



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY**  
**13<sup>TH</sup> NILA HANSARD – 23 JANUARY 2013**

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.

**WELCOME TO THE PUBLIC GALLERY**

SPEAKER Honourable Members and visitors to the gallery please ensure that your mobile phones are turned off. I invite you to remove your coats. I welcome the visitors to the gallery this morning and particularly to Kylie Kelehen, Electoral Officer Member for Ford in Upper Cooma and also the other visitors to the island

**CONDOLENCES**

Honourable Members I call on condolences, are there any condolences this morning? Ms Griffiths

MS GRIFFITHS Mr Speaker, this House records the passing of June Mary Ryves, Janet Morgan Docherty Semple, Gwen Stanton, Shannon Macrae, David Richard Quintal, Valerie Christian-Bailey; and Dale Francis Hogden

**June Mary Ryves** was born at Mount Abundance, Queensland, where she developed her love for animals and the land which was nurtured by her father. She was a very private person, but totally committed to her family and her animals. These were her passions in life, along with dancing. June spent her childhood in Queensland and England where June studied at the Conti School of Stage and Drama, and at 16 was offered a scholarship there. A dream which was not fulfilled as the war was imminent and her mother was advised to take June and her sister back to Australia. In Sydney June worked as a secretary and danced to entertain the troops. Here she met John and they were married within a couple of months in December 1943 at Avalon. They were excellent parents, supporting their children in whatever they chose to do and were totally involved in their lives. The family's move to Norfolk in 1964, finished their wanderlust. They settled on their property at Anson Bay, which they cleared by hand and developed into the magnificent property that it is today, with no backward glances. Both became involved immediately with the island. They loved it here, and it enabled them to fulfill their lifestyle wishes. With June it was animals. She was dedicated to her horses and dogs and read every book and veterinary tome she could lay her hands on. She was an avid reader of philosophy, religion, science, novels, and the eclectic list goes on. June never lost her passion for the stage and dancing, and continued to teach dancing here. She was involved in staging revues, choreographing and making costumes, as she had done in Australia. She was very involved with the Norfolk Pageant and wrote two songs that have survived to this day, Beautiful Norfolk Island and the Ballad of Barney Duffy. June led an amazingly full life whether at home on

the farm or running her Thai Chi and stretching classes. These she ran for the last forty years, teaching until some months ago. Marie Bailey's Tours then Pinetree Tours, visited the farm for the last thirty years where June shared her love of Norfolk with thousands of visitors. June's last weeks were peaceful, accepting and mercifully pain free, at the home she loved, surrounded by her family and friends. To her daughter Dale, her son Steve, her daughter in law, Alison, her grandchildren Kate, Sophie, Amelia, Jamie and Emily, their partners John, Bruce, Peter and Zach, and great-grandchildren, Jake, Emma, Amy, Hunter and Holly and the one-on-the-way, this House extends its deepest sympathy. May she rest in peace.

**Janet Morgan Docherty Semple** was born in June 1924 in Hamilton, Scotland. Sadly, Jan's only sibling, her brother, died at the age of 15 months. The family immigrated to Australia when Jan was only 3 years of age, and lived in the Botany Shire of Sydney, growing up with cousins living close by. Jan never returned to her native Scotland, but often dreamt and talked of such a pilgrimage. Her mother died suddenly when Jan was only 19. As a young woman, she worked in various secretarial roles and a particular favourite was working in Real Estate. Her book keeping, shorthand and secretarial skills were second to none. Entertainment in her youth was attending local dances. She was a very good ballroom dancer and she caught the eye of Lance Semple, known to us all as Ted. Two years later they were married and moved to Croydon, eventually purchasing their own home in Five Dock in Sydney. Ted was a very keen fisherman and Jan would go along for some of the trips, though she was not as passionate with this recreation, as was Ted. This love of the sea, and fishing, saw them visiting Ted's brother, Eric and his wife Thelma who had purchased the Paradise Hotel on beautiful Norfolk Island. Ted was hooked ~ line and sinker. He and a friend, Roy Davis became business partners and formed a company to start up a commercial fishing venture. They had a modern vessel, all the deep sea fishing gear and built a small factory at Cockpit. The product was packed and processed, and exported to the Sydney markets. The business was operational for only a couple of years when the factory burnt to the ground. Jan was offered a job with Ure Lynham which was a busy office in the heart of Burnt Pine. She enjoyed her work and was highly thought of by her employers and the huge clientele she dealt with. When the Paradise Hotel was sold to Travelodge in the early 70's, it came under the management of Alan and Joyce Dyer. Ted and Jan came into the mix of working in the hotel trade. They took over the lease of the Paradise until it closed in 1986. Jan was never blessed with children but by her marriage to Ted there came a rather large contingent of nieces and nephews, some of whom lived under their care at various times, so they still had their fair share of parental responsibilities. Jan was particularly close to her Norfolk family who were all of great interest to her and she loved to hear about what was going on in their worlds. Jan and Ted upon retirement moved into their home near Potts Farm, though Ted never accepted retirement and opted to build sheds, boats and fibre glass constructions of all sorts. This became a bit of a challenge to Jan, who counteracted by buying videos, food items and whatever else took her fancy. In her later years her body may have become frail but her mind remained sharp as a tack! She lived into her 89th year without suffering from any major diseases or illnesses. Jan was determined to remain in her home and she got her wish right up until her final days when she was hospitalised after a fall. Jan was fortunate to not only have her family's love and support, but that of many friends. To Sue, to Eve, Doug, Mirabelle and Wilkes, to Lucy and Kev who now reside in the UK, to Robyn and Greg, to Stirling and his partner Lisa, to Murray, and Gabrielle and Russ, and Baby Reuben, to Jan's family off island and to her many friends, this House extends its deepest sympathy. May she rest in peace.

**Gwenneth Stanton** was once a long time resident of Norfolk. Gwen and her late husband Tom moved to Norfolk in the early fifties and made their home here, raising their three children, Daniel, Cathy and Elizabeth who all attended the Norfolk Island Central School. Gwen moved back to New Zealand to live with her daughter Liz after the death of Tom and Danny. Gwen was in her 99<sup>th</sup> year. To her family and her many friends this House extends its deepest sympathy. May she rest in peace.

**Shannon Macrae** was born in Camden Hospital, South of Sydney, in August 1988. Tragically he died aged 24 yrs. He attended St Columban's, a Catholic secondary College in Caboolture, Queensland and did very well at his schooling. Shannon was an excellent sportsman and excelled at rugby. He enjoyed music and was a drummer in his won band. Shannon was an excellent cook and for a while considered a career as a chef. This changed and he became a concreter by trade. On weekends he worked with his brother, feeding and caring for the homeless. His main ambition was to travel to third world countries to assist in any way he could. To his father Phil, his mother Sharron, and his three brothers Darren, Daniel and Patrick, to his Grandmother June Heemskirt, and to his many relatives and friends this House extends its deepest sympathy. May he rest in peace.

**David Richard Quintal** affectionately known as (Kik-Kik) was born on Norfolk Island in September, 1954. He had reached his 58th year. He was the eldest of 3 children, born to the late George Kik Quintal and his wife Bonnie. David started School in 1959 and throughout his life he stayed a close friend to some of those class mates. In 1969 he finished school and for a short period he was a crew member on the 'Jacques del Mar' before joining the Army in 1972 with Boyd Buffett. After their Passing Out Parade at Kapuka Army Camp, David was posted to Bandianna, where he joined the 21st Supply Battalion and applied for a Parachute Riggers Course. He trained as a parachutist and attained his Red Beret which he always wore with great pride. After completing the Rigger's Course he became qualified in inspecting, cleaning and packing all types of parachutes and other aerial supply equipment of the Australian Army. He married Aileen Campbell and they had two children William George (Billy) born in 1975 and Dianne Joyce born in 1977. A year later he brought his family home to live. Following the end of his marriage to Aileen he met and married Kim Blackburn and they had two children - Joni Lee in 1986 and Manuarii Sean (Mannie) in 1990. His children remembered that he loved swimming, sailing, and boating with them. Until they were able to swim themselves he would swim out to the raft in Emily Bay carrying them on his back. David had various jobs including running his own Lawn mowing business for a while, crew member on the Isle de Lumiere, Pine Tree Tours, (see Boo Prentice's words on his time there at the end of this Eulogy), Administration maintenance man, a mini-digger business, salt making business and recently at Marie's Pitcairn Settlers village. He was also well known for his volunteer work which included the Country Music Association which he loved and lived for. He was the driving force behind organising sponsorship to have a trip to Norfolk as a prize for one of the Jacaranda Festival winners. He was instrumental in the conception of the Foundation Day re-enactments on the 6th of March. At Christmastime he loved to play Santa. A number of years ago David went to Pitcairn Island and fell in love with the place. It was his dream to go back there, but unfortunately poor health struck him and it was not to be. Tania Christian who travelled on the same ship as David will relate those stories to you.

Unfortunately David's medical condition resulted in his having to spend long periods of time in Sydney, and he passed away there. To his family and many friends this House extends its deepest sympathy. May he rest in peace.

**Valerie Shirley Christian-Bailey** was born in August 1945 in Auckland and grew up on Waihike Island. At 19 years of age Val came to Norfolk Island for a holiday and stayed at the old paradise hotel. There she met Mick. They had a long distance courtship which lasted four years before Val moved to Norfolk permanently in 1968, taking up the position of nursing sister at the Hospital, a job which spanned some 25 years. During this time Val was matron for several years, always a very professional and caring nurse. Val married Charles Herbert Christian Bailey at the Chapel and she and Mick had two daughters Olivia and Virginia. Val was a hard worker. Often working night duty she would finish and return home to plant vegetables alongside Mick. They supplied many shops and hotels with vegetables as well as generously giving their produce to young and old across the island. Val loved sport and was a champion fencer in New Zealand. She also had a great love of

tennis and cricket and took an avid interest in children's sport helping to fund raise and supporting the teams when they travelled. Val was a great cook. Her kitchen was always a very busy place and for many years she won her share of prizes at the A & H Show. She was famous for her brandy sauce. Two and a half years ago, Val moved to the Gold coast to spend time with her family. She bought herself a new home and car only minutes from her grandchildren Hannah and Alex. She took up lawn bowls and table tennis, with lawn bowls becoming her almost full time sport with the many friends she had made. She enjoyed her times on the green and travelling around competing against other clubs. To Val's daughters Olivia and Virginia, to their partners and children, to her many friends on Norfolk Island, this House extends its deepest sympathy. May she rest in peace.

**Dale Frances Hogden** was born in Melbourne on the 29th of November 1947. She was the elder child of David and Margaret Greenham. The family moved to Sydney soon after birth. Her brother Bill was born about 2 years later. She attended school at Concord and when they moved to Palm Beach she went to Avalon Public school. Another move to Harbord where Dale went to the local Public school. The family's last move on the mainland was to Manly where Dale attended Manly Girl's High. Dale began work at Royal Prince Alfred Hospital as a student nurse in the last of the 4 year hospital trained nurses. She finished 7th in the State in her final exams. One of her girlfriends had met Michael on a cruise. She rang him and asked if he would like to take one of her girl friends to their Graduation Ball. Eleven weeks later they were engaged and they married on the 9th of August 1969. Dale had started work in the Kidney Transplant Unit at Sydney Hospital. Even though she had told the Hospital that she was getting married she was refused the time off so she resigned and went to work at The Far West children's Hospital in Manly. Their first home was in Lugarno. They spent some time in Cobar while Michael did the plumbing on a new infants school. Stephen and David were born in Sydney. Dale's Parents came to Norfolk in the early 70's and after several holidays here and with Margaret being sick the family packed up and moved to Norfolk in April 1977. Two more sons Michael and Andrew came along over the next 3 1/2 years. Almost from the time she arrived Dale had worked at the Hospital. She was a member of Saint John, a keen quilter, Lions Lady, and for many years The President of the Norfolk Island Ballroom Dancers. She loved her husband her four sons their wives and partners, her six grand children, Theika, Callum, Liam, Max, Mia and Casper and her two great grand children Levi and Evie. She passed away in her sleep in The Clare Holland Hospice in Canberra on 16th December 2012. She loved this Island and at her request Michael and her sons brought her ashes home to be interred. Dale will be sadly missed in our community. To Michael, her sons and their families, to her many friends this House extends its deepest sympathy. May she rest in peace.

SPEAKER Thank you Ms Griffiths. Honourable Members as a mark of respect to the memory of the deceased, I ask that all members stand in silence. Thank you Honourable Members

### QUESTIONS WITHOUT NOTICE

SPEAKER Are there any Questions Without Notice please

MR KING Thank you Mr Speaker. Can I address a question to the Chief Minister. Chief Minister in the light of the many occasions on which I've raised deficiencies and inadequacies in relation to the Legal Aid Guideline, can the Chief Minister inform the House of any positive steps taken towards correcting this

MR BUFFETT Thank you Mr Speaker and thank you Mr King for that question. I reported to the House on a couple of earlier occasions that I had asked the Legal Aid Advisory Group if they would be kind enough to review the guidelines and a number of associated activities that they have responsibility for. The presiding member had indicated to me earlier that he had with

his group, was in the process of revising the guidelines. I enquired a couple of days ago because Mr King has been continually asking me about this, and quite correctly so, and the latest report I have is there is a matter of some weeks for them to re view the work that they have done and to provide a report to the Government. When I have that I can then make that available

MR KING Thank you Chief Minister. A supplementary if I may. Chief Minister would it not be more appropriate that paid public servants be given the task to undertaken rather than relying on people who are employed or engaged in a honorary capacity

MR BUFFETT Thank you Mr Speaker and thank you Mr King for your supplementary question. If indeed we had the range of available skills within the service to be able to undertake such tasks such as Mr King has just asked me about, we could prospectively do but in fact we don't have those range of services available, I'm not saying that there are not people in the service who could undertake that task, I'm saying that we don't have the available people to undertake that task and we are indeed grateful to those who provide helpful services on a voluntary basis, especially those who do have almost a lifetime of legal skills, in this particular instances, I'm indeed particularly grateful for the presiding member who is in that category for making his skills available to the Norfolk Island community

MR KING Thank you Mr Speaker. A supplementary if I may. Given Chief Minister that under guidelines which have never been removed in the fifteen year life of them and the almost guarantee that no one could possibly qualify under those financial guidelines, can the Government advise the advisory committee or is the Government in that position to advise the committee to exercise a wider discretion and not adhere rigidly to those dated guidelines

MR BUFFETT Thank you Mr Speaker, the advisory committee has not given me that particular advise. They have preferred to update so that there is a known quantity in how they proceed. That obviously is the most advised arrangement. I'm not too sure that it can be clearly said that no one could qualify but certainly the criteria has made it so that less people are able to meet the criteria, hence one of the real reasons for the review

MRS WARD Mr Speaker would the Minister for Community Services who has the responsibility for environment give an update on the position of the plans of management for the public reserves

MR SHERIDAN Thank you Mr Speaker and thank you Mrs Ward for the question. The review of the plans of management for the 19 reserves that Norfolk Island encompasses within Norfolk Island, the draft plans of management have been delivered to me and I have copied all Members with copies of these draft plans. It is my intention, that I've asked for some feedback at the end of this month and I'm hopeful that in February these draft plans of management will be able to be released for public consultation for a period of say four weeks to the end of February and then in March it will come back to the Government for assessment as to where these finalised plans would be so that's where they are at this point in time. they have been delivered from the Conservator, I'm waiting for feedback now from the Members around this table, and then they will be publicly gazetted for further feedback and then the final drafting will be done so that should answer all those queries.

MR KING Thank you Minister. A supplementary if I may. Is the Minister saying that it is the Government's intention to complete this review and implement plans of management within this current caretaker term

MR SHERIDAN Thank you Mr Speaker and thank you Mr King for the follow up question. I don't believe that this Government will have the time to finalise these plans of management so it probably will be left up to the next Government to formally table it in this House and to have the final say, but I'm still working through the process which should happen so that the public can have their say on these draft amended plans the same as the Members and just because now an elections been called for the 13<sup>th</sup> March doesn't mean to say that all administrative work ceases, we still have to move on and complete our tasks

MS ADAMS Thank you Mr Speaker, I have a number of questions this morning. Without exception they are all from Members of the public. The first is to Minister Sheridan. Minister could you please provide an update on water contamination if any in the KAVHA catchment area and waterways leading to it

MR SHERIDAN Thank you Mr Speaker and thank you Ms Adams for the question. This question in relation to contamination of our groundwater has been covered quite substantially in the last three years of this Government and there's been various reports done. Some locally and some testing from overseas people. The state that we're in at this moment is that our health and quarantine officer does undertake routine testing and those results are collated by him and these results have been forwarded to Members in the past. There is also a report commissioned by the Administrator last year, by which a report was done locally and this report was focussed on the drinking water at Government House but they also undertook some further sampling of the water catchment areas leading into the KAVHA area, the Kingston area and into Emily Bay. As we already know, those testings did indicate that there was contamination of pathogens in the ground water, both human and animal. Together with the Administration we've put out a tender for a reputable company to undertake some further assessment of these results, both the ones that the Administration have undertaken and also the various reports that have been done on groundwater over the years and this person Mr Rowan A she from URS Australia was supposed to be on island the 14<sup>th</sup> January, last week, to complete this task. Unfortunately he has a passport problem, wherein it has expired so he's had to reschedule and he now will be on island on the 11<sup>th</sup> February and his task and this has been already advised in the local paper some couple of weeks ago, but his task will be to advise the administration on the likelihood of onsite septic systems contributing to contamination of groundwater, surface water and sea water in Emily Bay, the likelihood of the water assurance scheme leaking and contaminating groundwater, surface water and sea water in Emily Bay, the likelihood of cattle and other animals contributing to contamination of groundwater, surface water and sea water in Emily Bay and practical measures that can be taken to reduce the potential of contamination of groundwater, surface water and sea water in Emily Bay. So that's the task that this organisation has been set and so hopefully it won't be too long a task to complete. He'll be here on the 11<sup>th</sup> February for a week and I would hope that before this Government ceases, that I will have a report back that I can share with Members and just as an aside there, the testing that has been undertaken in Emily Bay over all of last summer I haven't seen any results for this summer, but they clearly indicate that the water that we frolic in and spend our leisure time in is virtually free from pathogens. There was one occasion of a high reading and the reason for that was when they cleared out the drain here, when they cleaned out the reeds which acts as a mechanism to reduce pathogens etc in the water so I can assure Members of the public that the seawater is Emily Bay is safe to swim in

MR KING Thank you Minister. A supplementary if I may. So it appears Minister that the Government has abandoned this undertaking to test the integrity of the water assurance scheme the sewerage scheme for which moneys have been supplied in favour of this wider examination by this chap from URS who will only look at the possibility rather than undertake the examination of the integrity of this scheme and why would that be the case. Why was that undertaking not adhered to

MR SHERIDAN Thank you Mr Speaker and thank you Mr King for the question. Mr King's right, there was some money, some \$25,000 I believe allocated in the last couple of years budget to undertake some full assessment of the water assurance scheme to ensure that it wasn't leaking. Upon further investigation by the Administration advise was received to indicate that what we had planned to do, and that was through the dye testing, would achieve little. This method of getting some advise from a reputable firm in Australia who deals with contaminated water and sources all the time will give us a clear guideline and some indication as to whether or not a further search will be required. If it is deemed that the water assurance scheme is leaking. It may seem like a convoluted and drawn out process but this is the process that we've come to at this point in time and I've taken my advise from the officers of the Administration so we'll continue on from here

MR KING A final supplementary if I may. Minister isn't it a fact that the water assurance scheme has exceeded its predetermined shelf life by five years and that in itself is sufficient justification for undertaking an integrity test

MR SHERIDAN Thank you Mr Speaker and thank you Mr King for the question. I'm not sure whether or not there actually was a shelf life based on the water assurance scheme as a whole. There was some indication I think it was commenced in 1989 that there was a twenty year shelf life but all inspections of the infrastructure that supports the water assurance scheme has found it to be functional, safe, sound and that there is no requirement at this time to replace the scheme as a whole. There are components within the scheme that are replaced periodically and this is pump stations, etc, the mechanical portions of the scheme that do break down, but if Mr King would like me to organise a site visit to the scheme he can see for himself that it is operating functionally, it's operating how it's supposed to be and the infrastructure is sound. There is no reason to rip it down and rebuild it at this point in time

MR KING Thank you Minister. A substantive question on the same subject matter. It's a health related question. Would the Minister undertake a review, not a fully blown expensive review, but perhaps an examination of the location of the sewage dumping sites in and around the waste management centre in the light of public health and public comfort considerations and smells

MR SHERIDAN Thank you Mr Speaker and thank you Mr King. The site where they deposit the pump out from septic systems around Norfolk Island as everybody knows, is on the roadway leading into the waste management centre. There has been plans for some time and I believe all infrastructure is in place, and I'm not sure as to the status of why it hasn't been completed, but a new dump site was to be placed around at the water assurance scheme where the ponds are, a new dumping site had been identified for there, as I said everything has been brought, I just don't know the state of where it is to bring it into operation. It is the intention then to close down that one that is on the approach to the water assurance scheme and therefore any community concerns in regards to any community health should be alleviated because it should be well away from the approaches to that centre.

MS GRIFFITH Thank you Mr Speaker my question is for the Minister for Tourism. Minister Nobbs should we manage to be successful in attracting a greater number of cruise ships, is there an intention to establish port and landing fees for such ships

MR NOBBS Thank you Mr Speaker and thank you Ms Griffiths for the question. At this stage it certainly is the intention to establish those fees and they will form part of the business case that moots not only cruise ship interaction forward but also no doubt part of the grant application

MS ADAMS Thank you Mr Speaker, as I foreshadowed these are all from Members of the public. They are to the Chief Minister. Is it a fact that a committee was established last year to commence consideration of what the land tax or rates would be and the methodology to be used to apply the new tax? Has the committee met and if so how often; what are their terms of reference; who is on the Committee; has the Committee reported to the government and if so will the Chief Minister make the Committee's report, interim or otherwise, available to members.

MR BUFFETT Thank you Mr Speaker. Mr Speaker I have a statement to make in respect of property taxes. I'll make that statement and then if there are outstanding matters that Members might see arising, including this particular question, then they will have the opportunity to raise it then. So I'll respond to those questions that relate to that subject in terms of my statement about property taxes

MS ADAMS Thank you Mr Speaker, to the Chief Minister Is it intended that the Absentee Landowners Levy Act be repealed, and if so, what is the timetable for this

MR BUFFETT That's equally included in that process

MS ADAMS I'll highlight then with your agreement as to the subject matter and you can then advise whether you are covering these matters

MR KING Mr Speaker for years I've been told to direct my questions through the Chair.

MS ADAMS That's exactly what I'm doing. I did address Mr Speaker

MR KING I thought you were having a conversation with Mr Buffett

MS ADAMS Thank you Mr King. Mr Speaker may I continue. Thank you. Is it intended that the current provision in the Absentee Landowners Act to cap the levy paid by residents within the meaning of the Immigration Act also apply under the new land tax scheme. If I may continue. Chief Minister given that the Land Valuation Bill will effect every landowner on and off the island, will the Chief Minister give an undertaking to provide to every landowner a summary of what the legislation is designed to achieve, along with a timetable of steps needing to be taken to achieve the outcome that the Government is seeking to achieve and the Commonwealth is requiring

MR BUFFETT That I will endeavour to encompass in the statement thank you

MS ADAMS Will the Chief Minister confirm that the Land Valuation Bill binds the Crown including the National Park and Reserves

MR BUFFETT Mr Speaker in respect of that particular question it is not covered in what I intend to say. I don't really have an answer for that. I will have to do some research to see how that might fit into the process

MS ADAMS Thank you Mr Speaker, to the Chief Minister, will the Chief Minister please advise how the government proposes to ensure that land tax or rates imposed on land handed down as family land since the land grants to the Pitcairn descendants in 1856 will not conflict with the intent of the Preamble to the Norfolk Island Act which states "the Parliament

recognises the special relationship of the said descendants with Norfolk Island and their desire to preserve their tradition and culture”

MR BUFFETT I assure you that will be part of the statement.

MS ADAMS I'll leave the rest for now thank you Chief Minister and I will see if I can continue following your statement

MRS WARD Thank you Mr Speaker, my question is to the Minister for Tourism. Is it a fact that an access agreement to Norfolk Island ADSL infrastructure has been publically released

MR NOBBS Thank you Mr Speaker and thank you Mrs Ward for the question. The ADSL access agreement has been released for public comment and we are currently awaiting feedback from that to progress it to finality in enabling that access

MRS WARD Thank you Mr Speaker, a supplementary if I may. Is it a fact that the contract contains connection charges, and if so, how were these figures arrived at

MR NOBBS Thank you Mr Speaker and thank you Mrs Ward for the question. I would have to state pretty clearly that the content of that access agreement is largely ~ I must really point out ~ that the majority of the content of that access agreement is in reference to ACCC similar agreements so in calculating costings and the like as I understand it, they've been in reference to other formulas used in other areas. It has also been worked on obviously through our Legal Services Unit which has been given assessments for those costing calculations by various managerial areas of the public service and it has also particularly the costing calculations have also been referred to Commonwealth departments

MR KING Thank you Mr Speaker a question to the Chief Minister if I may. Chief Minister I wonder whether you might advise the House whether the objectives of the capacity building team, a team which has been put together with the agreement of the Commonwealth and local Government to assist in the upgrading of the skills of the public service, whether those objectives have been met

MR BUFFETT Thank you Mr Speaker and thank you Mr King for the question. The capacity building team has eventuated as a result of the The Public Sector Report that was commissioned under the Roadmap and this Report, amongst a whole host of other things recognised and identified that there needs to be a capacity building task undertaken in the service. It is particularly identified five areas, and the report itself recommended that independent people be engaged in those five areas to be engaged in the service to assist the service to build its capacity. There's a cost in that of course. The Norfolk Island Government did not have the funds for that purpose. The Commonwealth Government for its part, it commissioned the report I might remind you, the Commonwealth equally did not see that it could meet the cost for independent operators but as an alternative endeavoured to approach various other Commonwealth departments to provide people for that purpose and that happened and there were three people brought to the island in that context. As far as I'm able to judge, I will put it this way, I have not seen written terms of reference for that particular task although I'm not doubting that there will have been some terms of reference issued but they were principally managed by the Commonwealth and obviously in conjunction with the head of the service within those areas that they were to be so placed. The processes has had a mixed result. The time for those three people have come to an end. They've all left. I haven't seen and I suspect nor has the CEO seen, an exit report by those people and I think that it is fair to say that there has been some internal processes within the Commonwealth's

sphere that they have needed to address. I think no doubt that Regional Australia has endeavoured to have some continuity with those departments who have provided those funds to provide those people at no cost to Norfolk Island and I think with no cost to Regional Australia, and those departments may not have been willing to continue to make that financial contribution on a further basis. And as I've said, that has come to an end. But I want to move beyond that because during that time we acquired a new CEO, a good man I might say and you will know that already, and his assessment is that Norfolk Island's service continues to have a need for capacity building. A significant need for capacity building. He has acknowledged the role of the three people who have been here, have given, but their part having come to an end, he on account of the service and moving forward with the Government's endorsement has said that I will need within the service to gain somebody to at least do some of the role of the capacity building notwithstanding our server financial constraints. And you may well have seen in the newspaper an advertisement for a Business Systems Analyst. He has explained to us and I might just remind Members that there have been a couple of occasions where I have invited the CEO to come to the Members and explain various tasks. He has been to the Members and explained that particular task. He did that a day or so ago and he has endeavoured to explain that we need that capacity building and notwithstanding the constraints he had undertaken to recruit that person for a very limited time I might say. Twelve months. It has not been secured at this moment but the advertising process has commenced so there may be a continuity of capacity building so that those who have the task of performing in a governmental role will have the benefit of those who are in managerial roles to be able to assist them to formulate policies in a written sense as well as taking advantage of their operational skills. We have some people who are better than others at this moment. Those who perform, perform well, but there is an opportunity to increase their capacity and that is what this is about. So you can see that there have been pluses and minus in this process. It has not been all as the Public Sector Report has recommended but nevertheless, there have been opportunities for us that we have endeavoured to take and maximise and I have endeavoured to point out to you how the present CEO is endeavouring to move forward in a proactive way in an endeavour to continue to build capacity in the service.

MR KING Thank you Chief Minister. A supplementary if I may. How aware did the responsibility lie for issuing progress reports and exit reports in relation to the conduct of the capacity building team and does the Government not regard this as a critical backward step in the development of skills to face the challenges of change.

MR BUFFETT Mr Speaker those things that Mr King refers to are difficulties and that's acknowledged but there have been pluses too. They have brought skills and whilst we, in areas that we have been able to control, bearing in mind that these are Commonwealth officers, paid by the Commonwealth. They have come here. We have endeavoured to utilise them within the service to the best that we are able to participate and we have had pluses in that. There have been some difficulties in the reporting processes. I make no bones about that but I am endeavouring to point out the plusses, and I am equally pointing out that now that it has drawn to a conclusion that the CEO has been proactive in endeavouring to move forward and that is applauded

MR KING Thank you. Looking at the question as a supplementary nature there has been a slight departure. The Chief Minister has spoken of a new position of a Business Systems Analyst. How does that sit in relation to the ongoing engagement of what I understand is a Roadmap Consultant or Roadmap Advisor, a position currently occupied by Mr. George Plant

MR BUFFETT Mr Speaker we're talking about two separate areas here. Yes we're talking about intermingling of course, as a great many of the senior tasks from the service have an intermingling but we are talking about two separate roles in this particular areas and the one that the CEO has recently advertised is not only I might say of his particular action but the

work of his predecessors have been positively and professionally embraced by Public Sector management and the CEO is obviously wanting to have a continuity to that

MR KING Thank you Chief Minister. A further supplementary if I may. You appear to be about to bring me to a halt is that correct. No. A supplementary in relation to the position occupied by George Plant, that Roadmap consultant position. I asked some questions over some months some time ago about the recruitment process that was taken there without being satisfied in relation to that process. Can the Chief Minister advise the relation with that process, how it took place and what the ultimate outcome was in terms of recruitment and appointments

MR BUFFETT To be quite frank I thought that I did so report Mr Speaker. Although I need to refresh my memory as to exactly how that was. I think possibly I can respond to that later in the cycle of this meeting so that it is not left unsaid. I'll come back to you later in the meeting

MRS WARD A supplementary if I may Mr Speaker on the same subject. It is no secret that we require external assistance to assist us with building capacity in the Human Resources Area, Finance and IT, Internet Technology. That is within the Norfolk Island Public Service Review. The question is, now that the CBT team have gone, is it a fact that acknowledging those weaknesses, deficiencies, lack of capacity, that we are being forced to go it alone in these areas. That is the question thank you Mr Speaker

MR BUFFETT Thank you Mr Speaker and thank you Mrs Ward for that question. I endeavoured to point out that the Capacity Building Team, the three that came, their time is concluded and they have gone and that there is no continuity signal at this stage to us by the Commonwealth. There is a continuing need and therefore we have recognised this need and are getting about the task maybe in a more limited way but the best we are able and that's what we are doing

MS ADAMS Thank you Mr Speaker, to the Chief Minister, what steps if any has the Norfolk Island Government taken to achieve a full copy of the 2006 report from the Centre for International Economics on Norfolk Island and which is understood documented the expected or potential impact on local investment, employment and population levels of incorporating Norfolk Island in the Australian taxation system. If the Government has not requested this report will the Chief Minister undertake to do so please as a matter of priority to ensure that the Government both present and incoming is fully aware of any potential negative impact that the imposition of higher taxes on island residents

MR BUFFETT Mr Speaker thank you and Ms Adams, thank you for that question. Certainly the Government can renew its request for that report as it has asked on earlier occasions. I am aware that there are members of the community who have sought that document under the Freedom of Information, probably not successfully, nevertheless, there has been. I'm very happy that the Government again make a request for it

MS GRIFFITH Thank you Mr Speaker, my question is to the Minister for Broadcasting, can you advise community Members who were participants of the radio station survey as to when they might expect results of this survey

MR NOBBS Thank you Mr Speaker and thank you Ms Griffiths for the question. About 20 minutes. I have a statement that I have compiled from the Broadcast Manager's results of the survey so I hope to present that in statements, thank you

MRS WARD Thank you Mr Speaker, my question is to the Minister for Tourism. The Minister recently released a draft Tourism Strategy. Will he be able to indicate to Members how many responses he received and from which particular areas of the Industry

MR NOBBS Thank you Mr Speaker and thank you Mrs Ward for the question. I would be guesstimating from the feedback from the General Manager of the Tourist Bureau and from what I've seen from within the email flows but I think that there would be about 45 to 50 responses. Not all written. Some of them have involved people making personal approaches and asking for discussion on the material contained therein. To be brutally honest, considering the radio and newspaper approaches to make people aware that they have access to this document and to encourage them to respond, given the fact that we have a Norfolk Island Government Tourist Bureau Advisory Board representatives from the Chamber of Commerce and ATA, given the fact that I've had discussion with the stakeholders, given the fact that I've been personally involved in bringing over the Economic Development Australia Team and Peter Kenyon from Bank of Ideas to encourage participation in the strategy and in ownership of the final outcome as well as the community involvement in the vision statement development, I would have preferred to see more feedback and certainly at the recent Chamber of Commerce meeting, I was quite disappointed to see when asked, the small number of people who have actually engaged in the drafting of the final tourism strategy

MRS WARD Thank you Mr Speaker, when does the Minister expect the report to be finished and in fact is there a timeline, a deadline for the draft strategy to be released and finalised

MR NOBBS Perhaps 22 minutes Mr Speaker. I have a final draft that I would like to table in the House today which is the result of all feedback collated. Certainly a great deal of revision and rewriting and contextual analysis for the whole plan that I will be tabling in the House later this morning

MS GRIFFITH Thank you Mr Speaker my question is for the Minister for Health. Minister have you a mechanism in place to continue to monitor the success or otherwise of the stop smoking campaign

MR SHERIDAN Thank you Mr Speaker and thank you Ms Griffiths for the question. The only mechanism that we have in place is by the number of people who have joined us for the quit smoking campaign and have succeeded and in I think the last 6 or 8 months there have been around 40 who have joined the scheme and there's only been about three withdrawals so I think the scheme has been very successful

MS ADAMS Thank you Mr Speaker, to the Chief Minister. Is it a fact that in the 1997 Commonwealth Grants Report, the Commission found that while Norfolk Island had a narrower range of taxes compared to those in Australia, for the equivalent taxes Norfolk Islanders paid up to six times the level of tax than that paid in Australia. If this is correct why has this fact been ignored in the Roadmap and Funding Agreement debate

MR BUFFETT Thank you Mr Speaker and thank you Ms Adams for that question. The factor identified by Ms Adams hasn't been ignored in the Roadmap at all. The Roadmap endeavours to give a broader spectrum of how taxes are collected, not just in a narrow way that is identified in the Commonwealth Grants Commission, so in fact it hasn't been ignored. It's not really a matter for the Funding Agreement when I think of it in a general sense, but it is certainly a major factor in how the Roadmap arrangements are to continue. I keep saying Mr. Speaker that the Roadmap components are not individual areas that stand alone. They are

intertwined and relate one to the other and the matter of taxing regimes under the Roadmap are obviously much wider but the benefits are equally much wider and that is why Norfolk Island is not able to exist in its smaller pool of 1800 people and it needs to progress to the larger pool so in terms of this particular question, no the narrowness of Norfolk Island existing task of taxes and moving to a wider range, is not ignored because that's where the Roadmap is leading us to

**MS ADAMS** Thank you Mr Speaker. This could be a supplementary but could also be a stand alone Mr Speaker. To the Chief Minister. Is it a fact that according to the 1997 Grants Commission Report at page 164 the rate of taxes which applied in both jurisdictions were double in Norfolk Island when compared with Australia, even before the 9% and 12% Norfolk Island GST was added to the Norfolk Island mix of taxes and if so can the Chief Minister explain why there is a continual assertion by the Commonwealth that the Federal funding and/or investment in Norfolk Island should be withheld or delayed as Norfolk Islanders "don't pay tax"

**MR BUFFETT** Thank you Mr Speaker and thank you Ms Adams for the question. The Commonwealth have continually said to us although we are endeavouring to delink the matter of benefits and the matter of payment of taxes, the Commonwealth have particular said to us that they have difficulty in that we don't pay taxes into their pool. This is recognising that we pay taxes but into our pool. We are saying particularly in terms of GST which is the principal tax that comes to our pool, \$7m approximately each year. That small pool is insufficient. If we pay that into the larger pool then the benefit that comes out of that are greater. But the Commonwealth just to pick up the matter of "don't pay tax" is really talking about we are not making a contribution to their taxation regime and the Roadmap in terms of our progression from the smaller pool to the larger pool is making a contribution to that larger pool and therefore we will have the benefit of withdrawing from that pool the range of benefits that we may not have at this moment. Even more so it will pay for some of the benefits that we now find we are not able to pay for. Does that help in the process ?

**MRS WARD** Thank you Mr Speaker. A supplementary if I may. What steps is the Norfolk Island Government currently taking to encourage the Commonwealth public investment in infrastructure on the island

**MR BUFFETT** Thank you Mr Speaker and thank you Mrs Ward. Again can I just say that in terms of the various processes that are being progressively put into place, rarely do they stand alone, and they are interlinking arrangements. In terms of encouraging private and public investment in business and infrastructure this is recognising that we need to lift our resident numbers, equally we need to lift our visitor numbers of course, but private and public investment is really talking about the resident area at this moment. It will depend upon their customers which are visitors maybe, but the latter bit first. A number of things have been done. Firstly in the immigration area. We have already passed legislation in this Legislative Assembly to give greater facility for Australian and New Zealand citizens to come into the island and to take up business opportunities that assist those who would want to exit such arrangements that might exist at present but also give opportunity for additional funding to come into the island to do additional things to that which exists here at this moment. But in addition to that, you will know that the Government is about examining the divestment of what are now Government Business Enterprises and that therefore gives greater public investment opportunities to undertake those tasks. Now before we get to that stage of course there is to be an assessment of what that is the best thing in terms of individual Government Business Enterprises and that task is about to be embarked upon in conjunction with the Commonwealth so there are a number of factors and again you will see that one links with the other. The idea of course is that if that encouragement happens, if there is greater private investment in businesses and infrastructure into the island then that will be a greater turnover of funds within the community and therefore the taxing regime that has been asked about earlier will

be able to be in place that will make from those activities a contribution into the public purse so that the range of services that need to be provided by Government can be provided. All of them are interlinked.

MRS WARD Thank you Chief Minister. A supplementary if I may. Would the Chief Minister agree that a doing the work and applying for a bid to the Commonwealth under the Regional Development Australia Fund is a move to encouraging Commonwealth investment in Norfolk Island

MR BUFFETT Yes, I think that was probably part of what you asked me earlier and I think I probably missed that part. Yes. It's an important part and thank you for reminding me about it. Maybe I just should give some background about this. We talked about the Commonwealth being reluctant to allow benefits to flow to Norfolk Island until such time as we paid into the pool. I partly answered that question when Ms Adams asked me about that and I pointed out that there was an effort to delink the two, and I just want to illustrate that Minister Crean who understands our position here and has responsibility for regional grants, notwithstanding that we've not reached the stage of contribution in terms of Australian taxes at this moment, has permitted that Norfolk Island can be bidders for regional Australia grants and the next two that are on the lists at this moment are rounds 3 and 4. If I remember the figures correctly, round 3 is a maximum project of is it \$500,000, have I got that figure right, yes \$500,000 and we've made a bid for that. That's the waste management arrangement. In terms of round 4 there is a multimillion figure attached to that and that's where the Cascade Pier and landing arrangements come into play which is a \$15m touch. And Norfolk Island is keying up to ensure that it meets timelines to be a proper applicant in both of those two instances. That will provide the Norfolk Island community with a project a t the Waste Management area and a much larger project in terms of the Cascade Pier arrangement. Cascade Pier to state it again has these components. They are significant. Obviously improving the quality of the present pier, extending the present pier to purchase a crane of a superior quality to that we have at this moment, in other words, a greater lifting capacity, and to purchase barges which will have two particular tasks, one to carry people in terms of the cruise ship arrangement to give greater surety there and secondly to be able to carry containers so that that will assist when the import of products come in to the island, they are moving in a more efficient arrangement and less cost. They will have cost implications for the Norfolk Island community and that total t ask of course will offer employment. So there is a range. That is probably the biggest task that is on the books at this moment for the benefit of Norfolk Island. Hopefully that overview might be useful Mr Speaker

MRS WARD Thank you Chief Minister. A supplementary if I may Mr Speaker. Are there plans for either the Norfolk Island Government or the Commonwealth Government to supply direct economic stimulus to the private sector in the short term, that is, in the next six months

MR BUFFETT Thank you again Mr Speaker and thank you Mrs Ward. I have a question on notice which covers that, at least in part and maybe I can just tackle it now. Would you object if I respond to question 517 at this moment Mr Speaker because it covers that answer? I'm happy to tackle it when we comes to questions on notice if you want to address it then

SPEAKER Do you prefer to answer now Chief Minister

MR BUFFETT I'm not fussed either way Mr Speaker. But first of all can I thank Mrs Ward for the question now but can I thank Ms Adams, because she has raised a question on notice with me but the response can be covered by both so thank you to you both for that. In other words, does the Norfolk Island Government or the Australian Government have a stimulus package arrangement. The Norfolk Island Government has in several past discussions and budget

submissions to the Commonwealth sought from the Commonwealth to undertake stimulus measures in Norfolk Island. To date they've not been successful in terms of immediacy in the context that you asked, you asked about the next six months but let me just explain to you what the bids have been. First there has been a request for increased promotional spending. That initial request was something like \$500,000 I think. The next was funding for implementing a moratorium on GST payments associated with construction and with various local infrastructure works so people get a credit in terms of GST when that came along. Additionally and this is of more recent times, the matter of months, Minister Sheridan and myself identified with Minister Crean the range of difficulties being experienced within the community indicated by the likes of the number of people accessing food care, social service benefit applications, councillor referrals and the like and pointing out that a stimulus package comparable to that the Australian Government had issued to its own people in the Australian mainland would be of significant benefit in the Norfolk Island community. We've not been able to get a satisfactory response from the Commonwealth in respect of those although after those bids were made we received the annual financial arrangements that we all know about and that's \$4.5m in this particular financial year. That's the response to both questions in respect to what's immediate. The Norfolk Island Government regrettably does not have funds to just go out into the community and provide x number of dollars to every person or to families. That would be wonderful to do. That was done in the Australian context at an earlier time. We have sought the Commonwealth's participation to maybe do that in Norfolk Island. We are where we are.

**MS GRIFFITH** Thank you Mr Speaker my question is for the Minister for Community Services. Have we yet received the Commonwealth's Child and Family Health Services Review Report yet

**MR SHERIDAN** Thank you Mr Speaker and thank you Ms Griffiths for the question. The response is the same as last month. The report is still with the Government and I believe it's with Minister Macklin in the Fehcsia area, and it hasn't been forwarded to this Government as yet

**SPEAKER** Honourable Members I note that we have exceeded our time for questions without notice. Could I have an indication that you would like to extend questions without notice. Any further questions without notice.

## **ANSWERS TO QUESTIONS ON NOTICE**

**SPEAKER** Are there any Answers to Questions on Notice please

**MR BUFFETT** Mr Speaker the question no 511 from Mr King asks this of me. Given the significant interest to the community of obtaining the best price for the supply of fuel to Norfolk Island;

1. What is the extent to which the government considered whether those interests are better served by fuel importation being in private hands as opposed to the Administration being the importer;
2. What is the extent to which this factor has been, or is required to be, discussed with the Commonwealth;
3. If no policy position has been adopted can the Chief Minister advise why not;
4. If no policy position has been adopted can the Chief Minister undertake to have the Administration be asked to prepare a paper canvassing the merits of both options; and
5. If a procurement option involving the private sector is favoured can the Minister advise the house what progress has been made on the development of a Request for Tender for Fuel supplies and if the matter has not been progressed, can the Administration be asked to establish some time lines for this process?

Mr Speaker, I would like at the outset to just give a brief outline of the fuel supply chain so that we can have a good understanding in advance of supplying an answer to Mr King's question. I firstly mention that the Administration owned Norfolk Energy is responsible for the import of the majority of fuel in Norfolk Island. It's not the sole importer but just by far the largest importer. The Administration therefore in that context has a contract with a third party to deliver fuel to Norfolk Island and then they have a contract with another party to deliver throughout the island, so to bring fuel in, and then another contractor to deliver fuel within the island. In terms of the delivery of fuel to Norfolk Island I advised the house on the 17<sup>th</sup> October last year, in response to a question on notice which was No 449 that a supply contract had been extended for two years. The carriage of fuel to Norfolk Island in terms of that contract is with Natjola Proprietary Limited. The Administration has again another contract that I've just described to deliver fuel throughout the island maintaining the fuel depots and refuelling airplanes. The costing process undertaken by the Administration doesn't provide for a profit on the wholesaling of fuel however in following the competition principal agreement of 1995 all categories of cost incurred are in the Administration's costing calculation. The Government and the Administration's position on the importation of fuel is that Norfolk Energy is one of the Government Business Enterprises being considered for corporatisation and divestment. We as the Norfolk Island Government have given an undertaking to support consultation and engagement by the department for that divestment strategy and its envisaged that the divestment and corporatisation person or firm to be engaged by the Commonwealth will consider all aspects of the fuel supply chain I've endeavoured to give here, particularly those where the Administration has an active interest and that will be done. Therefore I go on to say that requesting the Administration to prepare a paper canvassing the merits of options might be some duplication. That task will be handled by the divestment corporatisation group. And there we are in respect of that.

MR NOBBS

Thank you Mr Speaker. Question 512 to ask the Minister for Tourism, Industry and Development reads, in attempting in October to have the Minister shed some light on his published plans to conduct some kind of examination of the business sector, the Minister variously referred to his endeavour as a business case, a business study, a business plan, a business analysis and finally as a SWOT analysis. Can the Minister now take this opportunity to clarify:

1. What, precisely and unambiguously he is attempting to do;

Quite simply Mr Speaker, focus tourism outcomes, opportunities and responsibilities on all stakeholders and further emphasise the need for engagement in the tourism strategy. I can quite easily read that media release on the analysis, and in fact I am sorely tempted to because it is a very clear document about the linkages that all the areas have in tourism outcomes. Instead I'll table it and Members are welcome to have a further study of it in that regard.

2. what expertise he has brought to the exercise in making himself part of the examination;

Mr Speaker, I've brought the following expertise to this exercise. Economic Development Australia team, Peter Kenyon and the Bank of Ideas and engagement with community and stakeholders. From a personal aspect my expertise is a business owner and operator in Norfolk Island and Australia through good times and hard times. Expertise gained through the exchange of tourism trends information through the establishment and expansion of tourism, Government and industry networks, the capacity to compile external and local tourism expertise and commentary and taking a pro active approach to write and publish information aimed to benefitting our industry... I think that's a point of order in Mr King being a little hypocritical in what he was saying before, but the sad fact is Mr Speaker is that I doubt Mr King has even read this thing. He made great noises...but this demonstrates that he just couldn't give a damn. I can expand, okay so the capacity to compile external and local tourism expertise and commentary and take a pro active approach to write and publish information aimed to benefitting our industry and reinforcing the elements contained within the 2012-2022 Norfolk Island Tourism Strategy

3. what has been the outcome; and finally,

Stakeholder engagement with development workshops and tourism strategy, broader acknowledgement of potential negative impacts from unsatisfactory service delivery, recognition of infrastructure and online sensitivities and changing traveller demographics, a better understanding of the Norfolk Island branding and its accessibility to stakeholders, identification of niche market opportunities and that these markets are not aged or defined. Education of certain sectors to manage online blog social media and trip advisor and lastly,

4. what benefits can a beleaguered business sector expect to gain?

External and internal expertise have given the same message. Reports going back many years now have a common theme, if Norfolk Island is to improve in our main industry there needs to be significant change to re-establish the value of the destination through exceptional service delivery and where applicable improved standards in tourism access and facilities. The responses to part 3 of this question outlining opportunities that can be capitalised upon by the beleaguered business community. A very consistent message that I've given is that our recovery is not dependent upon Government initiatives, no on large marketing budgets, nor alterations to the wholesaler formula or changes to the Air Zealand schedule or air services agreement. Our recovery is dependent on all sectors re-establishing the value of this destination through exceptional service delivery consistently and enhancing all elements of support for tourism experience. My consistent message in this regard has been backed up by the Members of EDA, the Bank of Ideas facilitator, Peter Kenyon, Members of Tourism Australia, AAA, our wholesalers and agents and numerous reports over the last ten years on tourism industry, particularly to do with retail and accommodation businesses etc. Organisations such as the ATA and Chamber should be compiling initiatives and assisting if not insisting on responding to visitor exit survey comments. Responding to reports such as the Bruce Prideaux study of retail, the online destination from areas such as trip advisor and most of all sharing their tourism successes to assist the broader industry to succeed. Make these commitments and you will see a reasonably rapid improvement in travel agent and wholesaler enthusiasm for this destination. Thank you

MR BUFFETT

Mr Speaker the question no 513 from Mr King asks is it a fact that it is the government's normal practice to facilitate meetings between all Assembly Members and any person wishing to undertake business activities in Norfolk Island, without first having that person's credentials and bona fides established; and

Is it a fact that proper and due diligence was not observed in relation to the Hawaiki Fibre Optic Group prior to Minister Nobbs' invitation to the group to meet with all three members? Mr Speaker in response to this question, Members will know that from time to time they are invited, requested, to attend meetings and they will know that external to the island or to the Assembly area a number of people seek such arrangements and the Government for its part endeavours to facilitate and to include all Members where that is practical and possible. In relation to the recent attendance of representatives of the Hawaiki fibre optics group, the representatives concerned had visited the island previously, I think on a number of occasions and they were known to some Members of the Assembly and to some Administration staff and at the meeting in question the Chief Executive Officer of the Administration was able to be present and was able to raise

relevant questions that were of benefit to those in attendance including the representatives of the group who were visiting. Mr Speaker there was a great deal of research and due diligence conducted by the Administration on the proposals advanced by that group and I think that that was evident when the CEO was able to raise with them various queries about not only their capacity and their plans but the formalities of how they are going about raising funds and gaining partnerships in various ways. Of course in terms of that visit there was no commitment whatsoever by the Norfolk Island Administration or the Norfolk Island Government but it was an opportunity to hear what they had to say

MR KING

Thank you Mr Speaker a supplementary if I may. I missed that part of the answer where the Chief Minister advised whether or not it was normal practice to

accommodate these people at meetings without first having checked their bona fides and credentials. Is that normal practice

MR BUFFETT Mr Speaker it's unlikely that we would go in entirely cold into such meetings. Whether you would be able to do the totality and the ultimate in terms of examination that may come out in actual conversations with the people themselves which proved to be the case in this particular instance

MR KING It appears to be a gross waste of everybody's time and that if you invite all the Assembly Members along to meet with a bunch of shysters when if you had first applied due diligence and turfed them out the door before wasting everyone's time. That's the point but if you are not going to answer it well I think...

MR BUFFETT No, no, no. I think I should respond to that

MR KING There's been enough waste of time on...

MR BUFFETT Well if Mr King wants to raise the matter he needs to expect that there will be time allocated to a response to it. If he thinks it's a waste of time well why did he raise it in the first place but it has been raised. I don't think that we should be characterising people who make approaches in the way that Mr King, but that aside for a moment I just want to make this point. Here we are in terms of our telecommunications, in need of improving that service, in need of being able to access the fibre optic arrangements that is not the forward plan of the Australian Government for Norfolk Island at this moment, and whilst we are in that position we do need to carefully examine those options that present themselves to see whether they have any credibility and whether people might have an interim view about some of the proposals that might come, we need to give them some examination so that in our particular situation we don't miss opportunities. It may well be that some of them turn out to be unsound and if Members were of a view that they thought that they didn't want to be a participant well they have that choice of course. I might say that for a number of meetings that Members are invited to, Mr King doesn't turn up and that's Mr King's view. The reality is that if he is characterised all of the meeting of Members that he has not attended then I think he does a disservice to all of the Members but he can make his own choice about that and I'm not too sure that I want to pursue that. I think I've responded to the question in substance Mr Speaker

MRS WARD Mr Speaker I do have a supplementary if I may. Isn't it a fact that it was the Chief Executive Officer of the Administration's due diligence which found that these particular representatives were not conducting themselves in a proper way and isn't it a fact that that is why the Norfolk Island Government employs the professional expertise of people such as the Chief Executive Officer to advise the Norfolk Island Government and Members

MR BUFFETT Mr Speaker, thank you Mrs Ward for that particular question. Indeed she is right in that that she points out. I endeavoured to point out when I responded to this question that the CEO was in attendance, did raise proper matters to be raised which gave a perspective to that overall presentation and we do rely on expertise and I complimented the CEO in another quarter earlier, and I equally compliment him in this particular instance

MR NOBBS Thank you Mr Speaker. Question 514 from Mr King to ask the Minister for Tourism, Industry and Development reads, given that the Minister 3 years ago informed this House and the community of the government's collaboration in and support for revolutionary perpetual motion power generation technology promoted by the company Redemptech Ltd and given also that 2 years ago the Chief Minister advised the community that its involvement was one

of the government's main achievements in its first 12 months, and that given that neither the technology nor the promised benefits for Norfolk Island have materialised, isn't it a fact that the Minister and the government generally acted without full and proper assessment and in a misunderstanding that Norfolk will be showcased to the world;

Mr Speaker the Norfolk Island Government has made no claims as to supporting a revolutionary perpetual motion power generation technology. The Norfolk Island Government have been supportive of Redemptech's higher efficiency generator as it like other technology may have the capacity to reduce consumer costs on Norfolk Island.

Part 2 of the question read, has the Minister and the government behaved in a similar way in relation to the compressed air technology reported by the Chief Minister in his 6-month report 2 ½ years ago as a government supported "cutting edge invention" which was to be installed in Norfolk Island and provide benefits to this community?

Mr Speaker the designers of this technology have advised me that the wind powered generator is currently being wind tunnel tested by an Australian University, and I think its Sydney University and an Indian University as a collaborative evaluation and a means to finalise design and installation. This testing and analysis will inform the Norfolk Island Government and provide a valuation prior to any commitment for installation on Norfolk Island

MR KING

Thank you Mr Speaker. A supplementary if I may. I wonder whether the Minister might tell us in the light of the almost precise timetables that he's set, whether the introduction to Norfolk Island of this cutting edge technology, whether he is embarrassed that those timelines were not met

MR NOBBS

Thank you Mr Speaker. I wouldn't say I'm embarrassed. I would say that I'm frustrated on Norfolk Island's behalf that we haven't been able to achieve some of these renewable outcomes that should have provided reductions in electricity costs per consumer

MR BUFFETT

Question 515 from Mr King to me Mr Speaker.

1. Can the Chief Minister explain why the government and the Administration persist in their failure to properly describe Norfolk Island in its official websites as a self-governing Territory of Australia; and
2. Can the Chief Minister explain what is expected to be gained, particularly in current circumstances where sensitive negotiations are underway with the Commonwealth, from continuing to hold Norfolk Island out as being separate from Australia?

Mr Speaker thank you for this question from Mr. King. I've had a look at these websites and the detail upon them and I really can't see the situation that Mr King describes, I've got to be frank and say. The website that has most information on this subject is the Norfolk Island Legislative Assembly site. The Legislative Assembly has two addresses, [www.norfolkislandgovernment.com](http://www.norfolkislandgovernment.com) and [www.norfolkislandparliament.com](http://www.norfolkislandparliament.com) and they both direct the viewer to the same website. In the opening paragraph of the home page of this website are the words "today Norfolk Island is an external territory under the authority of the Commonwealth of Australia. It is governed under the provisions of the Norfolk Island Act 1979 (Cth)." It does go on from there but those words I think are important and I think that clearly states Norfolk Island's relationship with the Commonwealth. There is wording also in the Norfolk Island Act that contains some other information but they are mostly geographical and not in the same context as this. I'll table a copy of that so that you can see what I'm talking about and I've highlighted the piece that I've just quoted from. Now if I've misinterpreted something or there's something else around that Mr King is uncomfortable about I'm pleased to hear it but that's as I see it at this moment and I think that accurately states the situation. Thank you for that

MR KING Chief Minister are you saying that the words describing Norfolk Island as a “territory under the authority of the Commonwealth of Australia” is the same as stating that it is a self governing territory of Australia

MR BUFFETT The words used, “today Norfolk Island is an external territory under the authority of the Commonwealth of Australia. It is governed under the provisions of the Norfolk Island Act 1979 (Clth).” And the words in the Norfolk Island Act declared to be accepted by the Commonwealth of Australia as a “territory under the authority of the Commonwealth of Australia”, they’re the words from the Norfolk Island Act.

MR BUFFETT Mr Speaker the next question from Mr King, No 516 reads, at the November sitting the Chief Minister undertook to report to the House after undertaking research and examination on the use by the council of elders of the Norfolk Island coat of arms and an official email address. Can the Chief Minister now report advising specifically?

1. Who authorised the use of the coat of arms and with what authority?

Mr Speaker the Council of Elders was established in November 2008 by the then Chief Minister. There were no regulations or requirement for a warrant for the use of the coat of arms and its use by the Council of Elders was based on the fact that the secretariat for the Council would be provided by the office of the Chief Minister

2. What is the legal and political status of the council?

Mr speaker the Council of Elders was established by the Chief Minister during the 12<sup>th</sup> Legislative Assembly. It doesn’t have a legal status in referring to legislation however the Roles and Rules for the Council of Elders were adopted in 2009 and among other things was to protect, preserve and promote the identity, values, welfare and wellbeing of the community and its unique traditional knowledge and expressions of culture. The Council of Elders derives its authority from the Norfolk Island Government and operates in accordance with the document entitled Roles and Rules.

3. Who authorised the use by the council of an official government email address, on what basis, with what authority?

Mr Speaker I refer to what I’ve said earlier, that the secretariat is in the governmental area and provided by the office of the Chief Minister and it derives its authority from the Norfolk Island Government just as I might say there are a number of other boards and activities that are endorsed by the Government and some of them are set up by Government

4. Will the authorisations implicit in the use by the council of both the coat of arms and the email address be continued?

I confirm that as Chief Minister of this the Thirteenth Legislative Assembly I have continued to support the Council of Elders and the authorisation of the use of the coat of arms in its correspondence and to provide the secretariat

5. Is it a matter of concern for the Government that an unelected and informal organisation in Norfolk Island might hold itself out as an officially sanctioned organisation through its use of the coat of arms and an official email address?

Mr Speaker, I don’t share the concern raised in that query as I previously mentioned the Council of Elders derives its authority from the Government

6. Is it a fact that purported authorisation for the use of the official coat of arms and an official email address came from an officer Member of this Legislative Assembly, a person who shares the same political views as those espoused by the Council of Elders, views which are directly opposed to those of the Government in the most crucial of policy areas and is this not a concern to the Chief Minister?

Mr Speaker, I’m not.... I have no knowledge as to who is being referred to here in terms of this description and I can only repeat that the Council of Elders is governed by the Rules and Roles adopted in 2009 and continue to derive its authority from the Norfolk Island Government. I just make this additional mention, that whilst the Council of Elders have spoken of recent times, that have indicated that they are expressing concerns about the processes that we are about, need to

take account of the heritage and culture of the place and that is not in opposition to the way the Government is moving under the Roadmap

7. Would the government continue in its support for a Member of this House holding office if that Member was found to have improperly authorised the use of the coat of arms and the official email address?

Mr Speaker, I'm not aware of any improper authorisation. The Council of Elders in concluding this series of seven part question I need to say this. The Council of Elders continues to be supported by me as Chief Minister and derives its authority from the Norfolk Island Government

MR KING

Thank you. A supplementary if I may. Thank you Chief Minister for your comprehensive answer to those questions. Given that you've now thrown a whole new light on the role and responsibility of the Council of Elders an ad hoc and informal Council of Elders might you circulate at least to me the Rules and Roles document that you referred to which apparently guides them in their activities, and secondly what possible justification can you give for the use of public monies in providing a secretariat at government level for an ad hoc and informal organisation and would such generosity be extended to other organisations within the community

MR BUFFETT

I've got to humbly acknowledge Mr. Speaker that the allocation of funds is almost negligible in this particular instance, although that may not exactly answer his question. Certainly I can do some research if Mr. King would want me to about other groups that may be encouraged, if there are worthy arrangements. Certainly a group in Norfolk Island that is an integral part of the cultural and historic content deserves support. I've already explained that maybe the support that one is able to give is limited, but nevertheless there we are with that on this occasion. I'm very happy to provide the Roles and Rules.

SPEAKER

You've already answered Question 517 Chief Minister so we move to 518

MR BUFFETT

Thank you Mr Speaker. Question 518 from Ms Griffiths reads, who comprises the Tender Committee for the RESA Project? Mr Speaker I thank Mrs Griffiths for this question. Expressions of interest in the RESA machinery expression of interest are evaluated under the Administration's policy and guideline for the Procurement of Goods and Services and membership of the Tenders Committee is defined in section 7 of that Procurement of Goods and Services, in the Administration's Policy and Guidelines and it states in part that "the Tenders Committee shall comprise all Executive Members and the Chief Executive Officer. Should a Member of the Tenders Committee have a perceived or actual conflict of interest the Members is excluded from the process of that particular tender. I go on to say however Mr Speaker that if Ms Griffiths is using the terms "Tender Committee" but is referring to the Tender Evaluation Group the answer is this. Membership of the Tender Evaluation Group is defined in section 6.1 of the Procurement of Goods and Services under the Administration's Policy and Guidelines and it states this, "the Tender Evaluation Group shall consist of the Purchasing Officer and relevant manager or executive director. The executive director may nominate persons to be part of the Tender Evaluation Group. The Tender Evaluation Group for the RESA project was Deputy CEO, Airport Manager, Deputy Airport Manager and Manager Public Works

MR BUFFETT

Mr Speaker Question 519 from Ms Griffiths asks this, is it a fact that Expressions of Interest for provision of machinery on the RESA Project were extended to the private sector; and is it a fact that the Tender Committee determined the Administration will now complete the work on the RESA project? I address those two points Mr Speaker. Expressions of interest No 15/12 was published in the Norfolk Island Government Gazette No 52 of 16 November 2012 and No 53 of 23 November 2012. Expressions of interest closed on 30 November 2012 and notification of the successful application was published in the Norfolk Island Government Gazette

No 3 of 18 January 2013. The second part of that question, is it a fact that the Tender Committee determined the Administration will now complete the work on the RESA project. I explain this, Assessment by the Tenders Committee is defined in section 7.1 of the Procurement of Goods and Services under the Administration Policy and Guidelines which states this, "the Tenders Committee when assessing the tenders shall have regard to the evaluation report, and recommendations contained therein and shall, have regard for the economy of Norfolk Island, have consider giving preference to local suppliers where price quality and specifications are equal to or within 10% of any tender received from off island, any such consideration must have due regard to probity and fairness in total cost and consider whether the Administration is capable of producing the goods and services from within its own resources at an economical price." Mr Speaker I go on to say that it has always been the Administration's intention to complete the RESA project under the management of the airport Manager using the Administration's equipment and personnel supported by private operators. For example the Administration doesn't own a 21 tonne excavator so this is being sourced from the private sector as needed on an hourly rate. The terms of this particular project, the Administration has a limited budget of \$280, 0 00 and a completion date of the 30 June 2013 and as I mentioned earlier when I was addressing this question, the successful applicants were published in the Government Gazette on 18 January 2013. I've not particularly introduced names in this, I've endeavoured to address the process as you will clearly see

MR BUFFETT Thank you Mr Speaker. Question 520 comes in four parts from Ms Adams and reads, can the Chief Minister provide facts in respect of the following:

1. If Norfolk Island joins the Australian GST system, who will collect GST, tariffs, and duties on imports into Norfolk Island;
2. What investigation has been undertaken on the possible price rises for Norfolk Island importers on goods imported into Norfolk Island from outside of Australia;
3. Norfolk Island currently has no import duties on goods intended for resale. Australia has a myriad of tariffs and import duties, as well as GST on imports. What studies and cost benefit analyses have been undertaken on whether or not there will be a net benefit to the Norfolk Island community on Norfolk Island joining the Australian GST system; and finally
4. In the event that entry by Norfolk Island into the Australian GST system is not able to be achieved, what back up plan does the Norfolk Island Government and the Commonwealth Government have in place to achieve the same financial outcome for Norfolk Island that the Australian GST equalisation payment scheme would have achieved were Norfolk Island part of the Australian GST system?

Mr Speaker thank you and thank you Ms Adams for this question. In respect of this question there are a number of outcomes that we are not yet able to provide answers for. We have made a bid to enter into the Australian GST system. It has been a motion in this Legislative Assembly which we have endorsed. The Commonwealth Government for its part has not made a response to Norfolk Island being included in the GST system so in terms of that range I'm not able to give a conclusive answer as to how they would exactly sit and I want to be up front to say that. What I can do is endeavour to give you some responses based on our understanding of how the system in Australia currently runs, and therefore may operate in Norfolk Island. The first thing obviously to say is that in Australia the responsibility for collecting GST lies with the Australian Taxation Office. Tariffs and duties on imports are collected by the Australian Customs Service as is GST imported goods and there's a likelihood that that is how it will be tackled here. The GST being paid in Australia is 10%. Ours is 12% and we equally know that in terms of some food items it would not apply and we equally know that you can gain credits under the Australian system that may not be available under the Norfolk Island system. We know that also under the Australian system you don't have a monthly return, I think it's a 3 monthly return and so there is a greater time frame in recouping your funds before you pay your GST for example. Given all of that there is a likelihood that there will be given a price reduction in how this moves forward. But having said that, I think I should probably go on to point out that under the Commonwealth Grants Commission update of the financial capacity

of Norfolk Island and this was done in 2011, with the original report in 2006, an update of the figures in 2011, it indicates that by joining the Australian GST system the island would be entitled to receive from the Commonwealth some \$13m + for the provision of state and local government services in the island. There's also a table in this report which indicates that if we retained our own GST that that figure would be reduced by something like \$5.3m, therefore this \$7.7m reduction in local revenue would be seen to be an increased to all consumers as it would be raised as it applied to goods and services at 12% instead of the 10% and in addition, businesses on the island would continue to be disadvantaged in their inability to obtain input credits on capital investment and the like so I just spread all of that out Mr Speaker. Not able to answer all of it for reasons that I've explained but endeavouring to give some prospect of how it might work in terms of its application here in Norfolk Island. Obviously we continue to press the Commonwealth about the advantages of introduction here in Norfolk Island and Members would have recalled that debate when we pursued that matter as a motion of this Legislative Assembly which equally pursued the matter of supporting the matter of extending GST in its Australian context to Norfolk Island

MS ADAMS Thank you Mr Speaker, and thank you Chief Minister for that response. In respect of No 4, namely, In the event that entry by Norfolk Island into the Australian GST system is not able to be achieved, what back up plan does the Norfolk Island Government and the Commonwealth Government have in place to achieve the same financial outcome for Norfolk Island that the Australian GST equalisation payment scheme would have achieved were Norfolk Island part of the Australian GST system?, and noting that you have said that the Commonwealth hasn't commented yet, has the Norfolk Island Government given consideration as to how you can achieve the same financial outcome with the GST equalisation scheme

MR BUFFETT Mr Speaker I've endeavoured to point out with regularity how the Roadmap will lead us to long term sustainability in Norfolk Island. The GST is one of the components of that road. I do understand that there are people who don't want to undertake the Roadmap arrangements. I understand that there are people who just don't want to do it. There are some people who are recognising that notwithstanding that we would prefer not to, there is a need to undertake this task. Those who don't want to go there will obviously want to continue negative vibes against the components of the Roadmap including the GST and therefore is asking in this context, what about alternatives. What about this, what about that. I'm endeavouring to stick to the track that the long term sustainability is that which is set out in the Roadmap including the GST arrangements and these are the plans for the GST. You might well say that we already have plan B. Plan B is what we are doing at this moment but how difficult is Plan B and how inadequate is Plan B when in fact you look at the greater benefits that you will have delivered once we are able to achieve the wider spectrum of the Roadmap

MS ADAMS Point of Order Mr Speaker. Is the Chief Minister imputing understanding orders that I am injecting negative vibes into this Legislative Assembly by asking this question

MR KING Under what standing order

MS ADAMS 62

MR BUFFETT Do we have a standing order on vibes Mr Speaker

MS ADAMS Considering Mr Speaker that this came from the community who have a very right to ask since this parliament is the voice of the people

MR BUFFETT Are we debating the matter Mr Speaker. I have been asked a question and I have responded to the question

MS ADAMS I have asked a question. I have raised a point of order

SPEAKER Standing Order 62, all imputations of improper motives and all personal reflections on a member shall be considered highly disorderly . The question is Chief Minister are you referring to Ms Adams as being under that

MR BUFFETT Mr Speaker, I have endeavoured to talk about the Roadmap, I have endeavoured to talk about the fact that it is a difficulties road, I have endeavoured to talk about the fact of the difficulties experienced by people at present, and the difficulties of not wanting to travel, has raised some significant opposition to the Roadmap and I'm endeavouring to point out that those who would not want to travel that path would want to create an atmosphere which would not give the Roadmap progress and for those who are of that view, I need to respectfully point out what I have pointed out. I'm not trying to direct it at any particular person but without a doubt that difficulties exists in the community and I need to fairly say it

MR BUFFETT Mr Speaker if we have concluded Questions on Notice now, I had earlier indicated that I would try and just refresh my mind on an earlier question that came without notice. This was about recruitment, the Roadmap advisor. Mr King raised that Mr Speaker. May I just respond to that before we conclude in this context. The job of Senior Government Roadmap Advisor was a position advertised, a contractual arrangements, one plus one plus one if I remember that detail correctly now and that is the position that is in place at this moment.

MR KING And that is George Plant's position

MR BUFFETT Senior Government Roadmap Advisor

## PRESENTATION OF PAPERS

SPEAKER We now move to Presentation of Paper. Any Papers to present please

MR NOBBS Thank you Mr Speaker. As earlier indicated I table the **Final Draft document for the Norfolk Island Strategic Plan for Tourism 2012-2022**

MR NOBBS Thank you Mr Speaker. I have some papers to table from the Gaming Director and the first is a report on the **Bookmakers and Betting Exchange Act – Gaming Authority Report**

I table the – **Gaming Authority Report on the Gaming Act**

I provide **two licences** for tabling as provided **under section 14 of the Bookmakers and Betting Exchange Act 1998 – Gaming Licence (x 2)**

## STATEMENTS OF AN OFFICIAL NATURE

SPEAKER We move now to Statements of an Official Nature. Are there any statements this morning

MR BUFFETT

Mr Speaker thank you for your call. I have a statement firstly about payment to the secretariat of the **Council of Elders**. This came up earlier but I need to put this in context. The Council of Elders meets on the third Thursday of each month at Governor's Lodge at 4.30 pm. Minutes are done following the meeting. There are no monies paid to the secretary or to Governor's Lodge who donate their conference room free of charge for this purpose for which I again reinforce thanks to them. The secretariat to the Council is provided on the same basis as is provided to the Youth of Norfolk Island Sporting Trust Fund which was commenced in 1986 and continues to this day and I'm sure with some further research I might be able to find some others that have that similarity Mr Speaker, but I think it important that I just give that emphasis.

I have a further statement on **Property Taxes** Mr Speaker. There has obviously been discussion about property taxes on Norfolk Island at this moment and I just need to give clarity to a number of things, particularly picking up some of the questions that were earlier mentioned. In terms of property taxes some people may think that this is just an idea that has suddenly 'come out of the woodwork' and it has been selected. That isn't the case. I have mentioned time and time again that various components with the matter of moving forward with the Roadmap are interconnected. Property taxes are particularly part of the GST mix. In other words property taxes is not a stand alone factor in how we are travelling. It is part of the GST pool and the calculation of transfer of funds from within that GST system. How we tackle it, which is yet to be decided, will be a task for the succeeding Legislative Assembly. Our responsible action at present is to give discussion, with a mature mind and proper regard, for the system within which the GST sits. The Government did prepare and distribute a paper on property taxes. It did so in March last year. The first paper elaborated that property taxes in the context of the Australian scene, were in two categories. One was land tax and the other was municipal rates. It sought comment when that paper was distributed. There was further discussion in the revenue options paper in April last year. Discussion and some evaluation to date, not finality, has I indicated that it may be financially possible to put aside land tax. That is one of the categories exemplifying that the Northern Territory doesn't levy land rates. Municipal rates is something that is utilised in all of the known Australian areas which we speak. The Government has requested the Chief Executive Officer to examine the prospective introduction of municipal rates and here we have a CEO who is experienced in Local Government areas where such rates are levied. At the public meeting which was held a couple of weeks ago,. There was identification of a number of issues which need to be part of that consideration. I have written to the CEO identifying these issues to ensure that they are in the process of consideration of issues and I will identify what they are at this time. That doesn't mean that they are the only ones, but these particularly came out of the public meeting.

1. is it possible for the Norfolk Island Government to operate in a fiscally sustainable manner without access in property based taxes?
2. What existing taxes may be removed or reduced with the introduction of property taxes?
3. How can the heritage association with land be protected under a taxing regime?
4. The next point is to list the afford ability of the tax level needs – to consider pensioners, financial hardship and the socio-economic demographic of the land owing population?
5. Should there be a cap on the tax payable by any one person with respect to property taxes?
6. Should special consideration be given to land contained with the KAVHA precinct?

Please note that some of these questions had been touched on by Ms a dams in Questions Without Notice. This is not making a proposal in these, but it is saying that these are factors that have been identified by the community and they need to be examined in the mix of how this matter might continue to be considered. In saying that, can I say thank you to those people who raised the issues so that they might be in the mix for consideration. Whilst the CEO has not been given an exact time frame to respond to this, obviously it will be as soon as he is able to marshal his resources to be able to give us this advice, and when got, Government will exhibit it in a public sense so that it can be given further consideration. One of the things being said about property taxes at this moment is that it would be extremely difficulties, if not impossible, to pay in the present

economic environment. The indicators that have been given to date that it would be something like around the two year mark before one is able to reach the stage, if that is what is determined at the end of the day, to be able to commence these arrangements in Norfolk Island. People equally say in that context that you can't introduce taxes in the present environment. I've got to say that the Norfolk Island Government has talked about a range of taxes in the long term sustainability arrangements but it has not introduced any new taxes in the present economic environment. But it is looking forward to a better climate where people will have a greater capacity to earn for themselves and obviously that will mean making a public purse contribution when that stage is reached. In that context we need to see the range that is being spread out at this moment.

MS ADAMS

Thank you Mr Speaker, I move that the Statement be noted. Thank you Chief Minister for the Statement and his offer at earlier times that if there were aspects in his statement that weren't addressed in my questions, which by the way I had given the Chief Minister an advanced copy of so that he is aware of the questions that I am asking on behalf of the Members of this community. I guess what I'm going to ask the Chief Minister is whether additional questions that are in here could be included in the CEO's investigation. For example, the amount of income that is needed to be raised from land tax and/or municipal rates? You indicated that a question on absentee landowner levy being repealed, what is the timetable for that? One matter of concern is under the current Absentee Landowners Levy Act if residents are unable to pay the levy... I'll start again. The levy is actually a first charge on the land under the Absentee Landowners legislation and the land can be sold by order of the Supreme Court for non payment of the levy and accrued interest. Will the taxing legislation which I assume is being considered now in the total context of going forward, will that be taken into account, will the penalties then mirror the penalties currently under the Absentee Landowners tax, that is, that the levy is first charge on the land and the land can be sold by order of the Supreme Court. I think that is a very real concern and I mentioned at the last sitting of the House that New South Wales that, that's one of the problems around land tax, is what to do when people can't pay. One of the questions that I was asked was concern about the anticipated costs. Are you able to give any indicator at this time on the cost of valuing both the improved capital value and the unimproved value of the land. The anticipated cost of the appointment of a Valuer General and has the Queens land Valuer General agreed to undertake the role? What is the anticipated cost of lodging an objection and what is the anticipated cost of proposed appeal process? Would you see this matter as being part of the consideration processes that are being undertaken by the CEO for you.?

MR BUFFETT

Thank you Mr speaker. A number of those things are not yet determined but they are in the mix. You asked about the absentee landowners arrangements and I've already identified that there is to be identified whether we should repeal a) the piece of legislation or a range of legislation. This is rather like, though obviously not the same piece of legislation when the GST here was introduced. We repealed a number of pieces of legislation there. There is a likelihood that the same sort of consideration will be given when we introduce this if that's the way this runs and that's what's being examined. Exactly which ones, I'm not trying to project that at this time. We will wait until we have some considered report about it. I'm going to turn to Mr Sheridan about the valuation process and the estimate of costs there which we've had examination of. Mr Speaker may I turn to my colleague

MR SHERIDAN

Thank you Mr Speaker just in regard to the cost of the valuation, I think I've reported this to the House in the Land Valuation Bill, we did get some indicative cost through the Queensland Valuer General's office and also the Australia Valuer General's office in Canberra and the cost varied. For a full unimproved and improved capital cost for the Queensland Valuer I think the cost was something around the \$750,000 mark. The Canberra based Valuer General's office indicated that the total cost for those two valuations would be in the vicinity of \$350-400,000 so there is a great difference and I believe that I stated in debate there last month that it is

the intention for the next financial year to allocate funds so that those valuations could take place. No funds have been allocated at this point in time and that there would be a tender process undertaken so as to ensure that the community gets the best value for money that we can get so it would go out to open tender for people to bid on the criteria of valuation of land on Norfolk Island and then we would see what prices we would receive through that tender process. The purpose of going out to these two people and asking them what it would take is so that we can put a figure into the budget for next year so that we make sure that we have ample funds. The actual cost of administering the Land Valuation Act and also going on to whatever municipal rates etc would be established in years to come are yet to be identified by the service. Of course there will be a cost, but those are yet to be identified.

MRS WARD Thank you Mr Speaker. First of all I would like to offer my congratulations to the people in the community who have rallied themselves and called public meetings and had many private meetings, and had correspondence already with the Government and Members of the Legislative Assembly. That's what it needs to be about. There's no point in my opinion of fighting the process because that has been established now under the Funding Agreement. It's more a matter of becoming involved and being part of the process and actually putting the concerns, lodging the concerns and proposals because that's the whole thing of funding the Roadmap, it is a discussion paper. The path is set. There's the broad parameters but there's nothing within that, that can't be further examined. It would I think be beneficial if the Chief Minister as soon as possible through the press released to the community a place to lodge further concerns and proposals. Yes there's been a public meeting and they have been taken into account but I think it's very important that people know that they have a place to lodge their concerns and proposals. People who are listening who would like to do that, I would refer them back to the paper that the Chief Minister referred to which is the revenue measure options for the Norfolk Island Government which was released in April 2012. People just need to bear in mind that since then we have developed a new funding agreement and so they would need to move quickly across to the funding agreement to have a look at what has been established within that paper. I hope that's of help and I thank the Chief Minister for making a statement of this very contentious and unnerving subject for the community at this time. Thank you

MS ADAMS Thank you Mr Speaker, just following on from the points that Mrs Ward made and the ability to lodge concerns and how to go about it. Chief Minister you indicated that your statement would address, given that the Land Valuation Bill would effect every landowner on and off island, would the Chief Minister give an undertaking to provide to every landowner a summary of what the legislation is designed to achieve along with a timetable of steps needed to be taken to achieve the outcomes that the Government is seeking and the Commonwealth is requiring so that the man in the street has before him a document which in simple layman's terms explains what the legislation is about, what we're endeavouring to achieve. This House chose not to refer the Bill to the Impact of Bills Committee, the community apart from two weeks I think it might have been, to look at a piece of legislation which is difficult to say the least to understand. As representatives of the community, it's up to us, we have the responsibility to ensure that the community has every opportunity to be made aware what laws are that are going to effect them and we don't do that well. We do not do that well. And in the circumstances that we are moving this community in now it's important that they be given every opportunity to be made aware and one thing we don't do is mail drops. It's entirely up to the people whether they read it but at the end of the day, people who don't read the paper, who don't listen to the radio, who don't listen to the Legislative Assembly ..... that is a presumption that you are making on behalf of the community. I just ask that, that be taken into account and the final one that I was asked to ask, is, has the Norfolk Island Government itself, not the Office of the administrator, advised the Commonwealth of the difficulties that all of those people had, in excess of 200 people, Members of this community at Rawson hall convened not by the Legislative Assembly, not by the Government, the community had

to take the initiative to call the Government to account and to share its views but those views are being passed clearly on to Minister Crean. At the moment we have a Funding Agreement that required this parliament to pass the Land Valuation Bill but however, with that understanding the next step will not happen, cannot happen, until the next financial year for that's when the funds will be made available for the valuation process to take place. In other words, by that time, 1 July, the funding that's being provided to the current Government and to the incoming Government under the proviso that if we default on what we have contracted in the Funding Agreement, the money will stop. That point will have passed and it's a brand new arena in which the community will be moving. If you want the community on board to go forward in this direction you have to do a lot more now in order to get support down the road because at the moment I do not believe that if a referendum were undertaken that you would have support for land taxes in Norfolk Island

**MRS WARD** I'm not going to in response to Ms Adams, refer back to the revenue papers, I'm disappointed that the Chief Minister hasn't taken the opportunity to say... no I should rephrase that, even this morning in response, is that none of these are stand alone issues in terms of taxation. They dovetail and again it comes back to that question, until we have that certainty from the Federal Cabinet of how the payments are going to be coming into Norfolk Island we don't know what we the community are going to be left to fund in terms of services. I say that just to hopefully assist

**MS ADAMS** Therein Mr Speaker lies the problem for this community. The uncertainty, the absolute uncertainty of where we are travelling. The Chief Minister has time after time has clearly stated, we have done everything, or the Government has done everything that it has been asked to do. It's met the timelines; it's met the Funding Agreement, it's bent over backwards to do what it's told and what have we got in return. What have we got in return. Yes Chief Minister I know you will say we got \$4.5m. I understand that. Correct. But this is not a criticism. Don't take it as a criticism. But it is a fact that the community is concerned. The community doesn't know where it's travelling and that's very difficulties for the community and it is no fault of the Norfolk Island Government, and nor am I laying any blame on the Norfolk Island Government but it will be helpful once the community knows where it's travelling. I thank the Chief Minister for including in the CEO's task that he's undertaking, heritage protection. For the Norfolk Island that would be the most critical aspect of land valuation that they would want to see. Thank you

**MR BUFFETT** If I might just conclude this debate by saying this, the factor of uncertainty has been mentioned. I just need to point out that the Roadmap is an endeavour to map out where we need to travel. It is designed to eventually tackle the matters of uncertainty but from day one you can't expect that all of the uncertainties will be ticked off or diminished. The Roadmap has been identified as a five year plus programme. I suspect it will be longer than that in the reality of things, but a five year plus programme and if you look at the Roadmap and tick off the things that have been done, that are giving us certainty you will see that progress has been made. One of the major things relates to the airline. The airline was drawing up to \$ 7m each year out of the taxpayers purse and the Norfolk Island Government, this Government which I lead, has negotiated with the Commonwealth to divest of that. It is no longer a call, but the continuation of the service has been provided. We turned to the Commonwealth for that and they have provided it. Now that's all in the Roadmap and so that area of certainty beyond just now for an air service to Norfolk Island to provide essential services in terms of travel and goods and the visitor principal industry in the island to be continued, that must be seen as a plus in terms of delivery and moving forward. There are a range of other things that have been mentioned that not necessarily all of them are easy to take, because none of them is just easy stuff. There are huge difficulties but we are now addressing the matter of taxing measures. In one of the questions earlier today it was rather implied that the narrow range of taxes may well be beneficial in the island, but the Government is on about spreading the taxation load so that those who may not be making their contribution today will be



Channel Ten, SBS 1 and 2, Channel 9, Imparja. The radio station sign up date is unknown although it has been suggested that it was operating from the 1950's. During the 1960's it began to expand from a few minutes per day to its current 24 hour 7 day per week service. Television broadcast was introduced during 1986/87 with the ABC channel only. Television services gradually expanded first with SBS, then later Channel 7 and Imparja. Digital services research began in 2007 and began broadcasting in 2008. There is a local television service that is privately owned and although it was in the survey the results are not related to the Government services. The results of the survey are, there were 238 on line responses and about 50 hard copy responses, making it possibly the biggest ever result of a community survey on just one issue, broadcasting. The survey shows that an overwhelming 87.1% of the population listen to the radio. 62% listen in the breakfasttime, 46% listen in the morning, 28% listen in the afternoon, 22% listen on the weekend, 8% listen at night, 28% listen all the time. The largest number of responses was the 41-60 age group at 46%, 31-40 age group 17% and 61-70 age group 16% 71+ 11.1% and under 15 years 7.4%. 21-30 was 6.5% and 15-20 was 2.3%. The preferred music genres were pop, 64%, rock 59.3%, country 51.4%, classical 15.9%, jazz 12.1% and opera 1.9%. The question of sufficient religious broadcast 91.9% answered yes, the Legislative Assembly broadcast 57% listen to the live broadcast, 22% listen to the rebroadcast, online radio 71% said no to live stream. With regards to the television component of the survey, 92% watch television regularly, 75% watch digital TV, 151 people said they watch analogue TV with Channel 7 being the most watched. 166 people said they watch digital TV with Channel 7 being the most popular. 88% would like to have more digital services provided when and if they become available. The secondary Channel 7 services were the most preferred. In the online survey it was not possible to tick FM and AM radio, nor was it possible to tick digital and analogue TV so a further short survey may be done to clarify who listens and in what frequency. Included in the survey there were spaces for respondents to make suggestions about radio. There were many who took advantage of the opportunity and made many suggestions to improve broadcasting in radio and television. It was made known in a number of responses that the new radio service called Island Pine Radio is to commence shortly. Overall the responses show that the radio station expected, based on the continuous surveying that was done through competitions and other on air methods that indicate what the listening base is. It should not be forgotten that the Government radio station is an essential service under law and is there to provide information to the community in the many ways it does. This has been pointed out strongly by many of the respondents that the service is essential to inform the community and should not be considered to be just an entertainment vehicle but more to be considered in the proper context without looking for a vote of whether its thought to be popular or otherwise to make it a worthwhile budget item or not. Norfolk Island is no longer in the 1950's. Norfolk Island is now in the 21<sup>st</sup> century and communities expect to be informed about what happens and when and Mr Speaker I table that report.

MRS WARD  
please

Thank you Mr Speaker I move that the statement be noted

SPEAKER

The question is that the Statement be noted

MRS WARD

Mr Speaker I may have missed how many respondents there were but would the Minister please repeat how many respondents there were to the survey

MR NOBBS

Thank you Mr Speaker. With regard to the response to the survey there were 238 online responses and about 50 hard copy responses

MRS WARD

Thank you Mr Speaker. The question I guess that arises in my mind is that certainly a third of the electoral roll of a population of 1700 is far less than that and the question is whether there's only 82% of those people who even listen to the radio or whether there are far more than haven't been captured. I guess unless you have a more formal survey there's no

way of really capturing that but those figures are interesting and its interesting how the community expectation has increased from the '50's. I would be interested to now have a look and see if we can see records of what the public purse gave by way of supporting an essential service in the 1950's to what it is costing today. Thank you

MR KING Thank you. Mr Speaker if I can make a couple of words, because I guess I'm responsible in a way having initiated this matter by asking certain questions in the house in the last couple of years or so ago, but the Minister and his staff have got it entirely wrong. I mean entirely wrong. The questions that I asked were asked in the context of developing that process and of course a business type investment. Government Business Enterprises are being sold off by the Government and I can't remember the precise detail that I wrapped around that question but I may well have implied that it would probably have been one of the easiest ones to sell off and I still maintain that. I may well have said that and I may have mentioned the Royal Engineers Office café at that stage and I may also have mentioned that I didn't believe the Government ought to be in the business of running cafes and radio stations when these things could be done so much better by the private sector. It had nothing to do and nor did I say at any one time that there was little or no interest in the radio station or in people have a radio, the fact that there's been a self serving survey such as this. I mean I heard the little campaign of save our radio station that I think was conducted by the Radio Station Manager and his staff up there. I mean to me it's interesting. It's interesting to hear the results and nothing more. There is no more value attached to it than that. The whole exercise has been taken out of context. I really don't think its worthy of any further discussion in this house

MR SHERIDAN Thank you Mr Speaker could I ask Mr. King whether he completed the survey

MR KING No. It was simply too self serving

MR NOBBS Thank you Mr Speaker. I'm always interested in some of the displays around the table here and I'll just provide a bit of background and that is that I'm well aware that the Manager of the Radio Station specifically approached Mr King to ask whether he wanted to put specific questions and areas into the survey and Mr King's reply. Mr King also said that it may be one of the easiest enterprises to divest off. I suggest he do a bit of homework on that. There are a number of criteria that apply to a community station versus a privately operated station and in particular with APRA commissions and payments, royalties, licensing, ACMA requirements and Spectrum so ignorance is no excuse in this instance. If you are going to attack the survey then make sure you've done your homework

MR KING Had I had an executive role in the Government Mr Speaker it probably would have been one of the first things to go and would have been gone by now along with a number of other minor Government Business Enterprises

MR ANDERSON Mr Speaker I was going to say that a community radio station in my understanding is funded generally by a grant from the Government that is sufficient to cover its basic cost and then is normally self funded. I would have thought in this occasion that it has continued to demonstrate that it is unable to do that. I think the survey is statistically flawed, it was obviously, or I would be interested to see how many multiple entries were received and perhaps one of the things that came out of it was, for the Minister, you should do a summary of that and send it off to Channel 7 and ask for some free advertising

MR NOBBS Thank you Mr Speaker. One further thing that is worth having in this and I have spoken in this house about the reduction in budget allocation for the radio station

and how the radio station staff have certainly shown their commitment to maintaining broadcast at their own sacrifice, one of the points that has been highlighted is that there is a huge reliance on the radio station for shipping notices, for death notices, for community event notices and the like and in cases where the hours for the radio station staff were altered to meet the new budget, when it was imposed upon the radio station at that time, there was significant complaint from the community who were not able to be informed within those times about specific issues such as shipping

MS GRIFFITH Thank you Mr Speaker I have continually hounded Mr Nobbs on the radio station survey and I was particular interested in the local language content and the culture on the island. That was my interest in the radio station. I was a bit disappointed to see that there have been no reflection of that in either the questions or the answers despite the fact that the radio station Manager did call me personally and asked about that. I said that was my interest, but the results to me serves no purpose unless it specifically mentions anything else, but to me this radio station is supposed to be effective with community culture as much as local notices and I would have liked to have seen a specific question on that, thank you

SPEAKER Is there any further discussion on that. I put the question that the house take note of the statement

QUESTION PUT  
AGREED

MR BUFFETT Thank you Mr Speaker I have made a press release earlier about this but I would like to register it in the formality of the House. **Mr Neil Solomon** and of course Mrs Solomon and **Det. Sergeant Vince Pannell** and of course Mrs Pannell, they have both concluded their times as officers, principal officers in their respective areas here in Norfolk Island. They have concluded their term and now have departed from the Island and I wanted to record appreciation of the work of both of them in their particular tasks here and I wanted to also move on to say in the police area, **Det Sgt Craig Marriott** and his family and a new **First Constable Shawn Pine**, they have taken up their role in Norfolk Island and particularly to the OIC of Police I wanted to wish him well in leading the force here in Norfolk Island and service the Norfolk Island community and **Michelle Nicholson** will be the new principal at the school and will arrive in the next few days and I wanted to welcome her and wish her well in her task as the principal advisor to Government in the delivery of education and services in Norfolk Island

SPEAKER Thank you. Any further Statements. No. We move on

#### MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 35

SPEAKER Honourable Members I have two messages. **Message No. 35** The Administrator advised on the 27 December 2012 acting pursuant to section 21 of the *Norfolk Island Act 1979*, I declared my assent to the following proposed laws passed by the Legislative Assembly: Appropriation Act 2012 (Act No 13 of 2012), the Interpretation (Amendment) Act 2012 (Act No 14 of 2012), and the Traffic (Amendment) Act 2012 (Act No 15 of 2012) and that message was dated 27 December 2012 and signed by Neil Pope, Administrator

#### MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 36

**Message No. 36** The Administrator advised on the 15 January 2013 acting pursuant to section 21 of the *Norfolk Island Act 1979*, I declared my assent to the following proposed laws passed by the Legislative Assembly: Public Sector Management (Amendment) Act 2012 (Act No 1 of 2013), the Norfolk Island Hospital (Amendment) Act 2012 (Act No 2 of 2013), and the Registration of Bulls

(Repeal) Act 2012 (Act No 3 of 2013); I referred the following Bill to the Minister for Regional Australia, Regional Development and Local Government, the Immigration (Amendment No 2) Bill 2012, and I reserved the following Bills for the pleasure of the Governor-General, the Tourist Accommodation (Amendment No 2) Bill 2012 and the Land Valuation Bill 2012 and that message was dated 15 January 2013 and signed by Neil Pope, Administrator

### SUSPENSION OF SITTING

SPEAKER Honourable Members I take note of the time before we move on to notices. The time being 1.00 pm I suggest that we suspend for lunch break until 2.30pm. Is that agreeable. Thank you. The House stands suspended until 2.30 pm

### RESUMPTION OF SITTING

SPEAKER Honourable Members we resume with Notices

### NOTICES

#### QUARRYING AND RELATED PUBLIC WORKS ACT 2004

MR SHERIDAN Thank you Mr Speaker. I move that accordance with paragraph 4(2) of the *Quarrying and related Public Works Act 2004* (the Act), this House does approve the form of approval (attached) now before this House insofar as the Minister and this House in accordance with paragraph 4(3)(a) of the Act are of the opinion that the work required to be done (pursuant to an application for approval now before the Minister) is required in the public interest and where the Minister proposes to grant approval in accordance with paragraph 4(1) of the Act subject to conditions imposed by the Act and by the form of approval to Norfolk Industries. Mr Speaker I table the **Form of Approval for Quarrying** as referred to in the notice of motion. Thank you.

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

MR SHERIDAN Thank you Mr Speaker this motion has come about by a request from the proprietor for Norfolk Industries to access rock at portion 44a. That's it in short. As everybody would be aware the Norfolk Island Government and the Administration has two stockpiles of rock, one down in the quarry in 5a and the stockpile of rock at 44a. Now I'm well aware that there's been some contention about this motion, about references to whether or not that rock sitting and particularly portion 44a, that's the one that we are talking about, that the rock pile is sitting there illegally. I can only say that the rock was placed there legally when they did some works to do with the Cascade quarry. Over a period of time and I believe it's been some ten years now, that site has been accessed by the Administration to obtain rock, in the main when the weather has been too wet to afford access to the quarry down at 5a. It was just before Christmas I believe when Norfolk Industries went to access that portion of rock a gain upon approval fo the Works Supervisor and it created a bit of a stink you might say and it w as pointed out to me that there was no development application to remove or quarry rock in that sit e and that a permit was needed so I advised the proprietor of Norfolk Industries of such and the only way that he could access that was to put in an application under the Quarry and Related Public Works Act 2004 of which he supplied the information and I produced the form which I've just tabled. This form came about back in 2004 when the then Minister at a time where there was some requirement to access rock because of prolonged disputes in regards to crushing and access of rock for crushing, that

there was some urgency for rock for Norfolk Island. The Quarry and Related Public Works Act 2004 was passed in 2004 and it was intended to provide a degree of flexibility to deal with situations concerned with the non availability of necessary materials. There's wording there that says that the work must be required in the public interest. I see that its in the public interest, its in everybody's interest to have both of those rock crushing operations in progress and operating so that if people want crushed material then they have access to them. The proprietors of Norfolk Industries have indicated to the Works Supervisor that the remaining rock in portion 5a is not suitable for their method of crushing. In other words, its too small. They would prefer the larger rock that has been transported up to 44a and that's what their machinery is set up to process. So that's the reason why this motion has come to the table. There is still material in 5a. The Works Supervisor has indicated the quantities are unknown because there hasn't been a survey of the rock available down there for many a year, and at this point in time, Norfolk Industries hasn't indicated as to what quantity of rock he would like. The conditions on the approval is only for a seven day period and a two month period so it would be a limited amount. There's been some comment about this form that I've presented and to say that it's inaccurate and its just a cut and paste job and that it's inappropriate for what we are attempting to do. But back in 2004 when the bill was presented there was also two motions and one was the approval of form which is this form here and the way the Hansard reads, and I'll quote from the Minister at the time, "it's the form that people apply that if they are granted the ability to crush and to take rock, the form that I will be using. It states quite clearly the conditions of approval and the conditions of sale and I would like to read the approval form, thank you". So this is why this form has been presented in this way. It hasn't been changed. The only change that I've put in there were the words "sort and break rock" because that's what was requested, which differs from up in the preamble to the form "crushed and sort". Well I would not allow any crushing to take place in portion 44a, I think that's totally inappropriate but I would allow them to sort the rock up there and to break rock if they come across rocks of a size that needs to be broken down so that they can manage it and then to take it to their processing plant in Stockyard Road and process it. Just going back to the form there, and in reference to the form that was tabled, it clearly indicates that it was designed to be form that people apply on, Mr Gardner spoke to the motion back in 2004 and he makes a comment that in supporting the form of approval, I think it's also important again for the public interest that the form be made available either published in the Government Gazette or through planning or whatever area is seen as being appropriate. Certainly in the approvals I've given and signed off I would appreciate the assistance of the Executive Member to ensure that these approvals when given are published ", so it was very clear and it is clear to me now that this was the form that was to be utilised when a person applied to move rock from one area to another. I don't really think I have too much more to say. I know Members do have a bit of discussion on this and I will try and answer their queries but in a nutshell I believe we have a responsibility, we have this ability under the Act for a person to apply to access rock from a stockpile. That person has applied. We as the governing body, it has to come to the House according to the Act. We have to make sure that its in the public interest that rock is available to the community. This operator Norfolk Industries, has indicated to the Works Supervisor that the rock at 5a is unsuitable for his needs and he would like to access the rock at 44a. I don't see a problem with that because that material in 44a has to be moved as well as the material in 5a. I know that everybody thinks that we should clear the quarry up first and then remove the stockpile at 44a. I can agree. I would love to see the quarry cleaned out, rehabilitated. I've said that to the Works Supervisor and the CEO on many a time but it's just a matter of process that when somebody does make application that we must follow it through to finality. Now depending on the agreement or non agreement of this forum here today is whether or not I sign off on the approval for Norfolk Industries to access 44a, like I said, for a period of 7 days, over a two month period. After that period he must, or the other operator who can also have the same opportunities, he can apply to do work on 44a but they would have to re apply every two months as the Act stands as it is, so thank you Mr Speaker I'll leave it to the floor at this point in time.

MR NOBBS Thank you Mr Speaker. Just to advise that I'll be abstaining from the debate on this or the vote

MS GRIFFITH Thank you Mr Speaker it's not my intention to support this motion for I'm one of the believers that the quarry should be cleaned up first and I know that there's plenty of rock in the quarry. I think that area should be cleaned up and the area rehabilitated before the stockpile is cherry picked for large rock. I would also like to draw your attention to the conditions of sale which says you must not use a screen larger than 26 ml. A lot of the rock there is 25 ml and above, and to my mind you don't cherry pick the big stuff out and leave the rest of the stuff there for the other operator.

MR KING Thank you Mr Speaker, I think earlier in this debate it ought to be stipulated and it wasn't stipulated by the Minister that it is the statute that requires a demonstrable public interest. That simply has not been satisfied and I cannot be satisfied. I don't think this House can be satisfied simply by the Minister sitting in his spot over there and telling us that it's in the public interest. That public interest consideration requires a whole host of factors to be considered including demand, supply, quantity, quality of rock, other operators in the industry etc. There hasn't been a demonstrated public interest and if I was looking for one sole reason to change my nay hat on, it would be that

MS ADAMS Thank you Mr Speaker. This motion puts me between a rock and a hard place no pun intended. I'll explain why. The Quarrying and Related Public Works Act 2004 was intended to provide a short term solution to an incredibly difficult situation in 2004 when stocks of crushed rock were completely diminished, construction and road repairs were on hold and the building industry had come to a complete halt. The Act was intended to be emergency legislation and that it was in the public interest that it be enacted. It is understood that since that time, and up until the notice of this motion, further approvals have been neither sought, nor legitimate approval given under the Act for crushing and related activities to take place on portion 44a. The legality of the Administration conducting rock sorting and breaking activities on portion 44a is being disputed and for this reason alone I am unable to support the motion before us. The Island has an approved quarry on portion 5a for which the Administration continues to pay rental on a monthly basis. And that in itself supports the public interest. The public is paying for a lease on portion 5a with public moneys. When the supply of rock on 5a is exhausted or the lease is no longer required the Administration as was stated, has a responsibility to rehabilitate the site. There is accessible rock in the quarry which continues to be extracted and therefore it would be hard to argue that it is in the public interest for approval to be given under the Quarrying and Related Public Works Act when there is no emergency situation before us at this time. Hence my statement that this motion puts me between a rock and a hard place in making a decision on this motion. Portion 44a under the Norfolk Island Plan is zoned special use and the movement, storage or any related activity in the handling of extractive material is a prohibited use apparently. The Norfolk Island Plan 2002 on Zoning Map which forms an integral part of the Norfolk Island Plan clearly identifies portion 44a as an area designated for future use as "educational establishment/Indoor/Outdoor sport and recreation facilities". Clearly therefore there is an obligation as well as it is desirable that the rock stored on portion 44a should be removed to a site designated for this purpose so that Norfolk Industries, the Block Factory and the Administration can access the rock without legal impediment and I sincerely urge the Minister to have this matter addressed appropriately as a matter of priority and its for this reason regrettably at this time unless what I have said can be demonstrated to be correct, are resolved and that's a regrettable decision but I have no other place to go in this matter

MRS WARD Thank you Mr Speaker. Unfortunately I also see this as a totally inappropriate use of this piece of legislation. Most people, we certainly know and people who are interested will know that this was almost an emergency piece of legislation when the island had run out of rock

and that was a result of planning process and ART appeals. That's not for today. This piece of legislation is specific in that it is required in the public interest. It looks to me as though access to this rock is in the interest of an individual or a company of business,. I think there is a solution but its not by passing this motion today. It's by actually going back and reassessing the stockpile on 44a and if it takes to moving something like a conformity notice to the Administration in the formal sense, that that supply be removed then that's the way to deal with it. The Government and the Administration must not be allowed to continue to do what they have been doing which is outside the planning process and we all know that and this is a short term fix. It doesn't fix the problem long term for the operator in question. The point of public interest what is in the public interest is to go back down to the quarry and clean it out. The Minister and other members have highlighted that. There is a lease arrangement going on today \$400 and something dollars per week to a landholder to lease that land. That is costing the public purse and that is what would be in the community interest is to release ourselves from that financial commitment. It does take us of course to the question of future need and it brings us back to the round 4 Cascade pier and barge operations which we will not know until June if we are even successful in applying and going to the next step in April. We are not going to know until June whether we will in fact need a lot more rock supply for the future so I don't think it's anything that has to be rushed. It does certainly need to be taken on by the Minister of the next Legislative Assembly or Minister Sheridan won't stop his duties now in terms of... or the public sector won't stop its management operations through the election time, but I'm not convinced that this is in the public interest to support this motion today. I would have to believe that the access to rock was unobtainable anywhere else and it was urgent and emergency, men were putting of work, just like happened in 2004. that's an emergency and that's why that legislation was put in place and when we do go back and read Hansard from 2004, the Minister 's own words at that time in Hansard, well he used the term "short term" five times, and as an interim measure. Perhaps a sunset clause could attach to that which was of course attached to the subsequent piece of legislation but that's all to be examined as part of the issue. I just cannot support it. I understand there's no provision under the plan to remove the stockpile and that's why the Minister is bringing this motion to the house but I'm sorry, it can't have my support today

MR ANDERSON

Thank you Mr Speaker. I find myself for the third time agreeing with Ms Adams which is of concern. I understand that it's the Minister's job to bring this forward and I understand that he's trying to solve a problem but I think it is totally inappropriate for this application to be brought on in this way. It's clearly for the convenience of the applicant and I think the public interest test as has been pointed out is the paramount debt and I don't think public interest merely being the fact that it would be convenient to have two sources of rock for two rock crushers. I think the other issues are that it relies on an Act that was as I understand it and we've had put to us, for emergency legislation and was probably intended to be repealed and probably should now be as a matter or priority. If it was said in Hansard that it was a short term measure, that carries us on to the fact that it conveniently overlooks the undertaking which I understand was given to the residents surrounding 44a that the rock pile would only be there temporarily and that it wouldn't impact on the amenity of their properties which has clearly turned out ten years later to not be correct. It also gives no consideration from where I can see for the checks and balances in relation to dust and wind and noise that were posed on the predecessor of the applicant by the Administrative Review Tribunal on another site and when they were crushing I understand, but those checks and balances were vigorously pursued by the previous Minister in the 12<sup>th</sup> Legislative Assembly and now in the 13<sup>th</sup> Legislative Assembly it appears that its acceptable to overlook those controls for the balance of convenience. I think it's a bad precedence even if its only used for a seven day period in any two months that we rely on emergency legislation for what is essentially a routine matter. Unless other pressing reasons to the contrary I will oppose the motion

MR SHERIDAN

Thank you Mr Speaker. I thought I was on a highway to nothing. It's just confirmed. I was going to pull it, pull the motion, but I got encouraged to bring it on

so everybody could have their say, and I appreciate that, the community out there are entitled to hear the views of the Members around this table. And I would just like to talk about a couple of points that have been raised and you know, there was one condition here that was raised, permitted to screen the rock to a size below 25mm and that is only a discretion of the Supervisor, that is not a mandatory condition, so it is up to the discretion of the Supervisor, so he can go in there and the Supervisor can say you can take all of that, or you can sort through that, some of it is a lot of rubble in it, a lot of dirt in it, a lot of rock that is uncrushable you might say, so that's the reason why that part is in there. The public interest one is obviously not carry any weight with anybody around here to make available rock to Norfolk Industries of the size that he deems to be more suitable for his method of operation as he operates at this point in time. I can argue both ways on this okay, but I think that it is in the public interest to ensure that we do have both operators operating so that they are competitive in their pricing. There was something about having to resolve the dispute about the rock being up there on 44a and no approval or something like that, well this Mr Speaker, this form of approval would be the approval for them to go in there and do that. I note that the people mentioned the Norfolk Island Plan and the special use, saying that it is prohibited. This motion would override that, it's the approval, that would override this Norfolk Island Plan for that purpose for a short period. A lot has been said about the intent of this legislation back in 2004 being emergency legislation etcetera, and it wasn't intended to be a long term Bill, an Act, I can't help that, it was only intended to be there for three months, they should have put a sunset clause on it, and it would have been off the books already. But at this point in time it is on our books, it has a method for a person to apply to access a stockpile so that we have to accommodate it, so we have to accommodate it and this is what I have done today. We can't use that as an excuse saying that it was only intended to be a short term, when in fact it is still on the books, okay I take that onboard, if it needs repealing well I won't get it through in this Assembly, it will be a job for the next one. But these things sort of stay hidden until they come to the fore and you don't know that they are around, and that is what has happened with this one. And talking about the zone, that it is zoned in the special use zone under the special zone map as an educational establishment indoor/outdoor sport and recreational facility, but there is also, in the Norfolk Island Plan a list of permissible with consent of uses for that portion, for a special use portion, and that is anything from Childcare Centre, earthworks, educational establishment, hospital, place of Assembly, public building, public works major, residents, subdivision, so it's just not restricted to an educational facility. That's just how it's identified on the Norfolk Island Zoning Map, as to the current use and to why it's zoned special, because that's what the current use is. It doesn't mean to say that you can not do any other work that is outside the educational use. It was mentioned there before about future need of rock and whether or not we don't know what we need for the Cascade Pier extension, whether we would need any, if we rush through, and we close down the quarry, as seems to be the want, and I would like that as well, rehabilitate it, hand it back to the land owner, that development application for the quarry ceases, we would have no access to rock. So if we needed a big project to do which required a large amount of rock, we would have to find it elsewhere, they may say there is enough at 44a, but I don't think there is sufficient sized rock up there for a breakwater or whatever they need. But we have to be very careful that once we do close the quarry down, there won't be any other place to access rock except for 44a. And that's fine, because it is my intention, or it was my intention as it hasn't come to fore in this Assembly, that when the quarry does close down, when it is rehabilitated and handed back to its rightful owner, all the rock at 44a is exhausted it will be up to the operators of these crushing plants to identify their own rock, in other words, source rock from a quarry that they will have to undergo the Development Application process for. They will have to find a site to quarry the rock from. They will have to go through the development application and all the processes that go with that to get approval. It won't be the Norfolk Island Government. We will be out of the business of supplying rock to the private sector. It will be up to the private sector to find their own rock, that is my intention, the next Assembly might come in with a different intention, but that was my intention. And of course, with the stockpile at 44a with no ability to move it, unfortunately in the short term, it will have to stay where it is, so thank you Mr Speaker, I don't think

we are going to win the floor, so if there is no body else would like to speak, I would like to put the motion.

MRS WARD Thank you Mr Speaker, there are those of us who sit at this table and respect the plan, and when you respect the plan as I do, you will never support circumventing the planning process, especially when there is not public interest. Minister Sheridan has made a very good point, and this is why we highlighted future use in terms of the quarry. It would be silly to suggest that 5a be emptied before June, shut down, the lease conditions finished, before June. Anybody can see that. But the point that the Minister has made, but with that in mind, with that very thing in mind, this is not the answer, a proper process under the Planning Act, under the law, needs to be established, so that the stockpile at 44a can be removed. This Government and the Administration are not above the law. There is a law in place, this one allows it to be circumvented sure.

MR SHERIDAN No it doesn't, that is the law. That is the Act, to provide for the .... It's not circumventing it, that's the law.

MRS WARD The Minister knows as well as I do that this Act was established to circumvent planning process at the time, when there was a crisis situation for rock on the island. I'm not saying that this can't be resolved, but it needs to be resolved properly because the Government is not above the law, thank you.

MR SHERIDAN Thank you Mr Speaker, if I could just say that this is not above the law, maybe the access to the stockpiles in the last 10 years has been breaking the law, and I can agree with that, because this facility wasn't adhered too. But to say that upon approval of a motion such as this that it would not conform to our planning legislation etc is totally wrong. If this quarrying and related public works act was only intended to be, like I said before, available for a short period of time, don't blame me for utilising this Act now to bring a motion to the table. Blame the past Assemblies for not getting rid of it and leaving it on our books. I have utilised what is available, the community member, the business owner, who has sought the approval has done it within the law, so don't go and say that it is outside the law. And just on that note, I will be expressing to the Administration that they develop a development application for that stockpile at 44a for its processing, and I will be encouraging them to do that forthwith. How that is worked and how they process it it will be in their development application, that's up to them to decide, they manage the stockpile, but I will be encouraging them to submit a development application so that it can be assessed and we can put this to bed once and for all, so that this stockpile can be accessed and removed ultimately.

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

QUESTION PUT

Madam Clerk will you please call the House.

CLERK

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

Mr King No  
Mr Anderson No

SPEAKER Thank you, Honourable Members the results of the voting, the aye's 2, the no's 5, abstentions 2, it is negated the motion.

#### **NOTICE NO. 2 – NORFOLK ISLAND HOSPITAL ACT 1985 APPOINTMENT TO BOARD**

SPEAKER We move onto Notice No. 2, Norfolk Island Hospital Act 1985, Appointment to Board, Minister Sheridan.

MR SHERIDAN Thank you Mr Speaker, Mr Speaker I seek leave of the House to amend the motion by inserting the name of the Commonwealth Department's representative.

SPEAKER Is leave granted Honourable Members?

MEMBERS Aye.

SPEAKER Please continue, thank you.

MR SHERIDAN Thank you Mr Speaker, Mr Speaker I move that this House, in accordance with that this House, in accordance with sections 12 and 13 of the Norfolk Island Hospital Act 1985, resolve that, Terry Clout from the South Eastern Sydney Local Health District; and Miss Robin Fleming, a representative from the relevant Commonwealth Department be appointed by the Minister as members of the Norfolk Island Hospital Advisory Board for a term of twelve months commencing 23 January 2013.

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

MR SHERIDAN Thank you Mr Speaker, Mr Speaker this motion has come about by, it's been you might say a long time coming, Members will recall at a Sitting late last year, I amended the Norfolk Island Hospital Act to allow for five members to be on the Norfolk Island Hospital Advisory Board, this was to accommodate a representative from South Eastern Sydney Health District who we are in the process of establishing more tighter links for our health provision, and also a representative from a Commonwealth Department, to facilitate some assistance in the health area. Mr Speaker, Terry Clout from the South East Sydney Local Health District, is their Chief Executive Officer, and the letter I have in my possession is that the Director of Health New South Wales has approved Mr Clout's inclusion on this Board, Mr Speaker I see his inclusion as having to be beneficial to the Hospital and the Advisory Board in that it's intended that he visit Norfolk Island in February and it is intended that we will sign the MOU, the agreement that we've had in about 10 months in the making, Minister Crean has finally agreed with some conditional agreement that we can sign off on the MOU, Mr Clout has indicated that he is willing to sign off on that when he visits in February. I see that as a great positive for Norfolk Island because there are lots of things in that MOU that South East Sydney Local Health District will be able to assist the Norfolk Island Hospital with. And with the Chief Executive on the Board, we have got a shoe in the door, a foot in the door surely, it must make things a little bit easier. The other representative, Miss Robyn Fleming, comes from the Department of Regional Australia, Local Government, Arts and Sports, this wasn't the full intent of the inclusion on the Hospital Advisory Board, it was in discussion with the Department late last year when we amended the Act to allow for five members, it was indicated that a member from FAHCSIA, family and community services, would be appointed, I believe this is an interim appointment because FAHCSIA hasn't nominated a person for them to

advise us who would be on the Board. So my view of this is that it will be a temporary appointment, but they facilitated this only this morning, it came through late last night, 5.30pm last night, from Nick Hills, the Director of Norfolk Island Reform Regional Policy and Strategy, that Miss Robyn Fleming would be the nominee. So just with those few words Mr Speaker I would like to leave the motion to the floor, thank you.

MR NOBBS

Thank you Mr Speaker, I intend to support this, I have highlighted before that I see great merit in us linking some of our areas with, particularly departmental areas that are specialists in these areas, to provide not only a conduit for information about how Norfolk operates, and how in particular the Hospital operates and the challenges that are relevant to it, but also to share some of the expertise, and that is expertise on both sides. One of the interesting outcomes from the Capacity Building Team, which we spoke about earlier this morning, was that for some of those Capacity Building Team members, they certainly learnt some things on the island, as well as providing capacity building opportunities for our managers, but they were also able to transmit some of the remote area challenges that Norfolk has that other locations just do not have. Very pleased to hear from Minister Sheridan that it is likely that it will be FAHCSIA appointment later on, because the relevant expertise on the Board is going to be very important as we deal with ageing population issues and additionally perhaps some of the ramifications with the Unrestricted Entry Permits, and various other elements of the immigration changes, thank you.

MRS WARD

Mr Speaker, just to support the motion, I've said quite a bit on this subject when the Minister moved the original Bill to extend the placings, I'm very grateful for Terry Clout's experience coming onto our Board, I can only see positives, I see the appointment of Miss Robyn Fleming as interesting, but that has obviously been worked through with Minister Crean's office. Same as Minister Nobbs, that within time see that that was someone from Health and Aging perhaps, but at the moment we are very much under Regional Department, so just to indicate that I see room for some flexibility there, it is just a 12 month term though, and so today it has my support, thank you.

MS ADAMS

Thank you Mr Speaker, I support the motion, however I put on the record the engagement of a Commonwealth Officer on the Advisory Board does not, on the cost of them coming to Norfolk Island when the Board meets, if that is my understanding if that is proposed to how it will happen, that it doesn't show up eventually on the debit side of the ledger as one of the costs to the Commonwealth for Norfolk Island, thank you.

MR BUFFETT

Thank you Mr Speaker, Mr Speaker that can I firstly give compliments to my Ministerial colleague for securing the two names that he has, it's not been an easy process to actually delve through and work through and have delivery of those names, but they have, even at the last minute, names on the table for us to give finality to this particular motion. I particularly would like to give compliments that Terry Clout is one of the names on the list for membership of the Board, and the reasons are these: Mr Clout is the Chief Executive of the South East Sydney Local Health District, and Members will know that we have had in train for many, many, many months a memorandum of understanding to assist the delivery from that area of health services within the Norfolk Island context, or for Norfolk Island people to go there and access the services that might be available, at an appropriate cost of course, but a lot of these things depend on where to go, and knowing how the systems work, and how they may be co-ordinated with the needs of this place. And this isn't just the South East Sydney Local Health District nominating somebody, this is the Chief Executive showing an interest on his account for our wellbeing, and that is seen as a great plus for us in terms of the relationship between Norfolk Island and this health district, I again offer compliments to the Minister for ensuring that that is the case, and obviously supportive of this motion as a whole.

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

QUESTION PUT  
AGREED

The motion is so agreed.

**MOTION BY LEAVE - PLANNING ACT 2002 – LIGHTERAGE TANALITH REZONE**

SPEAKER Honourable Members we move to motion by leave and I call on Minister Sheridan.

MR SHERIDAN Thank you Mr Speaker, Mr Speaker, do you have to read out the declaration of urgency first? No? Shall I move. Mr Speaker I seek leave to a motion to amend the Norfolk Island Plan 2002.

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

MR SHERIDAN Thank you Mr Speaker, I move that this House resolves, in accordance with subsection 12(4) of the Planning Act 2002, to approve the draft plan laid by the Minister before this House being a proposed amendment to the Norfolk Island Plan 2002 (as amended); and for the purposes of subsection 13(11) of the Planning Act 2002, to declare that the date of commencement of the approved plan be 1 February 2013.

SPEAKER Minister Sheridan if I could just correct just one thing, the purposes of subsection 13(1).

MR SHERIDAN 13(1), sorry, 13(1).

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

MR SHERIDAN Thank you Mr Speaker, Mr Speaker I'll just read out the statement of reasons pursuant to subsection 12(3) that accompanies the proposed variation to the Norfolk Island Plan. This has been distributed to Members, only yesterday, because this has been something that was only agreed upon on Friday, and the service has accommodated it so that it can come to the House today. This statement of reasons is provided for the purposes of subsection 12(3) of the Planning Act.

SPEAKER I hate to interrupt Minister, could you please check your numbering there again. 3 or 4, just a matter for Hansard.

MR SHERIDAN I've just, hang on, I'll just have a look, I think I've got it somewhere, it should be 12(3) Mr Speaker.

SPEAKER Thank you and whilst you are there Minister Sheridan if you could just check 12(1).

MR SHERIDAN No, the motion is correct at 12(4), and the statement of reasons at 12(3), that is correct, the motion refers to 12(4) in the first paragraph and 13(1) in the second paragraph. I am now reading out the statement of reasons, which under the Planning Act, which says if the Executive Member lays a draft plan before the Legislative Assembly under

subsection 12(2) the draft plan shall be accompanied by a statement giving the reasons why, and this is what I am reading out now, so yeah one doesn't refer to the other. The 12(4) refers to, after the draft plan is laid before the Legislative Assembly under subsection 12(1) the Legislative Assembly may by resolution approve the draft plan, approve it with alterations or reject the draft plan, so yes, it's correct. Shall I continue? I'll start again Mr Speaker. This statement of reasons is provided for the purposes of subsection 12(3) of the Planning Act 2002 (the Act) to accompany the proposed variation to the Norfolk Island Plan 2002 laid before the Legislative Assembly under subsection 12(2) of the Act of 23<sup>rd</sup> of January 2013. The reasons why the draft plan was not notified under section 11 Mr Speaker, public submissions have not been sought under section 11 regarding the proposed legislation because; a) the proposed variation essentially recognises the status quo, the rezoning proposal which comprises the proposed variation fundamentally seeks to vary the Norfolk Island Plan so as to recognise existing and ongoing public purpose use of the portions, the Plan should reflect such long standing and continuing public purpose use, and in such circumstances public consultation is considered of lesser value. Mr Speaker, before I do go on, I think it is appropriate that I mention that the two portions in question, this is for the listening public, because they wouldn't know what we are talking about, is the two portions of land where the lighterage shed is and the tantalising plant, currently they are zoned residential, and the intention of this change to the Norfolk Island Plan is to zone them special use, and that will come out further. B) public submissions will be sought as part of the processing of any development applications for change use or development on the portions, while public consultation has not been sought on this specific rezoning proposal, the making of the rezoning proposal will have the result that all future development applications regarding the current use of these portions will be dealt with as permissible with consent, and subject to applicable environmental impact assessment and statement requirements under the Act, this will mean that public consultation and decision making under the Act regarding any future changes in use of the portions will be able to be much better informed. And c) time pressures facing Administration funding applications, the draft plan is intended to facilitate the submission and assessment of a development application to construct a building intended to house barges and a mobile crane which form part of the Norfolk Island Governments proposal under the Australian Governments Regional Development Australia Fund Round 4. The enhancement of Norfolk Island's lighterage and shipping functions is considered to be highly beneficial for the economic wellbeing of the community. A development application to construct such a building on portion 44a adjacent to the School has already been prepared and exhibited and eight written submissions have been received, mainly from adjoining land owners objecting to this proposal. If the development application is approved, should an aggrieved person seek merit review in the Administrative Review Tribunal or the Commonwealth Administrative Appeals Tribunal, implementation of such development approval could be delayed by many months, this poses an unacceptable risk to the RDAF proposal, as a condition of funding is that the whole project must be investment ready by the time successful projects are announced around June this year. Meaning all planning approvals must be in place, and reasons why the variation is appropriate Mr Speaker, the variation contained in the draft plan is appropriate because: a) the proposed variation essentially recognises the status quo, as indicated above, rezoning is appropriate to reflect existing and ongoing public purpose use of the portions, and there is no intention to abandon such public purpose use. The rezoning proposal for the three uses used specified in the draft plan, i.e. industry, noxious, hazardous or offensive (tantalising works, public works major and depot) effectively legitimises the status quo. The Administration uses the portions as a depot and tantalising plant under the existing lawful nonconforming use, exemptions within the Norfolk Island Plan 2002, there is no intention of abandoning the public purpose use of these purposes, and b) the reliance on existing lawful nonconforming use exceptions use is inappropriate, the portions of land covered by the draft variation to the Norfolk Island Plan 2002 are currently within the residential zone, the Administration of Norfolk Island occupies and has used the portions of land many years as a depot and tantalising plant. Under the Norfolk Island Plan 2002 such uses are permitted in the residential zone, the Administration of Norfolk Island has been able to continue



my mind, because I embrace closely the conventions of the caretaker period, I know you are thinking what is Kingy on about, well to me, what we are doing here is making certainly expressions of establishing the parameters within which we will accept a variation to the Norfolk Island Plan, where we are showing a willingness, a basis on which the Plan might be varied, and to me that is a significant expression of policy which shouldn't be left to the eleventh hour in a caretaker period. But having said that I understand in very clear speech given by the Minister and encompassed largely in the reasons that have been tabled. But I am fearful of it in respect of eleventh hour motions such as this in the caretaker period, it is my intention to abstain if the going gets tough, I don't it will, I will lend support to it.

MR BUFFETT

Thank you Mr Speaker, Mr Speaker, some of the detail of this motion, I think we all would acknowledge is not necessarily an ideal situation for us. But there are bigger issues that need to be examined, Mr Sheridan has pointed them out to us, I just want to add my contribution to it. This is a motion that talks about rezoning an area, and we have had identified that area, it is the lighterage area, and the adjacent tanalith area in the Middlegate subdivision, it's used for that purpose at this moment. It's not used for residential arrangements, which is the planning terminology at this moment, so it's not necessarily a new physical aspect in terms of that. But it is in some essence by this motion abbreviating the processes and using special legislative provisions to achieve that and in the ideal world you would do it in another way. I am not opposed to this arrangement, it is probably the not ideal component appeals to some element of abbreviation, but what we must balance with that is the real purpose and the real purpose is, as Mr Sheridan has mentioned, that we have on our books a proposal for a project, that as far as we are able to see at this moment, in terms of projects in Norfolk Island, will deliver the greatest benefit to the Norfolk Island community, both in the private sector and the public sector in terms of job opportunities, a range of things associated there with the ongoing process of this project, but also the result of the project will mean two things, one it will give greater facility for visitations in terms of cruise ships and it will give greater facility that doesn't exist in this moment for containerisation cargo to be brought into Norfolk Island, the project obviously is the Cascade Pier refurbishment, if we might use that word, extension, purchase of a crane, which has greater lifting capacity than that at present, the purchase of barges, which comes towards the motion which is in front of us, and in the process of purchasing those we need to be able to house them, and this is about a housing place for them. So the project is huge, we see it has a \$15 million project at this moment, and we need to be competitive about our bids, so we need to be investment ready to use the word that I think is acceptable in the context of these, some other people would be a bit more to the point and say shovel ready or something like that, but nevertheless we need to be on the ball. Therefore it comes to this, that we made a proposal, and that is in terms of 44a, but that has exhibited some difficulties, so we need to ensure that we don't end up losing this large and significant project. And so we are looking at this Plan B and Mr Sheridan has explained to all of us that. I'm just reiterating in another way maybe how we need to travel. So what I am measuring in my mind is obviously this, the magnitude of the task, the \$15 million task, the benefits the task itself will bring to the island in terms of employment and those range of things, and when concluded the benefits that it will bring to the Norfolk Island community which has just been mentioned. They are huge and we need them, every single one of them, we need to balance that with maybe abbreviating a process using a special piece of legislation to achieve what is planned to be achieved. And when you hold those two things in balance, then the project is the larger of the components, has the greater weight and therefore in that context that is how I see that motion, and it will have my support in that context.

MS ADAMS

Thank you Mr Speaker, in an earlier motion we were invited really to apply the test of public interest as being the benchmark in which we came to a decision, yes or no on that motion, and I had a difficulty that the test was not met and couldn't vote in favour of that motion. This is clearly demonstrating the appropriate time for taking into account the public

interest, because it is the Norfolk Island community's total economic future which lies, potentially, to be measured against this motion, and that is why I support the motion, thank you.

**MRS WARD** Thank you Mr Speaker, I just want to touch on a point that the Chief Minister made in talking about a better way, I will support the motion today, but in talking about a better way, the only thing that would be better about this, is if we allowed the public consultation stage which is a 28 day waiting period, so that is the thing that may alarm some people. You do that when you are wanting to change the plan, and rezoning is a major change to the Plan. If you go to the Plan and you look at the portions that are in question, which is the tanalith plant and the lighterage shed, you can see that there has been a zoning overlay of residential, and you look at it now and think how on earth did that happen, because it was an existing use, it really should have been made special use back then, I can only apologise in the review of the Plan which I was part of, I didn't pick that up. I guess my mind was very pro conservation not pro development, sitting here really makes you think some of your values and what is in the best interest for the community for the future. So I will support the motion, which is basically just giving approval in principle, it is not to plan b, through the planning process as the Minister has said, that's the time for the community consultation, so that's how I am justifying my support for this motion today. If the Minister would just finish his debate, because this was just put on our desk at the last minute yesterday, in the date of the draft Plan is signed at the 22<sup>nd</sup> of January, but the motion calls at the last point that for the purpose of subsection 13(1) and the date is the 1<sup>st</sup> of February, that's a process question I guess, but I am just curious.

**MR SHERIDAN** That's the date when the Plan is approved, because under the Planning it has to be gazetted, it's the gazettal date, so that's the date it's planned to be gazetted on, Friday week. We won't get it to this weeks Gazette and that's why it's the 1<sup>st</sup> February.

**MR NOBBS** Thank you Mr Speaker. I'll be fairly brief because I obviously support this progression. It's not a drastic change of use as Mrs Ward has happily picked up. Perhaps some time in the past it should have been evaluated for its use at the moment, and for its use at that time. The Chief Minister has covered the elements of the grant application and so has Minister Sheridan in terms of making sure that we evaluate the components of the form of the overall grant application keeping in mind that this is a \$15m regional development Australia grant that will be competitive. There will be other agencies and regions that will be competing for these grants so we need to make sure that we've carried out all the analysis, ticked all the boxes and prepared a grant submission that demonstrates to public need, the positive economic outcomes and that all the other elements that it may impact on in being operational once the grant is successful have been considered in moving forward. I intend to support it.

**MR ANDERSON** Thank you Mr Speaker. I'll be brief. There's no sense in my repeating what's been said. I tend to agree about the urgency and the process of public interest substantiating proceeding. On this occasion I can count. It clearly will pass and I think Mr King also needs support in respect of the caretaker provisions but at the risk of not being seen to agreeing with Ms Adams twice in the same sitting I'll also abstain

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

QUESTION PUT

AGREED

MR ANDERSON AND MR KING ABSTAINED

That motion is so agreed

**DECLARATION OF URGENCY - WILLS (AMENDMENT) BILL 2013**

SPEAKER Honourable Members I have to advise that in accordance with standing order 158 that the Business Committee has declared that the Wills (Amendment) Bill 2013 shall be passed through all stages at this sitting.

**NOTICE NO. 3 - WILLS (AMENDMENT) BILL 2013**

MR BUFFETT Thank you Mr Speaker. I present the Wills (Amendment) Bill 2013 and move that the Bill be agreed to in principle and I table the Explanatory Memorandum to the Bill. The purpose of this Bill is to correct a cross reference error in the principal Act as passed. A reference that should have referred to section 13 was incorrectly stated as 14 and quite simply, this Bill is to correct this. The Bill has 4 clauses. Clauses 1-3 are the usual short title of the Bill, the commencement and reference to the principal Act to be amended and Clause 4 makes the correctional adjustment, "Section 13", for "Section 14". It is obviously not a Bill that has policy implications but tidies the piece of legislation and given the time that we moving in terms of this Legislative Assembly I have sought that it be tidied as an urgent bill so we tidy the matter and move it on. I commend this Bill Mr Speaker

MR KING Thank you Mr Speaker. An urgent Bill in a caretaker period. What a wistful combination but I acknowledge it contains no policy matter or expression of policy and is purely procedural

MS ADAMS Thank you Mr Speaker, I would just like to ask a question of the Chief Minister. Are you planning to mention the email. No. thank you

SPEAKER Is there any further debate Honourable Members. No. There being no further debate I put the question that the motion be agreed to

QUESTION PUT  
AGREED

We move now to the detail stage. Is it the wish of the House to dispense with the detail stage. Thank you. Mr Buffett, I seek a final motion

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

SPEAKER Is there any further debate Honourable Members. No. There being no further debate I put the question that the motion be agreed to

QUESTION PUT  
AGREED

The Bill is agreed to.

**DECLARATION OF URGENCY - HEALTHCARE (AMENDMENT) BILL 2013**

SPEAKER Honourable Members I have to advise that in accordance with standing order 158 that the Business Committee has declared that the Healthcare (Amendment) Bill 2013 shall be passed through all stages at this sitting.

**NOTICE NO. 3 - HEALTHCARE (AMENDMENT) BILL 2013**

MR SHERIDAN Thank you Mr Speaker. I present the Healthcare (Amendment) Bill 2013 and move that the Bill be agreed to in principle and I table the Explanatory Memorandum to the Bill. I'll just read the explanatory memo which is quite short. It is a fairly short amendment to the Act. This Bill seeks to correct an apparent anomaly arising from the amendment in 2008 that was made when the MBF Group ceased to provide medical benefits cover to persons resident in Norfolk Island. The purpose of the amendment was to ensure that persons who had been covered by that organisation (and who had received a suspension from payment of the health-care levy) would not be disadvantaged in respect of pre-existing illness or injury upon joining the healthcare scheme. It has come to the attention of the Administration that the MBF Group was not, in fact, the only organisation that has provided medical benefits cover to Norfolk Island residents and that the Australian Unity Group had done so and has announced that it withdrew cover from 31 December last. In order to ensure that persons who had insurance with that organisation are not disadvantaged, the present amendment will remove specific reference to the MBF Group and apply generically to any health scheme previously providing cover to Norfolk Island residents and which is withdrawn. The Bill provides in clause 1-3 for the short title of the Bill, its commencement (upon gazettal of assent) and the reference to the principal Act being amended. Clause 4 removes from subsection 19(6) reference to the MBF Group and makes the subsection referable to any organisation providing health cover in a health scheme and removes the time limitation. All the subsection requires is that if a health cover is withdrawn and the person does not replace it with similar cover (for which a suspension from the healthcare levy has been granted) then when the person joins the Norfolk Island scheme the limitation on prior illness or injury will not apply. Mr Speaker this has come about as referred to in the explanatory memo from Australian Unity ceasing cover for Norfolk Island residents on Norfolk Island as of the end of the year, or 1<sup>st</sup> January 2013. This ceasing of cover affects three people in Norfolk Island and I will say that it is the only other healthcare Manager is aware of, the only other private health scheme that covers people on Norfolk Island except for the MF group of which all of those people were transferred to the healthcare scheme back in 2008 when they ceased cover. Of these three people and they are long term residents of Norfolk Island and one of those persons have recently received the aged benefit and she is now exempt from the scheme and is on H&MA and the other two people their cover has ceased and now they are required under our legislation to join the healthcare scheme and so whilst that is in fact being done by these people now, they will have to pay the levy, the healthcare scheme says that for five years you cannot be covered for pre-existing illnesses. The facility was made back in 2000 was made for MBF Members to transfer to the scheme without penalty and this is what I'm attempting to do now, to give the same facility to these two people for their pre existing illnesses. The reason for the urgency is that as Mr King and Mr Anderson says, we apparently are in caretaker mode and the election has been called but there is no retrospectivity to this Bill so it would mean that it's from the date of assent that it comes into force so I'm trying to protect these people in case they do have a re occurrence of an illness, that it will be covered under the healthcare scheme. I think it's only fair. We afforded that ability to some dozens of people back in 2008 and I think the same facility, the same provision should be provided to these three people who have had their private health insurance which has saved the Norfolk Island health scheme a lot of money over the years as they've used it to the full extent, I think we should provide the same provision to them. I'll leave it to the Members for discussion

MRS WARD Thank you Mr Speaker. I certainly don't like urgent Bills or emergency Bills but I can see what's happened here, and if the Minister and Members will bear with me I will talk through it and if the Members or the Minister sees an error in my understanding of the bill then could you highlight that but basically this is three people who have in good faith, held Australian private health insurance and through no fault of their own that is now being withdrawn as happened with MBF those years ago and so we are basically facilitating a transfer of those persons

into the Norfolk Island system without disadvantage, in other words, we are not taking into account pre-existing conditions. If my understanding is correct then I am prepared to support this Bill today otherwise those people would be disadvantaged. Can I also clarify because a question was raised with me, is there a clear understanding, this is future, so I can support the Bill, but for future use of people coming in, that they understand that there's no Australian convention here with our Healthcare Bill. That people need to understand that this is not applying to new people. This is only applying to people who have been suspended from the Norfolk Island healthcare scheme. Thank you

MR SHERIDAN Thank you Mr Speaker if I could just refer to Mrs Ward's comment. Yes, that is quite correct, exactly what you said and the change to that clause where it starts off with an eligible person is obligated to pay the healthcare levy was immediately before the commencement of the subsection, in a state of suspension, so it means that you had to have been suspended from a scheme to qualify so a person coming to Norfolk Island and residing and then having private health insurance and that cover does not cover them here and they join the Norfolk Island scheme, they would have to wait for five years. That's one of the impediments to newly arrived people and the lack of Australian insurance companies being able to extend cover for treatment on Norfolk Island. It is exactly that. They have to join the healthcare scheme and we have a waiting period for new Members as does all schemes

MR KING Thank you Mr Speaker. They're making it very difficult for me Mr Speaker. As I said, there's nothing worse than a combination of urgency in a Bill in a caretaker period. There is something worse than that and that's an urgent Bill in a caretaker period which has new policy in it. I understand those arguments but there's not been enough said to me or shown to me to convince me that it is simply an expression of an old policy. I said yesterday at MLA's and I'll say it again today that what happened back when MBF was superficially chosen for a separate provision in the healthcare Act, why did the legislature choose then not to embrace or accept that other schemes may well fall in the same category. I don't know that. The Minister has not said that to me. I've not seen anything in writing to convince me that, that was simply an oversight in those days and that we are now faced with simply extending an existing policy. It seems to me to be a reactive piece of legislation. I understand what you're saying about one or two or three people in the community who are impacted by these things but again I'm not a great believer in reactive legislation or an urgent nature in the 11<sup>th</sup> hour in a caretaker period. I'm simply not convinced. I think the best I can muster here is an abstention and I can do that because I've not done it a great deal in the past three years and I hesitate to do that but I'm not convinced that it is simply an extension of existing policy.

MR SHERIDAN Thank you Mr Speaker and I might have been a bit negligent. I was going to refer to Hansard from 2008 and that may allay some of Mr King's concerns. The Health Minister at the time had some very protracted discussions with the Commonwealth and insurance companies about their stopping the cover to Norfolk Island and in particular with the MBF group, and in his debate in Hansard, he indicated that the reasons associated with recent amendments to the private Health Insurance Act 2007 of the Commonwealth that they would no longer be able to provide medical service benefits in Norfolk Island however, they would be able to continue to provide service for holders of MBF health insurance policies in Norfolk Island and short treatments for ailments or medical conditions in Australia and it goes on to say further down that "advise had been sought through the Office of the Administrator and he's grateful to him for his assistance in this matter and suggested that there be no change in fact to the situation that had prevailed prior to the passage of the legislation through the Federal Parliament and therefore things shouldn't change. What in fact happened and has now been clarified was that legislation passed through the Federal Parliament in 2007, reinforced the status quo and said basically that the provision of health services in Norfolk Island could not be covered by a private health insurance

opera tor operating out of mainland Australia so in effect what that meant is that MBF and other private health insurance operators in Australia had been working outside of the legislative provisions for a great number of years and how MBF had actually come across this of a review of their own operations, a review of the legislation and clearer reading of the legislation indicated that they were prohibited from providing benefit cover in Norfolk Island for services tendered in Norfolk Island.” That was from the debate back in 2008 and as indicated it was MBF and other private health insurance operators in Australia. MBF discovered it as I said through an internal review of their own operation. Australian Unity after representation from the Healthcare Manager in regards to their ability to protect or to provide health cover for residents of Norfolk Island in Norfolk Island resulted in them last year reviewing their own cover and they provided a letter in July 2012 indicating that would cease cover from 1 January 2013. I suppose I should have been a bit more proactive and brought this Bill to the House earlier but it was only when January came around, we thought that they would have been covered under legislation as the MBF covers were, but when we read the legislation, when they applied for the healthcare suspension under Australian Unity we said no, from 1 January 2013 you can’t so they would have to join the healthcare scheme and when we followed it through to make sure that we had the ability to suspend them from the scheme we realised that the only thing that had been changed in 2008 was for the MBF and associated subsidiaries. Not the insurance companies across the board who provide the cover here in Norfolk Island. I don’t think that was the intent of the legislation change at the time. I believe it should have been made so that it covered all policy holders of whichever health group they were covered under, and this is why it’s urgent, because I understand that we may not have a sitting next month, I don’t want to leave it to the next Legislative Assembly because it may not get up until April or May and this would leave these two people in grave difficulties of having a large health bill which they may not be able to recover so its for their protection that I’m asking for the urgency and for Members to support it today.

MR ANDERSON Thank you Mr Speaker. I’ll only confirm what the Minister’s just said. I’m satisfied that it was an oversight in 2008. The Minister and I discussed yesterday the fact that the section commenced in December 2008 and these amendments only covered people who were part of the scheme suspended as at the Legislative Assembly 2008, so they were already eligible it’s just that the legislation wasn’t all encompassing so I have no problems with it and I will support it.

SPEAKER Is there any further debate Honourable Members. No. There being no further debate I put the question that the motion be agreed to

QUESTION PUT  
AGREED

We move now to the detail stage. Is it the wish of the House to dispense with the detail stage? Thank you. Mr Sheridan, I seek a final motion

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

SPEAKER Is there any further debate Honourable Members. No. There being no further debate I put the question that the motion be agreed to

QUESTION PUT  
AGREED

The Bill is agreed to.

**ORDERS OF THE DAY****MARINE SAFETY BILL 2012**

MR NOBBS Thank you Mr Speaker. This is certainly not new to any of us. It's been ongoing for many months. In the last sitting I provided fair detail of the progression towards finalisation of this Marine Safety Bill and how it related with the Memorandum of Understanding that was part of the Norfolk Island Fisheries Management Policy. In enabling the further debate and input around this table at the December sitting there was certainly some constructive feedback given with regard to certain parameters of the Bill and all Members around the table will have copies of the detail stage amendment which followed those issues that had been raised around the table and certainly the common ones that have been raised through the various consultation methodologies. I'm happy to provide again an overview but I'm also mindful of Members being aware of the contents of the Marine Safety Bill and the obvious intention is to not only provide better regulated outcomes for safety management in the area of marine vessels and personal water craft, it's also to facilitate some aspects of foreign vessel control that may well pull into our port and need guidance from a body such as the Harbour Master or Harbour Authority. What I'd like to do initially is work my way through the detail stage amendments so that all Members are comfortable that they have been heard and those Members of the community are also comfortable that they've been heard and that these detail stage amendments have made it into the final document. Within the detail stage amendments which is dated 16 January 2013 you will see section 1 which is to rename the Bill "Marine Safety Bill 2013" in the heading and the clause obviously given that we are in 2013; part 2 amends the definition "Crown Counsel" in clause 4 and that's on page 2 of the Bill, so anyone who wants to follow this page by page will find these elements as we go through them, and that deals with deleting the words, "Legal Services Unit" and substituting "service"; and in part (b) substituting for "the Deputy Crown Counsel"— "a legal practitioner holding the position of deputy or assistant to the Crown Counsel or who is the delegate of the Crown Counsel or is acting in his or her stead." Item 3 within the detail stage amendment deletes clause 88 and we had a fairly significant discussion on clause 88 and in particular feedback from Mr Anderson whose opinion I certainly respect in that he has had roles in a coronial context and that specifically is what clause 88 was aimed at best facilitating. I've taken that feedback and on that feedback and by the way clause 88 is on page 36, on that feedback you will see there is a deletion of clause 88. What I would point out there though is in the review process in twelve months, that is part of this legislation perhaps that can be reviewed and make sure that it is working as it is intended. Part 4 of the detail stage amendments deals with amending clause 104 and that's on page 43, and that deals within part (a) in paragraph (1)(h), for "or", substitute "and"; and (b) deleting subclause (4). That's probably all I need to say at this point in time. Certainly as has happened in the last two sittings, I welcome the feedback around the table. It is a significant amount of work. It's not a new consideration by any means for any of us. It is aimed at recognising local elements and controls, and as I said time and time again, and this is why I have involved the Norfolk Island Fishing Association executive and met with their Committee and any other areas that wanted to participate, as well as the working group, it's aimed at being a practical legislation so I commend it to the House and I look forward to debate and I equally thank the working group that's been involved in this

MS ADAMS Thank you Mr Speaker. I mentioned yesterday the possibility of changing in page 3 the Navigation Act to read 2012

MR NOBBS Thank you Mr Speaker, that's quite correct. It has been an updated Act and so the new date is 2012

SPEAKER So Hansard will record that there'll be another amendment

MR NOBBS

Yes. What page is that on

MS ADAMS

Page 5 sub clause 8(3). I'm happy to continue Mr Speaker unless somebody else wants to speak. I haven't much to say. This is one of those pieces of draconian legislation, for me, where you're damned if you do and you're damned if you don't. I've taken the obviously, I spoke just this morning with the newly elected President of NIFA who remains as Mr Sterling to find out what the view is of NIFA, if it's still the same as what it was when Mrs Ward and myself and Mrs Griffiths attended a meeting of NIFA by invitation, as were other Members invited. It was absolutely clear that there was no unanimity within NIFA on the need for this legislation. There were wide ranging views from it's not being needed at all to acceptance of a need. The only reason that I'm going to be able to support this legislation is because of the Navigation Act 2012 which is hanging like Damocles Sword over Norfolk Island waters. It applies now I understand unless its expressly stated within the Navigation Act 2012 to not apply and I understand from talking to Mr Sterling that one of the principal reasons that the executive of NIFA is going along with this, and somewhat reluctantly is that by us licensing ourselves we are demonstrating a will and in the hopes that the Navigation Act won't be applied in its entirety to Norfolk Island. You will recall under the Roadmap in 2012 and 2013 there is to be a programme developed for both Government's to work in partnership to further the extension of agreed Commonwealth laws to the island and between 2011 and 2015 under the Roadmap to progressively extend appropriate Commonwealth laws and the associated support agencies to Norfolk Island on a portfolio by portfolio basis including full community consultation and education processes and so I think it is fair then to say, as I have already said and I'll reaffirm, is looking to having put in place our regime, we can be seen to be responsible and doing the right thing so that the rest of the Navigation Act is enforced over the top is probably a fair thing, and look I feel, I absolutely feel, for those members of NIFA who have done the right thing forever, don't need to be policed, don't need to have draconian legislation over the top of them, it's always just the one or two people out there that causes legislation to have to be imposed on everyone, and that is a sad thing, the same thing is happening with the jet ski's etcetera. You know there's the willing people to do the right thing, who do the right thing, but there's the one or two who don't give a damn, thumbs up to authority and so everybody is suffering as a result of this..... Absolutely right Mr King, it is the same with any piece of legislation, but this one is glaring in our face, and so I have to reluctantly say I'm going to, I could abstain but what is that going to achieve, I'm going to have to say yes to the Bill in the hopes that we are stemming the tide on anything further, being draconically placed on top of us, thank you.

MRS WARD

Thank you Mr Speaker, I think there has already been a lot said on this debate, and that will be in Hansard, but I will just summarise some of the points that I think are important, and I did attend two of the public meetings the Fishing Association held, and I thank them for that opportunity. I talked about, previously, some of the conversations, and I will just reiterate some of those conversations that I did have with the local fisherman. And there was a general view, that if we did care about marine safety and management of the resources in the ocean around Norfolk, and that we do understand that we are a tourist industry and in need of safety measures, then we do need to act. A lot of it is common sense, which is ok when everyone's at the same level of sense, but as Ms Adams has just pointed out, sometimes things do go wrong, it's also simple when we all know each other, when we almost have this subliminal level of communication. But we are entering into a world where potentially we are going to see a lot more new faces, and rather than having assumptions and rules without teeth, which have been aptly put in place by the Fishing Association, they will have the law behind them, to protect and help them manage our fragile marine resource for future generations. Of course this Bill goes beyond recreational use or fishing, and we spoke on that too, which will be in Hansard, and if we are able to move towards Cruise Ships, traffic will increase, and we will also need to be able to manage that, with the might of the law behind us. There are, as previously stated, national and international law

that will override anything that we put in place, but our officers have tried to work within the standards already in place, and so there is no conflict, and that is the hope, that we will still be able to manage what we see as our resource. In addition to that, we know that we are in the middle of Commonwealth Norfolk Marine Reserve, we all know that, and we all know that I am supporter of that, anyone that is interested will read the plans of management that are public at the moment, and I understand that the Norfolk Island Government is working on some type of submission to the draft plans of management. There has been long community consultation over this Bill, it goes back to an agreement in 2009 between AFMA and the then Norfolk Island Government, and the Minister was Mr Chris Magri, the original Bill that came out of that, some will remember was the Fisheries and Marine Activities Bill 2010. The Bill in front of us today is certainly a simplification of what was that original Bill, this step is merely about safety and the use of the marine environment. It will be at the next stage, and for the next Assembly, should they choose to progress in this area, that will drill down into sustainable management for fishing. Previously, Mr Snell raised budget concerns, excuse me Mr Speaker, you were Mr Snell at the time, and the Minister responded to you by saying, "the budget question was raised by Mr Snell as indicated in the Appropriation being put on the table this morning, there is an element that is allocated to that". Now the fact is that \$5000 is the budget provision under the line fisheries, so if in closing the Minister would be able to explain what that allocation is to be spent on, and how any shortfall would be covered would be helpful. The Minister also needs to show where the salary provision for a newly created provision, for a newly create position Harbour Master is, or if that is to be given as extended duties to an existing position, what are the required qualifications, and will this person need upskilling and what will that cost? Again along budget lines, the Minister said, and I'll quote, "it is intended that there will be no licence fees in the first year of operation" unquote. I would like the Minister to provide a statement of reasons for this vote winning statement. Mr Snell spoke of onerous regulation, and Ms Adams has highlighted onerous regulation. I couldn't agree with them more. Remembering that I too voted against the seat belt legislation, what a nuisance becoming part of the real world, full of rules and regulations, occupation, health and safety requirements, and insurance, and I can insure my fellow Members that I dislike it as much as you do, but this is the real world, it is the 21<sup>st</sup> Century. And if we don't mature in this instance, then we will have no say, and that's our choice today, and that is why I am supporting the Bill. So that we, the Norfolk Island community, can continue to have our say, and set the rules and regulations that are relevant and specific to us. And touch on a couple of specific concerns that came to me through the Executive of the Fishing Association, and I'm sorry to see that these concerns have not been picked up in the Detail Stage Amendment. Section 52 and 59(1)(g), I have spoken with a member of the Executive, and he is aware that no Bill is perfect, and he agrees that it is best to progress at this stage, and that there is a review process, and if there really is a problem with these sections, they can be amended by the 14<sup>th</sup> Assembly. Section 59 is a question of definition under the Marine Investigation and Enforcement, and I'm sure that that can be addressed by the coming Assembly if they choose to move further in this direction. Before I finish I would like to point out Section 106 to the Minister, which is, Harbour Master, I think it would be helpful for the Minister to read out 106(3)(a)(1) and explain to the community what it really means. The Minister will know that I am talking about day to day management of the Harbour Master. This is a substantive piece of legislation Mr Speaker which has been a local initiative, I see the Bill as a framework, it will lead into regulations, that is where the nuts and bolts fit, that is where the Fishing Club rules and regulations which exist can fit into, and the law gives them might to ensure that they are respected. So I would encourage the Fishing Association to stay involved in the process, and I'm sure they will, if they are given the opportunity, which they should be. Finally I would like to offer my congratulations to the people who worked on this Bill, I think it has been a big long task. Firstly to the Norfolk Island Fishing Association, to the Norfolk Island Administration, to the Legal Services Unit, the Registrar, the Australian Federal Police, the Administration Risk Management Officer and the Chief of Staff of the Norfolk Island Legislative Assembly, who also acted as the Secretary to the Working Group. This is a Bill that has been built from the ground up. It commenced in this form in January 2012, so that is 12 months ago, and as we know the

Exposure Draft was tabled in this House in the October sitting, so it has now been on our table for three months. I am more than happy to support this Bill and I offer my congratulations to the Minister.

MR KING

Thanks, we are not at the Detail Stage Amendments yet are we? Well doesn't matter, I'll say now, if I may, a few words, I don't want to go into the detail of the Bill, nor will I offer any comments on the Detail Stage Amendments, all of which I support, and I've indicated that previously. I guess this being my last occasion on which I will have the opportunity to say some kind words to Mr Nobbs Mr Speaker, and I might say that by congratulating him on his perseverance with the Bill, it is in fact, one of the very, very few pieces of policy related legislation that this House, policy related with local initiative, that this House has dealt with. It hasn't been a very pretty record, but it is a significant piece of locally initiated policy legislation, the other one was of course the Road Bill, and both Minister's were courageous in seeing them through to the end. But indeed that took quite some courage to see those controversial Bills through and I do offer my congratulations on that Minister. I will be lending my support to the Bill at the final stage.

MS ADAMS

Thank you Mr Speaker, I omitted in earlier debate to mention that when speaking to the President of NIFA this morning, it was clear to me that in their support, quote support, of this legislation, that there will be reliance on Clause 114 of Bill, which statutorily requires the Minister to review the Act 12 months after date of assent, as to whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing these objectives. I suggested to the President that, it was in NIFA's interests to diary the date, and to be proactive, not wait for Government, to be proactive in bringing to the Minister any concerns that they may have, and entering into dialogue, and he is very much relying on this ability to do so in supporting the legislation. And the final comment is, that there is substantive use of this legislation, more so than normal, of the regulation making power, if you think through the legislation here today, at least Section 16, 17, 32, 55, 56, 57, 110 and 113 all require heavy regulation delegated legislation, and we must be mindful, that with delegated legislation, it's outside of the Parliament, more often than not, it doesn't necessarily come to the Parliament in advance for approval, it goes to Executive Council, it is passed by Executive Council tabled in this House statutorily, in order to be effective, and if the House, as a Parliament, and there are objections lodged wishes to have input into those regs, they have to move a motion of disallowance, that is not good legislation. For legislation of this size, of the Marine Bill and its far reaching consequences, the regulations should have travelled with the Bill, and I have made this comment on previous occasions, not necessarily in respect of this Bill, but the regulation that should travel with it, and then people are totally aware of the law that is being imposed on a community, that is good law, just for the record, thank you Mr Speaker.

MR NOBBS

Just a few things thank you Mr Speaker, to a degree, I agree with Ms Adams that it would be nice to have all the regulations and the whole package wrapped up. We did give, I would say best endeavours to working towards that, it turned out that it wasn't achievable, however, as Ms Adams rightly pointed out, they are disallowable instruments when they come to this House, so it is going to be in the best interest of the incoming Minister with responsibility for this area of legislation, to communicate the need for any of those regulations, it is going to be in their best interests to ensure that there are a collaborated and practical regulations that enhance the operation of the marine area for Norfolk Island. Otherwise they will be unsuccessful in this House in putting those regulations through. Mrs Ward brought up a couple of queries, one of which was the line item of the \$5,000, specifically in fisheries, that is for the remainder of this financial year, that is specifically placed there to enable the incoming Assembly to commence progression of fisheries management elements of developing the supporting legislation that sets up the parameters that are highlighted, particularly within the memorandum of understanding, that ensure that we provide appropriate framework to protect species and ensure

that the fishery is not fished out, and those elements are taken care of, so just to give you an idea of those objectives, from the MOU there were to formalise and strengthen current effective, co-operative and self regulating fishery management practices, consistent with obligations under national and international laws, and AFMA's obligations as a fisheries regulator under Australian Federal laws, to support ecological sustainable development of the fishery in line with the precautionary principle to ensure its long term viability as a recreational and economic resource for Norfolk Island. There were a number of other areas there but they generally fit that into that criteria, so there is work to be done in a next stage, and as a result I have insured that there's a budgetary allocation to assist with that for the incoming Assembly. Absolutely agree with the review context that Ms Adams brought up, and in fact I think I brought it up in my initial discussion on this matter today, I have equally spoken to the President of NIFA in exactly the same context, to point out to him that if there are issues that surface that need to be part of that review, they need to make the Minister of the day well aware of it. And it may not necessarily be watching the date and advising two weeks prior to that date, an optimum methodology would be to make contact when those issues show implications – positive or negative, so that there is a timely consideration given to the review process. There was a mention of 106, which deals with the Harbour Master, and Ms Ward was talking about 106(3)(a1), just to provide the background on this, I will read the initial comments on Clause 106: Harbour Master (1a) the Chief Executive Officer shall appoint a suitably qualified person to be Harbour Master, (b) the Harbour Master is a public sector employee; (2) the Harbour Master shall be ex-officio of the Authority of the right to receive notices. (3a1) deals in particular with the Harbour Master is subject to this Act and the regulations responsible for (a) day to day management of the ports including permission to enter and leave the ports. Now I think what needs to be clarified there is it's not to do with the day to day launching of fishing vessels or charter fishing operators, it's really to make sure that those vessels that are foreign to Norfolk Island are managed in how they enter and how they leave our ports to make sure that we are managing both safety and also appropriate positioning for those ships. As was rightly pointed out, there may well be an increase in traffic following cruise ship initiatives if successful and when successful, so that's those elements, there also was reference to a vote winning free licence! I need to point out that I am not standing for the next Assembly so it's not a vote catching line, but what it is about, is ensuring that we get the maximum number of all vessels listed on this registry. And the purpose in doing that, is that it helps us in getting a better understanding in the number of vessels, how well they are supported, that they have whatever compliance, at whatever level of commercial or private operation, and it really is an encouragement methodology to make sure that we capture all the boats in a nutshell, and that the legislation works. There was one last element, and that dealt with the Harbour Masters position, and what I might do is read to you from a response document from the Chief Executive Officer after I had written to him regarding the Harbour Masters position. And I'll quote from that, "I refer to your memorandum of 10<sup>th</sup> of January 2013 requesting responses to questions in the above two areas of the Marine Safety Bill (the Bill). 1. Cost of appointing a Harbour Master, Section 106 of the Bill directs that the Harbour Master is a public service employee, thus a position would be created, a position specification developed, and recruitment would take place under the merit selection process. The Bill is unclear as to the hours required to carry out the Harbour Master functions, this would require clarification prior to completion of the position specifications, should the position be less than full time, and the successful suitably qualified person be a current public service employee, it may be possible to combine two roles. The possibility as suggested of the Harbour Master also being a Customs Officer, would be dependent on the above three points, the Manager Customs & Immigration does not have staff who have all the skills to carry out the responsibilities listed in Section 106(3) of the Bill. Should the most suitability qualified person be deficient in some areas such as dangerous goods, compliance or co-ordinating calamity abatement, then training would be required, thus in response to your request for an estimated cost of appointing a Harbour Master a) recruitment cost would be approximately \$500, the costs of establishing a position and recruiting to the position are minimal, the Human Resource Department costs would be absorbed within the Department, if the position is advertised in Australia there will

be a cost of approximately \$450, pre-employment medicals cost \$50. Training costs would be dependent on the skill level of the appointed Harbour Master, wage costs would be dependent on the hours required to carry out the responsibilities of the Harbour Master position. Thank you Mr Speaker.

MS ADAMS  
thank you.

Thank you Mr Speaker, I ask that the paper be tabled please,

SPEAKER

Thank you that paper is so tabled?

MR NOBBS

Yes, that paper is so tabled thank you Mr Speaker, there is perhaps one other note that I should make, I've sought some advice from the Chief of Staff whether the Interpretation Act would pick up the differential between the Navigation Act being listed as 1912 versus 2012 and that seems to be the case, so there may not be a need to attack that through the Detail Stage Amendment. But it is of interest to everyone around this table, that the 1912 Navigation Act excluded Norfolk Island, the 2012 Navigation Act includes Norfolk.

SPEAKER

Any further debate Honourable Members?

MR BUFFETT

If there is no further debate, I don't want to speak about the Bill itself but about processes, this is a significant piece of legislation for Norfolk Island and this has been earlier mentioned, a significant element of it has been home grown, and I want to pay tribute to those who are in the community in various spheres who have been involved in the development of it. And particularly may I mention the leadership of the Minister who has responsibility here, listening to the debate around here you will see people of various complexions have understood the processes and the achievements that are sought, notwithstanding various views can see a common way forward, and I want to give that notice and compliments, thank you Mr Speaker.

SPEAKER

Thank you Chief Minister, any further debate Honourable Members? There being no further debate, the question is Honourable Members that the Bill be agreed to in principle.

QUESTION PUT  
AGREED

The Bill is agreed to in principle. We move now to the Detail Stage, Mr Nobbs you have a Detail Stage Amendment dated 16<sup>th</sup> January I do believe.

MR NOBBS

Mr Speaker I move that the Detail Stage Amendments dated 16<sup>th</sup> January 2013 be taken as read and agreed to as a whole.

SPEAKER

I put that question Honourable Members.

QUESTION PUT  
AGREED

That motion is so agreed Mr Nobbs. Detail Stage Amendments, all of those, the House must vote on the question that the amendments be agreed to.

QUESTION PUT  
AGREED

The aye's have it. We now move that the clauses as amended be agreed to.

QUESTION PUT  
AGREED

The aye's have it. The question before the House is that the remainder of the Bill be agreed to.

QUESTION PUT  
AGREED

The aye's have it. I seek a final motion Mr Nobbs.

MR NOBBS Mr Speaker I move that the bill, as amended, be agreed to.

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

QUESTION PUT  
AGREED

The Speaker abstains, I think the aye's have it, the Bill, as amended, is agreed to Honourable Members.

MR NOBBS With your consent, I would just like to, on behalf of all of the Working Group and areas that have been involved in this Bill, which has been a substantial amount of work, thank the Members around the table for considering this in the way they have, much appreciated. And this is, in effect, a ground breaker for Norfolk Island in developing from the ground up, such substantial legislation that is practical and achievable.

## **ORDER OF THE DAY NO. 2 – CROWN LANDS (AMENDMENT) BILL 2012**

SPEAKER We move onto Order of the Day No. 2, Crown Lands (Amendment) Bill 2012. Honourable Members we resume on the question that the Bill be agreed to in principle and Minister you have the call to resume.

MR SHERIDAN Thank you Mr Speaker. Mr Speaker as some Members will remember this small amendment to the Crown Lands Act is removing the words, "who is granted residential status or general entry permit status under the Immigration Act 1980". This is in regards to the ability to transfer a lease to another person, current under the Crown Lands Act it has to be either a person who is a resident of Norfolk Island or a GEP. We have had representation, or the Commonwealth have had representation by a land owner, and Minister Crean has agreed to remove that clause, the provision that the person who the lease is transferred to has to be a resident or a GEP, in other words, it opens up the ability for these people to transfer to their lease to virtually any person, notwithstanding their immigration status. I spoke a bit last month, and that is just to refresher of what the amendment would achieve.

MS ADAMS Thank you Mr Speaker, thank you Minister for refreshing my mind, I want be supporting the Bill, as what this, correct me if I am wrong, but what this will mean, that a person coming in here on whatever the name of the new permit is, Unrestricted Entry Permit, could buy up a large size holding of Crown Land and leave, come back, leave, come back. Something not sitting very comfortably with me there, and I can't agree with it sorry.

MR SHERIDAN

Thank you Mr Speaker, I just put some clarity to it, currently under the Crown Lease Lands that are out there, only total, a dozen, dozen and a half if that, these are in the main church groups, the crown leased land that the churches have leased, there is one accommodation unit, there is the Silky Oak Stables, I think there is a nursery down at Shortridge, the mini golf shop, that area up there. There's a portion of land overlooking the Chord, which is accommodation, there is a couple of accommodation. There's only really, apart from the Church, and there is the gun and the pistol club, they're the ones who have leases on Crown Land at the moment, the private resident of Norfolk Island who currently holds a lease number, not an association, would number seven or eight, this is those people who would be affected. As I said, one of the land owners who recently had her lease subdivided to separate her business from her home with the intent that she was going to sell off the business and remain in her home, made representation to the Minister and it is Commonwealth land, and the Commonwealth Minister has agreed that in support of what Norfolk Island is going through now, as in freeing up the restrictions they have agreed to remove those restrictions on these people who hold leases over those land, of to who they are able to dispose that portion to when they give up their lease, when they sell it. That's the reasons why, at the moment someone living offshore can come over here and buy up freehold land, there is a thousand times more freehold land available than leasehold land to lease. The can come over here and buy a property now and shoot through. Nothing to stop it, we don't restrict the freehold land. This would bring it into the same boat as the freehold land. It would be open to anybody for the lease to be transferred to, thank you.

MS ADAMS

Could I just ask the Chief Minister, Chief Minister does this include the Mission Land? That the Church now leases, is that freehold is it?

MRS WARD

If I can just take this back a step because it may help Ms Adams and other colleagues to just see where this is coming from. There is two sides to this story, I will first touch on what Minister Sheridan is saying, this is allowing the transfer of a lease which is Crown Lease Special Use out to people broader than residents and GEP's. Some people have found themselves, and it is not just in KAVHA or Special Purposes Leases, it is also freehold, where they, through no fault of their own, through the economic situation, or health reasons, are being theoretically forced to sell their land, because we are in an economically depressed situation, there is not a lot of money on Norfolk floating around to invest in properties. So what this Bill would do is give a broadening opportunity, the market would be broadened. So that people who are in that position have a greater opportunity to pass on their lease to somebody else. That's one side. The people who are in this situation who are on this Special Use Crown Lease arrangements, I believe are at a disadvantage, yes I think there are 11 or a dozen portions, and half of them are the Church, and the Church will sit forever, and it won't be an issue for them, I am assuming. But there are private people who have never ever been given the opportunity for their piece of land where they live and work to be moved into that freehold situation. The Crown Land, I'm going back tonight to the 24<sup>th</sup> of April 2001, when the Minister at the time was Ian McDonald, and there was the inter-governmental arrangement, which was the joint land initiative, and they progressed with the first stage, which meant that the Crown Leases could go into freehold, and that was successful. Now, I'll hold my tongue, and I'll say rightly or wrongly, the Commonwealth decided that Crown Leases within KAVHA would not be included in the transfer, they decided that because an Environmental Consultant or Heritage Consultant, came over in the day and said they are of environmental and heritage significance, bang. What they did commit to was a second stage of the initiative, so a second land initiative, after they had finished the first one, the rural and rural residential people who were able to transfer to freehold. When that was finished and that was completed, maybe four years ago, there should have been the next stage, the second stage, it's never happened. So these people are being held in limbo, they are being held under the constraints by our law as well, and this is the amendment, of what they can and can't do with their land. So they're stuck. It is a matter that I will take further with the Administrator, because it is a Commonwealth issue, and I



there is still some uncertainties in mind, so I have some hesitation about this Bill. I can't quite express it in clearer terms than that at this present time, but I am unsettled.

MR BUFFETT

Thank you Mr Speaker, I hear what Mr King says about being unsettled, but can I equally put in your mind the unsettling situation for those who are presently leaseholders and who have seen other areas of landholdings being more flexible, and yet their situation has been stagnant, at present freeholders can sell basically to anyone, leaseholders are much more restricted in the market that is available to them. If Members just recall, maybe a few years ago now, you would expect that there would be a price differential between leasehold land and freehold land, and yet some little time ago there was no differential in the price gained for either situation, mainly in that stage because there were fairly long leases, and that has become less so of more frequent years, however as we have progressed on and are reaching this especially dire financial situation in the community, this lack of equality on the part of leaseholders is really telling, because in some instances they would want to be able to dispose of their land to a seller and to get the best price available. And they see others with land of different standing being able to do that, but their tucked in this time warp and they are not being able to do so. Now those who don't need to sell of course, won't have to sell, this is not a matter about a compulsion of selling, but it is a matter of equality for those who are in a situation where they feel they might want to do that, or need to do that. I see this as offering a better equality between landholders in Norfolk Island. And especially in the difficulties that we face now, I think we need to take account of that and offer them that facility. So that their situation may not be made worse than it is, and there is some better opportunity that can be offered by we around this table here to those who may be in such a situation, I therefore am supportive of course of this particular amendment to our legislation, thank you.

MR SHERIDAN

Thank you Mr Speaker, if I could just add where Mr King made a comment before about Crown Land and the design of the system as to why and if it was indeed so to enable residents to obtain a piece of land at a reasonable price, that may be, and I don't know the reason, and I can understand his logic thinking that it is Crown Land, you get a lease over it, and you do, you get a lease over vacant Crown Land, if the Commonwealth put up anymore land to lease, you would get it at a reasonable rate. As do the ones that currently lease, that have a Crown Land lease, under the Act. The price value of the portions wouldn't necessarily increase, because all they are doing, is not transferring to freehold, all they are really doing is selling the lease, they are still bound by the conditions under the Crown Lands Act. So the conditions are still there, the value of their land shouldn't go up, all it does is open the door for a wider participation of bidders to add the opportunity to obtain that lease. They are still bound by the conditions under the lease, it's not as if we are freeing that up all together, it is still Crown Lease land, it just gives a further opportunity for those people who do have, and they have lived there for many years, and they improved their land, their land that they have leased, they have built businesses on them in some instances, they have built buildings, they've built homes, they should be able to get recompensed for that, and they should be able to have that ability to put it out to the biggest market possible, and this is all that this amendment does.

MS ADAMS

Thank you Mr Speaker, Minister Sheridan what we are talking about is the land that people are going to take any opportunity, if they were able, to freehold, at the time everybody else, or they are in the category of leases that are in Round Two because the Commonwealth hasn't... that's it in a nutshell? Yes, okay.

MR SHERIDAN

Yes, that's it in a nutshell.

MRS WARD

It's just to reiterate what the Chief Minister has said, he has hit the nail on the head, it is about equality, people who have the rural/res who have now moved to

freehold, under the law they can sell to anyone, these three or four, five people, they are not all wanting to sell, but you have these people caught in a time warp, under our law, they are restricted to who they can sell too, I don't think that is fair, thank you Mr Speaker.

SPEAKER Thank you Mrs Ward, any further debate Honourable Members? There being no further debate, but I do note that one Member is absent from the House at the conclusion of this. We will turn the glass, the Member has two minutes to return to the Chamber. Thank you Chief Minister, thank you Minister. Honourable Members we have a motion before us that the Bill be agreed to in principle.

QUESTION PUT  
AGREED

The Bill is so agreed to in principle. Is it the wish of the House to dispense with the detail stage?

MEMBERS Aye.

SPEAKER Thank you, Minister Sheridan I seek a final motion.

MR SHERIDAN 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 that question that the Bill be agreed to.

QUESTION PUT  
AGREED

The Bill is agreed to. Ms Adams has abstained.

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

SPEAKER Honourable Members we move to Fixing of the next Sitting Day, and I call on you Chief Minister.

SPEAKER Yes, thank you Mr Speaker, Mr Speaker, we having concluded our main business of the day, I move that this House resolves at its rising to adjourn until Wednesday 20 February 2013 at 10 o'clock in the morning; and 2. that so much of standing orders be suspended as would prevent only those matters appearing on the programme from being dealt with.

MR SHERIDAN Thank you Mr Speaker, I should have thought about this earlier, but I'd like to have an amendment to change the date to the 13<sup>th</sup> of February, I don't have a great deal of trouble having the Sitting whilst in caretaker mode, that some people call it, because I think that there may be some opportunities for discussions, and information provided to the community, especially in regards to the Roadmap, but I would like to amend the motion to sit on the 13<sup>th</sup> of February, which as we all know, is the nomination day for the candidates, I think it would be appropriate that we really cease our sittings prior to that list being known. That's just my intentions.

SPEAKER Thank you Minister, the amendment to motion is that at the rising, this House adjourn until Wednesday the 13<sup>th</sup> of February, and I seek your debate on that question. Any further debate? Ms Adams.

**MOTION BY LEAVE - APPOINTMENT OF ACTING CLERK**

MS ADAMS I just need to make one comment here, if there is any suggestion that that motion might be defeated, this is a matter which the House has earlier asked to address, and hasn't done so, coming up to the first sitting of the new Assembly, we don't have an Acting Clerk, and that must be dealt with, as the Acting Clerk must be in the House. And I'm happy, if you are happy, to entertain and give leave to move a motion for the appointment of Ms Quintal, who is the Secretary to the Legislative Assembly between 13 February and 30 April be appointed to act as Clerk in order to fulfil the role that has to be fulfilled in this House at its first sitting of the 14<sup>th</sup> Assembly. If we are going over to the 13<sup>th</sup>, then it can be dealt with then, I'm just putting that onto the table now, because you need an Acting Clerk, it's not as if it hasn't been mentioned, many times, and Members haven't dealt with it.

MR KING Well Mr Speaker that is a bit of red herring!

MS ADAMS Not intentionally!

MR KING No, no, I understand that, it is not the intention to do that, I will be raising some opposition to this motion, whether it be the 13<sup>th</sup> or the 20<sup>th</sup> of February, it is really irrelevant to me, and really irrelevant to the basis to which I will oppose it. I don't know what the numbers are, I know some people join with me, or will join with me in opposing this motion, whether it faces defeat or not, I simply don't know, it's unusual that matter such as Ms Adams has raised has come from the floor of the House, it seems a bit odd! If the House thinks we need to deal with that, as a mechanical matter, then I am happy to suspend debate on this motion, whilst we deal with that. And I will have no objection to that person being appointed to the position, it is a simple thing I guess, then we can motor on with dealing with the motion of fixing of the next Sitting day.

MR BUFFETT Mr Speaker, this motion is in my name, I have moved it, I am happy to move that we suspend this for a few moments, in which it will give me an opportunity to move a motion about the Acting Clerk position, we would resolve that one way or another, and whether or no you want to move in the direction of the next sitting, you can decide that then. It does mean that if we don't have another sitting, we will be equipped with an Acting Clerk for whatever the time frames, somebody can advise me about the dates, but it will see us through this period until a new Assembly comes into play.

SPEAKER Does the House agree?

MEMBERS Aye.

SPEAKER Thank you, Chief Minister.

MR BUFFETT I'm framing a motion Mr Speaker! Mr Speaker I move that Sharyn Louise Quintal be appointed as Acting Clerk of the Norfolk Island Legislative Assembly for the period from the date of this motion until 30<sup>th</sup> of April 2013 and that her remuneration be as is in her substantive position within the Administration at this moment.

SPEAKER Thank you Chief Minister, any debate Honourable Members? There being no debate, I put the motion.

QUESTION PUT  
AGREED

That motion is so agreed

**FIXING OF THE NEXT SITTING DAY ....cont.**

Honourable Members, we have a motion now regarding the amendment to Wednesday the 13<sup>th</sup> of February, any debate on that motion Honourable Members, Mr King.

MR KING Thank you Mr Speaker, I mentioned whether it be the proposed resumption date of 13<sup>th</sup> or 20<sup>th</sup> is irrelevant to me and I would vote against either motion, so I will be voting against this amendment, and whether it fails or not, I will be voting against any subsequent motion that came up. Simply on the basis that, as Members will have become aware during this meeting today, that I do embrace the so-called convention that Mr Sheridan talks to. It seems that with that description attached to it by Mr Sheridan that he is dismissing the conventions of the caretaker mode, those are very important conventions Mr Speaker. It should be noted that the convention mode in all the material complies normally to the Government and no one is proposing that the Government stop governing, the Government continues right through until the appointment of the next appointment, even beyond the date of election, the Government will continue in office, exercising appropriately, its executive authority, what it should refrain from, for perfectly good reasons, that is making any significant appointments, or bringing forward any matters of new policy or significant policy matters, and that's, clearly, in acknowledgement and in respect of the fact that a different Government and a different Assembly may follow in the very near term, and they should not be burdened or otherwise of any policies or appointments that the Government might make at the eleventh hour. This House does not have any further business bringing forward Bills for example, procedural Bills perhaps, but they can be dealt with, you know corrective Bills such as we dealt with today, the Wills Bill, perhaps there is room for those to be brought forward as an urgent matter, but I note that the ability for the Chief Minister or six Members of this House or some smaller number to call an urgent meeting of the House, three Members of the House will still exist, and it will still be maintained, so that ability will be there, to deal with any urgency that may arise. This House has no further business sitting. Any other further business that might come forward to this House now will simply be, will likely be, in the nature of politicking, we know that, we have all done it, well most of us anyway. It shouldn't occur, there is no room for continuation of this House, so I say Mr Speaker that whilst the facility remains to call together an urgent meeting, a facility which can be picked up by three Members of this House, and I am sure the Chief Minister can find three Members to do that, then I see no need for this House to set an adjournment date to sit before the coming General Election, and on that basis I would be simply opposing this motion and seeking this House to adjourn. I am not quite sure of the nature of the amendment that I might put, I think at the end I don't know whether the House simply adjourns until further notice, I am not quite sure, the Clerk or the Speaker may give some advice on that, if there is any indication that there is support for my thinking.

MR BUFFETT Mr Speaker, thank you, I just wanted to make these points. Firstly, I have mentioned to Members on earlier occasions that certainly at this stage that the Government has no business of a new or initiative nature, at this stage in the life of the 13<sup>th</sup> Legislative Assembly, it doesn't mean something mightn't come out of the woodwork, between now and the 13<sup>th</sup> of March, but nevertheless that is the way we are at this moment, and therefore there isn't a need to go to the House in terms of that situation. But notwithstanding that, there are some Members who have said that they would like, between now and the 13<sup>th</sup> of March to still have a continuity of the House coming together. I think Mr King is right, and indeed it is my experience, it is the case, that those become a matter of significant politicking and I have already identified that there are a no initiatives new to come forward. But nevertheless I have heard what Members have said about wishing to come together, therefore I have made this proposal, and if you want to handle it one way or another, that doesn't find difficulty with me, but it is saying that yes, we might have a continuity, however we might confine those sittings to matters that we put on the programme,

instead of having a full blown arrangement, but I am not necessarily fussed about all of that. It's the old story about hearing views and trying to put something forward that might accommodate a range of views, but if Members as a majority, wish to conclude today, well so be it. Well that doesn't mean that the Government ceases to function, the legislation provides for all of that, it provides that Ministers remain in their office and carry out their functions and duties until we come to the first sitting of the new Assembly, so there are arrangements for a continuity act, but having said all of that, if you don't want to sit, then the idea would be, that you don't have this motion, because there are two parts to the adjournment motion, the first part is to set the day when we next sit, and then there is a further motion which is we now adjourn. In fact we don't want to sit again in the life of this Assembly, we just move to that matter of well now we just adjourn. Well that does not, however, exclude the capacity for the House to come together under the legislative arrangement that exists under the Norfolk Island Act, which I think it is three or more Members of the House can seek the Administrator to call the House together, so there is still that provision, that remains in place, whether or no we travel in this direction or not, if in fact a matter of need arises, I don't know whether that is helpful, but I got it out anyhow.

MRS WARD

Thank you Mr Speaker, I will just put my views on the table so that everybody has an understanding, the Chief Minister has aptly explained that the Ministers carry on, but I think that it is time for us as a whole, that is the 13<sup>th</sup> Assembly to stop. I think it is time for people to go to the election and decide, the election has been called, and we had this discussion yesterday and I didn't hear any good reason to sit again, thank you Mr Speaker.

MS ADAMS

Thank you Mr Speaker, without entering into the pro's and con's and conventions etcetera, what the Chief Minister has offered at part two of the motion, is that we agree, if we agree on a date, we also agree that so much of Standing Orders be suspended as would prevent only those matters appearing on the programme from being dealt with, and this is common procedure for the House, and from the time, the Friday before the Sitting, the Friday before the 13<sup>th</sup>, Members knowing that Business Committee is only going to put on the Programme anything that is absolutely urgent be it that there may have been an Executive Council meeting between now and then, Regulations to come in and be tabled, instead of having to do them on the first sitting of the next Assembly.....Absolutely Mr King, I'm not arguing the cause, I'm just giving the wider picture for Members to consider for what it is worth. I hear your point about electioneering, that lies with the Business Committee. It can take away any opportunity for electioneering, they can facilitate something that might be urgent, just for what it is worth okay, I have no problem with the 13<sup>th</sup> as Minister Sheridan has made a really good point, it was sitting here as the 20<sup>th</sup>, 13<sup>th</sup> – nobody knows who the new candidates are at that point in time, and on the top of the day, if there is nothing to happen, let's not turn up! That's the other possibility, for want of a quorum there is no House.

SPEAKER

Any further debate Honourable Members? The motion is Honourable Members is that at its rising, that this House do adjourn until Wednesday the 13<sup>th</sup> of February, the amendment to the motion, now I put that amendment.

QUESTION PUT

Do you wish the House to be called Mr King? Yes.

CLERK

Mr Snell	Aye
Ms Adams	Aye
Mr Sheridan	Aye
Ms Griffiths	Aye
Mr Buffett	Aye
Mr Nobbs	Aye

Mrs Ward No  
 Mr King No  
 Mr Anderson No

SPEAKER Thank you Honourable Members, the Aye's 7, the No's 3.  
 Mrs Ward may I have clarification that you voted yes or no?

MRS WARD No.

SPEAKER The Aye's 6, the No's 3, the motion is so carried. Now we return to the original motion that this House resolves at it's rising to adjourn until Wednesday the 13<sup>th</sup> of February at 10am and that so much of Standing Orders be suspended that only those matters appearing on the programme from being dealt with. I put that motion.

QUESTION PUT

Madam Clerk would you please call the House.

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

SPEAKER Thank you Madam Clerk, the results of the voting Honourable Members, the Aye's 6, the No's 2, abstentions 1, the motion is so carried.

### ADJOURNMENT DEBATE

SPEAKER Adjournment debate, and I call on Ms Adams.

MS ADAMS I move that the House do now adjourn Mr Speaker.

SPEAKER Thank you Ms Adams, any debate Honourable Members?  
 Adjournment debate Mr King.

MR KING Adjournment debate, thank you Mr Speaker. Having lost my endeavour to change the date, let me just say that I will be most unlikely to be able to make any meeting during February. That wasn't my intention in seeking that amendment; I stated my intentions and reasons for doing that. But given that today is likely to be the last time that I will walk out the door Mr Speaker I wanted to say a few words if I may. I firstly wanted to confirm publically that I will not be nominating nor will I accept a nomination for election to the 14th Assembly and I intend for the most part to retire from public life at the end of this term, effectively probably today. Most Members will probably understand that my decision is not without some misgivings as I have given a rather large chunk of the past 32 years to maintaining an interest in, and participating in public affairs. Unlike the Chief Minister David Buffett, and I hesitate to raise any comparisons between myself and the Honourable David Buffett of course, but he has chosen to participate in the political arena proper, this place here, over a very, very lengthy term. I have chosen to participate

in a number of representative areas over a period of 30-32 years, which have led me in and out of this place, and which gave me a wealth of experience and understanding about the conduct of political and public affairs in Norfolk Island. I make mention of Mr Buffett I suppose because a great much of my participation, particularly during the eighties, rightly or wrongly he was a major beneficiary of my participation in public affairs. It doesn't mean that I walk side by side with Mr Buffett in his political endeavours, it is the fact that I supported more his values and his way of expressing political leadership in those earlier years. The manner in which he conducted himself was more to my liking than perhaps others that were around at that time. Mr Speaker my views on the conduct of Norfolk's self-government are clearly reflected, as I have said in the past, in the Norfolk Labor policy platform. That platform on which I stood for election in 2010 condemned the present form of governance and called for urgent changes, changes to a smaller and a more sustainable form of Government for the island. I am happy Mr Speaker to have spent my time on the back bench. I brought with me some definite ideas and views about the role of the back bencher including the immutable proposition that the Government, that is the executive, is answerable to the back bench through the Parliament. My view is that we seem to have lost sight of that basic principle with regular informal meetings behind closed doors, out of public ear shot. That is, regular meetings of MLA's behind closed doors, and behind those closed doors Members reach conclusions and adopt positions on matters collectively, often exhausting their debate and leaving the community wondering what the blazes went on behind those doors. Mr Speaker I regard that as all skew-whiff and it does not reflect the proper role of the back bencher, nor does it meet the expectations of the community for proper representation, proper and effective representation. It is interesting that during this term that the Government has introduced the notion of Cabinet Solidarity, setting out the rules and expectations relating to the Government's collective conduct, one in all in approach. In a sense that went some way towards acknowledging the separate branches of the executive and the legislature and the separate roles, and of course it left the back bench, in those early days, immediately after the adoption of the Cabinet Solidarity rule in any event, it left the back bench with an expectation that matters brought to the House had the collective support of the Government, or matters brought to the House by any individual had the support of the Government and it left the Assembly to decide whether the matter was worthy of support. But unfortunately Mr Speaker the new Cabinet Solidarity didn't work, and the House couldn't make such assumption. It was a good try Mr Speaker, but it was only ever likely to work in a party political system. Mr Speaker I can't help feel that in the bulk of the past 34 years in Norfolk, the important role of the back bencher has not been acknowledged or respected to the extent which it was due. And whilst I'm not holding out my conduct as a back bencher as being ideal in any way, I do remind the House that three years ago, in my opening speech, I set myself a role in opposition and laid down the particular manner in which I would conduct myself and I hope I have not departed from that role. The community deserves more than passive representation by its elected Members. It can no suffice in this day and age Mr Speaker, after all Norfolk Island has been through, that the back bench to simply go along for the ride. During the past Assembly, the recent Assembly, the 12th, I think it was, there were some three or four questions placed on the Notice Paper. I think in the Assembly prior to that, which would have been the 11th, I think there were none; no questions placed on the Notice Paper, but if there were it would be like single digits, one or two, I couldn't find any. This outgoing Assembly has increased that by some 150/160 times, 15,000-16,000% and if it falls to the former levels the community has every right to be disappointed. That said Mr Speaker, I can't say that I am overly happy with the quality of answers. It is has been a source of merriment to some in the community, to regard question time as questions without answers, amusing perhaps, but frustrating. On some occasions I was simply ignored and got no answer at all, simply a matter of heads down and poker faced and ministerial derision and contempt, apparent contempt for the role of the back bencher. Often questions placed on the Notice Paper in the required time were not answered at the subsequent meeting, and on a couple of occasions, strangely enough; questions on notice were taken on notice by the Minister, which just left me breathless quite frankly. This all tells me Mr Speaker that the Government had become

lazy, the Ministers were not accustomed to being called to account; it tells me the Administration was ill equipped, has been ill equipped to provide comprehensive answers; it tells me Ministers, and particularly the Chief Minister, understood that they cannot be compelled to answer any questions; just ride out the storm; kind of like 'how dare they be questioned by a back bencher'. It tells me that Ministers understand fully that any ridiculous or any incoherent answer that might reveal a lack of portfolio understanding and command, would likely go unreported in the press, and of course Mr Speaker in the absence of political parties in the island, lousy Ministerial performance will not be questioned in the party room or any other forum. So Mr Speaker when I combine those observations with the Chief Minister's oft-stated opposition to extending question time, the inescapable conclusion is that question time is not accorded in Norfolk Island the special status and the importance that it holds in other Westminster Parliaments, and that, there has been, in my view, an unwillingness by the Government to hold itself out to account, and as a result question time has been, I hesitate to say that it has become irrelevant Mr Speaker, but I say it has become of limited value to the community. And I am not talking about unwillingness particularly of the current Government, but of governments over a period. Mr Speaker there must be a greater acceptance that question time is arguably the most significant part of parliamentary proceedings. The Administration must be resourced to not only dissect Hansard, but provide comprehensive and intelligent responses to questions. I question also Mr Speaker whether Standing Orders adequately address the matters of questions and answers and I think a review might benefit the procedures and processes in this place. Mr Speaker as we look back over 34 years, there is an inescapable conclusion that we could have done it better. At the end of this especially significant Assembly, we should reflect on where we have been and how we have conducted ourselves; to challenge that strong view still held by some that we are different, that we can do it, that we are impervious, that we know better. Mr Speaker I distinctly recall the Finance Minister of the past Assembly, the one before this, telling the community at the commencement of the Global Financial Crisis, that it will not last long, that it will be over in a couple of weeks. Of course that wasn't what experts around the world were saying Mr Speaker, but we were different, we knew better, I remember the same Finance Minister announcing to the Assembly and the community that the large losses of the Government run Airline had come to an end by early 2010. Well of course they didn't, and they continued and went through the roof. The Chief Minister went through some figures and losses today that we no longer have to endure, I am not quite sure if they were as high as \$7million a year nevertheless a sizable sum of money. But of course the rest is history. Seemingly based on those untruths, the Government and the Assembly of the day battled on regardless, spending money like a drunken sailor, and leaving us with absolutely no capacity to fend for ourselves or respond to a financial crisis which continued for some years. Mr Speaker, what is particularly interesting about those assessments, informed and as misleading as they were, is they went unchallenged by those that were elected by the community to represent their interests. And more, Mr Speaker, the community essentially failed to challenge, well I guess apart from me, apart from Norfolk Labor. There was no editorial challenge, there was little or no debate or discussion in the columns, and I will never Mr Speaker be able to understand why that was the case, and why the community was so willing to accept the rubbish that frequently issues from the mouths of its representatives. I accept Mr Speaker that we are a small community and we all strive and would like to get on with everyone else, and not upset the apple cart as it were, not hurt anyone's feelings. But Mr Speaker the form of Government that was given to Norfolk Island in 1979 was very, very pervasive; it gave Norfolk Island very real powers over the lives of individuals and families, it gave the Minister's for Government, the Assembly, the Ministers of Government in particular very real powers over individuals, organisations and families. The system demanded that the community be more alert and enquiring, challenging and participating, but the community did not respond sufficiently. It was and remains absolutely essential that the community members not surrender their lives impassively to their elected representatives, particularly in a small community where there is no challenge in the media. That is why Mr Speaker, we, the community, should applaud those members like Miles Howe, Brett Sanderson, Wally Beadman and the like who stimulate and contribute to public debate

in an intelligent and reasoned manner. We may not, of course, always agree with their views, but we should be thankful for their interest and participation. No do not deride Mr Speaker you know, encourage. Mr Speaker in other jurisdictions, special and select committees play a very specific role in the parliamentary process, far greater than here in Norfolk Island. Those committees are treated elsewhere as an integral part of the parliamentary process but not so here in Norfolk Island. I'm sure that hasn't been so by design, that there are good reasons for that, and a number of them are good reasons, explanations perhaps. The bottom line is that we really haven't had the resources and the funding to conduct a worthwhile committee system. Neither can it be said that the back benchers has been adequately compensated for the time and effort necessary for the proper conduct of a committee. I think I was only involved in only one committee. It took us, I can't remember how long it took it us, it took us months, and we delivered what we thought was a bloody masterpiece, and then at the end of the day it was kind of ignored anyway, it was a gross waste of time. The resources and effort that was put into that is almost incalculable. And quite frankly back benchers on a miserable, whatever it is, \$300.00 per week can ill afford the time to come down here and devote the amount of time necessary to accommodate the committee system, it must be adequately and properly resourced. To a great extent, it is a pity that the public accounts and estimates committee, which was established only a few years ago, had not been active since 1979, as it could have played a worthwhile role in keeping the various governments under scrutiny and perhaps avoid the very crisis in which we now find ourselves. Under Standing Orders Mr Speaker the public accounts and estimates committee has a very wide standing brief to conduct an enquiry into any and every aspect of expenditure of public monies. It need not rely on, nor be driven by a motion through the House. It has the power to look into almost every Government activity, given that every Government activity involves the expenditure of monies. This committee and other parliamentary committees must be adequately funded. Mr Speaker whilst touching on Standing Orders, let me make a general observation. My general observation is this; our Standing Orders are totally inadequate and need urgent review, and there has been some acknowledgement of that, and I appreciate that. It's important for Members, particularly new Members to understand the environment in which they work, and the limits placed upon their participation. Little or no education is provided to Members, and although it may be said that oral guidance is available from the Clerk, it may not always be sufficient, and of course there are books and things that new Members can be sent away with and URL's that they can type on their computers and read until the cows come home. But there is really no concise educational material here in this place. Nor is there adequate education per se. And I know that the Standing Orders have served successive Assemblies for well over thirty years, but they cry out for review, they cry out for review Mr Speaker in the light of our 34 year experience which must count for something in putting together our own comprehensive Standing Orders without having to rely on that Standing Order number one, which allows us to fall back on House of Representative practices. Our 34 years experience must mean something, we can colour the Standing Orders with what has happened here in our 34 years and of course I recognise, perhaps others don't, that Norfolk Island is the only Westminster Parliament that doesn't conduct a precedence rulings register, or rulings precedent register, that is precedent rulings from the House, from the Chair Mr Speaker. Who knows, it might ensure, dare I say it, some consistency in rulings from the Chair.

Mr Speaker I stood for election in 2010 on a platform of essential change to Norfolk Island governance, I stood as a Member of the ALP, the Australian Labor Party, along with three candidates, I was the only ALP member elected despite the long and loud message we trumpeted that self-government was unsustainable, that it failed in material respects. Norfolk Labor led that debate Mr Speaker, it led that debate and continued that debate over a number of years leading up to the 2010 election. We saw the trends, we depicted them, we analysed them and we published them. No one else did that Mr Speaker, not the Government, not the Administration, not any independently commissioned group or person, no one did that, except Norfolk Labor. We were right, but that of course, and I'm not crying about this, this is not a crying over spilt milk contribution, we were right but that of course didn't make any difference to the 2010 poll. The community wasn't

ready for party politics and didn't embrace the change that Norfolk Labor said was necessary, but within a year however Mr Speaker, there would be wide spread acceptance of what was Norfolk Labor's governance platform, and within some two years or so, the Liberal Party of Australia would announce its intention to participate in the local political scene. I'm disappointed of course that Norfolk Labor will not be promoting a candidate at the upcoming election. The sub-branch has suffered some internal damage, at the hands of certain internal factionists, but Mr Speaker that damage is not irreparable, the branch will be reconstituted, and I look forward to the Labour movement joining with the Liberal movement, not so much in policy of course! Not so much in policy but in providing the kind of challenge to Government that has been missing in over 30 years. It is of course incumbent upon the local Liberal movement to do as Labor did and that is to clearly enunciate and publish its policy platforms, it hasn't done so, and I look forward to it. For the Liberal party to endeavour to participate locally without a policy platform will do them no credit what so ever. Mr Speaker I leave this place hoping that I have made a difference, but it is not of course for me to judge, nor is it for me to judge if Norfolk Labor's essential change platform had any influence. Of course, I would like to think that it did, that someone out there was listening, that my work, and the work of Norfolk Labor did not fall on completely deaf ears. Mr Speaker some vindication came for Norfolk Labor some eight months after the electorate rejected its message when the Government effectively, (effectively, they didn't trumpet it loudly but effectively,) climbed up on the same platform that Norfolk Labor had occupied for some years. A platform which, despite its rejection, eight months earlier at the polls, would in this present day find favour with the majority of the community. Mr Speaker the decisions of this Assembly, and in particular the current Government will be accorded a significant place in history. In particular history will note that this Government took the most courageous and momentous decision of the past 34 years in agreeing to integrate with Commonwealth financial and welfare systems. But it did so without a full and open debate in this Chamber. Ms Adams has referred to that from time to time. Mr Speaker it was a brave approach, and a decision which the Government was entitled to take. I would have taken the exact same approach. Time was of the essence, the economy was and is, in complete tatters, the public coffers are depleted, there was no plan, and no previous and comprehensive acceptance of our dire circumstances. On top of that Mr Speaker I don't believe that a full and frank debate without emotion might have been possible even in this Chamber or in the community. To do other than what the Government did would have been to perpetuate, in my view, the arrogance in the previous Government as reflected in its decision to not inform the community of the Government's perilous and unsustainable financial position. Whether the Assembly at that time was party to that cover up or whether those back benchers simply sat back offering no challenge, failing to exercise their own minds, and just blindly following, ill-informed and ignorant leadership, might never be known. The writers of history Mr Speaker will of course, will consider a range of options, in this case, none are flattering. This Assembly and Government have done the right thing Mr Speaker in deciding a path to follow towards sustainability. As the Chief Minister has said, it is not an easy path, and he has repeated that time and time again, and it's not been without rocks and other obstacles thrown in the way. The upcoming election will see the normal compliment of naysayers, those that will seek to condemn the Roadmap process, some in this House today will join them. They will offer nothing substantial or concrete in the alternative, there is no other way Mr Speaker, other than that which has been chosen by this Government and this Assembly. We are in the deep stuff, whether we like or not; most of us don't like it, we are up to our necks and the time for talking Mr Speaker about the arrangements in the Isle of Man or the Northwest Territories or even Niue are long, long, long gone. The previous Assembly, well they kept looking for a miracle, but this Assembly has faced the cold hard reality. To hesitate is to lose everything. Mr Speaker I move over in this forum to make way for others. Others around this table may do likewise, that is of course for them to consider, I make my choice definitively here and now, largely so that I can't be persuaded to renominate! So no one puts a form under my nose after a couple of ales at the local watering hole! Mr Speaker, circumstances have in any event conspired against me, and it is time for me to withdraw. My participation over the years has been minor, but it has been rewarding, I have

enjoyed the cut and thrust of debate, I stop short of saying that I've got some satisfaction out of provoking the Chair from time to time. But overall stimulating, frustrating, I hope Mr Speaker neither pedestrian nor dull, and perhaps sometimes entertaining. I often regard myself as being non-achieving down here and being of entertainment value only, but maybe that is being a bit harsh on myself. I want to say that my entrenched opposition to some individuals in this House and to some Government measures and conduct has had nothing to do with personal animosity. The occasional gusto and zeal with which I approach things is a reflection of what I saw as the proper role of the back bencher. It may have left me from time to time stranded and somewhat isolated in the community and in this House, but my principles have remained intact. Mr Speaker there are those in this House that I will not vote for in the upcoming election, the fact that I am looking at you is because you are in the Chair Mr Speaker! I will not vote for those who oppose the Governance changes that are presently underway, and I urge others to reject those candidates, I will however Mr Speaker, forever respect their willingness to participate in political and parliamentary processes and I pay particular ....., well let me pay minor tributes first to the likes of the John Browns over many years who came and went from this forum, or very quietly the likes of Geoff Gardner who persevered for five successive terms, doesn't get much accolade, but a wonderful contribution. But I want to pay particular tribute to David Buffett who has represented his community for most of his adult life. For most of his adult life indeed, he has been a member of every Assembly bar one, and prior to that, at least two Councils, a span of probably some 40 odd years. David will be left to ponder forever why on that one occasion in 2007 the community rejected him, when he would have felt entitled to bathe in the success of staving off the Lloyd coalition integration package in 2006. Perhaps David carried that message quietly with him when he renominated successfully in 2010. Mr Speaker whilst I cannot say that David has had my unwavering support in all he has done and how he has done it, in fact quite the contrary. My respect for his contribution to this community over so many decades, and my acknowledgement of his care for his community, this community, is enormous and I applaud him. Mr Speaker I thank this House for its tolerance, I thank my constituents for their support, I hope it wasn't misplaced. It's time for others to step forward and be counted, and let's see the Howes, the Sandersons and the Wally Beadmans maybe, even the angry ants and the aging surfers who contribute to debate outside the columns of the newspaper in an often belligerent and abusive manner; time for them to step forward Mr Speaker and I'll look forward to seeing their names, I wish all Members well Mr Speaker, not necessarily at the polls, but in other walks of life, thank you.

SPEAKER

Any further debate Honourable Members? Chief Minister.

MR BUFFETT

Mr Speaker it's not clear to me at this time if we have a motion on whether we will come together, but if we actually will achieve that. Mr King has identified that he will not be a player beyond this Sitting, others may have views in various ways to express. I've got to say that I didn't feel equipped at this occasion to be making the valedictory arrangements, and I don't think I will do that necessarily at this time. But if Mr King is to leave, I want to maybe say these things and maybe elaborate upon them in fact we come together on the 13<sup>th</sup> of February. We all know that being a representative is not an easy task, but nevertheless all of us endeavour to do what we are able to do. And we find on this journey that we are in company with a number of people, and they vary as the path goes along. But for those who have been in the Assembly at various times up to this, the 13<sup>th</sup>, I really want to play acknowledgement to them as I want to acknowledge Mr King's participation. He has said some very challenging words, in terms particularly about procedures and processes of this Assembly, I don't necessarily agree with all of those things that he has said, but the matter of challenge is important, and he has expressed some of those today, he has endeavoured to summarise those today those that he has, those activities and arrangements that he has participated in on earlier occasions, and I want to give him compliments in terms of that. He mentioned, now before I go back to Mr King, I want to say also to others who have been participants in the processes, some reasonably new, but others of a longer

standing, the contributions you have been willing to make a really enormous, whether they have been small or large, because they are significant contribution around this table and this table has responsibility for the wider Norfolk Island community, and as we come to the end of the 13<sup>th</sup>, or towards the end of the 13<sup>th</sup>, I want to pay acknowledgment to those who have been participants in the process. We have people who are of reasonably long standing, and we have people who have come in just in this Assembly, some of them with enormous experience in various spheres, Ms Adams for example, extensive experience in being the Clerk of this Assembly, in all of the procedural and processes wisdom that comes with that, and is able to bring that experience to the table as we sit around here and meet and discuss matters. Mr Anderson for example in his legal training, has been able to bring his experience to the table also. I have colleagues in the Ministerial sense who are of Island families who know the heritage and the structure, but also recognise the modern needs that we need to address. We particularly in this Assembly are lucky that we have at least three who are females and can give the female and Mrs Griffiths on my left here, particularly mentions to us the gender equity issues, but the issues are wider than that, and those that Mrs Griffiths, Mrs Ward who are participating in this Assembly who have been able to bring another dimension, not only that dimension, but including that dimension, and that is exceptionally appreciated. I want to just come to some of the things that have been said today about earlier finances not being recognised, our financial situation maybe not being recognised. And if there is in fact there is an inference that the 13<sup>th</sup> Legislative Assembly, that is this Assembly, left that unchallenged, I would like to put these views to the Members, and for it to be heard in the community. When we commenced which is now almost three years ago, we did identify the financial situation, we erected four pillars that we needed to pursue; we needed to pursue an ensure that we had a continuity of community services, we needed to ensure that our principle industry of Tourism had a continuity and that other business opportunities were explored, we needed to come to grips with our financial arrangements, and we needed to ensure that we have a continuing and warm arrangements with the Commonwealth, and in fact at the outset we had a Minister for each of those four responsibilities. What we reasonably quickly did is we identified the financial difficulty and that we identified that we needed to devise a plan to meet our immediate needs to actually survive, survive. And people are inclined to say that this Government may have done little, but I want to spread this out for you. If in fact you live in the Norfolk Island community today and you hear what I am saying, in addition to those Members who are around the table, and you happen to be a Norfolk Island pensioner person, then I'd like you to know that unless the Norfolk Island Government, which I have the honour to lead at this moment, had been able to negotiate with the Commonwealth Government over a period of three years, that we regrettably would not have been able to pay your fortnightly pensions, nor would be able to meet the medical costs which people may call upon in that situation, if in fact you are in the Norfolk Island community and you have children or grandchildren at the Norfolk Island School, today, or at any time in the past three years, then you need to that unless the Norfolk Island Government had negotiated with the Commonwealth for gap finances in each of those three years, then we would not have been able to field the school teaching staff and facilities so that your children, our grandchildren in some instances, would be able to be cared for. Let me give you an example of that; at one time in this three year process the Education Department through the principal education officer, the Headmaster of the School, needed to gain my assurance that we would have continuity of payments to the Education Department, and unless I was able to give that assurance, they would not commence recruitment for that particular year for our teachers at the Norfolk Island School. The only reason that I could provide that assurance was because, we, the Norfolk Island Government, which I have the honour to lead, was able to persuade the Commonwealth Government to provide finances in each of those three years. Can I just go on to say that if in fact you live in the Norfolk Island community and belong to the Healthcare Scheme in Norfolk Island, and most of us are, and there are some exceptions, we talked about some exceptions in a piece of legislation today, but most of us are, then you would need to know, that if you in fact crossed your threshold of \$2,500 in any one of those three years, that without the Norfolk Island Government

negotiating with the Commonwealth for assistance in a financial sense, we would not have been able to meet those costs beyond that amount. May I even go beyond that, that if in fact you are engaged in the Public Service in Norfolk Island, or in one of the Territory Instrumentalities, and I am therefore talking about the Hospital or the Tourist Bureau, which provides important services to the Norfolk Island community, and therefore that's an essential part of service to the place, if you are in those situations you would need to know that unless the Norfolk Island Government had obtained assistance from the Commonwealth then we would not have been able to pay to the Hospital that amount that was needed to ensure its continuity, nor to the Tourist Bureau the amount of, I think, \$1.4 million in most of those three years, to be able to advertise and promote Norfolk Island for continuation in its principle industry. I think that they are significant measures, and although people want to sometimes argue otherwise, for those who want to argue otherwise having spread that out, let me respectfully say, that if you are still of that view, then your measuring stick needs some adjustment. They are important services to the Norfolk Island community, that we as a Government have been honoured to endeavour to provide, so that we might survive in this situation. But survival is just one factor, it's the first factor, the Norfolk Island Government needed to move on to ensure that we don't have a day to day survival arrangement year by year, and I have said this on earlier occasions, but we need to devise a plan so that we will achieve long term sustainability, and we won't have to be going to the Commonwealth on an annual basis in the extremely difficult and really quite unsatisfactory situation, although we must honour and be very grateful for the assistance which we have received. But as we know it is a subsistence arrangement, it doesn't account for the needs in terms of infrastructure arrangements and the like, we have talked about that on earlier occasions. So we have erected a Roadmap which will lead us to long term sustainability, we all know about the seven areas within the Roadmap, and we know about the difficult changes which need to be brought about, and again, I've talked about the difficulties, and I've talked about the inter-relationship between the various components, very few of them stand alone, but we need to see this bigger picture and walk along that task, five year plus programme. I've got to say, notwithstanding what Mr King has said, that Norfolk Labor can't claim to be the sole promoter of changes and the need for change.

MR KING

The loudest.

MR BUFFETT

Yes, being the loudest, doesn't always give substance for the main credit that is to be given, but nevertheless, I acknowledge that they have been players, without a doubt, that is not to be denied. But I want to, as I have endeavoured to point out, the role of the Norfolk Island Government of this Assembly has undertaken to move along and recognise the need for change and how change should be pursued, I can see that some would want to pursue the matter of parties in Norfolk Island, well I would venture to say that the community is yet to make that total judgement, about whether they prefer that or not, yes I know at the last election that there were a number of candidates of Norfolk Labor, compliments to them for being candidates, but the reality was that Mr King was the sole elected person from that process, we do understand that the Liberal Party has now been formed in Norfolk Island, that no doubt does signal that they will be offering candidates, or a candidate, however they wish to choose to move forward in the context of the next electoral process, and the electors in the island are able to make their judgement about that. But I want to say that without a doubt this Assembly and it has been with the majority support of this Assembly, it is not just the three Members who are of the Government, but the Government can only continue with the support of the majority of this House, and indeed has done so in terms of the important and essential changes that we need to take, again I have said on a number of changes, do we want to? Some would prefer not to, but there is a recognition in my view, that we need too. And that is the path that we are upon. From time to time there are significant suggestions that we should do otherwise, there are suggestions that we should fold into the Roadmap a number of other arrangements, I am all for any funding agreement's that we can seek and find, some that have been suggested have really been proven not to be sustainable for us, some have equally been proven as

to be insufficient to meet the needs of the community, and if we are to be long term sustainable in a genuine sense, it is absolutely essential to move from our smaller pool to a larger pool, we must make a contribution to that larger pool, and sometimes the content of that pool in a sense gives clear indications as to how we might have to make contributions. Our role is to ensure that those contributions are affordable in Norfolk Island and we have the capacity to do that. I've combined two things Mr Speaker, I have endeavoured to pay acknowledgement to those who are part of this Assembly, and I have obviously endeavoured to put on the table clearly again the way forward in which this Government of this Assembly has endeavoured to shape, and that's probably the best note on which I should conclude this afternoon, and I thank you for your forbearance.

MRS WARD

Thank you Mr Speaker, I will say a few words just because Mr King is in the House and he won't be at the next Sitting, and that is to thank him, firstly for his moral support and also for allowing me to draw on his political experience, it has been invaluable as a new Member. I would like to just fill a little gap between the words of what Mr King has said and the Chief Minister, and that is looking back over the last three years we have come so far. I am going to say these few words because I will always be grateful to Geoff Gardner for saying the words he did in the final debate, Minister Sheridan raised questions as well, which really allowed me to see another angle of what was going on. We walked into a situation where we knew that the most immediate problem was Norfolk Air, we knew that the payment of bills was being delayed and the Chief Minister has just spoken about that, it was in the area of education, we knew that Peter was being robbed to pay Paul, and even the external auditors had identified problems which led them to doubt our ability to continue as a going concern. And of course there were some MLA's at the time, who proclaimed solid financial position and that the balance sheet was strong. There was even a suggestion that our cash reserves were building when in fact they had fallen by \$9 million that year. The challenge was how to broach the subject with the Commonwealth when the previous Assembly had seemingly had little success, they'd identified issues, but seemingly little success. And I was certainly never under any illusion that a bag of lamingtons and a cup of tea was going to do the trick and I don't think that the Chief Minister did either. What I thought may work was a bit of self examination and honesty, not only with ourselves but also with the wider community. We all know that Norfolk Island was granted self-government on the condition that the funds needed to sustain the degree of self-government requested by the island community would be raised by the Norfolk Island Government itself. And that any discussions related to long term financial relationship between the Commonwealth and Norfolk Island Government would require a re-examination of the principles that underlie self-government. There was a time delay, between the time that we were elected a new federal election took place, the Minister at the time was Brendon O'Connor, we then had to wait for the Hon. Minister Simon Crean to come into the position, he was duly elected. That is when the Chief Minister went to Canberra and he came home with a Road Map, and it was a discussion paper with a plan to work through in order to set us back on track for the future. It contained reality checks and challenges for both Governments to work through, and that's what we continue to work through. What the Chief Minister did was in the best interests of the Norfolk Island community, and it has been criticized by some, some said that he didn't have the mandate to take us in the direction we are going in. But if people read back through every candidate's policy statement, and look particularly at those who were elected in the last election you will see statements such as: changes to immigration must be made; Australia must be invited to participate in rebuilding our economy; access to Commonwealth benefits can only benefit Norfolk Island; we need assistance with the big cost items – health, education and social services; commit us to more equitable revenue raising systems or contribution to the Australian taxation regime; enable access to grants; self-government in its present form has not worked; we have limited human and financial capacity; facilitate financial reform in co-operation with the Commonwealth; and the Chief Minister said, and I quote, "we do need to talk intelligently with both Australian politicians and their bureaucrats, in light of whatever our true financial situation dictates". And that is exactly what he did. There are still many challenges ahead Mr Speaker and I hope that the next Assembly

comprises of people who have the desire to carry on the work of this Assembly. It is not for the faint hearted but it is necessary work. I hope that we come together again, and I think I will wait and use the opportunity, because I have many thank yous, but that is what I think I really needed to say in context with what the Chief Minister and Mr King have said today.

**MS ADAMS** I'll be brief, thank you Mr Speaker, I just want to offer my very best wishes to Mr King, with who I have had absolute pleasure to work with him as a colleague, and I can honestly say that you were perhaps my greatest challenge, but from you I learnt, and I thank you for the wisdom which you allowed me to obtain. I wish you well, thank you.

**SPEAKER** Any further debate Honourable Members? There being no further debate, I put the question that this House do now adjourn.

**QUESTION PUT  
AGREED**

The motion is agreed to. This House stands adjourned until Wednesday the 13<sup>th</sup> of February 2013 at 10am.