Office in Canberra is that for a full valuation at the improved capital value it would cost somewhere up to \$350,000 total. If we undertook a valuation of unimproved value it would be between \$150 and \$200,000. So the cost is there, it's been identified so that it can be budgeted for in the next financial year's budget, this is the intent. There will be no valuation of land this financial year. The intent is that the proposal will go out for tender maybe in the last quarter of this financial year with the actual valuation being undertaken in the next financial year. But this is of course would be up to the next Government which we're referring to now because we're in our last few months. So that's how it's intended to pan out. There was also reference in the last debate about the review mechanism and why we didn't have the ART. The Bill referred to the AAT and we've had advice through the Administrators Office that in general the AAT considers that the review of the Norfolk Island decision should occur in accordance with the provision of the AAT Act and this is in line with what's already appealable under the AAT Act and that is your Absentee Landowners, your Crown Lands Act, all those to do with land, planning is appealable through to the AAT at this time. The only thing that would hold this up is that the AAT regulations would need to be amended and you'll see as part of the detail amendment change that Chapter 4 of the provision of this Act commences on the date of the AAT making the regulations. So it's a little bit hand in hand that we would need to have the AAT make their regulations before that part of the Act or the Bill could come into force. We also received some advice from the Territories Department and it was some conflicting advice you might say that we didn't agree with. They believe that this Bill had been drafted ahead of a system of municipal rates or land taxation. We disagree. We believe that this the right sequence of events that you must have a Land Valuation Bill or the ability to value land prior to setting up a system of taxation whether it be via land rates or a municipal type rates. So we did not agree with that and I believe that they saw sense. They said the Bill is complicated, well we've taken that on board and we've removed the complications out of it. They also say the Bill provides [unclear on tape] for the Valuer General and this role will be expensive. Well I've just detailed the expense of what would be entailed for them to set up as to be the Norfolk Island Valuer and this is the cost, those costs I mentioned before for the initial valuation and then the requirements under the Bill for the management of those valuations, and then there was concerns about the AAT which I've talked about and the ART. Those concerns were raised by the Department and which we've covered and I've distributed Members with comments from all of those people. Mr Speaker I think what must be remembered in this debate is this is not a taxing Bill, even though in the preamble it says that it is an Act to enable the valuation of land to establish a basis for raising the revenue for the purposes of the Administration of Norfolk Island, to assist with the process of tax reform, to provide statistics to provide with the economic

analysis of the economy, to establish a record of the land values of the island as they may change from time to time and for related purposes. Even though that does relate to the ability, or for the purposes, of raising revenue, this Bill itself does not enable that, and it must be remembered. It does not enable that, it is purely the ability to value land on Norfolk Island and this is a necessity if the Norfolk Island Government is to get its fiscal arrangements in place locally to make sure that we can move forward with the other agenda items under the Roadmap, and this is the fiscal equalisation schemes to the Commonwealth through GST, taxation and other support services like Medicare, Education, etcetera, etcetera. So I would just hope that people would not get tied up on the taxation part of things at this point in time, this is purely a facility to value land on Norfolk Island in a simple concept, unimproved value, or the improved capital value. Which can only benefit the holders of those properties, because at this point in time to get a valuation on your property, is big bickies, it does cost you a fair whack, this will be done, valuations will be available to every person on a yearly basis, with a site inspection upon sales or on a routine basis every four to five years, at the moment it looks like five years. So Mr Speaker, if I could just leave this in the hands of the House for further debate and then I would like to move the Detail Stage Amendments.

MS ADAMS Thank you Mr Speaker, Honourable Members, this Bill does not have my support, and I am sure that you wouldn't be surprised about that. We can say it is just an upgraded version of a Land Valuation Bill introduced by the 12th Assembly, and which did not receive assent at that time for a number of reasons which are not relevant here. However, the long title of the 2012 Bill which is before us now, makes the purpose of the Bill quite clear, nothing is hidden from the community, it is a Bill for an Act to enable the valuation of land to establish a basis for raising revenue for purposes of the Administration of Norfolk Island, to assist with the process of tax reform, to provide statistics to assist with economic analysis of the economy, to establish a record of the land valuations of the island, as they may change from time to time and for related purposes. In other words, it is the plank from which land taxes and municipal rates can, and will be launched once the land is valued. It is understood that if the Bill is passed, funds will not be provided for the valuation until the next financial year. Our Parliament is being required by the Australian Government to introduce this legislation. And I will just pause there, and go to the exchange of correspondence the Minister Sheridan has just brought to our attention and which he kindly copied to us, and the email, to Nich Hills from George Plant, has there been a response to that email? Is that the one from?

MR SHERIDAN I provided that to you.

MS ADAMS Is that the one from Prentice?

MR SHERIDAN Which email are you talking about?

MS ADAMS I'm talking about the one where, and I thank the Government for resisting the fact, that it was to be taxing bills to be introduced prior to the Land Valuation Bill, I thank you, thank you. Okay, I will come back to that later. The letter from Minister Crean of 16 October 2012 made it quite clear that the Australian Government expects practical and demonstrable steps towards genuine reform as part of any funding package, including quote, "introducing an acceptable land valuation bill as a prelude to the introduction of property based taxes", unquote. Once again, from my perspective the independence and sovereignty of the Norfolk Island Parliament is being compromised by this legislation, and for this reason alone I will not be supporting the bill.

Honourable Members I believe the concept of land taxes is alien to the intention of when the land grants were awarded to the Pitcairners following their arrival on the Island in 1856. Land grants bestowed by the Crown for a peppercorn rental, 50 acre grants, originally not to be sold, and whether or not the land has been subdivided and or sold over time does not mean we have the moral right to tax that land and particularly family owned land on Norfolk Island. We have all received a letter of concern on the matter from Mr Chris Laing, I believe this letter was published in the local paper, and I will read his letter into Hansard for posterity. It was copied to all Members, addressed to the Chief Minister. "The reason moved to value land in Norfolk Island can only be seen for what it really is, that is, the initial first step to have land rates. This tax, unlike normal income tax, has no ceiling, and has ever moving ever changing goalposts, and as enough money raised from this tax, will never be seen as being enough, they most certainly will escalate way beyond the ability of the people being able to pay them. That would very likely result in land home evictions, a point that does not sit real well with Norfolk's culture, which has always had close ties with the land and the sea around it. If any Assembly now, or in the future, put land rates in place, it won't matter about the low rate it starts out with, or any controls, planning or safeguards that come with it, all that will be steadily hijacked and with the real estate market soon to be fuelled and driven by open immigration, it will be others that re-write Norfolk Island's policies and laws, and who will rule Norfolk Island's future. So any naive political promise made now will count as nothing when later it becomes too late. Why, not if, but when, people are unable to pay these rates, and likely become homeless, to where do they then go? The limited rental housing market will be facing the same problem, and will have people living rough in parks and reserves under tarpaulins might not be seen as a good look, so will a residential housing complex be built? It could serve to remove any money that might be leftover from the enforced home/land sales, if so it would be best not built too closely to the future culture centre, because that won't look good either. In Norfolk Island's case these land rates would, by its very nature, take on a whole new force and direction of its own, and would dismantle and destroy Norfolk Island, not maintain and rebuild it. All present and future Assembly Members are sworn to uphold the values of Norfolk Island and its people, all nine Members today need to make the right choice, not just a few, and all stand on the right side of history. Signed yours sincerely Chris Laing". And Honourable Members it is, having read you, that letter from Mr Laing, it is interesting to note, that in 1998, in a briefing paper prepared for the New South Wales Parliament on land tax in New South Wales, some potential problems with land tax, in that state, were identified, including, the affect of inflation, the affect on pensioners and self-funded retirees, the affect on rental prices, and what happens when tax payers are unable to pay their tax assessment. Issues raised by Mr Laing, issues identified to the New South Wales Parliament as being problems with land tax. Honourable Members we live today in a world which believes in the user pays principles and successive Assemblies, including this one, support that principle. If the services being provided by the Government exceed the cost of providing them, then on the user pay principle, one puts up the fees and the user then has a choice whether or not to use the service. Taxing the land should be the last choice that we make to balance the budget. If government does not have enough money in the coffers because of decisions taken, or if we divest ourselves of the GBE's, which were in the past were our potential cash cows, if managed appropriately and government does not milk them for additional revenue, that is not a valid reason for this Parliament to tax the people because of unfortunate decisions that government might take or has taken. There are other ways. The motion I brought to the House earlier today proposes options for additional ways of Norfolk Island doing business; innovative ways to diversify the economy...

MR KING

Point of order Mr Speaker.

SPEAKER

I agree. Ms Adams if you could refrain from comments on a previous motion.

MS ADAMS

Let us explore diversification before moving down the unpalatable path of taxing the land on Norfolk Island. Honourable Members I have foreshadowed my intention to refer the Bill to the Impact of Bills and Subordinate Legislation Committee to assess how the Bill may impact on the Norfolk Island's community and at the appropriate time I will so move. In the event that the House does not refer the Bill to the Committee, and proceeds to the detail stage today, it is my intention to propose that debate on the Bill be adjourned, to allow Members adequate time to consider the 58 detail amendments sent to us last evening. We as legislators are bound to ensure that the legislation passed by this House at the very least, has received appropriate and adequate consideration on behalf of the community which we represent, thank you Mr Speaker.

SPEAKER

Thank you Ms Adams, any further debate Honourable Members? Minister Sheridan.

MR SHERIDAN

Thank you Mr Speaker, if I could just make a couple of comments in response, like I said, this isn't about taxation, it might be setting the platform for it, but it is not the taxation bill, that is when this debate of Ms Adams would come to the floor. She said that this was attempted to be passed by the last Government, but it wasn't relevant, yes it is certainly relevant, that didn't get assented to because the act didn't define a specific purpose. They just wanted to value land, with no specific purpose, so I have made sure in the introduction of this, that there is a specific purpose, so that the same consequence won't happen to this Bill, you have to have a purpose for a Bill no matter how unsavoury it is. Mr Speaker all Members of this Assembly have an obligation, to ensure that funds for the Government to expend are realised, now Ms Adams talked about raising funds through our normal means, through our GBE's, Telecom, Electricity, and the Liquor Bond, which is indirect tax to the community, we take, from the Liquor Bond, Telecom and Electricity undertaking, something like \$1.3, \$1.5 plus \$1.8, nearly \$4 million, that we take from the people who use those services as an additional revenue, take to our general revenue fund, it would be about \$3.5 to \$4 million. This I see is being over taxing our residents for the provision of those services. We should provide those services at the cost that it provides, plus an additional cost for the maintenance and depreciation of those equipment, not gouging our community to the tune of \$1.3 million for a service, to the tune of \$1.5 million for a service, the Liquor Bond I can handle at this point in time because it is a commercial activity on the sale of something, but for the provision of essential services, and we are gouging \$2.8 million out of those people, out of our community, when they are struggling to pay their bills, those charges should be reviewed, and something like this should then replace it. But I'm not going down that line, I am just responding to Ms Adams concerns. This is about valuing the land, the ability to value the land on Norfolk Island. And just for Ms Adams sake, we are being pushed by the Commonwealth to do this, I actually undertook work to commence this prior to any mention of it in any Funding Agreement, work was being done, in my own right, as a Minister, my obligations as a Minister to the community of the island to ensure that we do change our fiscal base, I knew that we had to do something, a long time ago, and it's taken a long time to get this bill where it is today. So we aren't being forced to do anything by anybody, at the appropriate time Mr

Speaker I will lay the Detail Stage and the Explanatory Memo on the table, when everybody has had their say.

MRS GRIFFITHS Thank you Mr Speaker, Mr Speaker at the last meeting I didn't support the introduction of this Bill in principle, I questioned where it fitted into our future, in the months since I mentioned this, I have been inundated with research reports, policy and costings to support the introduction of this legislation – sorry I lie! I have seen a copy of a letter, and that hasn't convinced me to support it yet. And while I can see a future where our own progression and robust taxation system, I see nothing to convince me to support this Bill today, thank you.

MRS WARD Mr Speaker, I was going to wait for the detailed stage amendment to be put on the table, because I've said quite a bit about the introduction of this Bill a couple of months ago, but just in support of Minister Sheridan, first of all, yes its work that the Minister commenced a long, long time ago, most of us around this table understand that this is about broadening our taxation system, land tax, property based taxes are seen as a very stable form of taxation, so I certainly support the words of the Minister. It's not a taxing bill, I would like the letter, I would like Mr Chris Laing to understand that his letter has been received by everybody, and is respected by every Member of this House, but it is an argument for another day. We are following a sequence of events here and the Minister will have my support in moving this Bill through the House today, if that is the wish of the House, thank you.

SPEAKER Thank you Mrs Ward, any further debate Honourable Members? There being no further debate I put the question that the motion be agreed too.

QUESTION PUT
QUESTION AGREED

I think the aye's have it, the Bill is agreed to in principle. Ms Adams you have foreshadowed a motion to refer the Bill to the impact of Bills and subordinate legislation Committee, I call on you.

MS ADAMS Thank you Mr Speaker, in accordance with Standing Order 159 which provides that after the Bill has been agreed to in principle, it may be moved that the Bill be referred to a Select or Standing Committee. I so move that the Land Valuation Bill and the detail stage amendments circulated by Minister Sheridan today be referred to the Impact of Bills and Subordinate Legislation Committee of the House but without restricting the Committee's consideration of the Bill as a whole, it consider what the full impact of this Bill and amendments will be on the community including impact in the short term, medium term and long term and that the Committee hold at least one of its public meetings in Rawson Hall to allow free and open discussion between the community and the Committee on the impact of the Bill; the committee be further empowered to consider any other matters relevant to this inquiry; shall have the power to send for persons, papers and records; including expert witnesses and legal advisers as may be needed to ensure that the Committee is adequately equipped in its deliberations and the preparation of its report. Speaking to the motion that I have just moved, I just bring to the attention of the House, quoting from the House of Representatives practice on parliamentary committees, of which our Impact of Bills and Subordinate Legislation Committee is one. "Parliamentary Committees take Parliament to the people, and allow direct contact between members of the public and representative groups of members of the House, not only do committee inquiries enable

Members to be better informed about community views, but by simply undertaking an inquiry, committees may promote public debate on the subject at issue. Committees oversight and scrutinise the executive and are able to contribute towards better Government". And from my memory the House of Representatives cautions any committee, an impact of Bills Committee, to not take referral to do so at its peril. I commend the motion to the House Mr Speaker.

SPEAKER Thank you Ms Adams, the question is that the Bill be referred to the Impact of Bills and Subordinate Legislation Committee, and I invite debate Honourable Members. Mr King.

MR KING Thank you Mr Speaker, I could not agree more Mr Speaker about the wider and greater use of Committee systems, and I really take this very brief moment to call on those who are re-standing to ensure that the Committees have a greater role in future time. I do have to understand, I think most Members understand what the effect of this referral will really be. If it were referred to the Impact of Bills Committee, it will mean that the Bill will lapse when the life of this Parliament expires, a Committee will only serve in its life in accordance with or along side the life of the Parliament, which it serves, it will lapse and the Bill will lapse before this House, that will be the effect. Why will that happen, it will happen as a matter of course, because we do not have the resources, the time the money as the Chief Minister put it, nor the energy to conduct a committee hearing in relation to this matter. I also reflect very quickly on the undertakings of that committee during the term of this Parliament, it has only sat once, when it had some matter to consider. The outcome of that was a very lengthy report, which I think, as Chairperson was pretty well put together, stitched together, the unfortunate outcome of that was that 95% of it was ignored by the Government, which made our efforts feel really worthwhile. In any event, it is impossible at this late stage to gain any benefit from referral to the Impact of Bills of Committee, I regard it as being an essential part of the broader picture, I think Ms Adams is well aware of that that's what the effect of the referral might be, I think it is a political tactic, a tactic devised to stymie the Roadmap process, I think that having said that, unless it is abuse of process, I move that the question currently before the House be put.

SPEAKER I note your question that the motion be put, but there is a question of minority in this, and the minority I feel is with Ms Adams, so I shall...

MR KING I don't think that the minority issue comes into that particular Standing Order Mr Speaker.

SPEAKER Standing Order 73 reads Mr King; After any question has been proposed from the Chair, a motion may be made by any Member without notice, that the question be now put, and unless it shall appear to the Chair that such motion is an abuse of the rules of the House, or an infringement of the rights of the minority, the question that the question be now put, shall be put forthwith and decided without amendment or debate. I rule that there is a minority and defer your question, and there shall be further debate, Minister Nobbs.

MR NOBBS Thank you Mr Speaker, my contribution is with regard to this question is really about clarity on what the Impact of Bills would attain out of this, now my understanding is that this Land Valuation Bill will carry out the mechanics of evaluating improved and unimproved capital values of lands and provide a database to then formulate if that is to be the case, at a later date, with later supporting legislation

taxing scheme, that may well be the Land Tax Bill. Now if that is the progression that is likely to happen, then I would think that the Land Rates Bill or Land Taxing Bill is what would be referred to the Impact of Bills to ensure that those costings and implications on the community, the landholder and the like would then be considered at that point. So in effect I think that is part suggestion, part query if I am incorrect in that.

MR SHERIDAN Thank you Mr Speaker, I don't know how you came to your decision before about minority only two people had spoken! One for either side, but anyway!

SPEAKER You can't question my decision.

MR SHERIDAN I am not questioning, I'm just wondering! Mr Speaker I reject the proposal to send it to the Impact of Bills, I see it as a stalling tactic to diffuse the Bill and not get it up in the life of this House. I agree with Mr King, that whilst I am fully aware that in our budget, we are going to be voting, that we are going to be talking about in the next couple of days, there is no funds available to the Impact of Bills Committee, or if there is, it is very limited to undertake such a task anyway, we would have to find funds from somewhere else, now that's not a reason to reject it in its entirety, because we should be providing funds to those committees, as Mr King said, we should be providing the facilities to provide things like this to be undertaken. But the main purpose that Ms Adams wants this referred to the Impact, is to look at the impact on the Norfolk Island community, I have told you the impact on the Norfolk Island community, it's a cost to the Government to undertake the valuations, the impact on the community for the valuations is nil. It is the next part, and this is why I say, don't get confused with the two, it's the next part, the next step of introducing municipal rates or a land tax, yes, as Mr Nobbs says, refer that one to the Impact of Bills. But I could not see any other impact to the community, because all that has been undertaken is the valuation of their property, so I totally reject the motion to refer it to the Impact of Bills.

MS ADAMS Mr Speaker I chose not to invoke Standing Order 62, because I hold the view that Members are entitled within boundaries to not impute improper motives, but I do say to you, that for you to say that this is a stalling tactic, when the Members of the Impact of Bills Committee of this House, are refusing to take a referral on a Bill in this House, is a denial of the right of the people to make representation on legislation which may or may not affect their lives. That is the point that is made, by putting an impact of Bills and subordinate legislation in our Standing Orders, impact of bills, impact of bills, the community may wish to have say to the committee, on the form of valuation, your presuming they don't. However in a democratic process the House will vote on the motion to refer or not to refer and I honour your democratic right, but in doing so, remember you are denying the people the right to speak to a committee of this House on legislation which is impacting on them, it is not a stalling tactic, if this Parliament and if this Committee wanted to achieve an outcome, from its referral, the House is not planning to next sit until the 23rd of January, it is a month, a month away, just one meeting would be adequate, at Rawson Hall to hear the people and what they have to say, just one meeting.

MR KING You're not serious.

MS ADAMS I am absolutely serious Mr King. Thank you Mr Speaker.

MRS WARD Thank you Mr Snell, I am going to speak now about the referral of these Bills to the Impact of Bills Committee, as a group, because I don't intend to support the referral of these Bills. Ms Adams has been very, very clear that it's not actually the Bill she has the problem with, it's the policy and the direction that we are taking, in the last two months that this Bill has been on the floor within the House, Ms Adams has not come to me once and spoken to me about her concerns about the Bill, I have had conversations with the Minister, I have had conversations with Mr Anderson particularly, and I will at this time thank the Minister for taking on board our concerns, the complexity of the Bill, trying to simplify it, the Minister has been very, very open and honest about how this Bill has progressed. It is not because I do not respect the parliamentary process, that I am not going to agree to this motion, because I do, but it has sat on the table for two months, people have expressed it concerns, it is with the next stage as I think the Minister has adequately described, thank you Mr Speaker.

MR ANDERSON Thank you Mr Speaker, I was not going to say anything other than from a lawyers point of view, surely the impact of this Bill is land will be valued and it's been sitting on the table, there's been an opportunity to comment on it, to discuss it, the expertise in the community might be the Real Estate Agents who may have some brilliant new idea that's different from every other and state and territory on how to value land. I can't see any advantage to referring it to the Impact of Bills Committee and I won't agree to it, thank you.

SPEAKER Thank you Mr Anderson, any further debate Honourable Members? There being no further debate, I put the question that the Bill be referred to the Impact of Bills and Subordinate Legislation Committee.

QUESTION PUT

Madam Clerk, could you please call the House.

CLERK

Mr Snell	Aye
Ms Adams	Aye
Mr Sheridan	No
Mrs Griffiths	Aye
Mr Buffett	No
Mr Nobbs	No
Mrs Ward	No
Mr King	No
Mr Anderson	No

SPEAKER Honourable Members the results of the voting is the aye's 3, the No's 6. The motion is lost. Honourable Members we now are at the Detail Stage, and Minister Sheridan has Detail Stage Amendments dated 18th of December 2012, that have already been circulated to Members and I call on Minister Sheridan.

MR SHERIDAN Thank you Mr Speaker, I table the Detail Stage Amendments and a new Explanatory Memo to the Bill dated 18th of December for both of them and move that they be taken as read and agreed to as a whole.

SPEAKER Thank you Minister Sheridan, any debate Honourable Members? Minister Sheridan.

MR SHERIDAN Thank you Mr Speaker, Mr Speaker, as I have previously discussed you might say, the Detail Stage Amendments remove from the Bill any reference to site valuations or deductions and that is for the main impact of the Detail Stage Amendment. The 72 Clauses in the Detail Stage Amendment, or 58 Clauses, 58 Clauses in the Detail Stage Amendment are purely in the main, a renumbering of Sections and renumbering in Sections the cross-referencing of a referral in that Section to another Section. As I said, the main changes in the Detail Stage Amendment is that the Chapter Four regarding AAT Regulations don't commence until the making of AAT Regulations, it stipulates what is the unimproved value of improved land, it goes on to say that, if land is improved it's only improved value is the expected realisation of the bona fide sale assuming any improvements on their land had not been made, and then, as I said, all the rest of the Detail Stage Amendments is just corrections of Clauses, with a couple of other side issues which don't affect the intent of the Bill Mr Speaker. So I will just leave it at that, and if any Member does have some questions, I would like to try and answer them right now before we move on.

MR NOBBS Thank you Mr Speaker, now I am aware from the information given by the Chief Minister that it's likely that we will suspend this Sitting at a point in time for perhaps a Sitting on Friday to further discuss matters to do with Appropriation. I actually do have a little difficulty in agreeing to 58 Detail Stage Amendments when I really have not had the capacity to go through them each and individually. I recognise what the Minister is saying in terms of the site deductions and the like, there are also some elements that deal with the parties responsible for costs and appeals and things like that, if it's at all possible to make this a part of this same Sitting that is to be suspended, so possible to finalise this by the end of the week, I would certainly appreciate that.

MS ADAMS Thank you Mr Speaker, I did earlier foreshadow I intend to move for an adjournment on the basis that as has been flagged by Minister Nobbs, there has been inadequate time since last night for us as legislatures to consider the 58 Amendments that have been circulated to us. I look to Minister Sheridan to confirm or otherwise what I am now going to say. My understanding is from comments that you have made, this is not necessary at this point in time under the Funding Agreements – past/present/future, whatever, that there is no urgency around the Bill bearing in mind that if it gets up, the taxing bill will not be coming in until later in the year, into the new Assembly, because of funding in order to carry out this Bill won't be available until the next financial year, correct me if I'm not understanding you correctly, but if I am, we are meeting, as we understand it, on the 23rd of January, at which time the Bill as amended, can be agreed too? I'm looking to you for guidance on that, on that basis that I am correct I will move for adjournment until, rather than later in the Sitting, to a later date, to a later Sitting.

MR SHERIDAN Thank you Mr Speaker, I take on board the comments from the floor there Mr Speaker, whilst I agree, 58 Detail Stage Amendments, 58 Clauses, might seem to be a lot, I don't really see, like I said, there is only one, two, three, four, five Clauses and then insertion of a couple of amendments that really carry any substance, other than that it is renumbering, I can't see the point in delaying this any further, I really don't. Like I said, I apologise to the Members not getting this until last night and I appreciate their concerns, but just putting something off for the sake of putting it off to look at renumbering from one section to another section defeats the purpose Mr Speaker.

MR ANDERSON Thank you Mr Speaker, I will just confirm what the Minister has just said, I sat down last night and read through it, the substantive clauses are few in number, and the other 12 pages are renumbering from the result of removing those clauses. What will occur if the Detail Stage Amendments are approved is that the Bill will be much simpler, it addresses all my concerns, and yes there are 13 pages there I think, it is almost line after line of renumbering, have a look, I can't see anything will be gained by delaying it any further.

MS ADAMS On that basis I will pick up what Minister Nobbs said and move that we adjourn the debate until a later hour in this Sitting, on the presumption that that won't be today.

SPEAKER Thank you Ms Adams, I put that question.

QUESTION PUT

Madam Clerk will you please call the House.

MR BUFFETT Point of Order Mr Speaker, may I point to the Standing Orders that if all Members are not in the House that there is given an opportunity for all Members to return to the House prior to the taking of the vote.

SPEAKER Yes, we will turn the glass over, you are quite right Chief Minister.

MR KING What is the state of the voting at this stage!

SPEAKER The question is Mr King, for your information, that the Detail Stage Amendments be referred to a later time in the Sitting of this House.

CLERK

Mr Snell	Aye
Ms Adams	Aye
Mr Sheridan	No
Ms Griffiths	Aye
Mr Buffett	No
Mr Nobbs	Aye
Mrs Ward	No
Mr King	No
Mr Anderson	No

SPEAKER Honourable Members, the results of the votes the aye's 4, no's 5, the motion is so lost. Honourable Members we now move if there is no further debate? Honourable Members we now move to the Detail Stage Amendments dated 18th December 2012 that have already been circulated and Minister Sheridan I call on you to finalise.

MR SHERIDAN You have to put the question that the Clauses as amended be agreed to?

SPEAKER I beg your pardon, yes, I will put that, Honourable Members I put the question that the amendments be agreed to.

QUESTION PUT
 QUESTION AGREED
 MS ADAMS ABSTAIN
 MR NOBBS ABSTAIN
 MR SNELL ABSTAIN

The abstentions, I will record. The abstention of Ms Adams, Mr Nobbs and the Speaker. I now put the question that the clauses as amended be agreed to.

QUESTION PUT
 QUESTION AGREED
 MS ADAMS ABSTAIN
 MR NOBBS ABSTAIN
 MR SNELL ABSTAIN

Record the three abstentions as previously. I think the aye's have it, and finally Honourable Members, I put the question that the remainder of the Bill be agreed to.

QUESTION PUT

I ask Madam Clerk to call the House.

CLERK	
Mr Snell	No
Ms Adams	No
Mr Sheridan	Aye
Mrs Griffiths	No
Mr Buffett	Aye
Mr Nobbs	Aye
Mrs Ward	Aye
Mr King	Aye
Mr Anderson	Aye

QUESTION AGREED

SPEAKER Honourable Members the results of the voting the aye's six, the no's three, the motion is so carried. I call on Minister Sheridan for a final motion

MR SHERIDAN Thank you Mr Speaker, I move that the Bill, as amended, be agreed to.

SPEAKER The question is, that the Bill, as amended, be agreed to. Any further debate Honourable Members? There being no further debate, I put the question that the Bill, as amended, be agreed to.

QUESTION PUT
 QUESTION AGREED

I think the aye's have it, the Bill is agreed to.

TOURIST ACCOMMODATION (AMENDMENT NO. 2) BILL 2012

SPEAKER Honourable Members we move on to Order of the Day Number Three, Tourist Accommodation (Amendment No.2) Bill, Honourable Members we resume on the question that the Bill be agreed to in principle and Minister Nobbs you have the call to resume, Minister Nobbs.

MR NOBBS Thank you Mr Speaker, this continues on from the discussion had previously, and relates to the expiration of quota and unit licences for tourist accommodation, at the 31st of June next year, so 2013 end of June. What this amending piece of legislation also enables, is for planning assessments to be carried out once upon gazettal and decision in this House, to enable planning assessment for people proposing the establishment of tourist accommodation properties on the island, and that may enable, perhaps as of January, if this is successful getting through the House, for someone who is contemplating investing in the tourist accommodation industry to go through their planning and evaluation methodologies which were otherwise excluded under the previous, or the currently existing system, that insists that you have your unit licence before you go through the planning and other assessments, so in effect it enables an assessment for those people considering making the investment in June at the expiry of the quota and unit licences. As I have stated in the previous Sitting, I did foreshadow that a timed expiry of the quota and unit licences may be a method to more balance the issues at the time and that is why we have this legislation and the accompanying Explanatory Memorandum on the table today. Mr Speaker I'm not actually going to read through the Explanatory Memorandum, as its not particularly easily understood unless you have all the papers in front of you, as it deals specifically with the insertion and deletion of certain elements into the existing Act. We have had debate on this around the table previously Mr Speaker, and I would certainly welcome any further feedback at this point in time, thank you.

MRS WARD Thank you Mr Speaker, just very briefly, I intend to support the Minister's Bill, I understand that it has been hard for him, it's been hard for a lot of us to have to deal face to face with industry stakeholders, but I think by extending this change to June that is effectively given a 12 month period for people understanding the changes in light of removing the quota on the tourism industry, thank you Mr Speaker.

MS ADAMS Thank you Mr Speaker, as on previous occasions, when the Tourist Accommodation legislation has been debated, under the Legislative Assembly Register of Members Interest Act, I declare I am a paid employee of a single unit tourist accommodation house called Lavendula Garden Cottage and I am not related to the owners. At the November Sitting of the House in debate on this Bill I again raised my concerns, and I am being repetitive, that the independence and sovereignty of our Parliament is being compromised, and that this concern stemmed from the Chief Minister's press release of 23 October 2012 in which he advised that Minister Crean had pledged \$4.5 million to enable the Norfolk Island Government to fund essential services until the end of 2012-13. However, he further advised that funding is to be dependent on us taking certain actions, including "commitment to the removal of accommodation quotas, presently controlled by the Tourist Accommodation Act". Honourable Members that power lies with the Parliament. At the November Sitting I also advised Members that I had written to Minister Crean on 26 October 2012 expressing my concern that we were being asked to remove the quota when the House had already taken a decision to not do so. I drew Minister Crean's attention to the avenues open to him under the

Norfolk Island Act of 1979 which allowed him to introduce legislation into the Parliament were he wishing to achieve this outcome. I have today received, that is yesterday, a courteous response from Minister Crean dated 26 November to my letter of 26 October and I quote the relevant passages from his response on the matter of the quota. "In your letter you raise concerns that the independence of the Legislative Assembly will be compromised if it is required to amend legislation as a condition of receiving Commonwealth funding. The terms of the Funding Agreement relating to the \$4.5 million are yet to be formally settled. However once settled, it will be a matter for the Norfolk Island Government and Legislative Assembly to deliver on the terms set under the agreement". He goes on, "While you are correct that the Governor-General and I can introduce a proposed law into the Norfolk Island Legislative Assembly in accordance with the Norfolk Island Act 1979, s26 and s26A respectively, I am reticent to consider using these powers as I consider a better outcome is achieved for Norfolk Island if both Governments work collaboratively to achieve mutually beneficial outcomes". I thank Minister Crean for his considered response, I also thank Minister Crean, let me make that quite clear, for his ongoing assistance to Norfolk Island with funding, let me make that quite clear, my only concerns are based around principle, so I thank Minister Crean for his considered response, but find it difficult to reconcile his having said, quote, "that the terms of the Funding Agreement relating to the \$4.5 million is yet to be formalised" when in fact on 23 October 2012 the Chief Minister in his press release had already advised that the \$4.5 million was dependent on a commitment to the removal of accommodation quotas. At the same time Minister Crean in his letter of 16 October advised that the Australian Government expected practical and demonstrable steps towards genuine reform as part of any funding package, reform which included, quote, "deregulating the tourism accommodation sector which involves the removal of licences and quotas through the enactment of the Tourism Accommodation (Amendment) Bill 2012 on Island". And all I can say is I trust the Chief Minister can throw some further light on this matter to ease my mind that the Legislative Assembly is not in fact being compelled through a funding package, signed or unsigned at this time, to commit to the removal of accommodation quotas. Mr Speaker I do not propose to say anything further at this time on the Bill which does not have my support for the reasons stated here and on earlier occasions in the House and at the appropriate time I will move as foreshadowed for the referral of the Bill to the Impact of Bills and Subordinate Legislation committee for its consideration. Thank you Mr Speaker.

MR NOBBS

Thank you Mr Speaker and thank you Ms Adams for your input into the debate, I just would like to highlight one element with regard to, in particular, the quota and unit licence arrangements, and that is that it is a Schedule Two matter, and that quotas for accommodation have been reviewed, increased or expanded, we have had a sinking lid on them, we have had various alterations to them, so I just remind everyone in the Chamber that it is a Schedule Two matter that has that capacity in an ongoing methodology I suppose, and the reason I highlight that is, in going through some of my research documents to the various changes to quota the implications of those changes, up or down or sinking lid, at one point there was, out of interest Mr Speaker, a petition with over 1,000 signatures on it, to ask that the quota be, in that instance it was to be reinstated, but interesting times in the different economic peaks and troughs for the island, when you look at how the quota has managed itself in that time. Thank you.

SPEAKER

Any further debate Honourable Members? There being no further debate Honourable Members, I note that there are two Members

MS ADAMS Thank you Mr Speaker, the only comment that I want to make, actually flows from the comment made by Minister Nobbs, at whatever time it was, and I remember those Members of the public sitting here in this Chamber, expressing their concern about what was happening of the raising of the quota. By the Impact of Bills Committee convening itself and giving the community the ability to speak, that those 1,000 signatories are given that opportunity who said no when they last did, if they still continue to be of that same view. Thank you Mr Speaker.

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

QUESTION PUT

I think the aye's may have it, but I would like to call on the House. Madam Clerk will you please call the House.

CLERK

Mr Snell	Aye
Ms Adams	Aye
Mr Sheridan	No
Mrs Griffiths	Aye
Mr Buffett	No
Mr Nobbs	No
Mrs Ward	No
Mr King	No
Mr Anderson	No

QUESTION NEGATIVED

SPEAKER Honourable Members the aye's three, the no's 6. The motion is so defeated. Honourable Members is it the wish of the House to dispense of the Detail Stage, yes, I call on Minister Nobbs to seek a final motion.

MR NOBBS Mr Speaker, I move that the Bill be agreed to.

SPEAKER The question is that the Bill be agreed to, any further debate Honourable Members? There being no further debate I put the question that the Bill be agreed to.

QUESTION PUT

Madam Clerk if you could please call the House.

CLERK

Mr Snell	No
Ms Adams	No
Mr Sheridan	Aye
Mrs Griffiths	No
Mr Buffett	Aye
Mr Nobbs	Aye
Mrs Ward	Aye
Mr King	Abstain
Mr Anderson	Aye

QUESTION AGREED

SPEAKER Honourable Members the results of the voting, the aye's five, the no's three, abstentions one, the motion is so agreed.

IMMIGRATION (AMENDMENT NO. 2) BILL 2012

SPEAKER We now move to Order Number 5, Public Sector Management (Amendment) Act 2012, Honourable Members, I beg your pardon, I have jumped one. Order Number 4 Honourable Members, Immigration (Amendment No. 2) Bill. Purely an oversight Minister Sheridan, it got caught up in the papers. Honourable Members we resume on the question that the Bill be agreed to in principle and the Chief Minister you have the call to resume.

MR BUFFETT Thank you Mr Speaker. Mr Speaker we will all recognise that the Immigration (Amendment) Bill was introduced last month, to give effect to policies established by the Government to provide a stronger facility to increase the visitor and resident population of the island, based upon the recommendations of the Economic Development study by Mr Fogarty and others and this need is recognised by both the Norfolk Island Government and the Australian Government, I do table Mr Speaker a revised Explanatory Memorandum on this matter, I have earlier circulated this to Members. And I just point out that it is just an amendment of that which had earlier been put on the table. Mr Speaker we do know that immigration has proven to be one of the most hotly debated subjects, over many generations here in Norfolk Island, what is equally proven is there is no perfect immigration that I am aware of in the world. And it is rather pointless hanging on for that something that doesn't really exist. The Bill that is on the table now is entering something I suppose you might say in today's age of debate on immigration, Norfolk Island clearly needs to make a financial migration from our inadequate small pool to the larger and better provided Australian financial pool, this is a necessity in the modern age of which we now live, where demand of acceptable standards of healthcare, education needs, transport, communications and the like. Part of the necessity is to increase our visitor and resident numbers, I said at the outset, and this method that we are talking about here, it needs to be acknowledged, it is only one strand, it is only one method, it is not to be the be all and end all, it can't be on its own, but it is an important strand, and it is obviously to allow flexible movement of Australian and New Zealand citizens to and fro from Norfolk Island. This is controversial I recognise that. But we must be bold in our efforts to move to a sustainable future. There is some argument that we should have more studies and information about this measure, and I understand the comment about that, and the reality is, in an ideal world, ideal world, we would have every conceivable study done before we make any moves, or any course set out by the Roadmap, but I do explain that we have taken some studies, and we have taken some soundings, but time is not with us for every study to be undertaken and we must provide some remedies now to the Norfolk Island community, and if in fact we think we can wait until all are in step, to be quite frank we'll never move, some of course would want us never to move, but those of that view regrettably haven't yet grasped the urgency of our need, our need to move, our need to gain financial security in the longterm, our need to survive today and understanding that the short term will contain some pain. Since introducing in November this particular piece of legislation, I have had consultations and representations about the Bill, and I do thank the Members for their contributions in that process, and at a suitable time, in other words when we come to the Detail Stage Mr Speaker, I will formally move some amendments to reflect a

range of recommendations that have come to me. But I will endeavour to cover them now in the broad spectrum of this particular piece of legislation, there are eight proposed amendments to the earlier ones, the first is really a grammatical adjustments, but the second is really to give prominence to the Clauses which exempt Australian and New Zealand citizens from certain provisions from the present legislation, and in lieu of just tacking it on at the end, it is bringing it forward to the commencement of that particular clause, so that it can be readily seen. The third point in terms of the amendments, is that there is an important addition, in other words, there is to be a review of the implementation of the unrestricted entry permit system, within, within a period of five years. And the fourth is really a tidying also where the Immigration Committee has been removed, there is equally to be removed the thirty day stipulation about referral. The fifth point makes provisions for an unrestricted entry permit to be revoked in certain circumstances, but this will be subject to review, as is the case with visitor permits and the like, at this moment. And the sixth point is, the proposed transition from the unrestricted entry permit to residency is proposed to be subject to character check and health requirements, and in due course, when the Commonwealth health facilities are extended here, then the health arrangement will obviously be overtaken, and the amendment in this context then places a sunset clause on the character situation, it is a ten year sunset clause, so some considerable time. The seventh point is, at present, those who are not Australian or not New Zealand citizens or Pitcairn residents, need to spend four years on Temporary Entry Permit before they can apply for a General Entry Permit, then a further five years on a General Entry Permit before residency, now that is a total of nine years, and that is thought to be excessive in all of the circumstances, and this amendment reduces the requirement, or the imposition that you can't count TEP time towards your residency, you still need to clock up five years of course, and in this case we are talking about non-Australians, non-New Zealanders, and non Pitcairn residents people, they need, in that context to have an Australian Visa requirement as well, all of that remains. The eighth point Mr Speaker is similar to the second point that I made, it is a reposition of the clause about Australian and New Zealand citizens being exempt from the particular clause of which we speak. In setting those out Mr Speaker I do make the point that there has been a marked effort to accommodate the various representations made, yes I have had representations from people who just oppose the Bill full stop. Well I need to again reinforce the Governments reasons for moving forward with this. But whether or not people who have had particular concerns about particular clauses and have discussed them with me, I have endeavoured to see how they can be worked in terms of Government policy, and those amendments that I have just endeavoured to walk through are responses to those situations. I am not able to reconcile every point which is around, I think that is understood, it is not possible to reconcile all, but I have made a great effort on behalf of the Norfolk Island Government to reconcile those that we are able to do so, I will move those amendments when we proceed to the Detail Stage, thank you Mr Speaker.

MRS GRIFFITHS

Thank you Mr Speaker, there is an urban legend that a Sioux Indian Chief once said to Nixon when he was Vice President of the United States, "be careful with your immigration laws, we were careless with ours". Last week I took the opportunity to debate the Governments immigration policy, however today my comments are on the draft Bill before us. Mr Speaker, no matter how many people who live here, we will always be vulnerable to weather conditions, we have and always will have a fragile natural environment, regardless of what we do, we will continue to have a narrow resource base and a small domestic market. There will always be a proportionally large reliance on our public sector, with more limited opportunities for the private sector. There will always be pressure on our infrastructure and provisions of our

services, we will never have the complete range of human resources we need, which will mean we will always dependent on importing high cost foreign expertise. These problems are not our fault and not ours alone. They are problems shared by many small island developing states or SIDS. Obviously among SIDS there is great diversity as well as similarity. All have access to fisheries, but only a few are able to exploit this resource for commercial profit. All have water but like us, some have to rely on harvesting rain water. All have educational institutions, but only some have universities. Most have cohesive societies, but given their small size and unique cultures, but not all have been able to maintain that social cohesion in the face of economic development. Mr Speaker small island developing states were recognised as a distinct group of developing countries at the United Nations Conference on Environment and Development in 1992. A programme of action was produced in 1994, to assist them in their sustainable development efforts, currently the United Nations maintains a list that has 20 of our pacific neighbours, both countries and territories as small island developing states. Mr Speaker opening our immigration to this extent is not going to address our development problems as a small island developing state. In addition to the United Nations list on the small island developing states, the United Nations all maintains a list of non-self-governing territories. Member states agree to report to the United Nations annually on the development on non-self-governing territories under their control. Currently there are five of our pacific neighbours on this list including Pitcairn Island. Interestingly, at a seminar for the Pacific in June this year, the representative for American Samoa told the committee, as listed members are invited to do, but because they are were an unincorporated territory of the United States and had a local legislature, they felt they were self-governing, but recently because of the United States lack of understanding for American Samoa's unique circumstance and characteristics they had been forced to bear an increase to the US minimum wage, without consideration of its impact on the American Samoan economy or job sector. The delegate told the committee she was bringing it to their attention because of the high potential for this situation to be repeated, she said, and I quote "today it is minimum wage, tomorrow it could be American Samoa's immigration and customs" unquote. Mr Speaker, like American Samoa, because we are a distinct territory and we have our own Legislative Assembly we consider ourselves self-governing, but that is not the reality. Like American Samoa we have been forced to take action when the impact of such an action hasn't properly been considered, Mr Speaker, being forced to open our immigration is not going to address our political constraints, we are where we are today largely because of globalisation and the global financial crisis. To put it bluntly we are only discussing this because we are broke, and yet the crisis has had a profound effect on many parts of the world. The office of the High Representative of Small Island Developing States said in a recent report on the impact of the Global Financial and Economic Crisis, that the shocks are entirely outside the control of these places and not of their making. The report says that despite the lack of certainty about the intensity and duration of the Global Crisis, the shocks should be treated as temporary, the report recommends, and I quote, "any remedial measures taken should not affect the basic strategies of development or the fundamental structural features of these economies. If there are grounds for such change they should be justified accordingly and not on the basis of current conjecture", unquote. Mr Speaker, opening our immigration today is not properly justified and will not address our fundamental development problems. Open immigration is not going to mean that we will have all of the highly specialised expertise we will need, because we won't be able to use it to its fullest. Open immigration is not going to make us any geographically less isolated, it is not going to bring our markets any closer. Open immigration is not going to reduce our energy, infrastructure or communication service and costs; it is not going to reduce our social and environmental vulnerability. It's not

going to reduce our political isolation. What this Bill really means for Norfolk is more people here demanding the same services as where they have come from, we will have a continuation of Commonwealth commissioned reports telling us that there is a great number of Australians that are disenfranchised or suffering hardship. Mr Speaker the Chief Minister has just told us that this response is one part of a range of responses, I agree with that tact. We do need action across a range of areas, but they must be the right areas. Our Government has agreed to a hastily put together Roadmap, it is a map to nowhere, it is a political agreement down in exchange for cash. In accepting that money our Chief Minister has said we are mendicants, we are not, these are more the sentiments of a proud man and I understand that. But putting aside pride and asking for money is a short term proposal, it will not bring us the long term sustainability the Chief Minister has promised, integration is not the right way, capitulation was an incorrect response. We are not being arrogant, there is nothing wrong with wanting to be all we can be, although some would say as we haven't been able to manage it yet we should stop trying. The only thing we should stop is this current political and administrative response to our problems. We need to be more innovative and creative in our approach, we need to be development orientated, we need a proper partnership based on a genuine desire to achieve the best for this place. We need a properly constructed plan, not a map to madness motivated by panic and money. Mr Speaker this insanity must be stopped, to pass this law is scandalous, we are not doing what's right by this place we call home. We all know we have not considered this issue well enough, we all know we have not, and do not collect enough indicators to inform us to through the cage door wide open. It's not good enough. Mr Speaker I say again, I don't oppose reforms, but they must be right for Norfolk, and this is not right, the Chief Minister will never convince me we are on the right path and I will not support the introduction of this Bill, thank you.

MRS WARD

Thank you Mr Speaker. I am just going to take us back to when we were campaigning for this election and the top polling candidate was the Honourable Minister Tim Sheridan, and one of his points was changes to the system of immigration must be made. So I remind him, and all of us of that. The Minister then topped the poll! Mrs Griffiths is absolutely right, this is a reaction to the times we find ourselves in, and as the Chief Minister has said, that is what we do, that is what Politicians do, they try and lead but more often than not, they are reacting. What I do like about the moves that the Chief Minister has made, and taken these courageous steps forward, is to actually retain the Norfolk Island Immigration Act, now there is no guarantee that once all the other services, the surveys, the pest and disease, and customs and border control come through, that that will remain, that there won't be the extension of the Migration Act, and that's interesting too, the community is split on that, some people really want that to extend, and they want the domestic world, and others don't. I appreciate that, but this is about removing barriers, it is about welcoming and doing everything that we can to welcome investment in order to reinvigorate the local economy. And for anyone that says that the immigration regime is not a barrier, those people can come and talk to me anytime in the street and I will talk you through some of the stories that I have heard, and the investments that have turned away. That doesn't mean that in having a more open policy or Act that I don't fully understand the possible negative impacts, and that more people is more draw on resources, and that is a catch twenty two situation, absolutely understand that, and that's why I am very pleased, and if I might just touch on it now, Mr Speaker, is the Chief Minister's Detail Stage Amendment which will come on, and that is that there be an inclusion of a review process, and that is to assess any impacts to improve, well it's a review to pick up on anything that may happen negative or positive, and I've already touched on that when we dealt with the policy. Minister Nobbs did raise question on the last Sitting about administrative debt

recovery, and yes perhaps we do need to, well I would say yet, they need to be improved, but they are administrative questions. Data collection points was another question that the Minister raised, absolutely, we have spoken about the entry forms, if we need to make administrative improvements, then absolutely support all of those things taking place. It will certainly be the job of the next immigration Minister to proactively create that framework and to pull in all the existing mechanisms by which we can record the impacts, the social, environmental and economic impacts. So I think for me this is not about uncontrolled change, we are not just flinging the door open and not caring about the impacts, we are actually enshrining duty of care into this law at 14A. The financial risks have already been highlighted very well in this House, particularly by Minister Sheridan, who has responsibility for Social Welfare and healthcare and also it has been highlighted by all the Ministers. The community's limited ability to subsidise bad debt within the community, and I feel that they have been highlighted very well, and we understand that the Commonwealth are highly aware of those possible financial risks. When we look at this in practical terms and what does this Bill mean, will the changes allow Australians to buy and live on Norfolk Island without going through any type of Government immigration process – the answer is yes. Will Australians be able to invest in business on the Island without checking with the Government first if that is okay – the answer is yet. Would any new development however, or changes have to go through normal local planning laws – yes absolutely, they will comply with local standards. Will they be covered by, and I refer to Australians particular, by their Medicare and Private Insurance system for medical services carried out on the island – no they won't. So people will need to be very aware of those things. It was suggested to me that by supporting this Bill that I was committing political suicide, and I thought that was interesting, what it made me realise is that, and I took that as a threat in a way, too many people have sat here at this table over the years and have been content to follow an entrenched mainstream view, and that is to keep the barrier in place, and it is all about the us and them, for whatever reason. And not enough energy was spent on keeping the economy open and alive, but I entered politics Mr Speaker to try and examine and rectify our structural weaknesses, and I found that immigration was part of the problem, and that is what we must change. This is not panic legislation, this is legislation that is a long time coming, and it is not prompted particularly by our financial crisis, it is prompted by 26 years of closed door policy legislation and community mindset. And if enough of us around this table today are prepared to stop the procrastination and be the progressive Assembly that our community needs us to be, needs us to be. Then we will grow and we will rebuild our economy, and fundamentally, short of some national health and education responsibilities and taxation, on our own terms. That's what the fight is about for me, it is about retaining the Norfolk Island Act, in a modified form. So the really relevant factors that we need to remember as we make this decision today, is a) we are dealing with a declining population, in fact we have the same population and visitor numbers now as we did in the 1980's, the 1980's; b) we need to face the fact that we need to improve the tourism product and we can only do that through investment, external investment, or allowing current players who have the ability to invest further to do so; and lastly, revenue is needed to maintain infrastructure and services, and that's basic economic theory I would have thought – more people strengthen the economy. We need to remember that we are on a payment plan with the Department of Education and that we have an unpaid runway loan, there's nothing in the budget, minimal for capital works, and we are relying on the Commonwealth for funding. We have a choice, we have a choice to continue to be paralysed by fear of the unknown and do nothing, or we can latch onto what we see are the positive potential effects of lightening up, stop being control freaks, what are we afraid of, what are we afraid of? The change will not happen overnight, there are not people queuing at the door, and

there isn't a need for change, of course there is a need for change, we have to change how we do business, we have to diversify, all of those things were discussed in earlier debate on a motion that was lost in the House. But let's take care, let's take care on what we are imposing on this island, because in my humble opinion, once the deeds done, it is over and dusted. This isn't my view alone, the Chief Minister in a press release on 16 November this year, stated, quote, "Continuing negotiations" and I will pause here, I am not picking on you Chief Minister, I am not picking on you every time I quote you! I'm not! "Continuing negotiations with Minister Crean and his Department have identified that the Australian Government's Road Map commitment to 'review application of the Migration Act 1958 (Cth) in order to enable its full application to Norfolk Island as referred to at 4 (g) of the Road Map is unable to be fulfilled by the Commonwealth in the near future. However in the interim it has been collaboratively agreed that this Norfolk Island Immigration Amendment Bill will provide similar outcomes" and I reemphasise those words, similar outcomes, "particularly in assisting the Island's Economic recovery'. the Chief Minister said". End quote. Honourable Members some 270 members of the community have written to reject the extension of the Commonwealth Migration Act to Norfolk Island as it is proposed in the current Road Map at page 8 and in the funding agreement of 22 September 2011 at paragraph 11.a.iii. As the Bill, and the Chief Minister's statement is saying, that the Bill is to have similar outcomes to the application of the Migration Act to Norfolk Island, the protest from the community therefore has equal validity in my humble opinion in respect of the Bill before us and I read what these 270 people have said. "We, the undersigned, believe the extension of the Commonwealth Migration Act to Norfolk Island has the potential to significantly impact upon the Island's limited resources, infrastructure capacity, and demand for services. Increases in population resulting from such a change would be likely to cause dilution of our local culture and threaten the sustainable management of our natural environment, land planning and our fishery. We therefore reject the extension of the Commonwealth Migration Act to Norfolk Island and demand that, as our elected Leaders, you vigorously represent the will of this community by immediately and publicly rejecting the extension of this legislation to Norfolk Island". And Honourable Members, through you Mr Speaker, I seek leave of the House to table the documents that have been signed by 270 members in this community.

SPEAKER Is leave granted Honourable Members? Leave is so granted.

MS ADAMS Thank you Honourable Members, thank you Mr Speaker.

MR KING Just for the record Mr Speaker that doesn't include incorporation into Hansard does it?

MS ADAMS No, definitely not, no. I now understand your query before, in your mind. Honourable Members I seek your leave and you have so given it and I thank for that, the people who signed it will be pleased that that courtesy has been given to them. Again Honourable Members, I foreshadowed on the programme my intention to move for the referral of the Bill to the Impact of Bills and Subordinate Legislation Committee so that the Norfolk Island community can exercise the right accorded to it to participate by means of free and democratic political processes in framing the society in which they live, as determined in the Commonwealth Principle in the Harare Commonwealth Declaration in 1991, to which the Commonwealth of Australia is a signatory. To deny the people that right by not allowing them access to the Impact

of Bills committee is to deny the people access to a democratic political process and reaffirms my deep concern that our Parliament is no longer the voice of the people. Thank you Mr Speaker.

MR BUFFETT Thank you Mr Speaker, I just wanted to respond to a couple of points that have been made to date. Firstly I think Ms Adams has mentioned, that in an earlier agreement, the Commonwealth may not have done their work in terms of assessment, and I acknowledge that, and the reality, and whilst it would be good that that has been done, but the reality is that we can't be waiting around for the Commonwealth forever, they have demonstrated significant tardiness in how they're progressing with their part of the bargain.

MS ADAMS Hear hear.

MR BUFFETT We here recognise that we've got to do a range of things, and these things are designed to increase our numbers both in terms of visitor and resident population, not the only method I might say, but it is one of them. So what we are doing is we are saying, we would like the Commonwealth to do these things, we hope that they will, but we need to get on with our job where we can. There are something's we can't do without the Commonwealth, but this particular instance we are able to do so. But we're also saying in terms of the amendment that I have foreshadowed, that within five years, within five years, that we will review, to see how that is travelling. Now Ms Adams has made the mention of three years, well if in fact you want to do it in three years, that's possible, it's within the five years. So you've got the flexibility to be about that task, so if I just make that point respectfully and put it on the table. There have been a number of points made about infrastructure pressures and the like, in a small community, I accept that, I accept that, and it has been said that maybe we haven't measured sufficiently, when we have a huge number of people, I accept that too. But what we are tackling at this moment is not the top of the graph, but we are at the bottom of the graph, and I can provide you with evidence with how low that is. Our coffers are bare, we need to take action, to reverse the decline that we're experiencing at present, we haven't even reversed the decline, let alone try and tackle the top of the graph. But i do acknowledge that we do need to do that at some time, but we can't just wait around for that to be done, because that is not the challenge of today, so we do what we do now, and that gives us still a leeway to be able to make some assessment, if hopefully the figures improve by this and other methods, and then we are able to make some judgements as to how high that may be. I'm not trying to project that we know what that top figure might be. There is examination to be done. But the point about all of this at this moment, is to reverse our decline and to endeavour to build the graph. So I ask you to take into account those factors, when you express to me concern, quite proper concern, I acknowledge that, but that's not the challenge that is facing us today, and I say to you, that we will be able to meet that challenge, but it is not the challenge at this very minute. Let's try and solve what we are able to get about by doing what is proposed by this particular piece of amending legislation. Thank you Mr Speaker.

MR SHERIDAN Thank you Mr Speaker, I have got a couple of lines here, just before I do go on, I would just like to refer to the signatures that was tabled before, those 270 odd people who wouldn't like to see this Bill go through, I just say Mr Speaker, that you will see during my speech, I would have been one of those people some years ago, one can infer from that, that 270 people don't want to see these changes, one can infer that if there is 1100 on the electoral role, then maybe there is 800 plus that do want to see these changes. So you have to weigh that up in its context, but

I acknowledge the right of the people to have their view. But Mr Speaker I would just like to make a couple of comments for the record in regards to this Immigration Bill. Over my time in politics on Norfolk, I have virtually had to reverse my thinking on population growth. Back in February of 2005 in a debate about the quota for GEP's to be set for that year, the quota was set at 35, but I debated that the quota should be set at 0, as I thought at the time that the permanent population for Norfolk Island should be approximately 2000 people and we were close to this mark back in 2005 with approx 400 TEP's working on Island. I made comment that if growth was maintained at 1% over the next ten years then in 2014 we would have just over 2200 peoples living on Norfolk Island. I believed at this time that this was all that our facilities and infrastructure could cope with. The time is now nearly 2013 and the population has shrunk to 1795 back in August 2011 during the census and by all accounts will shrink even further with more persons planning to leave the Island over the Christmas break. All is not lost though as even as those people are leaving and some working off shore, some Island residents are moving back home, as is the case normally. During the census in 2011, there were 1795 people living on Norfolk Island, with some 417 of these being either TEP's or GEP's, approximately 23% of the Island population. Of this total population mix approx 50% were residents with Pitcairn Descent in their blood, so therefore 50% of the population were permit holders or residents who had come to the Island prior and gained residency. Norfolk Island is already a multi-cultural society with Australians and New Zealanders making up a great deal of the community, but there are also some very long term foreign nationals who have lived and participated in the community for a vast number of years now - persons who the Islanders have welcomed into their Island, into their lives and homes. Madam Deputy Speaker, this debate as to whether or not Norfolk Island should relax its Immigration Policy to allow for Australian and New Zealanders to live amongst us, is more about control than who lives here. Under these proposed changes, whilst even though it may seem that we are inviting a possible 25 million persons to move here, Norfolk Island will still control its Immigration. Is this a better result than the extension of the Migration Act in full? It may be easier for an Australian or New Zealander to move to Norfolk Island and live without the costs incorporated under the permit system, as it is now. But the underlying fact is that the level of growth of persons living on Norfolk Island is shrinking ever year. I believe that over the past years, the Immigration Policy for Norfolk Island has been regressive and not conducive to increasing the population. This has to be arrested and if these changes can encourage a couple of hundred Aussies or Kiwis to call Norfolk Island home, then I think that this is something that we have to accommodate. Under these proposed changes an Aussie or Kiwi would be able to come and live on Norfolk Island under a Unrestricted Entry Permit, but if they wish to take the next step and apply to become a resident, instead of normally resident, then some simple checks would be undertaken. Checks to ensure that the Norfolk Island community has some protection against unsavoury characters and some protection against their state of health, if a person has a medical condition that cannot be managed on Norfolk Island - then this person should not be allowed to remain on Norfolk Island in the longer term. This is where the Norfolk Island Immigration Policy needs to reflect the ability to deport a person who is determined not to meet the criteria, and this has been put in through the Detail Stage Amendment, even if they are an Australian or New Zealander. Mr Speaker, this is very important. I believe that this can be managed though as it would be envisaged that this need would not be required to be enforced regularly. Growth in the permanent population for Norfolk Island is essential for its recovery, and the policies for immigration in the past have been regressive and not encouraged persons to move and live on Norfolk Island. Some will say this is great, but I would like to see a Norfolk Island of prosperity, a place where opportunities are for our children to take advantage of, a Norfolk Island that is

economically successful, a place where people want to go to, not leave. We must change our views on immigration, and I have done so. It is funny that in Lord Howe Island for the Small Islands Forum in March of this year, all the small Islands around Australia struggled to get growth into their population, they would love to have an increase, even without immigration restrictions they cannot build their population base. They all have the same problems as Norfolk of the younger person leaving to find themselves work and eventually return after a period of time. Much has been said about the possibility of over growth, limited infrastructure to meet an increase in demand, environmental concerns in regard to water supply, waste management etcetera. What must be considered at this time is that it is virtually the opposite situation that we find ourselves in. Norfolk Island has an excess of electricity for utilisation and planning to be able to store the excess but what is required is a greater use of this electricity. Building applications are at a rock bottom at this time, with very few new homes being built, this means that our builders are looking elsewhere for work. The concerns in regard to water demand is covered under our planning, as the majority of homes; as I said previously in this Sitting, some 97%, rely on rainwater, so this means that the demand on our underground aquifers is minimal on a daily basis. Water access to the aquifers are demanded during dry spells, but these persons accessing the water would not have the required water storage as per the DCP, but would be the older homes built prior to the requirements under the DCP. Waste Management is of concern, but steps are being taken to address this problem, and would have already been already in place except for a couple of hurdles of which could not be crossed. The Water Assurance Scheme can still be expanded and accept an increased demand already with only some 12% of buildings connected to this scheme. 77% of buildings have septic or holding tanks for their waste water. This situation needs to be reviewed as, as some believe that the water tables are getting contaminated by sewage, then I agree that more persons should be connected to the Water Assurance Scheme and the phasing out of septic systems introduced. The concerns in regard to the extra demands on the Healthcare and Health System is a real concern but at the moment with 1400 members in the Healthcare Scheme, not enough money is provided to cover the expenses, the increased population may fill this gap. At present over the past ten years, on average, 117 persons have claimed per year on the scheme or approximately 8.2% of the members. I believe that the concern can be mitigated when these percentages are taken into consideration. Concern has been raised in regard to persons who stay indefinitely and are sick and don't have travel insurance and can't afford medical charges. The answer is that of which is exactly in place now, visitors or people coming here on Unrestricted Entry Permits will need to have health cover such as travel insurance, until they join the Healthcare Scheme, if these persons do not, then they will be responsible for the charges incurred if they become sick. The medical services will not be denied for sick people but it would be a debt incurred to that person, not the community expected to pay. If these people on Unrestricted Entry Permits run out of money as concerns have said, then under our Social Service Guidelines they more than likely would not be eligible for benefits except maybe for the Special Benefit. These are the considerations that any new comer to any place need to understand and be aware of prior to relocating, that yes, Norfolk Island does not have Australian Private Health Insurance Cover, Medicare, Social Services etcetera, that they can rely on. As they say - buyer beware. These persons who find themselves in these sort of situations may need to relocate back to Australia or New Zealand to access those like services prior to the extension of these into Norfolk Island, and I would say, that if a person does find themselves in a medical emergency and they couldn't afford a medivac flight off, I will be approaching the Administrator as I did a couple of months ago, when we did have such a person in the Hospital, I will be seeking the Commonwealths assistance to relocate that person back

to Australia, we're outside the Migration Zone, and that's only fair. In a perfect world it would be great not to extend these immigration changes until the safety net is in place, but as the Commonwealth has not indicated a time frame, Norfolk Island cannot sit by idle and let the population decrease without attempting to stem the tide. This is the Norfolk Island Government being proactive in attempting to overturn the past restrictive Immigration Policy. I find it hard to argue that because of our limited services that we have on Norfolk Island, that we should restrict our population, our services should be improved to service the increased population, not use it as a tool to limit our immigration. Immigration is based around a few sound principles, good health service, good education facilities, sound infrastructure and a stable economy. Unfortunately I believe that the health service provided is good for our current population but it can be enhanced for the better with direct access to health services in Australia, our education is sound but could be improved for adult education, unfortunately our infrastructure is suffering due to the lack of government funding and the sooner that our fiscal relationship with Australia is worked through the sooner that we will be able to commence rectifying this, and it is unfortunate that due to a number of issues the local private and public economy is suffering. I believe that without an injection of stimuli, that an increased population brings, then we will see further hurt and closures up town, and further reductions in the delivery of public services. It is unfortunate though for I believe that prior to people wanting to come to Norfolk Island to live, work and play, these areas will need to be improved, so that the attraction is there. I don't believe that the changes to the Immigration Act today will mean an influx of people. At the census last year there was some 127 private dwellings unoccupied, numerous houses up for sale as well as businesses, if these private dwellings were occupied at the average rate of occupancy for Norfolk Island, then this would mean an increase to the population of some 280 persons, an increase to just over the 2000 mark. The Planning Officer has done a bit of work in regard to population and planning on Norfolk Island, and yes he has indicated that there are currently some 618 vacant portions of land that could be built upon, and even that these could be subdivided into some 900 portions. What must be remembered is that these portions are held by, in the main, by long term residents and if Norfolk Island found itself suddenly having an influx of a 1000 persons and all of these had purchased a property to either live or build, then it has to be our own who are selling to these people. Planning is in place to ensure that the requirements of the zones are maintained, but the resident population can also have an affect on the size of the population. Mr Speaker, some of the conclusions that the Planning Officer comes to, I cannot say that I agree to all. As he has said himself, he is a town planner not a population expert. I agree with him when he says that a small population increase would probably not affect the island sustainability with regards to these factors, but a sharp or steady and prolonged population rise could lead to increasingly adverse impacts. This is why it is intended to be able to review the outcomes of this Immigration Policy within five years and table the findings. Mr Speaker, Norfolk Island is at a crossroad in its population, any further great decrease in the permanent population will see a sharp decline in the services being able to be delivered, when this happens then more and more people will leave the Island of which will only accelerate the decline already being experienced within sectors of the community. This Immigration Policy shift, in consultation with the Commonwealth attempts to stem the flow and to put back in place a balance of persons on Norfolk, so that the Governments fiscal requirements are able to be better forecast, and the forecast of capital works begun to be implemented. An increase to the population is as important as the Roadmap implementation of introduction of health and social services to Norfolk Island. A small population base cannot sustain the requirements of which the community demands, one that I am

determined that my children will have access to as they grow up. So thank you Mr Speaker.

MR NOBBS

Thank you Mr Speaker, I reiterate the concerns I discussed in this house on the 17th of October and 21st of November when the Immigration Policy and Amendment No. 2 Bill were introduced, and I am more than happy to table those Hansard extracts as I have them here with me. The first paragraph of the Explanatory Memorandum introduced with the Bill states, "This Bill seeks to remove immigration restrictions on Australian and New Zealand citizens. The Government believes that allowing such citizens to invest, work or live on the island will provide welcome stimulation, and through stimulation of local demand assist, to reinvigorate the economy." This Bill therefore proposes the most fundamental change to Norfolk Island immigration system since the original introduction of the Immigration Restriction Ordinance of 1922. The Immigration (Amendment No. 2) Bill 2012 follows recommendations of the Policy Paper "Policies to improve Immigration in Norfolk Island" issued in September 2012 by this Government. However the Policy Paper is a very limited document and, in my view, lacks appropriate evaluation. The Policy Paper is primarily a statement of hopeful outcomes and cannot attempt to examine Norfolk Island population and immigration and draw from such examination reasoned and evidence-based conclusions regarding the Norfolk Island economy and population. The Government Policy Paper actually provides no reliable basis for the policy formulation of this magnitude, in my view. Instead my view is that it should inspire comprehensive evaluation of impacts from the proposed changes. There has been no specialist examination of the likely short, medium and long term consequences of removing qualitative and quantitative controls over immigration into Norfolk Island. The abandonment of current statutory qualitative and quantitative population control mechanisms for Norfolk Island should not be undertaken on the basis of, in effect, a vaguely articulated belief that it might alleviate current depressed economic conditions in Norfolk Island. My evaluation of the potential outcomes from these immigration changes is that Norfolk Island Government will be taking on a larger liability through ineffective UEP data collection and disabled legislation. The economic history of Norfolk Island over the last century has been one of cycles of boom and bust. Population levels have ebbed and flowed in a direct response to the state of the Island's economy. From the 1960s until recent years the tourism industry has provided Norfolk Island with more or less sustained economic prosperity. Currently the tourism industry is depressed. However tourism is depressed in Australia and other countries. These countries have not seen the introduction of uncontrolled immigration as a logical measure to reinvigorate their economies. There is no reliable evidence to support a belief that during the current depressed economic conditions uncontrolled immigration will reinvigorate the Norfolk Island economy by encouraging settlers, however there is data within the Administration that would indicate Bad Debt levels may significantly rise, and potentially become unrecoverable debts, for both private and public sectors if we transition from TEP and GEP processes to an unregulated, undocumented and unrestricted arrangement that allows a person to stay an indeterminate period of time, engage in business and lease arrangements, consume electricity and telecom services and depart Norfolk Island with very little or no checks and balances. If both Governments want to establish a sound and inviting platform for investment, and I know I do, then the tax and governance arrangements need to be finalised ASAP, as soon as possible, to provide long term investment certainty. This will also provide a stable basis for the existing community and business operators to make ongoing commitments to their home, business and families. There is however the evidence of prior Norfolk Island experience that when economic times are good uncontrolled immigration, in the absence of quantitative controls will put

the Island at risk of over-development and over-population. There is also the concern that the abandoning of qualitative controls over immigration into Norfolk Island raises the risk of persons likely to constitute character concerns or anti-social elements within the community. A direct consequence of the Bill will be that every business, trade, profession and employment position in Norfolk Island will be contestable by the rest of Australia and New Zealand. The likely consequences of unrestricted competition in a micro economy have not been properly considered. Logically an increase in the Island's population offset by business failures, bankruptcies and increased long-term unemployment is not likely to be in the best interests of the Norfolk Island community, and in my view will lead to displacement rather than delivery of a net benefit to this community. No previous serious attempt to examine Norfolk Island population and immigration has ever recommended the abandoning of immigration controls. Previous inquiries have included: the Butland Long Term Population Study of 1974; the Nimmo Royal Commission of 1976; the Legislative Assembly Select Committee on Population 1987 and the Paddick Review of Norfolk Island Immigration Scheme 2000. These reports have pointed to the risk of over-development and over-population that the Island has faced. Such risks arise in times of heightened economic activity - they don't arise during economic downturns. In stark contrast Lord Howe Island continues to provide protection to the long term resident population, as part of Australia within the migration zone, a financially unsustainable small island that faces major infrastructure issues to support ongoing tourism visitation, do I expect to see the approximately \$20 million dollar reconstruction of their airport will hinge upon constitutional change, immigration change, governance change or other significant changes? No I don't. An Australian resident will most likely not be deemed to be a resident of Lord Howe Island as has been previously proposed for Norfolk Island. Over the last six months I have made my concerns known through Cabinet and other meeting and discussion forums. At the recent Sitting where this legislation was tabled, I once again highlighted the related areas of major concern to me and members of the community, in summary those areas are: reduced data collection opportunities and increased potential for Norfolk Island Government or Administration liability; no Governance model decided as yet; no Safety net in place for health or social needs; no consistent funding model. As I have indicated many times, I would support a staged change to immigration that linked to health and social safety net, as was previously highlighted in the 2011/2012 Funding Agreement, page 19, and I will read from that Point 11 from page 19 of the Funding Agreement, Point 11.a.iii., in quotes, "By 30 June 2012 remove immigration restrictions on Australian citizens arriving and remaining on Norfolk Island to facilitate the extension of the Migration Act 1958 (Cth) to the Norfolk Island Territory. This condition is subject to the Commonwealth outlining an implementation plan for access to Commonwealth benefits and schemes, including Social Security and Medicare", end of quote. It is important to put the current proposed immigration amendments into context. Mr Speaker around 5 years ago as the Minister responsible for Immigration I commenced a comprehensive review of the Norfolk Island Immigration legislation, policy and process. I evaluated operational parameters with Immigration management and officers, invited feedback and suggestions from the Immigration Board, reviewed all of the reports and reviews of Norfolk Island Immigration completed at that time and invited community participation in the analysis of existing issues and proposals to improve our immigration system. I was also fortunate in that DIAC, the Department of Immigration and Australian Citizenship were instrumental in providing Norfolk Island Immigration management and myself, with their analysis of better border control and immigration processes. The consultation and evaluation process that then lead to the proposed changes to Immigration legislation and policy took more than 18 months, and involved public forums at Rawson Hall, numerous radio discussions, print media information and specialist responses from areas such as DIAC

and our own Immigration Board and management. Immigration, population, resource management and economic impacts, are incredibly sensitive and diverse areas that should be altered with care and professional input – not to be taken lightly. Mr Speaker, not so many months ago we were asked to consider altering travel documentation requirements from Australia from a passport to a document constituting a photo ID, perhaps Members round the table recall that. The Federal Department advised the Norfolk Island Government that this was a step we should take to enable freedom of travel. Having previously dealt with DIAC and noting their adherence to process and border integrity, I found this proposal somewhat confusing, if not ludicrous. However we assumed greater minds than ours were at work on this matter and provisions were made to enable travel with a photo ID, for example here's my library card, I'd like to travel. I felt no particular surprise when immigration feedback was relayed to the Norfolk Island Government that this bypassing of border controls was not supported from within the relevant departments. My point there is that we are making changes, proposing substantial changes, without substantial professional input, not only from professional outside of the field, but also from professionals within Australian Immigration and the like, and I don't feel like being embarrassed again in that regard, by not having done our due diligence. Mr Speaker I believe the intentions were good in the photo ID proposal, just as I feel the changes to alter the Accommodation Act, introduction of Land Valuation Act and the immediate access to telecommunications infrastructure for private operators, are each suggested with the best intentions. Unfortunately the supporting data demonstrating positive outcomes to many of these changes is lacking, as is the process and system integrity and consumer and traveler protection. I once again, call for a comprehensive impact assessment and insist that this proposed change to Immigration legislation be contingent on the conditions already identified in the 11/12 Funding Agreement the enabled the safety net and the other supporting areas from the Commonwealth before these changes are put in place.

SPEAKER Thank you Minister Nobbs, Honourable Members I take note of the time, and which we agreed, at the commencement of this meeting, that we suspend at 2.30pm, Chief Minister, I note that that time has gone past, and I call on Members to indicate how would you like to progress?

MR BUFFETT Keep going until we settle this matter.

MRS WARD Keep going for another 20 minutes until we settle this Bill.

SPEAKER You would like to continue. I call for further debate Honourable Members? Any further debate? There being no further debate, I put the question that the motion be agreed to.

QUESTION PUT

Madam Clerk would you please call the House.

CLERK	
Mr Snell	No
Ms Adams	No
Mr Sheridan	Aye
Ms Griffiths	No
Mr Buffett	Aye

Mr Nobbs	No
Mrs Ward	Aye
Mr King	Aye
Mr Anderson	Aye

QUESTION AGREED

SPEAKER Honourable Members the motion on the Immigration (Amendment No. 2) Bill, the results are as follows, the aye's 5, the No's 4. The motion is so agreed. I call on Ms Adams who foreshadowed....

MS ADAMS I'll be quick Mr Speaker, as quick as I can, as foreshadowed, I move that the Immigration (Amendment No. 2) Bill and the Detail Stage Amendments foreshadowed by the Chief Minister today be referred to the Impact of Bills and Subordinate Legislation Committee of the House to consider but without restricting the Committee's consideration of the Bill as a whole, what the full impact of this Bill and amendments will be on the community and the environment; including impact in the short term, medium term and long term; what potential risks are there to the community of the issuing of unlimited "unrestricted visitor permits"; whether the Bill provides adequate controls to curb growth in the event that there is a large influx of people moving to the Island as a result of the legislation; what potential impact there is on the Island's healthcare and social welfare systems where there is no safety nets in place to deal with unemployed Australian and New Zealand citizens moving here as of right; and that as part of its consideration the Committee is empowered to consider any other matters relevant to this inquiry, shall have the power to send for persons, papers and records, including expert witnesses and legal advisors as may be needed to ensure that the community is adequately equipped in its deliberations and the preparation of its report and that the committee hold at least one of its public meetings at Rawson Hall to allow free and open discussion between the community and the Committee on the impact of the Bill. And thank you Mr Speaker, if I can just conclude by saying that our Parliaments Impact of Bills Committee in public hearing affords the members of the community to the democratic right to frame the future of the Norfolk Island community in which they, and we, all live. Thank you Mr Speaker.

MRS WARD Thank you Mr Speaker, I just need to say, you can't evaluate something until it hasn't happened. Until it has happened, my apologies.

SPEAKER Any further debate Honourable Members? There being no further debate, I put the question that the Bill be referred to the Impact of Bills and Subordinate Legislation Committee.

QUESTION PUT

Please call the House please Madam Clerk.

CLERK	
Mr Snell	Aye
Ms Adams	Aye
Mr Sheridan	No
Ms Griffiths	Aye
Mr Buffett	No
Mr Nobbs	Aye

Mrs Ward	No
Mr King	No
Mr Anderson	No

QUESTION NEGATIVED

SPEAKER Thank you, the motion Honourable Members, that the Bill be referred to the Impact of the Bills and Subordinate Legislation Committee, results of the voting the aye's 4 and the no's 5, the motion is defeated. Honourable Members, we now are at the Detail Stage, and the Chief Minister has a Detail Stage Amendment dated 18 December, that has already been circulated to Members, and I call on the Chief Minister.

MR BUFFETT Thank you Mr Speaker, I table the Detail Stage Amendment, and I move that they be taken as read and agreed to and as a whole.

SPEAKER Thank you Chief Minister, any debate Honourable Members? Ms Griffiths.

MRS GRIFFITHS Thank you Mr Speaker, Mr Speaker whilst I don't support the Bill, I do support the amendments, Mr Buffett has included a provision where we can review the impacts of this Bill within five years time, it's not everything, but it is a good attempt, and I support them.

MS ADAMS I similarly Mr Speaker indicated that I applauded the Chief Minister on the amendments, however I will be abstaining on them.

MRS WARD Just briefly, thank you Mr Speaker, I do intend to support the amendments, also the review mechanism, I have said is an excellent move, the other one, which I have always had a problem, we do not give liberty to equal rights of all citizens under the law, as we continue to progress with the good character reference, but there is a sunset clause within the Detail Stage Amendment, and I thank the Minister for taking my concerns in that seriously, thank you.

SPEAKER Thank you, any further debate Honourable Members? There being no further debate, I put the question that the amendments be agreed to.

QUESTION PUT
QUESTION AGREED

I think the aye's have it. I now put the question that the Clauses as amended be agreed to.

QUESTON PUT
QUESTION AGREED
MS ADAMS

With one abstention recorded, I think the aye's have it. Finally Honourable Members I put the question that the remainder of the Bill be agreed to.

QUESTION PUT

I think the aye's have it.

included that people of political parties or trade unions might have to get a permit before they come to the Island. Maybe that sort of attitude has placed us in the position that we have frowned upon in our administration of these things. But I offer my support in this Bill in a broad sense Mr Speaker, not without harbouring some difficulties in relation to it.

SPEAKER Thank you Mr King, Minister Nobbs.

MR NOBBS Thank you Mr Speaker, it is worth noting that the political activists and those policy elements that were included in those discussions were actually suggestions through the Australian Immigration system.

SPEAKER Any further debate Honourable Members? No further debate Honourable Members, I put the motion, that the Bill, as amended, be agreed to.

QUESTION PUT

I will ask the Clerk to call the House.

CLERK

Mr Snell	No
Ms Adams	No
Mr Sheridan	Aye
Ms Griffiths	No
Mr Buffett	Aye
Mr Nobbs	No
Mrs Ward	Aye
Mr King	Aye
Mr Anderson	Aye

QUESTION AGREED

SPEAKER Honourable Members the results of the voting, the aye's 5 and the no's 4, the Bill, as amended, is agreed.

SUSPENSION OF SITTING FROM 19 DECEMBER 2012

Honourable Members it has been foreshadowed, the suspension of the Sitting of this House, at 2.30pm, we have over run that by some 25 minutes, but I ask now, that we are at the stage where I seek a motion to suspend, and I call on Mr Buffett.

MR BUFFETT Yes, thank you Mr Speaker, Mr Speaker I move that this House stand suspended until a time to be determined by the Speaker.

SPEAKER Thank you Chief Minister, any debate Honourable Members? Honourable Members I do seek some clarification as to when you would prefer to have the meeting resumed. No, okay, Honourable Members, the question before the House is that we suspend to a time to be determined by myself, I put the question that the motion be agreed to.

QUESTION PUT

QUESTION AGREED

The motion is agreed to, therefore Honourable Members this House stands suspended until further notice.

RESUMPTION OF SITTING – 21 DECEMBER 2012

SPEAKER We resume this Sitting from Wednesday 19th December and we continue at Orders of the Day.

REGISTRATION OF BULLS REPEAL BILL 2012

MR SHERIDAN Thank you Mr Speaker. As I mentioned at the last sitting which was only a week or so ago that the purpose of this Bill of repealing the Registration of Bulls Act is that the laws been in place for many years and whilst it served a purpose in the past, it doesn't appear that it serves that purpose that it was intended to anymore. So the recommendation has come up from the Service that we repeal the Registration of Bulls Act and where in that act it gave permission to depasture a bull on a common that clause has been included in the Pasturage and Enclosures Act 1949. So Mr Speaker I don't really have anything further to say on that matter. It's purely a simple Bill to get rid of some legislation that is no longer enforced. Thank you.

MRS WARD Thank you Mr Speaker. Just briefly because I'd made comment last week on this Bill. I'm quite comfortable to support Minister Sheridan in his move to repeal the Registration of Bulls. I've taken the time to discuss the matter with stakeholders in primary industry area. It is obsolete. Even the way the method of covering cows has changed. People appear to be moving towards artificial insemination. So it has become irrelevant. The other matter which is not purely relevant but I did raise it at the last sitting was the question of a taxing Bill and of course I have to acknowledge that there is a big difference between taxing legislation and legislation which is about raising revenue and commensurate systems of raising money, that is provision of service and fee for that provision of service and weighing that up and I can see that when that question is raised that the Water Assurance Scheme is also relevant in that overall question but that Minister Sheridan has that in hand as well. That is being fully reviewed. So the Minister will have my support. Thank you Mr Speaker.

MR NOBBS Thank you Mr Speaker. Yes I equally intend to support the Bill. It does bring us into line with some more modern practices as has been highlighted by Mrs Ward and really there is not much more to be said I don't think.

SPEAKER No further debate? I put the question that the Motion be agreed to.

QUESTION PUT

QUESTION AGREED

MS ADAMS ABSTAINED

MR KING AND MR ANDERSON ABSENT FROM CHAMBER

SPEAKER An abstention from Ms Adams. I do take note Honourable Members that there are two Members absent from the sitting at this present time. Votes were not required so we continue on.

MR SHERIDAN Do you need me to move a final Motion Mr Speaker.

SPEAKER I beg your pardon. Detail stage amendment. Is it the wish of the House to dispense with the Detail stage. As you wish, we so dispense. Therefore Minister I seek your final Motion.

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

SPEAKER Any debate Honourable Members?

MS ADAMS Thank you Mr Speaker. If I could just record for the record why I abstained. My family has direct pecuniary interest in the Bulls.

SPEAKER Thank you any further debate? I put the question.

QUESTION PUT

QUESTION AGREED

MS ADAMS ABSTAIN

MR KING AND MR ANDERSON ABSENT FROM CHAMBER

Ms Adams abstention is recorded. The Ayes have it. The Bill is so agreed

NORFOLK ISLAND HOSPITAL (AMENDMENT) BILL 2012

MR SHERIDAN Thank you Mr Speaker. Again as the previous Bill this is only a small Amendment to the Hospital Act which will allow for two additional Members to be appointed to the Hospital Advisory Board. As I mentioned again at the last sitting the intention is that one representative from the South East Sydney Local Health District will be invited to join the Board and in just mention the South East Sydney Local Health District, of course this is in regards to the MOU that we've been attempting to have signed off between South East Sydney and ourselves. I'd just like to make a comment there that only on Wednesday afternoon I received a letter or the Chief Minister received a letter from Minister Crean giving his conditional support to the MOU being signed and I can advise the community that yesterday I drafted a letter and signed it, it will be despatched today, a letter to the Chief Executive of South East Sydney Local Health District Mr Terry Clout advising him of such and requesting that we get together and organise a time for the signing of this MOU. The MOU when in place Mr Speaker will have great benefits for Norfolk Island even though we have been utilising their services in an ad hoc manner you might say over this past year and it's proved to be very fruitful for Norfolk Island. But with the signing of this MOU it will mean, it will open up more access and more areas that we can join into a health services that has far greater reach than the Norfolk Island Hospital Enterprise. The other position for the Hospital Advisory Board has come about by a request from the Commonwealth. They intend to appoint or they'd like to appoint a person from one of their Health Departments and I believe it's from the Health and Aging Department in Australia and I believe that this is in recognition of the work that's going towards the Roadmap. If you cast back your minds to the Federal Budget back 6 months ago there was an allocation of some millions of dollars to assist Norfolk Island and working towards the Roadmap and there was a sum of I believe it was \$100,000 to undertake a review of the services provided by the Norfolk Island Hospital to give some recommendations how they can be improved and enhanced. This person will provide some expertise to the Advisory Board when that review commences. So I see that these two positions that is intended, I've got letters

ready to go if this passes through the House today to invite these people to be recommended to me for appointment and I envisage that those appointments will be brought before the House in the January sitting for endorsement by this group. So Mr Speaker I open it to the floor for all discussion.

MR NOBBS Thank you Mr Speaker, thank you Mr Sheridan for bringing this on. I see this as a positive step forward for Norfolk and our healthcare and hospital services. I see it as a good opportunity for the sharing of knowledge, not only of other services and methodologies that may be used in other jurisdictions and other health operations but also to give better insight to some of the challenges that the Norfolk Island health area takes on board I the remote position that Norfolk Island is in with its access to medical evacuations and expertise on that level. I also see that the increased component to the Advisory Board will also enable perhaps the configuration of some reporting that will also go a fair degree towards some of those reporting obligations that are part of the yet to be discussed Funding Agreement. Most of all I do see it as a good conduit to share some of the challenges that Norfolk has and to call on the expertise of not just expertise in recruitment but also expertise in I suppose management of liabilities and the available resources that we have and certainly the linkage to the health and aging department in our current position with an again population, not dissimilar to Australia I suppose in that regard, is a good outcome to have that linkage as well. I certainly endorse MOU and I congratulate the Minister and his Officers on the work on that MOU because it establishes a very positive linkage between Norfolk Island and NSW health. Thank you.

MS ADAMS Thank you Mr Speaker. I certainly applaud the possibility of the Advisory Board being extended. I'd like an assurance from Minister Sheridan that there has been discussion with the Advisory Board, this is happening and what is proposed in respect of who should be the additional members on that Board. I understand it's an Advisory Board but as a courtesy I would like to think that they had been consulted. I find it regrettable, it goes back many, many months now when this wonderful arrangement with South East Sydney was put in place, in fact there was to be an MOU from memory signing here on Norfolk Island and we were embarrassed at the time that we were unable to sign off on that MOU, and it's regrettable that these things have had to wait until such time as the Commonwealth sees that we are meeting requirements in the Funding Agreement and it's in the Funding Agreement that in the month of December that the Norfolk Island Government will undertake the following within the first two months of commencement of this Agreement and one of those being that representatives, one each nominated by the Commonwealth and the South East Sydney Local Health District be invited to become members of the Norfolk Island Hospital Advisory Board and in the lead to that it says – delays in meeting conditions may see instalments being delayed. I would suggest that it would have been perhaps more appropriate in this Bill if we said what was really intended. We put the positions on we do as the same as in the Environment and Planning Board and the Employment Board that we set aside positions within the Committees, within the Advisory Committee for these positions because this is what the Commonwealth intends and it's quite clear. It's the only comment I want to make. I don't intend to vote against the Bill but I have to saying, you know let's put it on the table why it's really happening. It's a good thing to be doing, it's the methodology that's being used that's inappropriate. Thank you Mr Speaker.

MRS WARD Thank you Mr Speaker. Minister Sheridan has the unenviable task of trying to make sure that Norfolk Island residents and visitors are

adequately looked after in the area of health and I applaud the moves he has made to date to improve this situation for people. I don't need to defend Minister Sheridan in response to Ms Adams' comments. I'll let that fall upon the Minister to defend himself. Some of the moves that the Minister have made have been unpopular such as the seatbelt legislation and tax on tobacco and alcohol but they have been recommendations that the Minister has moved on. He hasn't needed the Commonwealth to tell him what to do. He's been very proactive. Some of the moves that the Minister has already made have helped the aged such as the Home Care Service. The Minister has wanted to do more, he has wanted to support recommendations that were made by the Women's forum including the community Health Officer but unfortunately the Minister as well as the other Minister's are restricted by the budget. The Minister understands our limitations better than anyone and he's clearly prepared to stand up and be counted in the area that he knows it makes no sense to go it alone. He didn't need the Commonwealth to tell him that. When the Minister campaigned and my apologies to the Minister Mr Speaker but I'm going to do it again. When the Minister campaigned and he topped the poles he said access to Commonwealth services can only benefit Norfolk Island, and that clearly includes health. With the Minister's proactiveness and vision we led on to what became the Roadmap and that led on to the ACIL Tasman Report and Dr Fogarty states in that and I'll quote "the Commonwealth and Norfolk Island Governments jointly and progressively work to improve access to health services, including pharmaceuticals on Norfolk Island so that they are at the same standard (apologies) so that they are at a standard and have a direct user cost equivalent to that on the Mainland", and the Minister has moved forward with that. I want to thank the Minister on behalf of my constituents for his foresight and commitment to improve our lot in partnership with the Commonwealth. So from this move today I hope to see that it's a first step towards obtaining an securing broad Federal recognition of the challenges that will flow on, that they will flow directly back to the Department for Health and Aging because this is not only about Medicare and PBS, its about the extension of national health programmes to Norfolk Island for our future that will include recognition for our residents on the matters such as mental health and disabilities. There will be a greater chance to work towards the implementation of practical solutions which have already been identified, all that works done. There will be extension of Federal legislation to support our aged population and again I'm not going to pre-empt the Funding Agreement. There is work contained, a lot of strong health reforms within this Funding Agreement. Relevant insurance schemes available to every other Australian citizen will be extended. So we know that there are challenges ahead in reaching required standards. The Minister again has been very clear about where we're working towards accreditation in those areas. I have been asked why the Advisory Board has been extended from 3 to 5, why two locals weren't removed and two and SES and a Commonwealth person replace them. I agree with what the Minister has done and I think that the SES and the Commonwealth representative will understand that the best people to know what a community needs are the people within the community. So it's only an advantage to extend to make this amendment, to extend, put the additional positions on so that we have the knowledge base contained within current or new members with the addition of a South East Sydney person and a Commonwealth person. Within the legislation the functions and powers of the Hospital Advisory Board are the Advisory Board has the following functions a) to provide advice and direction on the strategic management of the enterprise, also to advise the Executive Member, the Minister on issues relating to the future development of the enterprise. It goes on to advise the Executive Member or Minister on public health issues. The Advisory Board has power to do all things necessary or convenient to be done in connection with the performance of its functions. And further down, in performing its functions the Advisory

Board may take such steps as it considers practicable to consult the Norfolk Island community generally. So it's a beginning of a discussion, it will pull in all the work that's been done that the Minister is very aware of, but for Members and the community that we highlighted at the last sitting which is In the Pink or in the Red, the JFC, the Griffiths Uni Report, all of those reports pulled together. That is the body of work that this Advisory Board, this extended Advisory Board can commence the work on and then there is opportunity within legislation to that to be taken back to the community and for there to be another discussion an updated discussion because we're moving forward in partnership with the extension of Commonwealth and Australian Mainland services and I applaud the Minister for his proactive measures in pushing this forward for the residents of Norfolk Island. Thank you Mr Speaker.

MS ADAMS I'm not sure how Mrs Ward got to the conclusion that the Minister may need to defend himself against what I said. There was certainly no criticism of the Minister. I have said I am supporting the Bill. I have asked the question has the Advisory Board been consulted as a courtesy and would like to think that that is so. I have made the comment that if it's intended under the Funding Agreement to invite the Commonwealth and South East Sydney to take up positions, the new positions that are being created by this legislation. If they are to be invited to go on the Board that the legislation could equally spell out that those positions are reserved for, and then it's quite clear in our legislation what the intention is. I agree with Mrs Wards comments totally on the Minister's pro-activeness in this forum and in the life of this Assembly in respect of health. I applaud the work that he has done. I can't see how anybody could not. Let the record show that I am in no way being critical of the Minister. Thank you Mr Speaker.

MR SHERIDAN Thank you Mr Speaker. Just to answer the couple of queries that have been raised. Yes the Hospital Advisory Board are aware of the intention of appointing these two people to the Board and it's had the endorsement from the Chair of the Board Mrs Val Martinez. The sequence of events how these two people were, or initially discussed to be on this Board. The South East Sydney one has been a long outstanding discussion point with their Chief Executive Officer in regards to supporting the MOU. Now there was never the intent to appoint this person until the MOU was signed. So one's been caught up with the other you might say. The request by the Commonwealth to include a representative from one of their Commonwealth Departments came out when the funding request of \$4.5m was agreed to by Mr Crean and in his initial letter advising the Norfolk Island Government of this there are some nine dot points and that's where the first indication that they wanted a or would like to have a Commonwealth representative on this Board was intimated. I don't see it as a demand from them, purely an indication from them that they would like as part of the agreement for us to facilitate this. I have attempted to do that. The reasons why the Bill only changes of number 3 to 5 to allow for two additional members and no specific position you might say as i.e. one from the Commonwealth Aging Health or one from South East Sydney is that over a period of time Mr Speaker it is hopeful that our health services will get to such a level that maybe these people will not be required any longer, or our health delivery service may come from a different area other than South East Sydney. So if we had personalised it you might say and said within the Act that one person from there and one person from here. If it was to change in the future well then we would have had to come back to this forum and actually amend the Act as well if we wanted to put somebody else on there. This gives some great flexibility. Once the services are up to such a level their services are no longer required, well then it gives the opportunity for 5 people, local people to sit on the Board if that's the wish of the Minister at the time. So I see it as a great way forward and I appreciate the support from the floor.

MS ADAMS Thank you Mr Speaker. I thank Minister Sheridan for that explanation which I accept, totally accept. It has sense behind it. Just one question please Minister if you could for the listening public and for me personally. How do you see once these people are appointed to the Board how do you see this working, will it be teleconference or you know what will be in place for this to happen. Do these people have to come to the island every time the Advisory Board wants to meet, just for clarity please.

MR SHERIDAN Thank you Mr Speaker. I believe that the Board will now meet once a month in Sydney and I'll be accompanying them – no, no, no just joking. No Mr Speaker how the Board will meet on a regular basis once a month will be up to the Board to initiate and discuss between the new members and the current members of the Board. That hasn't been settled as yet, there's been no definite way identified but it will pose a couple of problems but that's something that the Board and the Hospital Director can work through with the two representatives that will be appointed, or hopefully will be appointed in the January sitting. So yes that's yet to be decided.

MRS GRIFFITHS Thank you Mr Speaker. It's my intention to support this Bill in principle. I've said on many occasions that one of our greatest challenges is our human capacity and this Bill goes some way to address that challenge. Thank you.

SPEAKER Any further debate, I put the question that the motion be agreed to.

QUESTION PUT
QUESTION AGREED

Is it the wish of the House to dispense with the detail stage? We so dispense and I seek a final motion Minister

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

MRS GRIFFITHS I said No.

MR SHERIDAN Well that's up to you Mr Speaker then if there is one dissenting voice. As there is no detail stage amendment unless Mrs Griffiths has one?

MRS GRIFFITHS Just another month. I support it in principle but just another month.

MR SHERIDAN This is not about the adjournment this about agreeing to the Bill.

SPEAKER Honourable Members we dispense with the detail stage and we move to the final Motion that the Bill be agreed to and I seek your call for the final Motion Mr Sheridan

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

SPEAKER Any further debate.

MRS GRIFFITHS I would rather this sit on the table for another month only because we've pushed this through, we're pushing so much through and I agree with the Bill in principle, I've said that but just hold on, just hold on one more month. So I move that this debate be adjourned.

SPEAKER Now the Motion is that debate be adjourned to a further day of sitting of this House.

QUESTION PUT

SPEAKER I think the No's have it but Members I will call the House.

CLERK

Mr Snell	Aye
Ms Adams	Aye
Mr Sheridan	No
Mrs Griffiths	Aye
Mr Buffett	No
Mr Nobbs	No
Mrs Ward	No
Mr Anderson	No

SPEAKER The results of the vote is the Aye's 3 the No's 5 the Motion is so lost. Now we move to the final Motion that the Bill be agreed to.

QUESTION PUT

QUESTION AGREED

APPROPRIATION BILL 2012 – 2013

MR BUFFETT Mr Speaker thank you. In my name also there is the Public Sector Management Amendment Bill 2012. I'm going to ask that we proceed to that matter but before I do that can I just say Mr Speaker that a couple of minutes before the scheduled sitting of the House we have received some communication from the Commonwealth which has meant that I do not have finalisation as I thought yesterday. It might take a couple of hours before we've walked through that issue. I would therefore ask Mr Speaker if you would be kind enough to call on the Public Sector Management Amendment Bill 2012 and that we endeavour to settle that matter for today and then I will respectfully ask whether the House might suspend until I'm in a position to report further which I expect to be later today.

PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL 2012

MR BUFFETT Thank you Mr Speaker. The Public Sector Management Amendment Bill 2012 is one that has been introduced at an earlier time and it seeks to update and clarify the positions in the Service that will be automatically vacated if the holder is elected to the Legislative Assembly. This is not a new measure as I explained then. There is an existing list, it's out of date and this is the proposal to bring it up to date. The list has been exhibited. The Bill has been on the table of the

House. We're at the stage of finalising it. I really have nothing further to add in respect of that that I've already explained about Mr Speaker. I commend the Bill.

SPEAKER Any debate Honourable Members.

MR NOBBS Thank you Mr Speaker and thank you Chief Minister for bringing this on. I endorse the updating of this list however I would also suggest that in the future there be a full review of membership that is enabled onto the Legislative Assembly whereby a Member may be able to use their Assembly position to influence their workplace outcomes.

MR BUFFETT If I just might make a comment in respect of Mr Nobbs' commentary there. I thank him for that comment. One of the things that we're also examining is a full review of the Public Sector Management Act and Human Resources Policies and Guidelines that accompany that Mr Speaker, and obviously the context that Mr Andre Nobbs has described can be woven into that consideration and I thank him for that because it's a reminder that it might be considered in that process.

SPEAKER Any further debate. I put the question that the Motion be agreed to.

QUESTION PUT
QUESTION AGREED

SPEAKER Is it the wish of the House to dispense with the detail stage? We so dispense as there are no detail stage amendments.

MR BUFFETT Thank you. The final Motion Mr Speaker is that the Bill be agreed.

QUESTION PUT
QUESTION AGREED

The Bill is so agreed to

MR BUFFETT There is one other matter Mr Speaker if I may have the indulgence of the House to table a document. Members will recall that I raised this matter with them at another time. It's the Public Sector Management Act provides that the Minister responsible may exclude classes of persons from the Service at the recommendation of the CEO. I've signed an instrument to this effect in respect of the Chief of Staff and the Senior Government Advisor and the change in all of that is really the reporting lines, not in the conditions of service and the like and I mentioned this to Members on another occasion. These people work direct to Ministers and this revised arrangement reflects this and the CEO who they had earlier in a technical sense had reported to requested this change and its agreed amongst all of the players, and in that context I table the document Mr Speaker. I thank you for your indulgence in that context.

SUSPENSION OF SITTING – 21 DECEMBER 2012

SPEAKER Thank you Chief Minister. Now Honourable Members as requested by the Chief Minister to allow a time....

as foreshadowed in Minister Crean's letter to me in October 2012, are contained in the second Schedule to the Agreement. They set milestones for each month, and I'll basically walk through as each of them sit. For the month of December, the requirements for December are already met by the Norfolk Island Government, and we here in Norfolk Island, and it acknowledges a number of things in terms of deregulation in the Accommodation Industry, changes to Immigration, the Land Valuation Bill and the like, also arrangements at the Hospital for Hospital Board Members and the directorship of the Hospital, those later components are well in hand, the first of those components are now achieved by us. So those requirements are basically met. For the month of January, Norfolk Island will need to look to advancing its health arrangements, particularly with the South East Sydney Local Health District, moving towards marked achievements in terms of criteria of the Australian Council of Health Care Standards, and that we need to commence the collection of Health Statistics and publish those health arrangements, we need to continue to remove impediments to new business developments, and we have done some of those already, and we need to ensure that we free up the capacity for people to build accommodation subject of course to be compliant with planning controls, in terms of immigration we need to ensure that we, well in fact we have done these things, these two things that I've mentioned in immigration, are things that were tackled in the Immigration Bill that we have now passed. For the month of February we need to continue to progress the Public Sector Management Act changes, we need to, again, progress with the Health Advisory Board, and those things, equally, are things that are well in hand, and are within our resources to achieve. For the month of April, Norfolk Island will open access telecommunication infrastructure by allowing open access to telecommunication infrastructure on the island relating to have internet service providers in competition to Norfolk Island Telecom, and offering a wholesale ADSL agreement to interested internet service providers. We obviously will equally need to give promotion to both the changes in the Immigration and the Accommodation areas so that we encourage people to be active in a commercial sense in Norfolk Island. In terms of this month also, there is projected an immigration review, in respect of how we are running and how they relate to the Commonwealth, in terms of May, there are principles set out for Public Sector Management review, Human Resources review, redundancy provisions under that arrangement, and they are to be related to the national employment standards within the Commonwealth sphere. We need to pursue divestment programmes that we are already about, we need to erect a programme in terms of land evaluation and rates, and we need to continue with those matters that I've already mentioned in terms of health, immigration and tourist outcomes, need to be given publicity, and we need to develop and publish a sustainable growth strategy, in respect of Norfolk Islands immigration and tourism outcomes. Details of all of that Mr Speaker will be available in full when this document is placed on the public internet site. That in fact is what this is about, and I remind Members that these funds are of course represents survival for us to the 30th of June 2013. The bigger picture, that is delivery of taxation and the financial benefits that flow from it, GST likewise, Medicare and Healthcare, those relate to the long term sustainability provisions of the Roadmap. And we need to have these funds to survive until we progress to the latter arrangements. I just give that overview in respect of the Funding Agreement, in terms of putting that on the table so that you will see what it is and have the opportunity to note it. Thank you Mr Speaker.

MS ADAMS

Thank you Mr Speaker, Mr Speaker, I thank the Chief Minister for giving Members the opportunity to consider and ask questions on the Funding Agreement yesterday afternoon. I thank our public service officers who have had input into the agreement and as I understand it, have had to work very hard with

getting the best out of a bad deal for Norfolk Island, in order to get funding for essential services. I understand that there have been more than 15 drafts needing to pass back and forth between us and the Commonwealth bureaucrats, which gives a clear indicator that the agreement first presented to Norfolk Island contained demands that Norfolk was not prepared to meet. Whilst the Funding Agreement cannot and does not have my support, purely on a matter of principle, and I'll expand a little on that in a moment, this does not prevent my thanking our Ministers and officers for their efforts who can now rest easy, that provided we continue to meet the Commonwealth's demands in the Funding Agreement, funds will be provided to meet essential services until the end of the financial year up to \$4.5 million. Let me make it quite clear about Funding Agreements and my difficulty with them, I understand that the first part of Funding Agreements is a bit like a mortgagor and a mortgagee, a contract, provision of funds, set out how they are spent, what happens with them, it's the attendant schedule that attaches invariably to these Funding Agreements, which specifies improvements and make demands, and that is where the principle comes in for me, when some body outside of this Parliament and outside of this community makes demands on the Parliament to legislate, that's when they step out of line. It is important to note for the record that the Funding Agreement was not signed until after the House had met yesterday, on Wednesday, and the immigration, tourist accommodation and land valuation bills had been agreed by the majority vote of the House. I should make a correction there, it was not signed, as I understand it it is still not signed, but is agreed. This is a very sad state of affairs for parliamentary democracy on Norfolk Island. Clause 4 of Schedule 2 of the funding agreement reads "4. Delays in meeting conditions may see instalment being delayed". Clause 5 reads "5. For the month of December it is noted that NIG has progressed a number of reforms including: Deregulation of the accommodation industry; Changes to immigration; and Passage of the Land Valuation Bill". And before I move on, I would just make note of debate which I had intended to include, but which I will now change, the Funding Agreement that we looked at yesterday, contained Clause 6 relating to Immigration, and provided that the Norfolk Island Government must continue to work towards aligning the immigration policies on island with those of the Australian mainland. Whatever role that we, our Ministers and our officers have had in making the change that has now taken place, and it is an appropriate change, it is appropriate partnering to now read, "jointly review", the word is jointly, instead of we will align, jointly review the Immigration Act to identify any outstanding anomalies with mainland Australia with the Commonwealth to engage the Commonwealth Department of Immigration and Citizenship to assist in identifying anomalies and identifying possible solutions. That is a win – we got to jointly in a partnership that should be equal. Members of course will note that there is no mention in the agreement that the reason why the bills were passed on Wednesday and the community denied proper parliamentary consultation processes, is simply because provision of funding was principally dependent on the passage of the bills. It is a simple as that. And to the reader of the Funding Agreement there is no evidence that agreement has been reached under duress or the Assembly being compelled to do what it has done and so it is important that history record the facts of the matter in other ways, especially in the records of the House and I ask the Chief Minister to table today the letter to him dated 16 October 2012 from Minister Crean, in which the Commonwealth's demands are quite clearly spelt out. Two months ago. And I also seek leave of the House to table the Chief Minister's press release of 23 October 2012; my letter to Minister Crean of 26 October 2012 and Minister Crean's response to me of 26 November 2012 in response to mine. Tabling of these documents will ensure history records the timeline of events as they really unfolded. I so seek your leave Honourable Members.

SPEAKER
granted Ms Adams

Is leave granted Honourable Members? Leave is so

MS ADAMS
Thank you, thank you Members. Honourable Members, we all know that under international agreements Australia is a relatively large aid donor to countries in need; and that is to be applauded, but you can understand the community questioning the need for such stringent controls being imposed on this tiny Island for relatively little return, when you hear of Australia giving aid, \$2 billion here and \$2 billion there; \$32 million here and \$380 million somewhere else in the world in the last 12 to 18 months. Then you read that Manly City Council in Sydney is pleased to be able to donate to the homeless in Manly coloured wheelie bins in which to put their possessions. One must ask has our world gone mad? There seems to be different rules for different people and different places; Funding Agreements are needed for some, and not for others. Norfolk Island itself is a joint aid donor to the Pacific Region under the CPA Education Trust Fund, and very pleased to be able to perform that role as one of signatories to the Trust Deed many years ago, and there were no Funding Agreement required there. So why us is the question being asked by many, and you can understand their concerns. However, regrettably there are many in this community who believe that this Assembly has sold out Norfolk Island, there are also people in our community who cannot wait for our homeland to be fully integrated into Australia. It would seem that this may well be the Commonwealth's intention. But time will tell whether we allow that to be end result. I will conclude my debate Honourable Members by giving acknowledgement to the Chief Minister, for his efforts on behalf of Norfolk Island, which I can not deny, and whilst I cannot agree that the road which we are currently being led down will lead to the best outcome possible for us, I nevertheless must acknowledge that he sincerely believes that it is. I respect his right to have that view, as I trust he respects my right to have mine. And if the community does not agree with the views before us now, then it is up to the community to find a meaningful way to express their view, and I am open to discussion with the community how we might achieve that. And finally I also wish to acknowledge Minister Nobbs for finding the courage on Wednesday to stand up for his principles in regards to the Immigration (Amendment No. 2) Bill, and to step outside of cabinet solidarity, that took courage and I applaud him for taking the stand that he did. Whether or not cabinet solidarity serves our Parliament well, in fact is a debate to be held on another day, thank you Mr Speaker.

MRS WARD
Thank you Mr Speaker, let history record that this is a good deal, it is a good deal for Norfolk Island, it is a good deal for our future. Another fact we need to put on the table is that the last Funding Agreement said at point 11, that by the 30th of June 2012 there would be a removal of Immigration restrictions, and that this condition was subject to the Commonwealth outlining an implementation plan for access to Commonwealth benefit schemes including Social Security and Medicare. Basically the Commonwealth had cooled off, in September 2012, the Norfolk Island Government had created a policy paper, A Policy to Improve Immigration on Norfolk Island, the latest Funding Agreement came well after that. This Government had commenced movement in a forward direction before the Commonwealth put new indicators into the Funding Agreement, what I actually think the Commonwealth has done, has picked up on the Chief Minister's leadership and put those sensible reforms into the Funding Agreement to support the progression of those reforms through the House. I'm going to touch just briefly on the Funding Agreement as it is. December, we needed to deal with Immigration reform, removal of quota, land valuation reform, and Hospital reform – we have done that. Next month we will move to deal with more Health reform. In February, Public Sector reform will continue, that is currently being dealt with

under the guidance of the Chief Minister. In March there will be an election, the electors will decide whether they want to continue with the reform process, in order to maintain the Norfolk Island Act and a good sense of modified self-government, or they will choose otherwise. Then in April, there will be moves to open access to telecommunications infrastructure and there will be further immigration review, joint review. In May there will be Public Sector, Human Resource, review and there will be continued commitment for divestment. In terms of land tax, land valuation, rates, the words in front of me, but basically, and it is another win for Norfolk Island, this is why this is a good deal, we will not see the introduction of land tax on the first of July or any such thing, I'm trying to find it while we are here, but it is basically what the Chief Minister has already said, there will be a programme erected to assess how we are going to proceed with valuation and rates into the future. So I would hope that people will enjoy this Christmas and not be concerned about land tax coming on next year, it's not going too. Lastly in May, at the end of this Funding Agreement, there will be a growth strategy for tourism developed, and I am sure that that will work hand in hand with what I hope that this Assembly can progress and endorse in the next Assembly, which is a tourism strategy. What a strategy moving forward will do, is look at attracting new businesses and entering into an information sharing programme, with the Commonwealth, with the Regional Departments, and hopefully other areas such as Tourism Australia, which is all about getting us back on our feet. Thank you Mr Speaker.

MRS GRIFFITHS

Thank you Mr Speaker, I would have liked to have made a far more substantial comment on the Funding Agreement, but really we have only seen the final draft for a few minutes, and this will be my only opportunity. So I would like to say that no matter what the Funding Agreement says, I will never be okay with land valuation at this point, or immigration and I think it is very sad that we have to have a Funding Agreement such as this to tell us to collect statistics, as necessary as they are. These should have been part of normal reforms, collecting of information to make evidence based decisions. My only difficulty really with this is, I note that for the month of March we have to continue on our review of the Human Resources Policy and Procedures and I ask again – where is our policy capacity within the Public Service to do that? I have been asking for three years to have that capacity within HR and it hasn't been done. So I would really like to see us achieve some of these things, thank you.

MR SHERIDAN

Thank you Mr Speaker, Mr Speaker I don't know whether it was a cunning move by the Chief Minister to table this Funding Agreement in conjunction with the Appropriation Bill, because there hasn't been any discussion on the Appropriation Bill at all! But I would just like to acknowledge, with that Funding Agreement, now being virtually signed off, it clears the way for funds to roll, so that the Appropriation Bill can be passed by this House, with some guarantee that we will have sufficient funds until the end of June next year. Funds Mr Speaker such as \$1.8 million for the Hospital, a couple of million dollars that will see Social Services benefits still be extended to our residents. Funds that will see our roads being maintained, funds that will see the lights being kept on in the houses, funds to see that we will still be able to access telecommunications to the outside world. So this is what this is really about Mr Speaker, I think I spoke about my portfolio areas last month, last week sorry, in regards to how the budget has been affected with our reduced income, and how the Service has had to rejig the numbers to fit within this \$4.5 million assistance package. It has been accommodated, but it hasn't been accommodated without some hurt, there is no monies there for infrastructure replacement, there is no monies there for improvements you might say within the Public Service, we have to manage for the next six months on a bare bones budget you might say, but at least we will be able to manage, and I would

just like to give my thanks to Simon Crean and to the officers, especially in this compound, and the Department of Territories, who have facilitated this funding to ensure that Norfolk Island does still have a prosperous future, so thank you.

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

QUESTION PUT
QUESTION AGREED

I think the aye's have it, the Bill is agreed to in principle, as there are no Detail Stage Amendments, I seek a final motion from the Chief Minister.

MR BUFFETT I'm happy to do that Mr Speaker, but I am not to sure that is where we are at.

SPEAKER You are quite right Chief Minister, that was the paper be noted.

MR SHERIDAN You must be in a hurry!

SPEAKER Little bit – it has been a long day! Appropriation Bill. Any debate on the Appropriation Bill, Chief Minister.

MR BUFFETT I thank Members for their contributions in terms of the Funding Agreement earlier before us. And we are now moving to the Appropriation Bill, this was introduced at an earlier time. I presented it, we then held it for a period until we have needed to give it some time to be available, and that time has now passed. And also to tidy the Funding Agreement and that now has happened. Mr Speaker, the Appropriation Bill that we have in front of us, it does a number of things, it obviously provides for essential services to be continued to be delivered to the Norfolk Island community, it remains a Spartan budget, there is no huge input in terms of Capital Works, we understand that. This particular piece of legislation in a technical sense repeals the Supply Bill that we put in for six months of the year, and then this comes in and covers the full year that is to end on the 30th of June 2012. I mentioned on the earlier occasion when we spoke about this, that it's a total expenditure of \$33.9 million, the papers that relate to this have been earlier circulated to Members, so they will see that we have income and expenditure, our expenditure is more than our income. The balance is taken up by the \$4.5 million and that is covered by the Funding Agreement that has been earlier mentioned. It remains for us to give any final debate that we would wish to in terms of this particular legislation, and then finalise it. May I point out the urgency of finalising it Mr Speaker, because the Supply Bill that we have in place will run out at the end of this month, that is the 31st of December and we need to secure the Appropriation Bill to give us continuity in terms of being able to provide essential services through to the balance of the year the 30th of June 2013.

MS ADAMS Just a brief contribution for clarity, and I thank Mr Taylor for this morning, helping me to walk through this. In the Bill, Clause 3, subject to this Act, the Administration may, for the period ending on 30th of June 2013, expend money of the Public Account of Norfolk Island for the purposes, and in the amounts specified in the Schedule, and I panicked this morning, as I couldn't find cost centre 210 and I thought we weren't going to be paid! But however, Mr Taylor kindly pointed out to

me that you come up to the front of this Bill, because the Assembly now is on performance budget allocation, you will find Norfolk Island Assembly there, Cost Centre 210, \$728,100, but what we don't have in here, and I understand why, because it is budget performance allocation, but what we don't have in the House Chief Minister, is the Budget Papers having been tabled, so that the line items, as that is the only place the line items are. In previous times I believe the Budget Papers must have, but you have a preference not to table those? I am not going to argue with you, but I just think for clarity within the Service etcetera, to have the line items, how it is intended under performance budgeting in the ideal world, that the \$728,100 is spent in accordance with parameters, we don't have those parameters anymore in performance budgeting in here, as do some of the other Cost Centres, that is the point I am making.

MR BUFFETT Yes, internally there are programmes that take account of that, that is what programme budgeting is about.

MS ADAMS Yes, I understand that, but I think it doesn't sit tidily with Clause 3, spend money of the Public Account of Norfolk Island for the purposes, and in the amounts, so yes fine, we know the amounts, \$728,100, but for what purpose? If you are comfortable with that. Just a nit pick when we get to the Detail Stage, could we change Appropriation Act to Appropriation Bill, we have got a Bill at this time, not an Act.

MR BUFFETT I thank Ms Adams for her contribution, I particularly note her reference to 210 was it not? And her concerns about payment there, I just make this mild comment, that she has spoken quite vehemently with serious concern about the Funding Agreement, can I just point out, that the Funding Agreement provides \$4.5 million, I mentioned that earlier, and it is that funding that allows all of those provisions, including the provisions of 210, which allows her salary to be paid, and to be secured, I think that needs to be emphasised, that the \$4.5 million allows all of those services that we presently provide in Norfolk Island, to continue to be provided, it includes this Assembly, it includes the health, education, and other arrangements that exist. And maybe it needs to be said again and again so that people will see that that's where the money that comes is directed to assist the provision of those services.

MS ADAMS In response Mr Speaker, I'm not seeing how what you have just said ties with what I've said. My concern comes from not having in front of us the line items for which the money can be spent, but I hear what you are saying, that this is the new arrangement for performance budget allocation, I have no difficulty with that, I was only seeking clarity around it. Don't for one moment think Chief Minister that I am in anyway unappreciative of the Commonwealth having given us \$4.5 million. I make that absolutely quite clear, it's purely the methodology, the principles, the practices, that have resulted in us arriving where we are today having received this funding. That is the only argument that I have, the infringement on the independence of sovereignty of the Parliament. Thank you Mr Speaker.

MRS WARD Thank you Mr Speaker, I just want to pick up on what Ms Adams is saying, because I should just clarify one thing first, and that is a question as to whether the Budget Papers have been tabled or not in the House. Now if they haven't, I appreciate Ms Adams point, because I thought we were about being open, transparent and accountable, and what happens by just having this sort of overview, and I appreciate the difference between performance or programme budgeting and the simplification, I do get that. But we are talking about the meat on the bones, the

running in a subsistence budgetary capacity. I've also raised previously, that in some of the earlier discussions and indeed some of the Funding Agreement stipulations that talk about reporting, that there may be some cost implications in those, and we need to be well aware of those, so I equally welcome the proposed collaboration to review Immigration, in particular DIAC, the Department of Immigration and Citizenship, because I welcome their expertise in border integrity and changes there. It is worth noting, and certainly Mrs Ward touched on it to a degree, the savings, and the cost of savings, now there have been savings over the previous part of this financial year, and there will be savings for the rest of this financial year, those savings have implications on the service delivery, on the infrastructure replacement and the like, and I would like to acknowledge all of those areas that have had to recalculate, reformulate, even restructure the way that they provide their services, an example that is probably of some profile in the community, is the radio station, which has had a reduction to its operational budget, the announcers in that instance got together, worked out a way that they could realign their hours, and certainly they gave up some paid announcement time, and certainly they tried to encompass all of their needs, as well as the community needs in moving forward. So I certainly give acknowledgment to, not just the radio station, but all of the areas of service delivery that have carried out that sort of evaluation moving forward. That's all I have for now, thanks Mr Speaker.

SPEAKER Thank you Mr Nobbs, any further debate Honourable Members? There being no further debate, I put the question that the Bill is agreed to in principle.

QUESTION PUT
QUESTION AGREED

I think the aye's have it, the Bill is agreed to in principle. Is it the wish of the House to deal with the Detail Stage. Ms Adams?

MS ADAMS May I ask the Chief Minister Mr Speaker to just make that adjustment on the Bill, change the word Act for clarity.

MR BUFFETT In terms of the title Mr Speaker? Yes

SPEAKER Yes. Is that agreed Honourable Members? You're all well aware of what Ms Adams is referring to? Yes

QUESTION PUT
QUESTION AGREED

SPEAKER Good. I seek a final Motion now Chief Minister.

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

QUESTION PUT
QUESTION AGREED

FIXING OF THE NEXT SITTING DAY

MRS WARD Thank you Mr Speaker. I move that this House at its rising adjourn until the 23rd January 2013 at 10.00am

SPEAKER
question.

Thank you Mrs Ward. Any debate? I put the

QUESTION PUT
QUESTION AGREED

ADJOURNMENT

MRS GRIFFITHS
now adjourn.

Thank you Mr Speaker. I move that the House do

SPEAKER

Any debate Honourable Members?

MS ADAMS

Thank you Mr Speaker. I'd like to take this opportunity to wish members of the community and my Assembly colleagues, the Staff in the Assembly complex and throughout the Public Service. May I wish you all health, wealth, happiness and joy in all your lives as we move into the year 2013. We continue to move through challenging times but if we continue to look for that silver lining and always remember how blessed we are to live on this beautiful island we call home the sun will shine again in all our lives. Blessings to us all.

MR SHERIDAN

Thank you Mr Speaker. I'd just like to send a message considering this is our last Sitting for this year before the Christmas break. I'd like to take this opportunity to wish the community on behalf of Jeannie and myself for the community to have a wondrous Christmas that is filled with fun and laughter from all our family and friends. I would like to thank the community of Norfolk who have managed to smile, and to be positive in these difficult times that Norfolk finds itself in, and would like to say that the future does look brighter and more prosperous for their families and children. I dearly wish that the Christmas table is filled with lovely food as I know gwen be, Santa finds all the children and even the grown up children and everybody has their Christmas wish come true. Mr Speaker I would also like to take this opportunity to sincerely thank all the persons that I have worked with over this past year, especially the Statutory Boards of whom are filled with volunteers. Their work has been appreciated by me and I look forward to working with you all in the New Year. To my friends who are leaving Norfolk Island I say farewell but not goodbye. I'm positive that you will all return one day. To my friends who remain to live another day in paradise I look forward to greeting you and wishing you compliments of the season and may even find time to share a beer. Mr Speaker Merry Christmas and a fruitful new year to all.

MR NOBBS

Thank you Mr Speaker. I'll start by saying that the information on the news was that the world was supposed to end today so I haven't prepared an expansive speech. It has been an incredibly difficult year for all on Norfolk and I really thank everyone broadly, no particular individual areas, right across the sphere of people who have had anything to do with Norfolk and a care for Norfolk who have shown great strength and cohesiveness, who have provided in many times robust feedback to myself and certainly have made contact and got involved in some of the debates that we've had, and I certainly welcome that, and thank them and wish them well for the festive season. The areas of my portfolio where the Officers and all Staff have worked exceedingly hard in exceedingly difficult circumstances I congratulate them and thank them and wish them well over Christmas. The various voluntary groups that

operate on the island and in particular the ones that I'm personally involved with I thank them for their work on the island that has had a impact, and a positive impact on many people including youth on the island, and certainly I acknowledge the Governor General who has continued her support and patronage for CIRC for which I'm the Chair and I certainly wish Her Excellency Merry Christmas and Happy New Year. The private sector operators that have not only worked as well as possible through a difficult time but who have also taken the time to provide feedback to my office on issues they see or opportunities they see. I thank them for their participation in the various workshops that I've operated over the last year and a half in particular as their input has certainly been instrumental on working on the tourism strategy and other economic development work that has been going on. In mentioning that I'd certainly like to acknowledge the Tourist Bureau Staff and stakeholders, the GM, the Board and wholesalers for their continued support effort and promotion of the island, and those people that have run successful events over this past year such as the Country Music and the Jazz. Country Music next year celebrates its 20th year so we look forward to something bigger than ever for that too. My colleagues around the table, and last but certainly not least my family and friends and relatives near and far I wish them all the absolute best and to all ucklun Merry Christmas and Happy New Year.

MRS WARD Thank you Mr Speaker. I sort of think when you come in upstairs what would I like to say to people and I think I would like for Christmas and I think I would like to say to my supporters and critics alike to read a passage from the Desiderata which commences "Go placidly amid the noise and haste", and people will recognise that and this hangs in the Secretary's office downstairs and we see it often but I will start through almost to the end and it says, "take kindly the counsel of years, gracefully surrendering the things of youth. Nurture strength of spirit to shield you in sudden misfortune but do not distress yourself with imaginings. Many fears are born of fatigue and loneliness. Beyond a wholesome discipline be gentle with yourself. You are a child of the universe, no less than the trees and the stars, you have a right to be here, and whether or not it is clear to you no doubt the universe is unfolding as it should. Therefore be at peace with God whatever you conceive him to be and whatever your labours and aspirations in the noisy confusion of life, keep peace within your soul. With all its sham drudgery and broken dreams it is still a beautiful world". And as long as we've got Emily Bay we goode. Be careful, strive to be happy. Thank you Mr Speaker.

MR BUFFETT Thank you Mr Speaker. As has been mentioned this is our final sitting as we see it for the year 2012. Obviously over this year and the years previous we've had controversy and difficult times and all of those things are not yet at an end, but in walking through all of these difficulties I do want to acknowledge and say warm thank you to community members who have responded to the Governments policies and requests for information and input. Their role has been essential in those very, very difficult processes that we face. I particularly would like to thank those who are part of Statutory Boards under legislation in Norfolk Island, who in the main perform their tasks without seeking reward. Their role is really important and I warmly thank them for the year that has past and look forward to their continuity as we move forward. I particularly also mention the Chief Executive Officer Mr Graham Faulkner and his wife Trish, newly in the task in terms of the year but making good progress in the Service and he now leads an important component in the community and in his area I acknowledge particularly for me those Managers and people who work in areas for which I have Ministerial responsibility. I particularly mention Officers in this Compound both in the Parliamentary sphere and in the Officers of the Service sphere, their role is extremely appreciated. There are many in the community who I've not necessarily mentioned by

category but everyone plays a role and I wish to acknowledge every one of them. All of those who have made this place their home or come to visit with regularity. It's important that we know that their roles in various ways are important to our wellbeing. May I say to my colleagues around the table, I know that two are not here this afternoon but they have commitments that need to be attended to, one in catching a plane which is now half way to another place, but I value very much, although we've not always obviously seen eye to eye, I value very much around the table the discussions that we have been able to have and the progress that we have made whilst we are still in hard times, we have made progress, we have got along the track and I thank Members for their contributions to all of that. To all that I've endeavoured to make mention of in terms of the year past I offer warm wishes for Christmas, a joyous Christmas and that we will all have joy as the New Year approaches us. Thank you Mr Speaker.

SPEAKER Honourable Members I seek your forbearance to say a few words on behalf of the Chair. Obviously it's been a difficult time for 2012 for Members of the Assembly and of course for members of the community but it's been challenging times and of course the decisions that have been made in 2012 will be judged in time. Honourable Members it is necessary for this Chair to acknowledge many people and in particular I'd like to acknowledge and thank the Regional Department of Australia, Minister Crean and I wish them the best for this festive season and of course their wives and families and we thank them most heartedly for the considerations they have been extending to Norfolk Island over the past 12 months. I also make special mention to the efforts of the His Honour the Administrator Mr Neil Pope and his Wife Jen, their contributions to the community here whilst in some cases I personally have not agreed in some of the decisions but I do respect and acknowledge His Honour and Mrs Pope and I certainly wish them a very pleasant and rewarding New Year and a Merry Christmas. I thank members of the Staff of the Compound and also members of the Norfolk Island Public Service, those that have contributed to the decisions that we've made here and the areas of which we have had some difficulty. We acknowledge the efforts of the Radio Staff, Greenways Press, Norfolk Online, those who have all been supportive, members as mentioned of various Committees and in particular to members of my Committee of Social Welfare, I thank you for your support and wish you all a very Merry Christmas. Honourable Members I come now to the time where this meeting will conclude. I therefore state that if there is no further debate. I put the question that the Motion that this House do now adjourn be agreed.

QUESTION PUT
QUESTION AGREED

SPEAKER This House stands adjourned until Wednesday the 23rd January 2013 at 10.00am.