



NORFOLK ISLAND LEGISLATIVE ASSEMBLY
14TH NILA HANSARD – 16 AUGUST 2014

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

PRAYER

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

SPEAKER Honourable Members condolences. Are there any condolences today. Mr Evans

MR EVANS Mr Speaker, it is with regret that this house records the passing of Stephen Holder Christian who passed away suddenly in Palmerston north, New Zealand on 15 July 2014. Stephen was son to the late Holder and Agnes Christian and brother to Denis, Alison and Sarah Christian. He was a loving husband to Katarina and doting father of Jacqueline and Sarah as well as a loving step father of Katarina and Jessie Dixon. To Denis, Alison and Sarah and their families, to Stephen's friends, this house extends its sincere sympathy.

SPEAKER Honourable Members, as a mark of respect to those we have offered condolences to this morning Honourable Members I invite you all to stand in your places for a period of silence. Thank you Honourable Members.

PETITIONS

Thank you Honourable Members. Petitions, are there any Petitions to be presented this morning.

NOTICES

Notices, are there any Notices.

QUESTIONS WITHOUT NOTICE

Are there any Questions Without Notice this morning

MRS WARD Thank you Mr Speaker my question is to the Minister for the Environment, Mr Ward and the question relates to the community title legislation. Is it a fact that the Minister is attempting to delay the introduction of the Community Title Bill by suggesting that a review of the Plan must occur first

MR WARD Thank you Mr Speaker and thank you Mrs Ward for the question. The short answer, no. I am well aware of the need for this community title to progress and there will be a need to review the plan at some point but that we will not

tie those two matters together and we are certainly not seeking to complicate the process in any way

MRS WARD Thank you Mr Speaker a supplementary if I may. When will the Bill be introduced into the House

MR WARD Thank you Mr Speaker my understanding is that the Legal Services Unit will have the material ready for us in the November or early December time frame as previously outlined

MRS WARD Thank you Mr Speaker a question again to the Minister for the Environment, Mr Ward but this time in relation to public reserves and particularly the plans of management. Will the Minister explain to the House what is holding up the public consultation process

MR WARD Thank you Mr Speaker and Mrs Ward for the question, the plans of management have been an ongoing issue for quite a while now and the main issue is still getting the stock management arrangements in place or defined for two or possibly three of the larger reserves. There are some erosion issues there and we are looking to have an arrangement where some parts of those reserves can be fenced so that it doesn't preclude the grazing of those areas but allows the Conservator or someone managing the reserves to actually shut off the vulnerable areas from grazing through dryer times when there's a need to do so

MRS WARD Thank you Mr Speaker a supplementary please given that stock management seems to have been an issue for over twelve months, will the Minister set a deadline for the release of the plans of management

MR WARD Thank you Mr Speaker no I'm unable to set that deadline. The officers as we all know are working on a number of different roles. The officer concerned is working as acting land use and environment as well as his role as conservator and I don't have details of his work program for the next few weeks or months or years so I cannot give an accurate time frame as to when that work can be undertaken. I can advise that there is some move towards appointing a new Land Use and Environment Officer and when that occurs it may free the Conservator up to address this issue more readily

MRS WARD Thank you Mr Speaker a question to the Chief Minister. Will the Chief Minister explain to the House which points continue to delay the signing of the Funding Agreement

MR SNELL Thank you Mr Speaker and thank you Mrs Ward for the question. That's a question that has been asked of the CEO Mr Gibbons, he has given us some indications of some of the areas that are contentious, particularly regarding the hospital accreditation and areas of that nature, but for more detail I will take that question on notice

MRS WARD Thank you Mr Speaker a question to the Minister for the Environment, Mr Ward. Is it a fact that an external body provided the Norfolk Island Government with advise which underpins the phsyllid containment staff recruitment strategy and if so, why didn't the Administration provide the strategy and when is the project set to begin

MR WARD Thank you Mr Speaker and thank you Mrs Ward for the question. I'm not quite sure as to who you wish that to be provided to in your question Mrs Ward, if you could clarify.

MRS WARD The question is whether or not an external body provided – it's to do with the recruitment strategy and people in the community are asking about the job positions and the question is also based on the fact that those positions are being advertised but no other positions are being advertised so the first question is who provided that recruitment strategy and when will the project begin

MR WARD The work is to be issued more as a contract than an employment arrangement. The people will not be officers of the Administration

MRS WARD And when will the project begin

MR WARD That is us depending on whether we get a suitable contractor or contractors for the work. We have to wait until the closing time for that project is advertised and we'll see who we get. If we don't get a suitable applicant or a number of applicants then we may have to look at other measures but at this stage we wait and see what that recruitment process or sourcing arrangement yields us

MR EVANS Thank you Mr Speaker a supplementary please from the question from Mrs Ward, as far as where applications have been asked for, think you may have advised us that the ads were going out to Australia. Have you had any feedback from anything in the Australian field. As most people would know a lot of the information coming to us as far as the phyllid comes from New Zealand and I think it was suggested to you before that maybe New Zealand would be a priority as to where we would look for these people that may have some experience with these phyllids with it not being in Australia. I know they have some experts in Australia with insects and things like that but maybe New Zealand would be the ideal place to look for recruiting people in that area to get this very important thing underway and whether we can eradicate it or control it, it certainly would be beneficial to growers right throughout the island

MR WARD Thank you Mr Speaker and thank you Mr Evans. Absolutely Mr Evans it wasn't initially advertised in New Zealand but my understanding is that the service has subsequently put out some feelers down there and made it known in a few relevant areas, I don't have the details of where exactly he's advertised it at this point but it has been referred to New Zealand as well, yes

MRS WARD Thank you Mr Speaker just a final one of that if I may, the Minister for Environment said at the last sitting that he had made contact with the Australian Minister for Agriculture, the Hon Barnaby Joyce because of the seriousness around the bio security of this issue and the Minister said that he was seeking the Australian Government's involvement in the eradication programme, it was eradication at the time, the question is has the Minister for the Environment had a response from the Hon Barnaby Joyce at this time

MR WARD Thank you Mr Speaker and thank you Mrs Ward for the question. Yes I have had a response from the Minister. He certainly gave a very cordial and to the point response. He's been happy for his Department to assist us with information and support in that form but there was certainly no material support in seeking to fund or partially fund the project, partnering with us on the eradication or control

MR PORTER Thank you Mr Speaker my question is to the Minister for the Environment is it true that heavy laden trucks are taking crusher fed rock from Lot 44a adjacent to the school down to Cascade to weigh on the Administration weigh

bridge then taking the rock back past the starting point to Norfolk Industry's crusher for processing

MR WARD Thank you Mr Speaker and thank you Mr Porter for the question. The short answer is regrettably yes and it is something that I've looked at in the past, certainly when we were seeking to open up the rock in 44a to be available for use. I certainly made it known that my preference was to be able to use the operator's weigh bridge but that weigh bridge was deemed to be non compliant at that time, and the Cascade Cliff Management board weren't willing to rely on that device at this time. It was just a matter of accountability really, weren't willing to rely on that. My understanding is that the operator's weigh bridge has now had the necessary minor works done to bring it up to compliance and he will now need to refer that certification back to the Cascade Cliff Management Board or Committee and have their previous decision reviewed. It certainly would be a preferable way of operating rather than as Mr Porter says, carting this material down to Cascade with the extra wear and tear it puts on the roads and the safety issues involved, so I'm certainly supportive of the operators bridge being used when possible

MR PORTER Thank you Mr Speaker a further question for the Minister for the Environment, can the Minister assure us that the upcoming road rebuilding program will be carried out on our major road network to deliver the best return on investment for our limited budget and not spent to relieve political pressure or fulfil perhaps a long held view of who's turn it is next

MR WARD Thank you Mr Speaker and thank you Mr Porter for the question. I was scheduled to have a meeting with the CEO on this yesterday on this matter and I certainly can assure Mr Porter that the primary roads, irrespective of ownership, are the first priority in the roads program

MR PORTER Thank you Mr Speaker I would assume that that would mean these would be major traffic roads in the major part of the Island, roads such as from the old grid located near Peter's Highway to the entrance to the Waste Management station the area past the airport, perhaps the area from the middle of the school and Collins Head Road through to the Taylors Road intersection traversed every school day by a great many of the Island's people and also addresses some one in every six of the Tourist Accommodation beds on the island are located and I might mention as a matter of interest my own units are in that area, though as I said one in every six tourism beds are in that short section of road which desperately needs attention and probably holds better return on investment to the Island I would suggest

MR WARD Thank you Mr Speaker and Mr Porter, the priorities will take a lot of working through. Everybody would like to see their area done but we have to look at the state of particular roads as well as the location and how many people use the roads in a particular area. There's a whole range of issues to work through as we set those priorities and it's not a process that we undertake lightly

MRS WARD Thank you Mr Speaker is the mi saying that there wasn't a roads program set at the time that the budget was set

MR WARD Thank you Mr Speaker and thank you Mrs Ward for the question. Yes, there certainly was and as time has progressed and I have questioned some of the original priorities that were on there, there's some issues that have come to light that need to be addressed and they are only adjustments and it's a matter of tweaking which areas get the dollars first. It's just a reality that we cannot deliver ever area and every road that is needed, at the one time

MRS WARD Thank you Mr Speaker if I may a further supplementary please, who set the original agenda for the roads program

MR WARD Thank you Mr Speaker I would have to go back and ask the Service exactly who did set that, I understand information would have come from the Works Manager but as to how much input others have had into it I couldn't answer

MRS WARD Mr Speaker given that Member were provided with a roads program at the budget time, is the Minister saying that what was put in front of Members is now no longer satisfactory to him as a Minister or the Government as a collective

MR WARD I guess you could answer that some adjustments are necessary, so yes, there are some issues with the priorities as they were originally set

MR NOBBS Thank you Mr Speaker whilst we're on roads, I would like to just address one to the Minister for roads, Minister were you able to ensure that funds earned by activities undertaken by the roads section are not placed in consolidated revenue, but credited to the roads section as you said you were going to have a look at from the last question that I asked at the last meeting

MR WARD Thank you Mr Speaker I did raise this matter with the Service and my understanding is that the money's received do go back into consolidated revenue. That is the process as it stands and we would need to look at other ways of doing business if that is seen to be necessary to avoid, and to do it in a different way

MR NOBBS I don't want to get into an argument but isn't it a bit misleading when it's said that it's for the use of roads, one would assume that it's for the use on public roads, and not private roads, when the money is diverted back to some form consolidated revenue and spent where ever

MR WARD Thank you Mr Speaker and thank you Mr Nobbs. I couldn't agree more and that is why I'm saying that we actually need to look at a different way of being able to undertake this contract work where the Administration equipment is the only available equipment, otherwise it's best that the work is let to the private operators who do provide the smaller tar sealing work on driveways and so on but it could be a simple matter but the Administration doesn't provide materials when it takes on this contract work. It could develop a policy not to provide the materials which would pretty much get around that problem

MR NOBBS I have some questions for the Minister responsible for KAVHA. Minister two questions I have really relate to the last meeting. The first one is that you undertook to consult with the KAVHA Board and ascertain if there is a policy to have KAVHA Board Minutes being widely available. Is there any answer to that today

MS ADAMS Thank you Mr Speaker I owe you an apology

MR NOBBS I'll accept it Mr Speaker. The second one is have you anything to add in response to my question that you are not privy to the actual roles and responsibilities of what appeared as a new position described as Commonwealth Heritage Officer within KAVHA except that it is not the actual Site Manager's position and it was for three months. I think they were the two criteria

MS ADAMS Thank you Mr Speaker all I can respond at this time is to say that I am aware that there is an advertisement off island for the position of Commonwealth Heritage Manager and it would seem that, that is moving into a permanent arrangement but apart from that I can give you no further detail at this time

MR NOBBS A further question. Is it not correct that the draft Heritage Plan was provided by the Consultants to the reviewers and then to the Commonwealth by the end of June last, and what is the reason for the delay some seven weeks later before entering the next stage which is a review by the public and when will this occur

MS ADAMS Thank you Mr Speaker I can't provide you with a definitive answer around that. All that has passed my desk recently is that changes, comments etc to be made to the draft Management Plan before it goes out to the public review process are being invited to provide those questions, concerns, etc to the Consultants. I can tell you this myself that I with the Chairman of the KAVHA Board, Mr Buffett, have had a discussion around some concerns that I have in that report and he has taken those on board to get them into the process but as far as a timeline where it's tracking, I'll take that on notice and get back to you. I appreciate your concern

MR NOBBS And I've got more. As the KAVHA Heritage Management Plan review is not complete, and that's when we get confused with the Heritage Plan which is the new document, and the new document has not been available for public comment, is it correct that the Commonwealth has moved to implement possible suggestions under governance arrangements within the draft of this Heritage Management Plan and that these changes have been severely criticized by some local reviewers of the draft as you realize there was a review group put up. Is that correct

MS ADAMS Thank you Mr Speaker. In short, yes. There is an indicative management arrangement going forward within that draft document, yes

MR NOBBS These have not been implemented by the Commonwealth to date

MS ADAMS No. To the best of my knowledge, no. But I will certainly take that on notice. Perhaps we could have a discussion as to what you may be privy to that I may not be privy to

MR NOBBS Is it proposed that the two governments, the Norfolk Island Government and the Commonwealth Government present an agreed draft for public consultation or will it be a draft agreed by the Commonwealth alone

MS ADAMS Mr Speaker I see this role as lying with the current KAVHA Management Board. This is within the province of the Board at this time

MR NOBBS This question really worries me Minister. Is it correct that the Commonwealth has recently indicated that whole areas within the boundary encompassing KAVHA is a Commonwealth asset and that the Commonwealth has complete authority over that asset. That's the whole area within the boundary. Are you aware of that

MS ADAMS Thank you Mr Speaker I can't respond authoritatively on that but yes, under the Dem Tull, of course yes I had heard that, but I hold the view and remain of the view as I have expressed to the Hon Minister for the Environment, Greg Hunt and to the Hon Assistant Minister Briggs, that KAVHA is shared joint proprietorship because of the fact that 20% of the land in KAVHA is privately owned land and that is my platform and that is what the Government will be taking forward to the future. I can't say any more than that at this time

MR NOBBS Is it correct that the Commonwealth has assumed the Norfolk Island Museum's collection and on what authority has this occurred

MS ADAMS Mr Speaker the answer to that is no

MR NOBBS You've already stated Minister that there was an ad put out for a new job and does the advertisement for the Heritage Manager's duties, which contain duties and suggestions that are contrary not only to the Memorandum of Understanding between the Commonwealth and the Norfolk Island Government but also amongst other things, undertakings given when the area was initially proposed as a historic area some years ago, as well as those given prior to KAVHA being given support by the then Norfolk Island Government for World Heritage Listing and if so, what is the Government doing about this

MS ADAMS Thank you Mr Speaker and I thank you Mr Nobbs for that question. It's a very in depth question which certainly requires very in depth response. I understand your concern. I understand the concern of the Norfolk Island people around KAVHA. I'll take that on notice and response to you

MR NOBBS It is understood that there are considerable health and safety issues identified very recently within KAVHA. Is it correct that all walkers on Emily Bay and Slaughter beaches will be required by KAVHA to wear flotation jackets in case they fall in the water and that current piles of rock representing former buildings used said to be a danger to walkers will be removed from the site

MS ADAMS Thank you Mr Speaker and thank you Mr Nobbs. I'm not aware of that. However there is a question on notice around tape which has been placed around some areas in Kingston and I'll respond at that time

MR NOBBS I'll listen with interest

MRS WARD Thank you Mr Speaker my question is to the Chief Minister and relates to the visit of the Centre of International Economics who are currently on the Island to consult with and around the question of the adequateness of the stakeholder consultation. The question to the Chief Minister first is what did the Norfolk Island Government do in partnership with the Commonwealth to promote the visit which was for the consultants to meet with the Norfolk Island Government and members of the local business community

MR SNELL Thank you Mr Speaker and thank you Mrs Ward for the question. The matter of the communication policy of the time has been discussed with his Honour and His Honour has apologized for not informing the Government of the pending visit of the CIE representatives. His explanation to me was that it was unfortunate. He regretted it and it was not going to form part of the going forward with communications. In regards to the advise and what has transpired since that time is that as we know the officers have arrived on Norfolk Island, they have put together a view of policy. The terms of reference are difficult to locate but they have agreed to extend it to both the Government and those interested. The subjects under discussion are wide ranging from the Roadmap Funding Agreements, models of governance, uncertainty within the community, lack of safety net for unemployed, lack of ability to stimulate the economy etc etc but I advise of course that the Administrator did publish a press release regarding the visit on the 6th August

MRS WARD Thank you Mr Speaker. Given that the Norfolk Island Government is currently what I'll loosely phrase signed up to a Roadmap reform agenda was the Chief Minister's Government surprised by one of the points which I'll

loosely call the terms of reference, was what the Government thought the Norfolk Island would look like going forward under a business as usual scenario, that is, no changes to the current arrangements governing Norfolk Island

MR SNELL Thank you Mr Speaker and thank you Mrs Ward for the question. Whilst we appreciate the question, we also applaud the actions by His Honour and we certainly appreciate the frankness and the robust agenda that has been given to us and we certainly acknowledge perhaps one of the terms of reference and the conditions under which they will form a recommendation to the Commonwealth is that there be no change so that we were surprised as Mrs Ward of that question whilst we take into account that we have agreed to reform policies here under the Roadmap and Funding Agreements but yes it was a surprise question

MR NOBBS Thank you Mr Speaker I've got one for the Minister for Finance, given a new and a regular carrier will enter the Australia Norfolk Island run from early November, I have two questions for you. Have you had discussions re landing arrangements on Norfolk Island with the proponent, and are provisions currently in legislation particularly those related to guarantees required to utilise the Norfolk Island airport being required of the new proponent

MR SHERIDAN Thank you Mr Speaker and in response to the question, no there has been no direct discussions with the proponent of this new carrier into Norfolk Island in regards to facilities that he will require here on Norfolk Island in particular landing fees. All I can say in response to the further part to the question is that I have been privy to a draft letter that has been drafted to go to the owner of this proposed airline indicating quite clearly to this new airline what requirements he must satisfy prior to him commencing the run

MR NOBBS Just to the Chief Minister I have two follow up questions from the last meeting. Chief Minister you made mention of Funding Agreement discussions and that funds for new and current positions to be filled had not been resolved. Has this been resolved in the past month

MR SNELL Thank you Mr Speaker and thank you Mr Nobbs for the question, the answer is that one position has been filled, that of the Chief of Staff and the other positions are still under consideration as I understand. The Stock Inspector's position and other than those, there have been no further developments as far as the employing is concerned

MR NOBBS The second one you referred to in response to a question that two permanent Members of Administration had lodged a matter with the complaints officer whoever that may be. Has this complaint been resolved

MR SNELL Thank you Mr Speaker and thank you Mr Nobbs for the question. I Nobbs

MR NOBBS Thank you Mr Speaker this question I've actually been involved with but I have had questions directed to me and I ask the Chief Minister, I think you'll agree that comments from Members of the public on your policy review is not mine, but your role, and if so, would you please provide to the community details of your policing review during the period from the last report in February March that you made on the results of the community survey to the present

MR SNELL Thank you Mr Speaker and thank you Mr Nobbs for the question. This is a lengthy answer but for ease of convenience I wish to advise that as Members would know a community law and order survey was duly conducted in December 2013.

Following analysis Following analysis of the responses to the survey, Mr Nobbs, MLA, who has assisted me throughout this process, produced a review of Policing Discussion Paper in May 2014 containing recommendations and a draft Policing Policy document and draft legislation. In July, by Ministerial Request, I sent both the Policing Discussion Paper and the draft Policing Policy document to the public service and sought the advice and comment of relevant officers to those documents. The 2014-2015 Funding Agreement requires the finalization of the Memorandum of Understanding with the Australian Federal Police and on 30 July 2014 I was advised that the Administration had been advised by the Australian Federal Police on 4 July 2014 that the AFP having assessed the outcomes of the Community Survey that they were making some amendments to the draft agreement/arrangement documents initially submitted to ensure community engagement is a strong component and that the AFP would be forwarding it for the review and consideration of the Administration. Thank you

MR NOBBS A question for the Minister for Immigration. Minister has the last person who was given authorization by the Legislative Assembly to make an application for a GEP, have they progressed their entitlements

MS ADAMS Thank you Mr Speaker I have not been advised that they have. I will make that enquiry on your behalf

SPEAKER Any further questions without notice.

ANSWERS TO QUESTIONS ON NOTICE

We move to Question on Notice and the first one is from Mr Porter to the Minister Adams.

MS ADAMS Thank you Mr Speaker. I'll read the question. Mr Porter to ask the Minister for Cultural Heritage and Community Services – Will the Minister inform the House –

1. How many GEP applications have been lodged in the last 12 months, and I'm going to answer seriatim as I read out the questions. That number is 24.
2. How many have been declined. That number is 3.
3. How many of those declined have appealed. That number is 3.
4. How many are under review. None. I hope that answers your question

MR PORTER Thank you Mr Speaker a supplementary please. I have here several items of correspondence to and from the Minister and the Department in relation to applications for permits to reside on Norfolk Island. A couple of these date back to twelve months and none have been acknowledged, let alone actioned. Mr Speaker my question to the Minister, is this best practice, and if not, what will the Minister do to address this situation

MS ADAMS Mr Speaker I'm going to ask Mr Porter to repeat the question please

MR PORTER Thank you Mr Speaker I have here several items of correspondence to and from the Minister and the Department in relation to applications for permits to reside on Norfolk Island. A couple of these date back to twelve months and none have been acknowledged, let alone actioned. Mr Speaker my question to the Minister, is this best practice, and if not, what will the Minister do to address this situation

MS ADAMS Thank you Mr Speaker I'm certainly not aware of any applications being outstanding for that length of time. I am aware that there are in respect of the appeals that are on foot, they are with the proper authority at this time, they are outside of my responsibility. I'll have to take that on notice because certainly it's

not best practice, I'll have to agree with you there but I have to have more detail than what you've been able to give me at this time so if you would like to have further discussion with me I will certainly sort that out. Thank you Mr Speaker

MR SNELL Thank you Mr Speaker. The question from Mrs Ward reading, Given that Section 31A (4) of the *Tourist Accommodation Act 1984* states that the Minister shall appoint, by instrument in writing published in the Gazette, a person for the purposes of grading registered tourist accommodation houses, will the Chief Minister advise the House on the following:

1. When was the last appointment made,
2. When does that appointment expire,
3. When was the last grading carried out and what was the cost,
4. Was the cost recovered from accommodation houses; and,
5. What is the Government's policy on future grading?

Mr Speaker I will repeat the question and then provide the response.

1. When was the last appointment made?

The last appointment made under section 31A(4) of the *Tourist Accommodation Act 1984* was on 28 September 2011 and subsequently published in Gazette No. 43 dated 30 September 2011.

2. When does that appointment expire?

The appointment continues until revoked.

The same assessor carried out the island's STAR Rating Accreditation assessments from 2011 to 2013 inclusive.

3. When was the last grading carried out and what was the cost?

The last gradings, better known as STAR Rating Assessments were conducted from 20 November to 11 December 2013 inclusive. The costs of the STAR Rating Licence Renewals was \$16,592.17, this amount included a \$3,302.59 loyalty renewal discount for bulk payment.

Due to changes within the management structure of the STAR Ratings ownership all properties received a complimentary 6 months licence from 1 January to 30 June 2014. This meant that funds budgeted for the 2012/2013 financial year were not required to be used and all STAR Rating Licences, resulting from the 2013 assessments, were able to be paid for out of funds budgeted for within the current financial year.

As a consequence of the STAR Rating Licence renewals Norfolk Island will be included in STAR Rating Australia's \$1 million advertising campaign to be launched early in 2015.

4. Was the cost recovered from accommodation houses?

There have been no costs recovered from accommodation houses, as the Act currently has no provisions for any fees to be charged to tourist accommodation houses.

5. What is the Government's policy on future grading?

This is currently being considered based on information and advice received from relevant officers in the public service. Thank you Mr Speaker

MR PORTER Thank you Mr Speaker. Could I ask a supplementary. Can the Chief Minister advise if he has a concern that if the Department was to come back or his advisors was to come back to say no further need to have compulsory grading with a resultant loss of standards that could adversely impact on Norfolk Island's tourism credibility.

MR SNELL Thank you Mr Speaker and thank you Mr Porter for the question. We are, and the industry is very concerned Mr Porter about the maintaining of high standards for accommodation here on the island and the Tourist Accommodation Regulations set the minimum requirements in order for a property to be registered as a tourist accommodation house, such as the facilities and items that must be made available to guests. The Regulations also outline standard requirements as per the following for example, equipment etc to be adequate where these Regulations require that a particular thing is to be provided or contained in a tourist accommodation house etc, buildings etc to be well maintained and the star rating accreditation provides also for minimum standards and various requirements to be met at applicable measures for the following facilities and services, cleanliness, quality and accommodation. If Mr Porter is

asking for my view and that of the Administration Officer responsible for Tourism, my view is Mr Porter is that the star rating should be compulsory and it is one that I haven't put through to my colleagues. Tourism is our main industry, it needs to be protected and accommodation is the main ingredient in any holiday and we certainly have to look after it. Thank you Mr Speaker.

MRS WARD Supplementary if I may as the Chief Minister has been so bold to give an opinion. Is there anything to stop the industry, that is the tourism industry assuming and taking up in their own right the star rating Australian licensing system.

MR SNELL Thank you Mr Speaker and thank you Mrs Ward for the question. I'd probably have to take that question On Notice in the fear of giving incorrect advice Mrs Ward. I will take that On Notice. I have an opinion but the accommodation industry as an independent body can arrange their own star rating requirements, but I will have to get that confirmed.

Question On Notice 78 - Mrs Ward to ask the Minister for Cultural Heritage and Community Services.

MS ADAMS Thank you Mr Speaker. Mrs Ward asked the question will the Minister provide to the House the reason for the KAVHA crank mill and officers bath being closed to the public and how long will they be closed for. In respect of the second part of the question I'm unable to answer that but in respect of the first part of the question. This was a matter that was discussed at the KAVHA Management Board meeting at it's 68th meeting on the 25th July under the heading of OH &S issues at the Crank mill and officers bath and at that time the Board gave consideration to the necessity for an interim warning signage and restricted access to both of those sites until a solution is identified and heritage people have been consulted to design an aesthetically pleasing solution to resolve the issue permanently, and in the meantime there is a continuing examination as to whether the current safety tapes are sufficient until a more permanent solution is achieved. A decision has been taken to make the area more safe for the community.

Question On Notice 79 - Mrs Ward to ask the Minister for Cultural Heritage and Community Services.

MS ADAMS Thank you Mr Speaker. Question 79 - Given the Minister's public statement that the approach concerning the production of medicinal cannabanoids in Norfolk Island was made only early July how can the Minister justify the speed with which a licence was granted when the controversial nature of the cannabis and cannabanoids subject has resulted in a debate which is not yet settled. In response Mr Speaker I think it's fair to say that debate was had and settled in 1997 when the Norfolk Island Government of the day introduced and the House passed the Dangerous Drugs Amendment Bill 1997. Executive Council referred the Bill for the pleasure of the Governor General in December 1997 and the amending Bill was assented to in February 1998 and commenced in April 1998 with the consequent issue of licences for industrial hemp. Hemp is cannabis and it's quite clear under 7A of the Dangerous Drugs Act that the Minister has the power to authorise importation of cannabis into Norfolk Island, exportation of cannabis from Norfolk Island, planting, cultivation, tending and harvesting of cannabis and selling of cannabis and having cannabis in its possession. In Norfolk Island the law provides, the debate happened back in 1997 as to whether or not that was appropriate in Norfolk island and the decision taken and it proceeded. Thank you.

MR PORTER Perhaps a supplementary please Mr Speaker. There is a lot to do in the press about this and can the Minister advise that it appears there is a great difference between industrial hemp and high THC cannabanoids which would be required to make medicinal compounds and that it appears that the sticking point in most

jurisdictions is that high THC level, toxicity of the drug and does the Minister see that there is a difference in that, or does our legislation cover both eventualities.

MS ADAMS Thank you Mr Speaker. I don't believe I have with me the Act, but certainly in the application for the licence it clearly spells out that the application is firstly for low THC and secondly for other cannabis cultivars. So the provision is there. Thank you.

Question On Notice 80 - Mrs Ward to ask the Minister for Cultural Heritage and Community Services.

MS ADAMS Thank you Mr Speaker. Mrs Ward asks is it a fact that neither the Infrastructure and Business Development Committee nor the Administration of Norfolk Island produced a white paper which focussed the Government's attention on the pros and cons of the medicinal cannabanoids proposal. In short response, that is correct. However for the record it should be noted that the Infrastructure and Business Development Committee met on 31 July for the purpose of hearing a presentation by representatives of Tasman Health Cannabanoids on their proposal to establish a medicinal cannabis industry on Norfolk. All members of the Assembly who were on island at the time, including Mrs Ward attended and were given the opportunity to ask questions of Tascan prior to the issuing of the licence. Thank you Mr Speaker.

MRS WARD Thank you Mr Speaker. Isn't it a fact that that meeting was held less than 24 hours before, prior to the licence being issued

MS ADAMS No Mrs Speaker. That meeting was held on 31 July and the licence was issued on the 4th August.

Question On Notice 81 - Mrs Ward to ask the Minister for Cultural Heritage and Community Services.

MS ADAMS Thank you Mr Speaker and thank you Mrs Ward. Mrs Ward asked me if a white paper was not produced how and to what extent did the Minister evaluate the evidence surrounding cannabis and cannabanoids and what evaluations weighed most heavily in favour of the Minister's decision to grant a production licence. The law allowed me Mr Speaker to issue a licence.

Question On Notice 82 - Mrs Ward to ask the Minister for Cultural Heritage and Community Services.

MS ADAMS Thank you Mr Speaker. Mrs Ward asked this question and I thank her for it. In the interest of satisfying the community that the Minister has fully and properly informed herself will the Minister table for public examination all documents considered by the Norfolk Island Government prior to a production licence being granted. In response Mr Speaker - the licence issued to Tasman health Cannabanoids Norfolk Island Pty Ltd is a conditional licence with very robust regulatory conditions and it's issues under Section 7A of the Dangerous Drugs Act 1927 and I repeat again which gives the power to import cannabis into Norfolk Island, to export cannabis from Norfolk Island, to plant, cultivate, tend or harvest cannabis and sell cannabis and to have cannabis in its possession for the period and on the conditions set out in the schedule of licence conditions. I table for the record the Schedule of Licence condition which have been crafted using the approach taken by other jurisdictions regarding medical cannabis. I further table the letter date 30th July 2014 from the Administrator, and my response to the Administrator of 1 August from which I quote " A licence granted will establish a regulatory framework as a first step. It will be conditional, capable of being varied and further developed, and involving an appropriately rigorous inspection regime and the approach taken by other jurisdictions regarding cannabis licensing will be taken into consideration. My intention is to responsibly pursue appropriate economic development in Norfolk Island in a manner which reflects the

legitimate concerns of all stakeholders". Mr Speaker the proposal from Tasman Health Cannabinoids aligns with the terms of reference of the inquiry into economic development in Norfolk Island currently being conducted by the Commonwealth's Parliament Joint Standing Committee on the National Capital and External Territories. The Committee's terms of reference amongst other things sought submissions on compliments to tourism such as agriculture, other industry or small medium enterprises. Just adding a little more information here, certainly further issues that were taken into consideration was the High Court ruling in the action of Yager versus Regina the Canadian Regulatory Regime, discussions by Crown Counsel with the OIC Police who indicated that they were happy to be involved in any inspection regime going forward. It was a very in depth consideration that took place before I moved to issuing the licence, but I've made it quite clear that I am committed to working with the Commonwealth until we have dotted all I's crossed all T's of concern that the Commonwealth of Australia might have around this issue. You are all aware I'm quite sure that there is much debate on this issue going on in Australia, throughout Australia, and for the record Mr Speaker certainly the world now know that Norfolk Island is open for business and investment and the total views on the medicinal cannabis industry for Norfolk Island to date is 2,372,744 of which 1,171,495 views have been since the announcement of the cancellation of the licence. To conclude Mr Speaker the Norfolk Island Government has convened a public meeting at 5.00pm on Thursday 21 August at Rawson Hall. The Norfolk Island Government is committed to working with the Commonwealth Government as part of economic development in Norfolk Island on the establishment of a medicinal cannabis industry and an industrial hemp industry on Norfolk Island. Ongoing public consultation is part of that process. The meeting will provide an opportunity for information sharing and answering questions the community may have on these industries and at the request of the Norfolk Island Government the meeting will be Chaired by a previous Chief Minister Mr Geoffrey Gardner. Thank you Mr Speaker.

MRS WARD A supplementary if I may. I see that the Minister has done work around this of course and would she term that to be a risk assessment and I'm talking about due diligence process here is that a risk assessment and did that take into account planning regulation and law, and the plan and restrictions within that, and also did it take into account a point that the Administrator refers to which is the international obligations around the transport of these drugs. If the Minister could expand on that that would be useful please.

MS ADAMS Thank you Mr Speaker. I'm only going to be able to respond authoratively on that if I've brought that document up to the House. It doesn't seem as though I do but as far as the risk assessment is concerned if you have no difficulty through you Mr Speaker I'm going to because Minister for the Environment has been very helpful around the risk assessment process and certainly that is an ongoing process. I think it's a two page document that we've got in place that is continuing the risk assessment but bear in mind that it is a conditional licence, it is only a first step in the process going forward and no step can be taken until there is a tick from Government or the regulatory authority in place ok? That's how the licence has been worded but you'll be able to have a look yourself now that it's been tabled. Is that helpful if Minister Ward with your indulgence Mr Speaker may wish to add to this. That's putting him on the spot. Is Mrs Ward comfortable with this? Mrs Ward was talking about the risk assessment but he's been handling that.

SPEAKER If we can just pause for a moment. I think we're off the air, just pause for a moment please.

SPEAKER Honourable Members I think we'll continue unless there is some objection from you about that and we'll get on air as soon as we can. That would mean if we're recording that the rebroadcast will be in a complete form although the direct broadcast may have a pause that we've just referred to. So thank you. Minister Adams you were just asking whether Minister Ward would care to participate also and I give him the call.

MR WARD Thank you Mr Speaker and thank you Minister Adams. Yes certainly a risk assessment process was put together as part of this whole process supporting Minister Adams' actions there. It reflects the ongoing process that would be involved or would have been involved had the licence not been cancelled and it was a very thorough, Minister Adams referred to two pages, it was actually several pages more than that just the headings of it were as I recall four pages and those when fully worked through expand out into many many pages of documents, a lot of work for both the applicant and for us to satisfy all the different areas of potential risk covered in that document and assessment.

Question On Notice 83 - Mrs Ward to ask the Minister for the Environment

MR WARD Thank you Mr Speaker and Mrs Ward for the question. The question reads will the Minister provide to the House the number of planning development applications which have been lodged and granted over the past year in comparison to the previous five years. Researching this question has revealed and unsurprising but very clear downward trend. While the reasons and substance of development applications are diverse, there is a clear indication and reflection of the downward economic spiral Norfolk Island has been going through for some years. These numbers are and these are all based from the 1st August to the 31st July the following year.

So from the 1st August 2008 to the 31st July 2009 there were 56 applications.

The 1st August 2009 to 31st July 2010 there were 49.

On the 1st August 2010 to the 31st July 2011 there was 52.

1st August 2011 to the 31st July 2012 36.

1st August 2012 to 31st July 2013 there were 26.

1st August 2013 to 31st July 2014 there were 23. These development applications relate to situations where a building approval was also required. They reflect the commencement of reasonably significant development works. They do not include lesser works such as shed or house extensions that fall within the specified threshold in Clause 101 of the Norfolk Island Plan that provides for activity exempt from the requiring of development approval. Thank you Mr Speaker.

SPEAKER Minister do you have that in tabular form that you might be able to table in terms of the completeness for Hansard.

MR WARD Yes Mr Speaker I would be happy to do that.

Question On Notice 84 - Mrs Ward to ask the Minister for Cultural Heritage and Community Services.

MS ADAMS Thank you Mr Speaker and thank you Mrs Ward for the question. The question reads is it a fact that the holder of a Temporary Entry Permit is ineligible to buy a Norfolk Island business. The answer in short is no it is not a fact. Providing the conditions of course for the granting of the Temporary Entry permit have been complied with a Temporary Entry Permit holder is eligible to buy a business. Thank you.

Question On Notice 85 - Mrs Ward to ask the Chief Minister

MR SNELL Thank you Mr Speaker and thank you Mrs Ward for the question. The question reads is it a fact that the Chief Minister wrote to the Honourable Jamie Briggs MP on March 25th 2014 requesting that state level services be delivered to the island in a way similar to Christmas Island and if so would the Chief Minister explain what he meant by that. Mr Speaker I confirm that it is a fact that I wrote to Assistant Minister Briggs on the 25th March 2014 following up on issues raised with him during his brief visit to Norfolk Island in February 2014. In that letter I wrote and I quote "During the meeting you advised that the electricity, telecommunications, hospital and health

services in Christmas Island works better than in Norfolk Island. A review of the Department's website in relation to Christmas Island reinforced the need for the Norfolk Island Government and the Commonwealth to agree on a preferred model of self governance so that similar service delivery arrangements as those in place for Christmas Island can be put in place for Commonwealth and State functions in Norfolk Island". Mr Speaker the purpose of including this in the letter was to ensure that when Norfolk Island's preferred model of territory self governance is adopted that Commonwealth services will be paid for by the Commonwealth but through a service delivery agreement so that Norfolk Island residents would retain their employment in these areas and Norfolk Island will be paid to administer those services. Likewise it is intended that State services be jointly funded with the Commonwealth under similar arrangements. Thank you Mr Speaker.

Question On Notice 86 - Mrs Ward to ask the Minister for Finance

MR SHERIDAN Thank you Mr Speaker. The question reads will the Minister provide an update on the implementation of changes to the electricity system as proposed in the 2014/15 budget session. The response Mr Speaker is projects to implement three of the initiatives identified in the Electricity Working Group report will be rolled out this budget year. The expressions of interest/request for proposal for a long term solution to the problems experienced by the Electricity Undertaking will be advertised in the very near future. The introduction of a structured fee to cover grid connection based on the type of connection is planned if feasible to commence at the next billing period. This requires a data collection exercise to identify and document the various categories of connections. Mr Speaker the intent is the fee will be based on the nature of the connection being serviced i.e high volume business, low volume business, private or very low use. The fee being considered is \$75 per quarter for very low use, \$150 per quarter for a small domestic user who has a historic consumption of less than 4,000 Kw per annum. \$250 per quarter for a moderate domestic user who has a historic consumption of greater than 4,000 Kw per annum/ \$175 per quarter for a small commercial user with a historical consumption less than 4,000 Kw per annum \$400 per quarter for a moderate commercial user with historical consumption between 4,000 and 10,000 Kw per annum and \$600 per quarter for a large commercial user where the historical consumption is over 10,000 Kw per annum. This will be accompanied with a reduction in the unit fee to 0-63c and it is intended that these charges will be reviewed after a couple of reporting periods. The third project will see purchase and installation of bio directional and interval meters for PV installations in this financial year and it is planned that meters for non PV installations will be budgeted in the 2015/16 financial year Mr Speaker.

SPEAKER We've concluded Questions on Notice Honourable Members and we move on.

PRESENTATION OF PAPERS

Are there any Papers for presentation this morning

MS ADAMS Thank you Mr Speaker. I table the Press Release issued on 6 August 2014 by the Administrator the Honourable Gary Hardgrave titled "**Experts engaged on Norfolk Island reforms**" in which the Administrator advised the Australian Government has engaged the Centre for International Economics the CIE to advise on reform options for Norfolk Island and I move that the Paper be noted.

SPEAKER The question is that the Paper be noted.

MS ADAMS Thank you Mr Speaker. I read the Press Release into Hansard. "The Australian Government has engaged the Centre for International Economics to advise on reform options for Norfolk Island. Assistant Minister for Infrastructure and Regional Development the Honourable Jamie Briggs MP has advised

me members for the Centre for International Economics would soon commence work with the Department of Infrastructure and Regional Development to develop an economic model of Norfolk Island. The model will measure the possible economic impacts of proposed reforms including the extension of Federal Social Security and Taxation. These reforms will see a wide range of changes occur on Norfolk Island and it is important the impact of these changes is fully understood. The Australian Government remains committed to a broad reform agenda for Norfolk Island. The Australian Government and the Norfolk island Government have a shared commitment to adjustment and reform for long term benefits to the people of Norfolk Island. Members for the Centre of International Economics will soon travel to Norfolk Island and will be available to meet with the Norfolk Island Government and members of the local business community. It is expected the Centre for International Economics will deliver a report on the impacts of the proposed reforms to the Australian Government by September this year". The Press Release then goes on to speak about the Administrators Business Advisory Group. Mr Speaker I absolutely applaud the decision taken by Assistant Minister Jamie Briggs to engage the Centre of International Economics. As the Federal Minister with responsibility for Norfolk Island in 2011 regrettably declined a request from the Norfolk Island Parliament that it happen in 2011 and I welcome the opportunity to meet yesterday with CIE Officers Mr Lee Davis and Mr Haydn Fisher and to have broad ranging discussions both at Cabinet and together with all my Assembly colleagues. The meetings I think my colleagues would agree were most helpful. Mr Speaker I believe its important that with history record the intent of the Norfolk Island Legislative Assembly when it passed a Resolution on 5 October 2011 titled at the time "The impact of extension of Commonwealth laws to Norfolk Island" and as the then Speaker I conveyed the text of the Motion to the then Federal Minister Simon Crean, and for the record I will read relevant parts of the Motion that was passed by the House at that time " The House encourages the Commonwealth Government to engage the Centre for International Economics to simultaneously update its 2006 study of the Impact of extending Commonwealth laws to Norfolk Island, including but not limited to the impact on A) income on Norfolk Island, the price of goods and services on Norfolk Island, employment and wage levels on Norfolk Island, the sustainability of Norfolk Island businesses and scope of investments, the level and composition of Norfolk Island's population including any likely changes in immigration to and immigration from the island and any other proposal in the Roadmap likely to have resource, social and economic impact on Norfolk Island, and further that the study also consider the impact of the extension to Norfolk Island of Commonwealth laws in the following areas; taxation, superannuation including superannuation guarantee, markets business and corporate conduct, workplace relations, customs immigration and quarantine, social welfare, communications and any other area of Commonwealth law if extended that may impact significantly on the Norfolk Island community, and I again say it is regrettable that the Australian Government in 2011 was not as progressive then in its thinking as the Coalition Government is today on using the services of the CIE and for the record I quote into Hansard from the response dated 25 November 2011 from the then Federal Minister through the Office of the then Administrator Mr Owen Walsh. "The Minister has noted the Legislative Assembly suggestion relating to the updating of the of the Centre for International Economics 2006 report. He is advised that he does not intend to engage the CIE for the purpose as considerable changes have been made to Commonwealth and Norfolk Island legislation in the intervening period" and for the record I table the Minister's response in full. I thought it was quite important to make it quite clear on the record that this Legislative Assembly was proactive back in 2011 endeavouring to get this information that the Coalition Government is now proactively following and I applaud them again for this initiative. However Mr Speaker the Norfolk Island Government and members of the community have over the years endeavoured without success to obtain a copy of the 2006 CIE report on the financial capacity of Norfolk Island and whilst that report was in more recent years provided to the JSC on a confidential basis and to ACIL Tasman in the preparation of its economic development report for Norfolk Island regrettably Norfolk Island at best has only been able to obtain a read acted copy in 2010 of the report minus the executive summary under an FOI request. However by way of interest Mr Speaker the Norfolk Island Government has

been made aware that on 30th June 2014 a member of the Norfolk Island community has received a decision in response to their freedom of information application of 19th July 2011 that the Australian Information Commissioner has and I quote "set aside the decision of the Department of Infrastructure and Regional Development, the Department of 29 August 2011 to refuse access to a document requested under the FOI Act and substitute my decision, granting access to the document except its executive summary. The executive summary of the document is exempt under Section 34 1A of the FOI Act. The remainder of the document which the Department said was exempt is not exempt". In his ruling Dr Popple states "the body of the report deals with issues of the governance of Norfolk Island. These issues are of public interest, especially to the residents of Norfolk Island". However it would seem that it's not over yet and it is our understanding that the Department of the Prime Minister and Cabinet and Department of Infrastructure and Regional Development have given notice of application for a review of that decision to the Administrative Appeals Tribunal and so at this time the release of the 2006 document remains uncertain. However I'd like to think Mr Speaker that common sense and fair play will prevail at the end of the day and that the Norfolk Island Government will be given access both to the 2006 CIE Report and to the 2014 Report when produced and certainly that point was conveyed to the Officers yesterday in the Cabinets discussions with them including the executive summaries to both. Mr Speaker the Freedom Of Information process enhances the transparency of policy making, administrative decision making and government service delivery. A community that is better informed can participate more effectively in the democratic processes. In more recent times amendment to the FOI process explicitly recognises that there is greater recognition that information gathered by government at public expense is a national resource and should be available more widely to the public. The Norfolk Island community Mr Speaker is the principal stakeholder in its economic recovery and reform and therefore reports prepared by CIE being made available to Norfolk Island and the government and the community would be most helpful. Thank you Mr Speaker.

SPEAKER
Further debate.

Thank you. The question is that the Paper be noted.

MRS WARD
Mr Speaker if I may chime in at this time it's a carry on to the questions that I asked previously to the Chief Minister and its comments, it's not criticism, it's just that when the Administrator puts out a Press Release that says the Centre of International Economics will soon be on island and I need to find out about it on Facebook rather than through my Chief Minister and my Government it puts me in a slightly embarrassing situation, so if we can move to improve that, so I put the question to the Chief Minister to what the Norfolk Island Government was doing to work in partnership. They are obviously very pleased as we all were, I certainly was, very pleased to see the engagement of these Consultants but as late as last night I was being asked how the business community interacted and met with these stakeholders. So there is just a bit of a gap there. This community is still engaged and wants to engage but we're not going to have fair open transparent community consultation if the Media and that giving the message out to the community is not done in partnership. So I'm not quite sure what went array there but I think it's worth saying something at this stage so that doesn't continue. We certainly need to get a lot better at engaging the community, giving the community the opportunity to engage in these processes, otherwise its not going to be fair. Thank you.

SPEAKER
The question is that the Paper be noted.

Thank you. Further debate. No further debate. The

QUESTION PUT
AGREED

MR SHERIDAN
Thank you Mr Speaker. Section 2 (b) of the Customs Act 1913 makes provision for the Minister to **exempt goods from duty** where the duty payable is less than \$200. Section 2 (b) 5 of the Act provides that where the Minister

exercises this he shall lay a copy of the exemption on the table of the Legislative Assembly. Mr Speaker I so table this exemption there is only one today, it's the sum of \$70-56 on the importation of uniforms for the Norfolk Island Commonwealth Games team.

SPEAKER Thank you. Any further Papers

MR SHERIDAN Thank you Mr Speaker. I also have a couple of Papers here from the **Gaming**. In accordance with Section 14 of the Bookmakers and Betting Exchange Act 1998 I table a licence to Norfolk Island TAB Company Limited which is the transfer of the business of World Wide Totalisers (NI Co. Ltd). Also Mr Speaker in accordance with Section 48 (1) of the Bookmakers and Betting Exchange Act 1998 I table a report of the Gaming Authority for the period ending 30th June 2014 and advise that there has been no statutory defaults occurring during the reporting period nor any disciplinary action taken by the Authority. Also Mr Speaker in accordance with Section 46(1) of the Gaming Act 1998 I table a report of the Gaming Authority for the period ending 30th June 2014 and advise that there has been no statutory defaults occurring during the reporting period nor any disciplinary action taken by the Authority.

SPEAKER Thank you. Further Papers

MR SHERIDAN Mr Speaker under Section 32 (b) of the Public Monies Act 1979 I'm required to table directions in regards to the transfer of expenditure between divisions. I therefore table the **virements** for the remaining period of June of which takes account of the past financial year and also Mr Speaker in accordance with the Norfolk Island Act Section 48H and the Commonwealth finance Minister's Orders Norfolk Island Section 22 I table the **Financial Indicators for the Month of April, May and June** for the past financial year for the Administration of Norfolk Island as well as the Financial Statements for July for the entities of the Norfolk Island **Hospital Enterprise** and the Norfolk Island Government **Tourist Bureau** which details any material departures from the budget. Thank you Mr Speaker.

SPEAKER Thank you Minister. Further Papers. We have concluded with Papers Honourable Members. We move to Statements

STATEMENTS

We move to Statements

MS ADAMS Thank you Mr Speaker. Notice No 6 on the Notice Paper seeks to introduce the **Immigration Amendment No 2 Bill 2014**. The Explanatory Memorandum to the Bill reads; The Bill seeks to repeal the provision of the Act that precludes a grant of residency to a person who is not entitled to reside permanently in Australia. The repeal removes an impediment and does not and is not intended to affect any person who may be entitled to apply for a grant of residency under Part 4 of the Principal Acts. Section 33A of the Act currently reads "A person who is not entitled to reside permanently in Australia must not claim and the Minister cannot grant to such a person residency under this class". Mr Speaker the purpose of this Statement is to advise that Notice No 6 will not now be called on later in the day and I'll explain why. Last evening an urgent message from Mr Paul McInnis of the Department of Infrastructure and Regional Development was conveyed to me requesting that I not proceed with the repeal of Section 33A and I will read from his email. "We have sought advice from DIBT which is the Department of Immigration and Border Protection in relation to the Immigration Amendment No 2 Bill 2014. DIBP have advised that repealing Section 33A as currently proposed will generate further unintended consequences. In our view simply repealing Section 33A by itself will open a pathway for New Zealanders to obtain permanent residence in Australia via residency being granted on Norfolk Island. This is because currently New Zealanders who are not permanent residents of Australia are precluded by Section 33A from applying under Section 28A for residency

on Norfolk Island. DIBP have therefore advised that they cannot support the repeal of Section 33A as currently proposed. According we seek your urgent advice on how you believe this issue can be addressed. The Norfolk Island Government needs to consider what other amendments may be required to the Immigration Act 1980 to address the adverse impacts caused by Section 33A while being consistent with the Australian immigration regime. The Bill should not be introduced until this issue is resolved". A further overnight email from Mr McInnis was conveyed to me this morning in which he ask that "in the interim could he have urgent advice on how this issue will be addressed and a copy of the working party report". Mr Speaker in early June 2014 members of the Legislative Assembly after due consideration agreed in principle to the repeal of Section 33A. Section 33A was originally included in the Act to provide reassurance to Australia that permanent residency on Norfolk Island could not be granted to anybody who is not entitled to permanent residency in Australia. I a letter of 15 April 2014 to an island resident affected by Section 33A the applicant was advised by the Office of the Administrator that the interpretation of Section 33A is a matter for the Norfolk Island Government. I was provided by the Office of the Administrator with a copy of that letter. The Norfolk Island Government appreciates the concerns, seriously appreciates the concerns of the people who are affected by the inclusion of Section 33A in the Act due to the lack of transitional provisions being put into the Immigration Amendment No 2 Bill 2012, at the time Section 33A was put into the Bill. On the 13th August, just last week, I received a letter from the Administrator expressing concern that "lives are being put on hold and future possibilities for the long term members of the Norfolk Island community and their children are being damaged as this situation continues". And he went on to say "He would welcome signing into law the necessary regulation or amendment you could enact to address this issue without further delay". I share his concerns, I share his intent. The Bill intended to be introduced into the House today, address the concerns of the Legislative Assembly members and the concern of the Administrator. However the Commonwealth has now raised further concerns, and I remain committed as I'm sure my Assembly colleagues are to resolve this impasse and I'm aware the Manager for Immigration is in regular conversation with DIBP on resolution of the problem. As a consequence of the email from Mr McInnis I will not be introducing the Bill today as I've just said and will not do so until further advice is received from the Commonwealth as to the further unintended consequences which have been identified by the Department and the Department of Immigration Border Protection.

As members are aware an **Immigration Review Committee** was established a while back and I table the terms of reference for the review along with the **Immigration Legislation Review Committee First Report**. By letter of 25 July 2014 I instructed the Chair that the committee not proceed further with the review due to a number of issues that have arisen relating to immigration in the current funding agreement negotiations which necessitate discussion being had with the Department of Immigration and Border Protection. This is a disappointing outcome, Mr Speaker, as yet again those people who are in Norfolk Island and have satisfied Norfolk Island Immigration requirements are not able to apply for a declaration of residency in Norfolk Island and just before signing off Mr Speaker, conversations with the Australian Consulate General Auckland Immigration Section on the New Zealand issue trying to resolve for the New Zealand citizens the impasse that was in place with 33a, on 2 May 2014, and this is a demonstration that it's an ongoing issue that we are trying to resolve, it's certainly no tardiness on the part of the Norfolk Island Government or the Norfolk Island Immigration Department, and so this is a template letter that was provided by the Immigration Section of the Australian Consulate General in Auckland. "Dear Mr Ms, If a New Zealand citizen does not have any criminal convictions or tuberculosis, they would be eligible for a special category visa, (SCV) which allows them to work and live in Australia. I have included a copy of the Regulation with regards to SCV. 32(1). There is a class of temporary visa's to be known as Special Category Visa's. (2). The criteria for a SCV is that the Minister is satisfied that the applicant is a non citizen, 1) who is a New Zealand citizen and holds and has shown an officer a New Zealand passport that is in force and 2) is neither a behaviour concern non citizen nor a health concern non citizen or b) a person declared by the Regulations to be a person for whom a visa of another class would be appropriate, or c) a person of

a class of persons declared by the Regulations to be persons for whom visa's of another class would be in appropriate. So in accordance with section 32 of the Act a New Zealand citizen may be granted a SCV on arrival in Australia if they hold and have shown an officer a New Zealand passport that is current, have completed an incoming passenger card and are neither a behaviour concern non citizen nor a health concern non citizen. SCV provides authority to live and work in Australia and so a New Zealander who produces that, satisfies section 33a and can be granted residency and can move along and so in short, we continue to address this issue for the overall benefit of the Norfolk Island community. Thank you Mr Speaker

MRS WARD Thank you Mr Speaker if I may speak at this time. There will be people in the community who are concerned...

SPEAKER Are you moving that the Statement be noted

MRS WARD I thought it already was. My apologies Mr Speaker. May I move that the Statement be noted

SPEAKER The question is that the Statement be noted. Mrs Ward

MRS WARD Thank you Mr Speaker. To come in at this stage because there are people who will be concerned and saying well it's the Norfolk Island Government's fault and it's the Commonwealth's fault and I just want to come in at this stage and say it is something that is high on the agenda with both Governments and supporting the Minister's words, will be something that both Government's will work on together because there are people's lives and futures at stake here. There's obviously complications. I'm actually not surprised by the email coming through from the Department because the original 33a was about reassuring the Australian Government – that's why it was in there – and it was more about harmonizing with the Australian Migration Act, so I'm not surprised, we just need to get to the bottom of how the local Minister is going to satisfy herself that a foreign national is eligible to be a permanent resident in Australia and the Minister has just spoken of New Zealanders and how it works in that area, but the confusion is, well how does a foreign national describe and explain and satisfy the local regulations that they are eligible and it would appear that people just aren't getting assistance in that area, and I understand that immigration is daunting. It's absolutely daunting. How is the lay person supposed to go to an immigration site and work out whether they are eligible or not. It is our responsibility to assist these people particularly because we didn't put the transitional arrangements in place. That was an unintended consequence. Minister Sheridan government of the day, please I will stand corrected on that. I thought it was pretty clear cut. It would appear that it is not working so that's really all that I wanted to come in and say. It's not something that because it's not coming on today it doesn't mean that it will be forgotten, and I give my assurance but I know that the Minister is working on it, thank you

SPEAKER Any further debate. No. The question is that the Statement be noted

QUESTION PUT
AGREED.

That Statement is so noted.

MR SHERIDAN Thank you Mr Speaker. I have a short Statement here in regards to **Gaming** and it's about the recent conference that I attended. Mr Speaker back in September 2013 Ms Jane Brockington, the then CEO of the Victorian Commission for Liquor Racing and Gaming suggested a joint hosting of the Annual Australasian Casino and Gaming Regulators Conference. This was on the clear basis that the Victorian Commission for Liquor Racing and Gaming would fund the event

Norfolk Island through its Director would share the workload in terms of the Conference program, agenda items and recommended speakers. The director would also Chair the CEO's meeting held prior to the conference. It should be noted that the Authority had offered to host this Conference in its own right in Norfolk Island but some jurisdictions were concerned as to how it would be seen and the end result was perfect in that it ended up down in Victoria. In January 2014 Ms Jane Brockington resigned her position and the organization of the Conference then fell heavily on Norfolk Island. New ties were developed with the Acting CEO, Catherine Myers and her team. In the months that followed many hours were spent working with the Victorian Commission for Liquor Racing and Gaming to achieve a polished and high quality event. This event was held at the Windsor Hotel in Melbourne during the period 4 to 6 June 2014. The Conference was jointly opened by myself together with the Victorian Minister for Liquor and Gaming Regulation, Victoria, the Hon Edward O'Donohue and all Authority Members were in attendance and made a significant contribution to the Conference. They also attended the Board and Commissioners meeting held prior to the Conference. The Conference was formally closed by our Presiding Member Mr Jock Irvine and Mr Irvine commented that 'having attended many Gaming Conferences over the years, he considered this Conference to be the best he had the pleasure of attending' and Mr Speaker, the next meeting for this Conference is to be hosted by New South Wales in May 2015.

Mr Speaker if I may, I just would like to make a statement on my attendance at the 'Centenary of the **First World War Service for the Commonwealth**' at **Glasgow Cathedral** Monday 4th August 2014. Mr Speaker, whilst overseas attending the Commonwealth Games in Glasgow, Scotland during the past month I had the privilege of representing the Norfolk Island community attending a Commonwealth Service on the Monday 4th August for the 'Centenary of the First World War Service for the Commonwealth' to commemorate the day of which the British Empire was drawn into the Great War. This service was held on behalf of Her Majesty's Government and the Lord Provost of Glasgow in the Glasgow Cathedral and conducted by the Reverend Dr Laurence Whitley MA BD PhD, Minister of Glasgow Cathedral. This service was attended by the Duke of Rothesay, Heir apparent to the Throne, Prince Charles and the Prime Minister of England The Hon David Cameron as well as Heads of State from various Commonwealth Nations.

Mr Speaker I would like to read out the opening welcome of this service spoken by Minister Whitley.

"Here in this ancient Cathedral, we gather as citizens of the Commonwealth to join in this Service of Commemoration; and we do so in the company of countless others across the world who are able in this broadcast to share it with us.

We meet because on a summer's day like this one, one hundred years ago, the world changed. Our nations and peoples found themselves in a war the like of which had never before been experienced, and the memory of which still haunts us all.

Today and in times to come we will hear much of inexpressible sadness, but also of selfless courage, of striving to do the right thing, of defending freedom, and the rule of law by the then United Kingdom of Great Britain and Ireland as well as the Dominions and Territories of what is now the Commonwealth. In this, the first of many services of commemoration and remembrance of the Great War to be held today and over the next four years, we have come to bow before God, to pray for peace and goodwill amongst the nations, to honour, to remember and to learn."

Mr Speaker, during the service a reading was read out by Kirsten Fell, a sixteen year-old pupil at Dunbar Grammar School. In May 2013 she went with a school party to the battlefields of Flanders. The reading was an extract from a piece of reflective writing she composed on her return describing the experience. The reading was really moving and I would like to share it with you all today. The reading was; "The experience began when we marched onto the bus. From then on we were following the footsteps of the soldiers of World War I. No technology, no contact with families or the outside world. Just us. And the Battlefields. The graves lay silent – there was peace. Every man with his own story – no man was the same but they all died and lie side by side – together. "Known unto God" – A phase seen, heard and read too many times – A soldier unknown unto

God – No name – No visitors – Just one of thousands and thousands who lie in the vast cemeteries of the First World War.

Poelkapelle is just one, but 81% of the thousands of soldiers who lie there are “known unto God.” 81% are unknown. 81% are unidentified. 81% will never be visited by their loved ones as their families will never know where they lie or what happened to them. We were each placed before a headstone – a headstone of an unknown soldier. We were told to imagine what this soldier had been like and give him a name, an appearance and a personality. Once we had done that we were told to take a few minutes to remember. There is one thing that is associated with remembrance, one flower, the poppy. As I laid my poppy on the headstone of my soldier and gazed out over the never ending ripples of white stones I suddenly felt so small. So tiny. From then on my outlook on life has never been the same. My soldier lay in Poelkapelle Cemetery. He still does and will always lie in Poelkapelle. But if I remember – and my poppy stays with him and is loyal, then I have done well and done my duties to those who loved him but have never been able to visit. I did it for them and didn’t only pay my respects but theirs too. They told us we would change. They were right. We will never be the same again. I didn’t want to go. I didn’t want to forget. But the truth is you don’t. You never forget something that has meant so much to you and after experiencing something as powerful, it will never go. It will always be with me and nothing will be forgotten. I will remember my soldier. Forever.”

Mr Speaker, the service was followed by a Cenotaph Service at George Square in which I had the honour of laying a wreath on behalf of the Community of Norfolk Island. This was followed by a Civic Lunch hosted by the Rt. Hon. The Lord Provost Councillor Sadie Docherty and the Glasgow City Council in the Banqueting Hall in the City Chambers. Mr Speaker I would like to table the program for the **Cathedral service** so that it is on record for the years to come. Thank you Mr Speaker

SPEAKER

Thank you Minister Sheridan. Thank you for very ably representing the Norfolk Island community on this occasion

MRS WARD

Thank you Mr Speaker. If I may make a statement on the Norfolk Island **Education Review** and I do so as a nominee of the Minister, the Hon Robin Adams, as the Chair and the Executive Officer of the Review Working Group. If I might say that it has been a privilege to be the Chair of this Review which is still in train. There are eighteen recommendations within the Report which is now publicly available and they range from high level intergovernmental discussions, right through to a councilor at the school. The Review is carried out in three stages, the first being around legislation and the Memoranda of Understanding to do with the Commonwealth and staffing tenure with the New South Wales Government Department of Education. It was an audit into current services which relate to the provision of education and there was a section which discussed and examined the role of the Administration of Norfolk Island in providing staffing to the Norfolk Island Central School. Stage 2 was around the Vocational Education Training and the expansion of opportunities in that area and for apprenticeships. Stage 3 of the Review was around benchmarking which was the benchmarking of the budget of the Norfolk Island Central School against comparable New South Wales schools. The findings of the Review I hope are interesting to people. I certainly encourage everybody to read the Review. It is now publicly available at the Norfolk Island Central School front office, the Public Library and also on the Administration and Norfolk Island Government website which is www.norfolkisland.gov.nf and that is lodged at both public broadcasts and education. The list of Members in the Working Group is within the Report at the beginning and I would encourage people who are interested in education both current and future and the provision of it to Norfolk Island and the future employment and the development of skills to read the report and provide comment. The public consultation period is open until the 30th August so that’s approximately two weeks and an extension of time may be granted if people in the community would like to request that. The Review was born of the Roadmap. It was a section of the Roadmap which spoke about the commitment of both Governments to work together to ensure the equivalent access to services and

programs which are relevant to education so on behalf of the Working Group I certainly hope that the draft Report will be read by people, further contribution will only be of assistance to make a wholesome and comprehensive report and that, that in turn which we hope will be finalized and tabled in the September sitting of this House will be of use to the Minister, the Norfolk Island Government and indeed the Commonwealth Government as we progress in gaining access to equivalent services for people here on Norfolk Island. Thank you Mr Speaker

MS ADAMS Mr Speaker if I could move that the Statement be noted

SPEAKER The question is that the Statement be noted.
Minister Adams

MS ADAMS Thank you Mr Speaker. I would just like to take the opportunity again to applaud Mrs Ward who was my nominee and the Working Group of course, but Mrs Ward in particular who has conducted this process in a very professional manner. I look forward to the Report coming to all Members. I've had the opportunity to have discussions around the Report with her and Mrs Trish Magri, and yes, it's a very comprehensive document and much consideration and discussion will be taking place but I'm going to also take the opportunity here Mr Speaker Members will recall that earlier on we considered two recommendations from the Review Group in earlier times around the Memorandum of Understanding. I can now report that the MOU has been settled by the Department of Education and Communities and it is currently with Minister Briggs awaiting approval under the Commonwealth Finance Ministers Orders, sections 32 to 38. I'm expecting that, that will be just a process. That's the indications that have been given to me, that it is not a difficulty and certainly in the first week of September I look forward to being in a position for the Department of Education and Communities Director and myself to have conversation with the staff at the Norfolk Island Central School on the MOU going forward. Thank you Mr Speaker

MR EVANS Thank you Mr Speaker I just wanted to congratulate the people who were involved in the Education Review. I've read it and I urge everybody in the community if they want to have some idea of what our education system needs in the future and where we are going, it's very – I suppose you could say, pardon the pun – but it's a very educational read. I certainly did learn lots and I certainly encourage anyone in the community that has any sort of qualms or passion about education and I'm sure we all do, to read that document. It's very educational. Thank you Mr Speaker

MR NOBBS Thank you Mr Speaker I would just like to congratulate Mrs Ward and the Members of this Committee. I've read it quickly, very briefly, and I hope to give some comments before it actually closes, or seek an extension or something. Get one in at some stage. A few minor comments that's all, that I've found so far in it and I look forward to seeing how it eventually progresses from here hence. Thank you Mr Speaker

MR SNELL Thank you Mr Speaker I certainly applaud Mrs Ward and her Committee for the efforts they have undertaken. Like Mr Nobbs I've briefly gone through the document and have seen some minor points but it is enlightening and like Mr Evans has pointed out, it certainly is worth anyone taking the time to read the document to assess themselves of the education facilities on Norfolk Island and what is offered

SPEAKER Any further debate. No. The question is that the Statement be noted

QUESTION PUT
AGREED.

That Statement is so noted.

MR SNELL Thank you Mr Speaker I would like to make a Statement on several matters. One in particular that I would like to note is that the **Quota Club** celebrates its 35th Anniversary serving the community on Norfolk Island and we applaud the Quota and remember with thanks the contribution of our Norfolk Island flag which flies in this, or hangs proudly in this Chamber today, for their services to the community, in particular areas like their telescope at Queen Elizabeth lookout and recently to commemorate their 35th they've provided a picnic barbeque table at the Headstone Reserve and that's only to mention just a few issues so well done to Quota

We also acknowledge Mr Speaker, **White Oaks** who celebrate their 15th Anniversary later this month and to them I certainly on behalf of the House and the Government congratulate White Oaks. They provide very valuable recreation and support to our senior citizens here on Norfolk Island. Our other Services and charitable organizations continue to contribute to the welfare of citizens and visitors to Norfolk Island and again this House acknowledges their efforts with appreciation, particularly Mr Speaker, in these very difficult times.

I would like to comment now Mr Speaker, I was fortunate to attend the XXth **Commonwealth Games in Glasgow, Scotland** in my role as Chief Minister. It is an event that has been referred to as the compassionate games and Norfolk Island is certainly privileged to be able to attend in our own right. I thank Denis Sterling and Milton Bradley for the years of work and in particular also to Geoff Gardner for achieving the high degree of respect and participation that is held by many in international circles of Norfolk Island's participation in like sporting events. The support work by many others including Mal Tarrant and his team of managers and supporters was acknowledged and we thank them for their contribution. Without them our involvement would have been extremely difficult to achieve and high standards required. The competitors deserve acknowledgement for the hours and hours of training and personal commitment to enable competition at the highest level possible for such a small island community such as Norfolk Island. They all did Norfolk Island proud and were stand out ambassadors. Norfolk Island has a high profile internationally and I was welcomed with genuine affection at all of the functions and conferences and sporting events that I was honored to attend. I add also, that it is also my wish to acknowledge with thanks the many services extended to myself and the Norfolk Island contingent by the host nation, Scotland. They provided and catered for every need for all who participated, not only just Norfolk Island in these XXth Commonwealth Games. I was pleased the Minister Sheridan was able to attend the World War 1 Commemorative Service on my behalf as Norfolk Island was involved in that conflict. I was booked to leave earlier and my flight details to attend could not be changed and I thank Minister Sheridan for his attendance and his report here this afternoon. I was offered material support if required by the Administrator's Office, relayed from the Commonwealth. Whilst not required the offer is acknowledged and appreciated. I was able to attend many areas. I missed out on meeting some of the dignitaries, but the highlight of my attendance in Scotland was probably my informal meeting with Her Majesty the Queen and Members of the Royal Family and The Queen remembers Norfolk Island with affection and she sends her best wishes to the people of Norfolk Island. Thank you Mr Speaker

SPEAKER Thank you Chief Minister. Any further Statements? We've concluded Statements this morning thank you

MESSAGES

There are no Messages from the Office of the Administrator

REPORTS OF STANDING COMMITTEES

SPEAKER Honorable Members there are no reports of Standing Committees this morning. No. We move to Notices

NOTICES

IMMIGRATION ACT 1980 - AUTHORISATION OF APPLICATION FOR GENERAL ENTRY PERMIT

MS ADAMS Mr Speaker I move that for the purpose of paragraph 17A(1)(e) of the *Immigration Act 1980*, this Legislative Assembly resolve that Glenn Zerby; and Sandhya Patel be authorised to make an application for a general entry permit under the Act.

SPEAKER The question is that the motion be agreed to. Ms Adams

MS ADAMS Thank you Mr Speaker. I think for the record it is easiest that I read into Hansard the letter of 28 July that I wrote to Members of the Legislative Assembly about this application. "Dr Glenn Zerby and his wife Ms Sandhya Patel RN are citizens of the United States of America. They wish to live and work on Norfolk Island with the intention of buying property and ultimately seeking permanent resident status as well as Australian citizenship. Dr Zerby is a physician and his wife is a registered nurse. Dr Zerby has extensive experience as a doctor in remote isolated communities including Wake Island, Antarctica and Papua as well as experience in small rural hospitals in the United States. It is their stated desire that they wish to obtain Australian credentials and work at the Norfolk Island Hospital Enterprise pending completion of the credentialing process it is their intention to continue to work locum contracts to generate income and acknowledge the need in this regard to ensure that they are not off island for more than the allowed time in a twelve month period for holders of General Entry Permits. Both Dr Zerby and Ms Patel have had extensive discussions with the Hospital Director on the possibility of working at the Hospital and the Director has had discussions with South East Sydney local Health District on the steps Dr Zerby will need to take to achieve credentialing. I have met both with Dr Zerby and Ms Patel. I'm looking for the support of Members

SPEAKER Thank you. Is there any debate. Then the question is that the motion is agreed. I put that question to you Honourable Members.

QUESTION PUT AGREED

That motion is so agreed. Thank you Honourable Members

CUSTOMS ACT 1913 - EXEMPTION FROM PAYMENT OF CUSTOMS DUTY

MR SHERIDAN Mr Speaker I move that, under subsection 2B(4) of the Customs Act 1913, this House recommends to the Administrator that the goods specified in column 1 of the Schedule imported by the person specified in column 2, and on the conditions mentioned in column 2 of the Schedule, be exempted from duty.

SCHEDULE

Column 1 <u>Goods</u>	Column 2 <u>Importer/conditions</u>
Pool Table	DAA Side for Ucklun (Youth Centre)
- amount of duty applicable \$256.57	Conditions: Nil
Trampoline	DAA Side for Ucklun (Youth Centre)
- amount of duty applicable \$297.67	Conditions: Nil

SPEAKER The question is that the motion be agreed to.
Minister Sheridan

MR SHERIDAN Thank you Mr Speaker. I don't think there is anything else to say except that Dar Side for Ucklun, the Youth Centre contributes greatly to this community by providing a premises for the youth of Norfolk Island to release some of their energy and I would recommendation this to the House that the House support the exemption of this duty for these two items

SPEAKER Thank you. Is there any further debate. Then the question is that the motion is agreed. I put that question to you Honourable Members.

QUESTION PUT
AGREED

That motion is so agreed. Thank you Honourable Members

REFERENDUM ACT 1964

MS ADAMS Thank you Mr Speaker. I move that this House –
1. Notes that as a consequence of the commencement of the Territories Law Reform Act on 10 December 2010 –
a) the Norfolk Island Legislative Assembly and the Norfolk Island Government lost substantial control over its financial affairs; and

b) laws passed by the Norfolk Island Legislative Assembly became in all cases subject to the approval of Australian authorities thereby effectively diminishing the self-governing status of Norfolk Island;

2. Notes that the Commonwealth Minister with responsibility for Norfolk Island under the Norfolk Island Act 1979 is examining the most appropriate governance model for Norfolk Island to be considered by the Australian Cabinet later this year; 3) Being of the opinion that before any change to Norfolk Island's model of governance is made, the Norfolk Island community should be given an opportunity at referendum or plebiscite to express its views; 4) Directs the Speaker, pursuant to section 5 of the Referendum Act 1964, to immediately commence the process to ascertain the opinion of the electors on the following questions relating to the peace, order and good government of Norfolk Island, namely -

"1. Do you agree that the Norfolk Island community should be given the opportunity to have a vote in a referendum or plebiscite on the future model of government for Norfolk Island?

YES NO

2. Do you agree that the referendum or plebiscite should be conducted by an independent authority unrelated to Norfolk Island or to Australia?

YES

NO

SPEAKER The question is that the Motion be agreed to.

MS ADAMS Thank you Mr Speaker. Mr Speaker the intent of this Motion is quite clear. It is about inviting the Norfolk Island people to have a democratic say at the ballot box on their future. It asks the House to agree that the Norfolk Island community should be consulted at referendum or plebiscite on whether or not they wish to have a say on the future model of government for Norfolk Island, and if they do, do they agreed that the referendum or plebiscite should be conducted by an

independent authority unrelated to Australia or Norfolk Island. The Motion notes that the Commonwealth Minister with responsibility for Norfolk Island under the Norfolk Island Act of 1979 is examining the most appropriate governance model for Norfolk Island to be considered by the Australian Cabinet later this year. There are murmurings that this could happen as early as September or October. Minister Briggs has given an undertaking that the Norfolk Island Government would be consulted before a proposal is taken to Cabinet. That consultation is yet to happen. The Norfolk Island Government has firmly placed on the negotiation table that its preferred model of government for Norfolk Island is a "territory model of governance". That model is supported by resolution of the Norfolk Island Legislative Assembly at its sittings on 3 August 2011 and 8th May 2013. The Commonwealth is yet to enter into dialogue with the Norfolk Island Government on the Legislative Assembly's preferred model of territory self governance. The Norfolk Island Legislative Assembly is yet to seek the community's views by a referendum to ascertain whether or not the community supports the Assembly's preferred model of governance going forward. Endorsement by the Legislative Assembly of the Motion on the table today that the Norfolk Island community be consulted through a referendum or plebiscite is a first step to commencing that dialogue. Mr Speaker since 1856 the Norfolk Island community has only been consulted on constitutional issues on six occasions at the ballot box, five of those referendum related to electoral changes proposed by the Commonwealth and one related to a Commonwealth proposal changing the constitutional position of Norfolk Island. However I note that there was discussion in the island community in 1897 on the holding of a plebiscite on the proposed setting aside and I quote "of our constitution which was granted to us by Her Majesty in 1856 and would think could not be set aside that the will of any Governor" but I have no record that a referendum or plebiscite was ever held. What this equates to Mr Speaker is that in the 158 years since the arrival of the Pitcairners the Norfolk Island community has only had a say on six occasions by appropriate democratic process on how it is governed, and those six occasions seemed to have happened since 1979. History records that the Pitcairn community which arrived here in 1856 under the authority of the British Crown was a fully self governing ethnic people with their own language laws, customs and traditions. History goes on to record that just fifty eight years after the arrival of the Pitcairn community without consultation Norfolk Island was declared to be accepted as a Territory under the authority of the Commonwealth of Australia from 1 July 1914. The Pitcairn community was stripped of self government and the laws they brought with them, including the right of women to vote. Democracy could not be said to be alive and well in Norfolk Island at that time. History further records Mr Speaker that the Norfolk Island community commenced back down the road to self government on 10 August 1979 with the inauguration of the first Legislative Assembly of Norfolk Island constituted under the Norfolk Island Act 1979 and all of us sitting around this table today are here because of that legislation, and whilst the 1978 Commonwealth government Cabinet submission recommended consideration of the desirability of a properly conducted referendum being held to determine the preference of the Norfolk Island community in this regards, that referendum was not conducted. Notwithstanding that a referendum however was not conducted it could be argued that democracy was alive and well in Norfolk Island and in the Commonwealth's relationship with Norfolk Island through that action. Regrettably however it could be argued that this has not been the case on Norfolk Island in the 21st century and various articles published in the *Parliamentarian* since 2006 attest to that fact. *Parliamentarian* is the quarterly publication prepared by the London based Secretariat of the international organization known as the Commonwealth Parliamentary Association of which Norfolk Island is a member in its own right. Mr Speaker my debate today by necessity is lengthy but there are times when it is necessary in my humble opinion to place milestone events into the annals of history for future reference. So accordingly Mr Speaker I table for inclusion into Hansard the articles published in the *Parliamentarian* in 2006/2008/2010 and 2014. [\(2014_08_20 Attachment to Hansard\)](#) Starting with issue 2 of the *Parliamentarian* in 2006 there were three articles published by Norfolk Island. The first an article headed "The Commonwealth Principle Democracy at risk" with the lead in being and I quote " Just over a quarter of a century of self government has taken Norfolk Island from a hopeful new democracy to one facing its demise" The author of the article

argues that and I quote "Where there is a significant and overwhelming change proposed to a system of governance it is appropriate that a binding plebiscite or referendum should be held and that the Commonwealth principal that it is the individuals inalienable right to participate by means and free democratic political processes in framing the society in which he or she lives supports this argument". The second article in that same issue of the *Parliamentarian* was an article under the hand of the then Speaker and Chief Minister of Norfolk Island and it was titled "What future for Norfolk Island " with the lead in being " The leaders of Norfolk Island's government acknowledge that their tiny South Pacific island can benefit from Australian help but they argue that "help" should not mean "take over". The third article in the same issue under the hand of a former member of the Legislative Assembly was titled "fit only for angels and eagles" with the lead in being "Norfolk Island has been betrayed by a century and a half of broken promises about self government, says a senior member of the Island's community". The Federal Minister of the day also responded in the same issue of the *Parliamentarian* with an article titled "Making arrangements for the governance of Norfolk Island", with the lead in being "The Australian Minister responsible for Norfolk Island argues the tiny jurisdiction is on the brink of financial collapse forcing Australia to reassess the Territory's governance". And for the record, just so that we are clear about what I am calling the lead in, that is the lead in that is put in by the *Parliamentarian* Editor's, not Norfolk Island. It followed that the Commonwealth chose not to proceed with the changes being proposed to Norfolk Island governance model at that time and in a Media Release dated 20 December 2006, advised that in making that decision the Minister said " Change to the governance arrangements of Norfolk Island could impose significant disruption to the fragile economy of the island. This would not be in the best interest of Norfolk Island at this time as the island government works to build a long term future for its community". In issue 4 of the *Parliamentarian* in 2008 titled "History in the Making - Norfolk Island's self governance under threat again" has it's lead in and I quote "The people of Norfolk Island a tiny Australian external Territory in the South Pacific have a long history of surviving changes in their governance which have been imposed on them without consultation and sometimes without warning, and it seems to be happening again". The article documents the historical time line of significant changes in the governance of Norfolk Island from 1856 to 2008 and records the October 2000 announcement by the then Federal Minister with responsibility for Norfolk Island of his stated intention in respect of Norfolk Island governance. In issue 4 of 2010 the article headed "Governance and Democracy Norfolk Island Style at risk again" is published and this article documents the serious incursions into the evolution of internal self government of the island as a consequence of the proposed Territory's Reform Act 2010 which at the time of publication of the article the government of the day was vigorously opposing. I table a copy of the submission dated April 2010 to Federal Minister O'Connor from the Norfolk Island Government and the April supplementary submission to Minister O'Connor on the Territories Law Reform Bill 2010. History however records that on 25 November 2010 with the signing of the Memorandum of Understanding between the Commonwealth, the Norfolk Island Governments, the Norfolk Island Government agreed to enter the Australian taxation and social welfare systems with the proviso that there be a net benefit to Norfolk Island and taking into account local circumstances. History further records that in exchange for the Commonwealth providing some \$3.2 and I stand corrected whether that amount may not be quite correct \$3.2m essential funding to Norfolk Island because of its diminished economic circumstances following the global financial crisis and the consequent significant decline in the visitor population to Norfolk Island the Norfolk Island Government was required to agree to not further oppose the passage of the Territories Law Reform Bill 2010. The Bill which when passed into law effectively diminished the self governing status of Norfolk Island and substantially removed the Norfolk Island governance and the Norfolk Island Legislative Assembly's control over its financial affairs. The most recent article in the *Parliamentarian* is issue 2 of 2014 and is titled "The Commonwealth of Australia and Norfolk Island bridging the divide" with the leading quote "The issue of bridging the divide between the Commonwealth of Australia and the Territory of Norfolk Island is one that is yet to be resolved, leaving the unanswered questions regarding the Territory's future status". The article draws on a paper titled and I quote "Norfolk Island and the

Commonwealth of Australia continuing the uneasy relationship" which was presented in 2004 at the Australian National University emeritus faculty lecture by emeritus Professor Maev O'Collins. The Parliamentarian article concludes with the assertion and I quote "That it is time to build bridges and mend fences, it is time for the government of Australia and the Legislative Assembly of Norfolk Island to return to the negotiation table, with mutual respect for one another and in their deliberations on their island's future to be always mindful of the uniqueness of Norfolk Island and its historical origins. Constructive, respectful dialogue must be the basis of any discussion on island issues including, governance, finance, and environmental sustainability", and in summing up the Australian states "It is also important that dialogue commence between the Commonwealth of Australia and Norfolk Island on a referendum or plebiscite being conducted to ascertain the wishes of the Norfolk Island community. It should in particular address the wishes of the descendants of the settlers from Pitcairn Island who settled on the island in 1856 and how they wish to walk into the future with the Commonwealth of Australia. Conduct to the referendum or plebiscite will require independent oversight to ensure there is an appropriate outcome. Where the United Nations will provide that independent oversight and the desired outcome is a discussion for another day". To quote emeritus Professor O'Collins "The continuing challenge is to devise and maintain open processes of dialogue and consultation between the Parliament of Australia and the Norfolk Island Legislative Assembly. Ensuring that the Norfolk Island community is directly engaged in the process may also serve to establish a sense of ownership and responsibility. If the process included a two way mechanism for ongoing consultation aimed at achieving acceptance and endorsement as well as any mutually acceptable modifications both Norfolk Island and Australia would be the winners". Honourable Members today the question remains is democracy again at risk? Is the Norfolk Island community to be consulted by a form of democratic process on its future? Can the Norfolk Island government and the Norfolk Island community have confidence that this will happen? When submissions such as the following are made before a Federal parliamentary Committee namely the Joint Standing Committee on the National Capital and External Territories as recently as June this year. Former Administrator Neil Pope in his submission of 11 July to and at his appearance before the JSC on the 18th July proposes and I quote "Repealing the Norfolk Island Act of 1979, abolishing the Norfolk Island Assembly, and eventually establishing a local government body". This submission does not appear to be proposing that the community should be consulted by democratic process of referendum on the removal of self governance. In fact it proposes that initially there be an unelected administration team of 4 or 5 for a few years before establishing a far more appropriate governance model. Democracy is not alive and well when a proposal such as this is made to a Federal Parliamentary Inquiry. At the hearing of the Joint Standing Committee on 19 June Officers from the Department of Infrastructure and Regional Development were asked the following question and I quote, asked by the JSC I should say "If we were to transition to a local government model for Norfolk Island are you able to talk us through what that transition might look like? How long would you see that process would take? If a decision were taken to go down and have a different governance model than we have at the moment, is that something that could be achieved in one or two years, or is that something that will take significantly longer?" A Departmental Officer in response replied and I quote " My professional advice would be to do it as quickly as you possibly could. You would put in a transitional arrangement as quickly as you possibly could". He went on to say "My experience with all of the Territory's is that the longer time frame you get the more uncertainty you create and if you were to try to do it, you would do it over a period of six to twelve months period of transition". The Departmental Officers do not appear to be proposing in their response that the community should be consulted on a transition to a local government model. Democracy is not alive and well in Norfolk Island when assertions are made in that way, especially when the Federal Minister with responsibility for Norfolk Island is yet to consult with us and the Norfolk Island community on those changes to the Island's model of self governance. The Motion before us today Mr Speaker asks the Norfolk Island Legislative Assembly to agree that the community be consulted by proper democratic process at the ballot box under Section 5 of the Referendum Act 1964. A unanimous vote by this House today in support of the

referendum question will be a demonstration that democracy is alive and well on Norfolk Island. Thank you Mr Speaker.

MR SNELL Thank you Mr Speaker. I fully support the Motion and advise that this government has had to make many decisions, decisions on issues that have been controversial in some aspects. Some have been supported, some have not been supported by members of the community and some issues are still pending. This Motion gives the residents of Norfolk Island a right to have a say in how they feel a future model of self governance should be for Norfolk Island and that will flow on Mr Speaker to their children, their grandchildren and future generations. It has been suggested to me and insinuations made to me on many occasions that perhaps I have been bullied as Chief Minister of this Government and that I have been subject to standover tactics and that I've been subject to do it our way or else. I have tried in the 15 months that I've been Chief Minister to be diligent in my duties and my responsibilities and to both the Commonwealth and to the people of this island. It is as you know Mr Speaker a difficult decision. I have seen changes in governments both in Australia and Administrators here on Norfolk Island. It hasn't been an easy task and I thank the Members around this table for their perseverance and particularly to my/government Ministers for their considerations to me in this new position. Mr Speaker getting back to the Motion, this Motion is one of very great importance to the people of Norfolk Island and I certainly hope that it will pass in this House today. Thank you Mr Speaker.

MR PORTER Thank you Mr Speaker. My reservations are not about the right for the community to exercise its democratic right, it's more about the fact that what we have in front of us here is a referendum about a referendum, it's not a natural referendum, and I would have thought that we could have gained an impression of the desire of the local community to be engaging in a referendum at a much lesser cost than to go through this official process. We could have phone polls, we could have petitions. There are ample numbers of opportunities I think available for the local community to convey their wishes to us in terms for the need for a referendum, and I would have no problem in them supporting a referendum as being due political process. The second part I wonder do we need to cast aspersions on the integrity of our own independent electoral process or certainly that of the Australian electoral process and I think its a barb we probably don't need in the tail of this. Now electoral propriety is of the highest concern in any democratic country and it's certainly well demonstrated in Australia and I believe that in fairness to our own people that we could give them the benefit of the doubt in that matter. In terms of the Commonwealth Minister not contacting or not engaging with the Norfolk Island community in a way forward, I think that's a little bit serious as well because in fact the current Assistant Minister in Australia has contact every person on Norfolk Island and has sought to solicit their views on a way forward for Norfolk . I suppose the only criticism in that is that I don't know any people who have had a direct response from the Minister to say that he has received their information but I do understand that that information has been received in Canberra. I have been assured it is being acted on. So although I have no problem with the referendum I think this in its current form is an expensive way to find out whether we need to have one or not. Thank you Mr Speaker.

MR NOBBS Thank you Mr Speaker. I'm a great supporter of the community having a say, which is really obvious I think, and that it should be borne out that contrary to what people say referendums on Norfolk Island are not difficult to organise, it can be done very very quickly and the place need only be open for a few hours and people will respond, they have and they will. These referendums on Norfolk Island are not expensive to run, they are very cheap actually and that referendums on Norfolk Island provide the fairest of fair community assessment of a particular question, and that is a really important thing. We've seen, and they have circulated bits of paper around the paper for ever and a day. Ms Adams spoke of a plebiscite early in the life of this island since the people came from Pitcairn. They've been going on for ever and a day, ever since they arrived here, they've had not so much referendums, but other forms of asking for an expression of the community's views. The difficulty is of course in other

forms is that there is always somebody looking over your shoulder and that's where people are a bit coerced at times into signing petitions and the like which they may not really like to and that's why I firmly believe that a referendum is stuck in a box and you put down what you think, and you would think very strongly that what people put down a cross against or not is what they really believe, and that's what we want. As far as the need for this exercise is concern is to actually give the Norfolk Island government the arguing power to provide a really strong argument in relation to a proper plebiscite being held or a similar plebiscite being held once the decision is made as to what decision, what is the decision of the governments at the time. That's when the real stuff comes in, but by doing it this way and I think it's quite unique actually, it provides the arguments that require to the Australian government that hang on, and the Norfolk Island government as well, we need to actually have this plebiscite. We demand to have a plebiscite on the final question. As far as Part 2 is concerned - do you agree that the referendum or plebiscite should be conducted by an independent authority unrelated to Norfolk Island or to Australia, that's fair enough. I can't see anything wrong with that. We have people that are put out by Australia and what have you checking on everything in say a Fiji election, they'll be all over the Fijian election the next time they go to the polls if they do. This is not unusual that you have an independent group or person in there to oversight it, and I firmly agree with the whole thing. As I say I've been a long time supporter of surveys and referenda of the community on specific and important issues and this has to be one of the most specifically important issues we're going to find for a while. The argument against by some is that the elected members are elected to govern, and I agree certainly they are elected obviously. Certainly for most decision this argument can be carried. However there are certain decisions which the community needs to directly contribute I believe, but even then unfortunately there have been some cases where elected members have seen their way clear to not accept the referenda. Unfortunately the old saying that "my way or the highway" actually persists. The referenda on serious issues requires documented, a positive and a negative case available to whoever is going to participate in the referendum and this allows the voters to have a clear argument both for and against. As I said before a voter lodged their vote in confidence, it's not open to failure such as a signing of a petition and this really is essential that both the governments, not just the Commonwealth government but the Norfolk Island government as well, realise that the community demands a plebiscite on whatever model of governance that's proposed, and I support it 110%. Thank you Mr Speaker.

MR WARD

Thank you Mr Speaker. I applaud Minister Adams' Motion and her dedication to democratic process. I do hold some concern about the proposed mechanism of bringing the population to the polls twice on one related topic but given the serious issues before us there can not be too much consultation. Norfolk Island entered into the reform process on the basis that self government would continue. There is no justification for any move away from this premise. The reform that the 13th and 14th Assembly's have agreed to dictate that there should be some adjustments, adjustments, not extreme and retrograde power grabs initiated by people who neither understand or have a stake in the well being of this island. I will be supporting the general intent of this Motion but I do support the comments of Mr Porter that we should be able to trust our electoral process to get the message out there and to trust the process to deliver honestly and accurately. Finally I'd just like to say I'd like to get the message out there for the people as to what different models of governance are about so they really have an in depth grip on what the implications of the various proposed changes would be for them. We had this experience in 2006 with the Jim Lloyd proposals where various models of governance were put forward and for people outside of the general administrative process, they just do not know in general what the implications in their daily lives are. A lot of people do, I'm not saying everybody is totally in the dark on that but for a lot of people they really need to have the in depth discussion to know what the impacts on their lives would be with the various forms of governance that are proposed, and this gives them the chance to have an informed say, not just having a say on generality. Thank you Mr Speaker.

MR EVANS Thank you Mr Speaker. I do support the Motion of a referendum but I was just wondering if we have to go down that track as maybe Mr Porter said, maybe we could ascertain the public's views a lot more cheaply. I know that Mr Nobbs said that referendums can be quite cheap. I think someone was saying around \$3k for a referendum but if we're going to go to the second question where it says will it be conducted by an independent authority does that mean the price range will go out of our hands being dealt with somebody else. So that probably throws a little bit of a shadow onto the cost of something like that. I don't know if other members are aware but I think Norfolk Online is conducting a poll very shortly, the talk was on certain issues relating to this. While I do support the Motion, are they the right questions we should be asking the community at the moment. Are there other things we can find out from the community if they want to go to a referendum on these issues, I'm sure they do, but probably we could do a little bit of ground work before that, if the Minister's see fit to do some other way of that, but I do support it, but I think it could be tidied up a little bit and maybe get the community's view first before we run out and roll this one out, but I will support it. Thank you Mr Speaker.

MRS WARD Thank you Mr Speaker. It does appear to be a referendum on a referendum and the question is really about a direction that has already been agreed by the Norfolk Island Government, the reaffirmation of a reform agenda process that started in 2010/11, was reaffirmed by this government, 15 months later they want to ask whether the community likes the preferred model, that's interesting. The Commonwealth, yes is yet to enter into dialogue or the Federal Minister with the Federal Cabinet so what is the Federal Cabinet's preferred model of self government, so that's unresolved, certainly uncertainty around that. The terms of the Norfolk Island government that position was agreed and hasn't changed four years ago. To turn around and ask the community now before you've got the Commonwealth's position I think is quite bizarre. Coming back strictly to the Motion and the answer about the cost of a referendum, yes it's my understanding it's \$3k but I think my colleague Mr Evans made a very good point about it blowing out. A letter drop I understand is about \$150 and as for walking through town and speaking with the community members ourselves, some may argue that the community had a say last March, and they voted against points within the direction but we know what's happened from there and I don't intend to keep going over that again and again and again. The point is the Norfolk Island government has an agreed position, the Roadmap, reform agenda. Coming back strictly to the Motion I take objection to the words that are bandied about such as or they are placed in the Motion, they are more than bandied about "lost control" "diminishing self government" "take over". To me this is about, and Minister Adams and I do wear very different coloured glasses on this issue, but to me this is about the Commonwealth stepping up and actioning their ongoing commitment to filling their obligations to provide the legislative framework for future growth and sustainability of Australian Territories and the current model we have is unsustainable. That's why we've reached the position we've reached. Both government understand that. So let's move on. That was all described when the Quis Custodiet Ipsos Custodes Report was done in 2003, the Who is to guard the guards themselves, and inquiry into the government of Norfolk Island, and it's paramount that we have a model of government that is not only sustainable but that is also open, accountable and transparent. That is what led to the TLR Bill. So the Minister is asking us to note that as a consequence of the commencement of the Territories Reform Act on 10th December 2010 that the Norfolk Island Legislative Assembly and the Norfolk Island government lost substantial control over its financial affairs. Well one may well ask Mr Speaker was the consequence of the Territory Reform Act a loss of substantial control of financial affairs or was the TLR Act a consequence of Norfolk Island, the Norfolk Island government having lost control of financial affairs. So that's a question why did the Commonwealth feel the need to do so, well I won't say urgently, the review was back in 2003 originally but seven years later fuel was put under the pot into the fire so to speak and all of a sudden it became very important again. These are points to consider which may assist members to understand the urgency around that time. In March 2007 the 12th Assembly was elected and their first action was to elect a five person Cabinet. Your backbench was never going to stand up

against a five member Cabinet when it came to the vote, if they stuck together. In June 2007 the bank balance was \$19.1m and by June 2010 it had dropped to \$5.5m, this is public information. These are financial statements that are publically available online. Add to that only one payment of \$600,000 was made for the runway loan, which was a \$12m loan interest free loan, and that was made from funds that were borrowed from other entities, other entities. Again that's in our Financial Indicators Report and I'm pretty sure that money at that time was taken from three areas, but one was Healthcare, the other may have been Workers Compensation Scheme. How scary is that, when money is being borrowed from those entities. The runway loan of course could not be serviced, there was no ability to put away funds to finance the next runway overlay, and some of us will remember the unpaid invoices that related to advertising of the Norfolk Island Government Tourist Bureau. The finance related amendments to the Norfolk Island Act 1979 Mr Speaker through the Territories Law Reform Act were to improve transparency and accountability. What type of control was lost through improvements in those areas? The TLR Act amendments required preparation and publishing of budgets. We see Minister Sheridan do that now, preparation and publishing of timely and annual financial statements. We see that happening now. Performance audits conducted by the ANAO which for the first time said, the Norfolk Island Government is not a going concern. Provision of information through the justice package, proper use of Administration resources, improved financial framework and the preparation and publishing of periodic financial statements which I said the Minister for Finance does that regularly. So was that a loss of financial control with the introduction of the TLR Bill and the changes to the Norfolk Island Act a loss of control - no. My glasses say that was about improving financial management of the Norfolk Island government and Administration. So I cannot note the first point in the Motion Mr Speaker because for me the evidence is against it. Point 2 which is marked a B in the Motion. The Minister is moving that we note that as a consequence of the commencement of the TLR Reform Act same date, passed by the Norfolk Island Legislative Assembly become in all cases subject to the approval of Australian authorities, so that was greater oversight over schedule 2. So it wasn't just Schedule 3, it became Schedule 2 as well and that thereby effectively diminishing the self governing status of Norfolk Island. Well let's use the Valuation of Land Bill 2009 as an example of why the Commonwealth may have felt the need to introduce the TLR Bill at that time. The Valuation Bill 2009 was introduced by leave at the sitting on the 17th June 2009. At it's introduction the then backbencher the Honourable Tim Sheridan stated that he and I'll quote "didn't really want to see this come to the House today, purely because we have only just discussed this in brief late last week and we only actually got the Bill yesterday, and I do believe it is a very dangerous course". He went on to say " I really believe it's a dangerous road to be heading down without some better thought behind it and I would have like to have seen something come to the House in a few months time backed up with a bit of research and a few options". The Honourable Tim Sheridan of course was a member of a minority back bench. The debate resumed on the same Bill in the next meeting which I have marked as the 29th June 2009 and the Bill was amended and agreed to at that meeting, less than two weeks after it was drafted. We're talking about land valuation here. Two members who voted against it at that time were the then Hon Lisle Snell who was also on the backbench and the Hon Tim Sheridan, but as I said, they were up against a five member cabinet. I make a point of the five member Cabinet because that was something that the TLR Bill ensured would never happen again. So what happened to the Bill, the Land Valuation Bill. Was it assented to by the Commonwealth? No. Of course not. And these are the main reasons why. Because within the Bill a Valuer would have had unfettered access to land and a landholder would not have been able to refuse entry. The Bill as introduced was fundamentally different from the version passed to give an example, the original version included review provisions but the final did not. There were no review provisions the Norfolk Island Government was then asked to explain its actions and the Administrator at the time was the Hon. Owen Walsh. They were asked to explain their actions and the Government of the times response stated that the Bill's purpose was detailed in the explanatory memorandum. However, the explanatory memorandum provided was the version that related to the Bill that was introduced not as it was passed. It is a constitutional tenate that the purpose of law such as this Bill must

serve the proposed law, must serve an apparent purpose, for the sake of valuation is not an apparent purpose and that came through loud and clear from the Administrator. The Bill was passed and provided no means of disputing the veracity of the valuation. The absence of such appeal rights is contrary to the Commonwealth commitment to improve transparency and accountability in Norfolk Island's Government. There was no purpose. I can't make it any clearer than the Administrator of the day did. But it didn't stop there. A more recent example and where I welcome the greater oversight is actually in our Public Service Bill which is before us today and we'll talk about that. It has amendments at sections 42 and 53. that was agreed by this House in May 2013 and when the Bill was debated over that period, there were three sessions which we debated across, I asked the question in reference to the amendments to the Bill and one was around 42 and it's in Hansard. What I want to know now and the question remains is why when an MLA raised concerns about that as a Member I was ignored but when the Commonwealth said make that change, it's done. So at the time I expressed my concerns. My comments fell on deaf ears. Just as Minister Sheridan's warning bells had fallen on deaf ears back in 2010 so unsurprisingly the same thing's happened again and again and unfortunately with this Public Service one it's taken 15 months to rectify. That Mr Speaker is why greater scrutiny is required over Norfolk Island legislation unfortunately, sadly, and the list goes on. But in a sense one could argue, we need to be protected from ourselves and in the most extreme cases, from our own stupidity. Point 2 of the Minister's motion, about noting the Commonwealth Minister responsibility, yes well, that is stating the obvious. And that we are assured by Minister Briggs is working on now and there will be Cabinet submission going up to the Federal Government. Point 3 which is saying that before any change, again, we've explained, we're putting the cart before the Horse on this one. We want to have a referendum, then wait until there is a very real question to be asked, you don't have a referendum to have a referendum so that comes back to Point 4 which is the final point which is to direct you Mr Speaker, it just seems crazy to me. The point about the independent authority. I ask the Minister and it's been raised by other Members, is this a question over the integrity of the officers who preside over the process because up until now both the Norfolk Island Government and Commonwealth representatives have successfully in my opinion presided over elections and referenda so if there's a case of short comings within the Norfolk Island electoral legislation then that's what needs to be addressed if there's no faith, if there's no trust in our own legislation and the application of our own legislation. I for one I trust my fellow community Members to act as representatives in this very important role and I trust the Commonwealth officers. They have a rigorous process which they go through to be appointed to carry out those important roles so I don't feel the need for independent oversight. So I guess in conclusion – the other point is and I can stand happy to be corrected on this one, is I don't see in our current laws that there is actually provision for plebiscite. There is for a referendum but there is not for plebiscite. The outcomes for referenda as we all know are non binding and there is no budget allocation to hold a locally run referenda or election and as Mr Evans has already said, certainly not with an independent authority and the cost that would entail and the building of a case which can't be built yet and that is the point so I will not be supporting this motion Mr Speaker to determine if we should have a referendum. If the Minister really wants to know what the people are thinking, do a letter drop, get on face book, do a walk through town, don't attempt to spend \$3000 on something that everybody knows is non binding. Nobody's fooled by it. So there's one last point the Minister may be able to assist on answering at this stage, is there is a suggestion and I'll stand corrected again, that it was okay in 1979 not to have a referendum on the governance model for change, which was a big change in 1979, but it appears in the Minister's words to be okay now. The question about the statement that is often used that it was said back in 1979 that there should be no referendum on the change of governance is actually a quote from the Nimmo Report but as you and I know Mr Speaker the recommendations of the Nimmo Report were not adopted because if they were we would have tax and social security extending to the Island so what eventuated in the Norfolk Island Act is very different so I don't see that as a relevant argument but the Minister may be able to help with that. Thank you Mr Speaker

MS ADAMS
debate

Thank you Mr Speaker if nobody else wants to

SPEAKER

There may be others but I'm giving you the opportunity as you signaled previously

MS ADAMS

Thank you Mr Speaker very much. I'll be brief at this moment. What the referendum is asking the people is do you want a say in your future when that future is known. At the moment your future is not known. This referendum is asking you do you want a say when the future that is put on the table as the result of a Cabinet submission, is known. Do you want a say in that future and if you do, you vote yes when the referendum is held. Just, do you want a say in your future. I want to make it quite clear just in response so there is no misunderstanding Mr Porter, I heard the word aspersions against and no barb in the tail. I make it quite clear there is absolutely no intention in anything that I said in debate this morning that casts an aspersion on Minister Briggs. I purely put on the table the fact that Minister Briggs has given an undertaking that the Norfolk Island Government would be consulted before the proposal is taken to Cabinet. That consultation is yet to happen. That's a fact. It's the truth. End of story. Thank you. The other point, the Commonwealth has yet to enter into dialogue with the Norfolk Island Government and the Legislative Assembly's preferred model of the Territory's self governance. That is a fact. The Norfolk Island Government had every opportunity both in writing and orally have to the Joint Standing Committee, in letters to Minister Briggs, requested dialogue commence around the preferred model of territory self governance so that there is certainty in the minds of people around the preferred model of territory self governance which is the line in the sand for this parliament and previous parliaments and the Norfolk Island Government of today. Financial data that Mrs Ward spoke about. She and I just have to agree that we have different colour glasses around the issue of referenda and TLR Bill and governance etc but if we for one moment think that it's appropriate that as a result of the TLR Bill that today we had to ask permission to put the lights up on Taylors Road for a community activity, I suggest there's something not quite right. Nor for one moment could it be said that the repealing of the Norfolk Island Act and putting in an unelected administration team, without referral to the Norfolk Island community is appropriate. Because that's one of the issues that are on the table, one of the suggestions that are on the table. But first and foremost let's talk about democracy and its price. Democracy does not have a price. It's priceless. And a treasure that is not available to all countries in the world and it is a Commonwealth principle in Commonwealth charters that it is the individuals inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives. That is an adopted Commonwealth principle asking the people of this community of their views on their future, supports that principle. All of you know I'm quite sure the number of times I have said in this House and in my election speeches, I pledged to the community your right at referendum to have a say on your future. I supported the motion on 89 May 2013 on the territory model of governance, GST, transfer equalization processes, competition principals etc and my words that I don't have in front of me today were around I support the Chief Minister with this motion that I put on the table that the time will arrive when this community is consulted at referendum on their future. That's the ultimate in democracy and so many countries in the world envy our ability to do so. There is really nothing more to be said. This is just about asking the community in a referendum process a proper legal process under the Referendum Act section 5, do you want a say in your future when that future is known. If you do. Vote yes. Thank you Mr Deputy Speaker

MR BUFFETT

Thank you Mr Deputy Speaker, this motion although it might seem simple does have its complexities. I think we all realize that. It really is appropriate that discussion take place about community consultation and indeed to ensure that that community consultation takes place. At present we're having difficulty in getting a consultation process between the Norfolk Island Government and the Commonwealth Government and that's obviously a first step to get the information before there can be further community consultation. We need to have the two

Governments knowing where one needs to tread and then with that information consult with the community but we're not there yet. We're certainly not there yet and it may well mean that when that stage is reached then the proper arrangement may be for a referendum but this proposal that's in front of us is a referendum for a referendum, in other words it's a two phase arrangement. I wonder if there is a need for the first phase to take place in terms of cost and a range of other things. The Chief Minister has mentioned to us that the Government has made many decisions. Well this is not a Government decision. This is asking somebody else to make a decision about this referendum for a referendum. The Government is at liberty to say now for example, when an appropriate stage is reached and when we have sufficient information that we undertake, this is the Government speaking, that we undertake that we will have in a consultation process with the community a referendum on the matter but again we're not there yet. It requires that effort on the part of the Government to get there and then have that information to get able to consult in a referendum sense with the Norfolk Island community. At this stage what we are doing I think regrettably, we're regrettably fueling unnecessary conflict about the past when we need to concentrate upon what are the options to go forward for the future. That's the real test and we arguing about the older things is a waste of fuel and we will need fuel, we will need much fuel to move forward into the new arrangement whatever that new arrangement would be. I would see it that the Government has got to come to grips with where we are going, has got to build a case so that it might indeed sell it to the Norfolk Island community because at present there's only one option and if you don't want to do that then you've got to put something else there and nothing else has been put there for the last two or three years and therefore if your referendum says no, although that's not what's being asked at this moment in this particular referendum where do you go then, where do you go then. Now those answers have got to be put in place before you consult with the community, you need to know where you might want to travel in that context. What we have at this moment is a forward picture situation which is the Roadmap but it's the detail which needs to be agreed by the Commonwealth and we haven't got that yet, and when that is got, then one has a case to do further consultation with the Norfolk Island community. If this motion is passed the Speaker will be forthwith as a result of this motion required to do this. To have a referendum. No two ways about that, that is the result of this and you would have that process but we're not going to be any further toward the solution about where we're going and the Government can make this decision now. I don't see the need for having to argue the toss about some of those things that people have felt compelled that they need to put views about today. They are the historical components and whilst history can teach us a lot indeed, I must acknowledge that, I subscribe to that view, but what we need to have emphasis here is the way we are going to move forward. I don't necessarily see the benefit of having a two phase arrangement. I see the benefit of the Government coming to grips with the Commonwealth Government about the detail which is yet outstanding and then being able to bring that to the Norfolk Island community. That should be the emphasis. Not asking us to give time and effort in terms of what is in front of us at this moment because that's not leading us anywhere at this time. We need that additional piece – pieces – of information to be able to move forward and I offer counsel that that's what we should do to try and give emphasis to that. It doesn't please me to try and give the impression that people might be opposed to a referendum because voting against this motion doesn't mean that. It doesn't mean that at all. It just means that you don't have to necessarily have to have a two step arrangement to get to the destination where we've got to go and I think this makes it more complex than it needs to be. It's complex enough. That's all I need to say.

MR WARD

Thank you Mr Deputy Speaker. I would just like to address a few of the comments that Mrs Ward made because she made some interesting and some valid comments on the TLR Bill but those comments could in this debate be perhaps misleading because we are not here to discuss financial accountability in this particular instance. The TLR addresses the financial accountability issues very well and that's a good thing, no-one is arguing that. Everyone can completely support financial accountability to the highest level, but what we are here really for is the question of governance. That's what we are here about today and how

people will have some input into the question of governance in the future and it's for that reason that we really need to get public opinion and get that consultation process going more than perhaps even the need for a referendum. To get the issues out there about the various models of governance, to have people knowing what the impacts are for them, is just critical and I would perhaps suggest to Minister Adams that she may consider putting the motion on hold to allow for further consideration and I'll leave it at that because really the question of governance is the all important one for us. Thank you Mr Deputy Speaker.

MS ADAMS Thank you Mr Deputy Speaker. I omitted to respond to Mrs Ward on the 1979 and I've had the benefit of the Cabinet submission and at the time if the Nimmo recommendations were to be proceeded with the Cabinet was told that that would require a referendum but because the Council of the day was supportive and the community had indicated support through the Council of the day to move back down the road of self government, Cabinet held the view that there was no need for a referendum

MR BUFFETT Thank you Mr Deputy Speaker, I would be interested if I may ask the Minister is she referring to an Australian Cabinet decision

MS ADAMS Yes.

MR BUFFETT How very privileged she must be!

MS ADAMS No. Freedom of Information. Time has passed and it's available

MRS WARD Thank you Mr Deputy Speaker and I know we're way past question time but it does raise the question of whether or not this Government agrees with the motion and the agreed Roadmap agenda reform process. If it agrees with its stated position then it would be the same as back in 1979 where the Council agreed with the changed new direction. I thought that this Government agreed. Was signed up to the new governance position. That's an interesting point. I have to stand my ground against Minister Ward here on his comment that we are not here to debate financial affairs, I would counsel him to read the motion properly at 1a it has the words financial affairs, that is why my debate touched on financial affairs. The other thing I would like to do is to second the words of Mr Speaker who has come onto the floor because I too am not against a referendum on the big question when a change is resolved, I'm certainly not against the community having its say at referendum the community must have a voice but that would be done one governments collectively get the settings right around how a new governance model would work. I would like to make that very clear. I am not against referendum, I am not against the people going to a poll and having a voice, it is this particular motion to have a referendum to have a referendum because I now can tick those boxes for the Minister now, I can say yes to the first one once everything's established and I can see what it is and we can have an open argument and 2. No. I've made that clear. You don't need a referendum to get that

MR SNELL Thank you Mr Deputy Speaker. I think the impetus of this particular motion lies in the very fact that there have been suggestions and innuendoes that a territory model of governance to Norfolk Island will be presented to the Commonwealth Cabinet in the very near future and there is no certainty to this Government or to the people of Norfolk Island that, that projected model of self government would be given to the people of Norfolk Island for consultation and or comment before it is given to the Commonwealth Cabinet. That's one of the reasons why I think this motion is very very important. In the days of the Council the Council had the benefit of the Nimmo Report in 1976, it had the benefit of many public consultations before they were asked to agree on the 1979 Act

MR BUFFETT Thank you Mr Deputy Speaker, the Chief Minister has just mentioned the prospect of an Australian Cabinet decision being made. If it is as he has described then I would respectfully suggest that he and his Norfolk Island Government need to be making strong and aggressive representation that both he and his Government and through them the Norfolk Island community have the appropriate says that we are all discussing here today. Minister Ward talked about this is a question of governance and he's right about that but if in fact there is a perception upon the part of the Chief Minister that this is going forward in the way that he has described, that it requires - this motion is not going to fix it. It requires action. And that means action on the part of the Norfolk Island Government. It can't be palmed off to the Legislative Assembly. The executive arrangements in Norfolk Island is that we are the elected representatives, but the executive arm, the doing arm, is in the hands of the Government and we have clearly indicated the course that we want to follow, the Government has too, but it needs to get that message across in the consultation achieved and so that it will be in a position to be able to be consulted with the Norfolk Island Government and if the time frames are as expressed by the Chief Minister he has got to be more active than he is at this moment. It's quite as simple as that. And this motion is not going to solve it

MR PORTER Thank you Mr Deputy Speaker I just need to advise as others have that I can't support the motion at the moment because it appears to me to be an expensive pre-emptive strike that many feel might smack of political posturing. At the time that we do need to have a referendum I will definitely support it but we will have enough expense then in developing models that demonstrate the ability for the community to live in modern circumstances that are sustainable and not relying on previously proposed fund raising mechanisms that are not viable and not acceptable to Australia, an Australia who I might say have just proved at great cost to their budget that they need to underwrite Norfolk Island to ensure it's ongoing survival in any model. I support Mr Buffett and again stress that I do not want to stifle the community's ability to partake in the democratic process, however, at this time, this referendum does not appear to advance that process

MR SHERIDAN Thank you Mr Deputy Speaker I'll keep this nice and short. It's interesting listening to the views around the table. I applaud many of the views that are on the table at this point in time. I do support the method of referendum for the community to express their views but I believe in this instance I don't think that there is a need. I really do not think that there is a need. I think the question has been couched in such a way that it would be very difficult as Ms Adams said, all she's asking is, community of Norfolk Island do you want a say in your future. I think the overwhelming response would be a very positive yes. Do we need to go to referenda to get to that stage. I don't believe we do. I think that Mr Buffett, the Speaker, is quite correct when he says that the Government which I'm part of, have to be a bit more proactive in approaching the Federal Minister and saying that we would like to see, we would like to be consulted on the models of governance that they are considering and that if there are 2 or 3 under consideration, then maybe those models should be put up to the community at a referendum to see which ones that they would prefer. I'm just thinking that we the Norfolk Island Government support the model of self government that we have put forward. If that is the model approved, would you still support that as the Norfolk Island Government. Would you support that government moving forward or would you want to take that to referendum. I see it as totally unnecessary I think we can do without this step. There may be a need for one further down the track but I don't believe that it is really necessary today. I'm not going to enter into the TLR Bill and the reasons why on the Notice Paper we need to have this motion on it there, but I just can't support this process at this time. I believe we know the answer to the first question. The second question is virtually irrelevant whether it's overseen by independent parties or not, oversight of 1100 people on an electoral roll I don't think takes much doing so I don't really know whether or not we should have an independent body, but all I'm aware of is that being democratic and the democratic process you certainly don't need unanimous

support today to see that it is alive and well, the democratic process is that you will have differing views, not all of the same

MR WARD Thank you Mr Deputy Speaker I would like to seek leave to move a motion that we remove clause 4 from the motion which would certainly make me comfortable to support it

DEPUTY SPEAKER Remove point 4

MR WARD Thank you Mr Deputy Speaker, yes, remove point 4. I'm looking for the section about the independent...

MS ADAMS Point 2 of 4

DEPUTY SPEAKER So are we taking the lot out or just 4(2)

MR WARD Point 2 of number 4, if we could remove the section reading "do you agree that the referendum on plebiscite should be conducted by an independent authority unrelated to Norfolk Island or to Australia? I so move

MR BUFFETT What about removing 4 because then it leaves 3. which is the previous one which says that before any change has taken place there is to be a referendum

MR PORTER Thank you Mr Deputy Speaker I'll support what Mr Buffett is saying because that then takes away my issue of having two referendum about the same thing. This is merely recording the fact that we want to have a referendum before a decision is made. That would solve my problem

DEPUTY SPEAKER So we've got two amendments. Are we taking the lot of 4 out or are we taking 2 out, in the proposed amendment

MR BUFFETT Or do we want to pause so that some consideration can occur with those things

SUSPENSION

DEPUTY SPEAKER Well we can. That is a fair suggestion Mr Buffett. Would you like to pause now for lunch or suspend. Yes. What time do you wish to come back. 2.30? This House stands suspended until 2.30 pm

RESUMPTION

SPEAKER We continue to be at Notice No 3 - Referendum Act 1964 and the Motion in respect of that. Minister Ward you had earlier sought the call to propose an amendment to the Motion - maybe I should give you the call to proceed with that please.

MR WARD Thank you Mr Speaker. The lunch break has given me a little bit of time to redefine that Motion and I would like to seek Leave to move that we modify Clause 3 of the Motion to replace the word "should" with the word "shall" and to remove all of Clause 4 from the Motion.

SPEAKER Thank you Minister Ward. To restate that Honourable Members. The proposal is that in terms of Part 3 the word "should" in that Clause shall be replaced with "shall" and Item 4 which is the remaining Clause should be deleted. Debate.

MR WARD The modifications are fairly straight forward Mr Speaker. I believe it achieves pretty much what Minister Adams was seeking to achieve,

ensuring that we do give the community the chance to have the referendum at the right time, when announcements are made or when we're given some clear direction as to where things are heading on this issue and by removing Section 4 it removes that necessity to direct you as Speaker to call that first referendum and take us straight to the second one when necessary and as per the will of the House at that time.

MS ADAMS Thank you Mr Speaker. As the mover of the principle Motion I'm supportive of the amendment.

MR SNELL Thank you Mr Speaker. I'm supportive of the amendment to the Motion. Mr Speaker I take heart in the Media press release issued by this government in response to submissions by the former Administrator but in part of that Media Release Mr Speaker and just to counteract your last comments when you were on the floor. The Norfolk Island Government has again sought a meeting with Assistant Minister Briggs to discuss all outstanding issues and in particular Norfolk Island's preferred model of Territory self governance with regards to evidence given to the Committee by the Department and the former Administrator and their recommendations as to future governance of Norfolk Island. It also goes on to say Mr Speaker the Honourable Jamie Briggs MP to express it's views on future governance of Norfolk Island to the Australian government, Assistant Minister Briggs has also committed to further consultations with Norfolk Island on these issues. The Norfolk Island Government would be please to receive a copy of any submissions provided by members of the community to assist Minister Briggs in response to his request for views on future governance for Norfolk Island. This information will assist the Norfolk Island government when considering the options presented to it by Assistant Minister Briggs. So in actual fact Mr Speaker whilst I am concerned that the people of Norfolk Island may not be given the opportunity to express their views on future governance I think most of it is covered and I applaud Minister Ward for bringing that amendment to the Motion to us and I certainly support it. Thank you Mr Speaker.

MR NOBBS Thank you Mr Speaker. I think I've been sitting up the front there listening to it. Point 2 of the Motion is actually the very position which I am very concerned about and that is note the Commonwealth Minister is examining the most appropriate governance models for Norfolk Island to be considered by the Australian Cabinet later this year. That to me is a signal that Norfolk Island should send him a very strong message that we need to have a plebiscite of some description. If people are concerned at Part 2 I think they are pretty thin skinned myself. Do you agree that a referendum should be conducted. I would have thought that any reasonable individual with authority in this area would be pleased that he's got an independent view on it, you've got an independent person or persons oversighting the actual plebiscite. Those are my views but as the mover has agreed to change the issue well I'll support the changed Motion and just hope to hell it happens. Thank you.

MR EVANS Thank you Mr Speaker. I support the amendments to the Motion. I think the whole thing is about timing and I think that's pretty essential in our whole sort of moving forward and I think this cleans up, it doesn't take away the opportunity for the community to express their views but it puts them into a timing frame which I think would be beneficial to everybody and hopefully we can come out of it pretty clean. Thank you Mr Speaker.

SPEAKER Honourable Members therefore we have...

MR WARD Mr Speaker just to follow through there Mr Speaker. The passage of this amended Motion does flag to the Minster that this community does very much have an expectation to be a part of this process and not just to be advised of what is being decided on their behalf and this also gives us the opportunity to pursue that and send that message to the Minister. Thank you.

SPEAKER Thank you. Minister in terms of 3) - this is really just a grammatical consideration. It commences at saying "being of the opinion". It probably would read "is of the opinion". It's only a grammatical adjustment, not a matter of substance.

MR WARD I'm happy to accept that Mr Speaker.

SPEAKER Honourable Members firstly I will put this amendment to you that has been described. Do you wish it restated in any way or are you all with it so to speaker. I'm interpreting that all is well to proceed. The question is that the amendment be agreed to.

QUESTION PUT
AGREED

Honourable Members we now have a Motion with an amendment. The proposal before us now unless there is any further debate is that the Motion as amended be agreed to. I put that question.

QUESTION PUT
AGREED

The Motion as amended is agreed.

**MOTION BY LEAVE
NORFOLK ISLAND HOSPITAL ACT 1985 - REAPPOINTMENT OF MEMBERS TO
THE ADVISORY BOARD.**

SPEAKER Honourable Members leave is sought for the Norfolk Island Hospital Act 1985 - reappointment of members to the Advisory Board.

MS ADAMS Thank you Mr Speaker. I so seek leave of the House.

SPEAKER Is Leave granted Honourable Members. Leave is granted. Minister Adams

MS ADAMS Thank you Honourable Members. Mr Speaker I move that this House in accordance with Section 12 of the Norfolk Island Hospital Act 1985 resolve that - Gerrard Marr, Chief Executive of South Eastern Local Health District be reappointed by the Minister as the representative member of the South Eastern Sydney Local Health District on the Norfolk Island Hospital Advisory Board for the term commencing on the date of Gazettal of this appointment until 24 December 2014.

SPEAKER Thank you Minister Adams.

MS ADAMS Thank you Mr Speaker. I think the Motion speaks for itself. Remember the House had earlier appointed Mr Marr through until I think it was 23 August and because they were going out to recruitment for a permanent Chief Executive. Obviously there have been some change in arrangements and I'm sorry for the short notice, it only came to my attention as a result of the Hospital Board meeting last Friday, and that was referred to me just in the last 48 hours. I commend the Motion to the House. Thank you.

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

QUESTION PUT
AGREED

REGISTRATION OF BIRTHS DEATHS AND MARRIAGES AMENDMENT BILL 2014

MR SNELL Thank you Mr Speaker. Mr Speaker I present the Registration of Births, Deaths and Marriages Amendment Bill (2014) and move that the Bill be agreed to in principle and I table the Explanatory Memorandum to the Bill.

SPEAKER Thank you. The question is that the Bill be agreed to in principle.

MR SNELL Thank you Mr Speaker. The amendments proposed by this Bill originated as part of a draft model law developed by State and Territory Registrars of Births Deaths and Marriages and adopted with local amendments in all Australian jurisdictions except Norfolk Island. The last was in Queensland in 2003. The Explanatory memorandum goes on Mr Speaker to detail quite a number of changes regard recent High Court decisions. The existing Principle Act is unusual in that it has no regulation making power and contains various forms and similar provisions such as those for fees in the body of the Act. This means that it is time consuming to make changes from time to time that may be considered necessary or desirable. The Bill therefore removes all of the references to matters that are thought to be best provided for by regulation and inserts a regulation making power. It is anticipated that if the Bill is passed and assent given new regulations will be made to give effect to the new provisions of the Bill and to bring the forms and fees taken from the Act back into force by way of regulation. I commend the Bill to the House Mr Speaker.

SPEAKER Thank you Chief Minister. Any further debate? No further debate.

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

SPEAKER Thank you Chief Minister. I put the question.

QUESTION PUT
AGREED

PUBLIC SERVICE BILL 2014

MR SNELL Thank you Mr Speaker. I present the Public Service Bill 2014 and move that the Bill be agreed to in principle and I table the Explanatory Memorandum to the Bill.

SPEAKER Thank you the question is that the Bill be agreed to in principle.

MR SNELL Thank you Mr Speaker. This Bill repeals the Public Sector Management Act 2000. It also replace the Public Service Bill 2013 which was the subject of discussion with the Commonwealth Minister resulting in a direction to the Administrator to withhold assent. The purpose of this Bill is to create a more contemporary Act that will continue to meet the needs of the Public Service and provide flexibility, simplicity and certainty of responsibility and accountability. Broadly the Bill generally simplifies and removes some process currently contained in the old Act, emphasises the application of the principles of underpinning the Act as the basis for administrative action, administration of the Public Service and conduct of its employees, emphasises employee conduct and performance and the responsibilities of the CEO in delivering high quality services, changes the appeal mechanism in the Act through the abolition of the public Service Board and the appointment of a Commissioner to hear appeals and who will be a person of some independence and statute. It goes on to the

Clauses Mr Speaker. I won't go onto those at this time but again I commend the Bill to the House.

SPEAKER Thank you Chief Minister. Debate Honourable Members.

MR SHERIDAN Thank you Mr Speaker. As I'm aware I think this Bill just changes from the 13 Bill that went through the House. I think there is only two changes to that Section 53 and 42 but I'm also aware that when Minister Briggs wrote a letter to the Chief Minister and I'd just like to get some clarification here that he noted that the definition of the Public Service Bill encompassed all employees of the Administration and the Territory he says "instrumentality including the Norfolk Island Hospital and the Tourist Bureau". Is that so reflected in this Bill now or does that not take affect?. Does the definition of "Territory instrumentality" not include those employees of the Hospital or the Tourist Bureau?

MR SNELL This doesn't include at this time Mr Speaker, and there are other changes as well. Some dates have been changed to reflect the 2014 Bill in addition to what Sections 42 and 53 but the areas that has been asked by Minister Sheridan is still under consideration as it the Territory instrumentalities of the Hospital and the Tourist Bureau.

SPEAKER Thank you any further debate. No debate.

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

SPEAKER Thank you Chief Minister. I put that question.

QUESTION PUT
AGREED

PROVIDENT ACCOUNT AMENDMENT ACT 2014

MR SNELL Thank you Mr Speaker. I present the Provident Account Amendment Bill (2014) that the Bill be agreed to in principle and I table the Explanatory Memorandum to the Bill.

SPEAKER Thank you Chief Minister. The question is that the Bill be agreed to in principle.

MR SNELL Thank you Mr Speaker. This Bill is intended to make provisions for the audit of the accounts of the Provident Account following changes to the audit responsibilities of the Australian National Audit Office (ANAO) and the excessive costs that would be imposed upon members of the Provident Account were the ANAO to be engaged to perform the audit. It is important that the accounts be audited. The Bill seeks to repeal the old provisions and substitute a detailed section setting out the requirement for audit and the payment of the fees of the audit. The Bill has four clauses. Clause 1-3 are the use of provisions setting out the short title, the commencement and the principle Act being amended. Clause 4 repeals Section 7 of the Act and substitutes a new section. The proposed new Section has eight subsections as follows : Provides that the accounts of the Provident account are to be audited 2) Requires the official Trustee to appoint a person for firm as Auditor 3) Required the Auditor to be registered as an Auditor under the Commonwealth Corporations Act 2001 or the Norfolk Island Companies Act 1985. 4) Provides that if a Firm is appointed Auditor every member of the Firm who is a registered Auditor is deemed to be appointed Auditor 5) Provides that a person or a Firm of Auditors cannot be appointed, if they are, or if a Firm have a member who is an eligible employee or it a domestic partner of any such

person is an eligible employee. 6) Required the Auditor to inspect the books and accounts of the Provident account at least once a year 7) Requires the Auditor to report on the audit to the Official Trustee and Minister. 8) Provides for the cost of the audit to be paid from the income of the Provident account. Thank you Mr Speaker.

SPEAKER Thank you Chief Minister. Further debate.

MR SHERIDAN Thank you Mr Speaker if I could just say a few words there. This is an important amendment to the Provident Act because as it stands at this point in time the Provident Account hasn't been audited by any person for I believe three years. The ANAO has flagged this as one of their issues in their Annual Reports and this is why it is necessary for us to make sure that this account can be audited so that we can remove that issue from the ANAO auditing report. So it's a very important issue and the only repercussions are here is that the provident Fund will have to pay for their own audit whereas before the Administration did it.

SPEAKER Thank you Mr Sheridan. Further debate. No further debate.

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

SPEAKER I put that Motion Honourable Members.

QUESTION PUT
AGREED

ORDERS OF THE DAY

Honourable Members we move to Orders of the Day

MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR - MESSAGE NO 14 - PUBLIC SERVICE BILL 2014

SPEAKER We're resuming debate on the question that the Message be noted. Minister Adams you have the call to resume.

MS ADAMS Thank you Mr Speaker. I originally moved that Message No 14 relating to withholding assent on the Public Service Bill 2013 to allow me time to examine the process that had been applied. I've now done that and I make the following comment. The Public Service Bill 2013 was passed by the House in May 2013. In June 2014 more than 12 months after the Bill had passed the Legislative Assembly the Administrator by Message advised that assent had been withheld on instruction of the Federal Minister with responsibility for Norfolk Island. The difficulties with the Bill related to Section 42 and 53 and they were minor changes being needed which surely did not necessitate withholding assent to the whole Bill for 12 months. Turning to the Land Valuation Bill 2013, because I wanted to do the comparisons between two processes, was withheld to 11 sections of that Bill but assent was declared to the remainder of the Bill, thereby allowing the Bill to commence as to part rather than the whole Bill being sent to the trash can. Two totally different processes with two totally different outcomes. Public Service Bill, our Executive Council, the Land Valuation Bill, reserved for the Governor General's pleasure therefore through the Commonwealth Executive process. I really would welcome advice on why both Bills were not dealt with in the same way, in other words you hold back assent on the parts that are causing the problem, but the Bill as a whole then continues through and by now we would have a process in place where the Public Service Bill and all the attendant parts that go with it would be well and truly up and running, instead of we continue to be in limbo. We're now having to go back again to Executive Council. That was the only reason Mr

Speaker was to find out the difference knowing the processes that were applied for the land valuation. It's just unfortunate but I will take that a little bit further just to find out if there is some special reason why it happened in that way. Thank you that was all.

SPEAKER Thank you. Further debate. Then I put the question that the Message be noted.

QUESTION PUT
AGREED

That Message is so noted

INFRASTRUCTURE AND BUSINESS DEVELOPMENT COMMITTEE - GOVERNMENT RESPONSE TO RECOMMENDATIONS

SPEAKER We're resuming debate on the question that the Paper be noted.

MRS WARD Thank you Mr Speaker. I originally noted the Paper which as you've just said is the Government's response to the Infrastructure and Business Development Committee and since that time the Infrastructure and Business Development Committee has responded, replied again to the Government and may I compliment them on the work that they have done and are doing and I hope they have created a simplified document for the Government to consider. What I was really wanting to do was draw comment from Members around the table on the work and the ideas that are contained within all four reports because that is what the Government's response is about, the Government's response to the Committee. I must say I was excited to see the recommendations from report 4 in particular, which have a list of legislative barriers to the economic growth and investment in the island and there were recommendations on how the Norfolk Island Government could indeed promote growth and investment. Unfortunately the response from the Government has been that to ask the Committee to, well in fact what happened was from my reading of the letter was that the Government and their response is comprehensive and does touch on every recommendation but at the same time it demonstrated that it wasn't equipped to make a decision so it passed the document on to the Administration who in turn requested the Committee to set the top five priorities to be pursued which would be achievable and affordable, and as we know the budget has already been set so it's a little bit difficult at this stage to set priorities however, amending barriers within legislation can be made a priority and I would certainly support once the Funding Agreement is signed that there be a reprioritisation of legislation in the legislative programme and the Chief Minister has already indicated that he would welcome that. So there are 30 recommendations and to be fair some of those have resulted in action already being taken by the Norfolk Island Government which has been correspondence with the Commonwealth and that's certainly been around tax and health and private health insurance and the Deloitte Report so I'd like to acknowledge the action that has already taken place. Some of the recommendations can be dealt with through the Administrator and one of them is raised is the Crown land transfer, KAVHA, more commercial use of KAVHA. There is still in that debate was question time went on this morning about there still not being much progress in that KAVHA area and 200 people in the community engaged in the process which said "How do you want KAVHA to look - how can the World heritage listed Site I must add be used to promote, really to develop the economy of Norfolk Island, so the community is ready and waiting. I raise it in the house Mr Speaker because the work that the Committee does is it invites, it welcomes, it calls, it encourages the community to meet with them and express their views. So it's not just the Government, it's not just four Members sitting around the table, it's actually the community speaking. So that's why I'm wanting us to talk about it more than we have to date, because we're four reports down the track. There seems to have become in the response from the Government a reliance on an economic development function and we've already touched on discussion today here that the budget or the Administration, the CEO have

moved to advertise positions for a Pysillid programme but there doesn't appear to be any action in relation to the creation of an Economic Development functional position. Now I know there is a debate and I hope that the members of the Committee come in because there is some thinking as to whether there should be more an independent authority and the Economic Development Officer reports to them or whether there is somebody who is tucked within the Norfolk Island Administration. Some of the things which have been brought up by the community around greater regulation of the construction and services industry, they are the types of things that I talk about in legislation which just need to be set as a priority by the Government, initially it's a discussion that needs to be happen at this forum. It needs to be put on the agenda to start with. I understand resources are limited but I'm just not seeing a direction from the Government, and that covered the Airport development plan. Again what you find with this and the Government have reported back is there has already been report after report after report and I imagine it's very frustrating for officers in the Administration say but we've already talked about that. You know it's actually up to the Government to prioritise its spending. It's actually about them to say "well we're going to pull revenue, we're going to do what we need in terms of service delivery and reprioritise and pull revenue and put that back into areas of growth". So I know I argue with the Government at budget time. Unfortunately this is just the community backing up that position. They actually want to see a reprioritisation of expenditure. The Community title, we talked a little bit about that this morning with the Minister saying that now that won't come forward until maybe November or December. That is still something that the community is, there's quite a big section in the Report from the Infrastructure and Business Development Group that it is still important to the community, but it's still on the table. Telecommunications was raised and Minister Sheridan may be able to update in debate on the O3B, so that is a movement from the Government and a commitment also from the Commonwealth to progress in that area. So I'm just trying to highlight what has been done, it's not all bad news. Tourism accommodation, we've touched on today and there in the response from the Government they are saying that an Officer within the Administration is doing a report on mandatory grading. So again we're prioritising your legislation. Where are we moving in terms of amending creating legislation which is actually going to stimulate economic growth and development. And the gender equality in the social services is interesting. Mr Nobbs my colleague who is the Chair of the Committee has already raised that, it's under the Social Services Act. Again it's Schedule 3 so it's a big one with a response from Minister Briggs recently around information sharing. I imagine if the Government wrote the response would be the same you know. We're dealing with that in a big picture sense. There was one point which was a Government response on page 10 and it was number 22 and we've actually realised there may be 23, anyway it's at the top of page 10 and the numbering is not important in this case, it's about the education and the school and the use of facilities is one point but the other one is where the Committee has some concern about the School not being able to manage a significant increase in School enrolments, should there be an expansion of economic activity on the island which creates a significant increase in the population of school aged children. The response to that is that the Norfolk Island Government acknowledges the intent of the recommendation. Currently there is no perceived increase in school age immigrants to the island, however, and this is where my ears pricked up the Working Group which is the Education Review Working Group which I'm currently Chairing established to review, the Education Act and Memorandum of Understanding is considering the introduction of international student fees for enrolment at the Norfolk island Central School. If I can just clarify here for the record that that was not the task of the Working Group. The Working Group was to assess whether or not the NSW Department of Education and communities international student policy and procedures could be applied at NICS, and that's written in the report. If anybody is interested in this area then they can go and have a look, but I need to make that point on the public record because it has come through with just conversations around the place that there seems to have been this understanding or a mindset has developed that the Government and the Working Group is looking at applying international fees to students who are Foreign Nationals - nothing could be further from the truth and that was a point that was made. The Minister and I were very careful to understand what we were talking about here. So this is not about

considering charging Foreign National children or children of families who have worked, moved in as Temporary Entry Permits to work in the tourism industry or anywhere else, construction etc. There is certainly not a move to start charging, well it's certainly not a role of the Working Group to assess that. Whether the Government is doing that independently I can't speak for them at this stage, but I'd be interested in the answer, but it is certainly not the role of the Working Group to consider the introduction of school fees. So I can't stress that enough. The report in the last quarter, I think I've covered that, it's around legislative stuff. Last point Mr Speaker with construction standards for all public areas and that on behalf of the Administration they are documented and publically available. I'm not sure how publically available the recent Commonwealth report on assets, whether it ties in with the asset management plan. Minister Sheridan may be able to assist there but it has all been documented, that was my understanding but one point that is made is that and I may be going off track there a little bit, because this is really about standards but that the Government responds, sometimes road design, we were talking about roads this morning, road design or works designs are not available due to the cost to prepare these documents being beyond our means, and beyond the extent of budget funds made available to complete the works. It ties in a little bit with the whole health and safety around areas. I'm glad that the Committee has raised it, the Government's made response and I'm sure that will be explored further, but we've said this before when you get to the point where you can't maintain your assets to the point where they are safe you know, it's just another reason of the track we're following down. I guess I'm always about trying to explain to the community Mr Speaker why we're doing what we have to do. Thank you.

SPEAKER

Thank you Mrs Ward. Further debate.

MR PORTER

Thank you Mr Speaker. Being a member of the IBDC I've a keen interest in the outcomes of this report and Number 1 of those in importance I think is the Economic Development issue. It covers some five of the subjects in the four reports and I've studied the document An Economic Development Model for Norfolk Island and find that model two which seems to offer the best opportunity for Norfolk fits in very well with the recommendation of the IBDC as a delivery model for an Economic Development opportunity for Norfolk Island. I'm a bit disappointed that my knowledge of this proposal has not been officially passed to my knowledge. This information has not been passed to the IBDC for comment, support or development. I might be bias but it appears that the model two is the better one and that I think it would be an opportunity if this was to be passed, if it was supported by the Government, passed to the Committee and could be developed so that it might form part of the procurement process going forward for the Economic Development Officer so that proponents for that position will be aware of the type of role they will fulfil and the reporting structure that they will operate within. Perhaps also a lot of the preliminary work could be done, model could be straightened out and the Officer would become an effective tool in making a difference to our economic future sooner rather than later. Beyond that in terms of a policy I'll only reindorse what Mrs Ward has said that on looking forward as well to see a rearrangement of the priorities within the legislative programme to reflect that some of those items we have picked and the Government agrees with will be advanced in the parliamentary process in terms of regulatory ones and the policy as time permits to see those addressed. I'm hopeful to see particularly the Economic Development opportunity progressed. I feel that has the best opportunity to promote the island's future. Thank you Mr Speaker.

MS ADAMS

Thank you Mr Speaker. I want to yet again applaud the absolutely applaud the workings of the Business and Economic Development Committee. What continues to concern me is that this is the one Committee of the House which is an active Committee of the House. We have other standing Committees, Public Accounts and Estimates, Impact of Bills, etc but this is the one Committee of the House that is active, proactive, working and yet we are not resourcing this Committee in an appropriate way. It is not appropriate that tapes up there, the Committee is required to turn on tapes and watch that they haven't run out and it needs

a Committee Clerk dedicated to this Committee and then we will have a very effective tool. We have an effective tool now, don't misunderstand me but we'll have an even more effective tool. For example when this Motion came onto the Notice Paper at the last sitting I became aware that the Committee did not have a copy of the recommendation to the JSC from the Government around this, and I went down and got you copies of that. A Secretary would be in the mix and would be knowing that this was happening would have made it available to you without other people having to think. I'm just asking us to recognise the value of this Committee and resource this Committee in an appropriate way. We can turn around and say we haven't got the money - find the money, find the money. I know the Public Service, I know the CEO is working around this issue and maybe out of that you know something further can be advanced around the JSC recommendation but in the meantime this House owes it to this Committee whom we are expecting to work and prepare the reports for us, it should not have to happen in the way that it's happening. I just needed to put that on the table again. It's not the first time I've mentioned it. Thank you Mr Speaker.

MR SHERIDAN

Mr Speaker could I just make a comment on the last comment by Minister Adams in regards to the funding of the Committee. There are some funds available under the budget for this Committee, or for all Committee's, something like two lots there for Standing Committee's and Select Committee's which either funds could be used for. There is about \$7,000 there. But I'm aware that this money was also in the budget last year and none of that money was accessed. So whilst we're saying we have to provide these resources for them. I think the Committee has an onus upon themselves to access some of this, or attempt to access some of those resources for themselves. Some money is there but none was accessed last year. There is a small portion there this year, so let's hope it's used this year.

MS ADAMS

If I could Mr Speaker through you, your quite right and it's varied over the years. I mean there have been occasions when say for example the Impact of Bills Committee in previous years, they've gone out and used a private person for the work of the Committee and it's been funded from within the Parliament, it's not necessarily come from, the Officer has not necessarily come but it should come under the umbrella of the Parliament. It's a Parliamentary Committee and therefore under the Standing Orders there is a Clerk to the Committee. Standing Orders provide for it. It's a matter of a decision being taken, appointing the person, and getting on with it. I'm just trying to get support for you.

MR NOBBS

I didn't know there were funds available. We were told there are no funds available for it and so me in my own pig headed way which is quite a few including one of your sons are pretty good at it Minister, I just said we'll go for it and we did and that's what we did. It was run by the seat of your pants and that was life but the issue really is that these recommendations that have been coming out to date are pretty simple. In fact they are that simple I can't see why somebody hasn't picked them up and really belted them and gone for it, because they are so simple, but they are so essential to the future development of the island, a lot of them. I know that there are issues like you can't have, I'm saying that they are simple because it seems very simple to say that if you going to bring in a tax regime and you don't know when it's coming in, why not put a moratorium on new substantial developments, not somebody opening up a small shop or something like that. Why not on a significant, and therefore then you'd have to sit down and work out what really significant was, why don't you give them a tax break for seven years or eight years or something, seven years I think was the recommendation in here. See it's four years since the Roadmap started for goodness sake. So it doesn't take long. It's difficult and maybe it's not political because the rest of everybody else with businesses here might think that this is it but they're in it now at the moment and they are going to have, and they have established and existing ones and they are going to have an opportunity to put their case to the Government, both Government I believe in the future when the inevitable happens and that's the bringing in of tax and all the Australian regulations and what have you. It's not just tax. It's the regulations and those sorts of issues, registrations, big deal, legislation. So to me it's

simple and I think to the Committee it's simple that those sorts of things can be done, but it's just that we've got, and that's where it swings over to the Government side of it, do you really and the Assembly, do you really want to do it, because you can do it quite easily, just put it to them, and say right, well what's wrong with it? If there is something wrong with this arrangement tell us and we will work it through and that's what we have to do I believe. The rest of it. The response requesting five easy ones that are affordable and all that sort of thing I found myself personally affronting

affronting and I believe the Committee thought that this was not the way to go. So what we've split it into is things that the Commonwealth have the main carriage of, the Norfolk Island Government's got the main carriage of and in the Norfolk Island there's three groups, there's regulatory, economic and policy. There are nineteen for the Norfolk Island Government, 7, 5, 7, so that is the breakdown but I think that you've got to have, it's all into this war business at the moment, but you have to have a frontal attack. It's no good going to the Administrator for this and somebody else for that and the Commonwealth and to somebody else in there, you've got to have the whole approach. This is what we need you guys to help us with and that's getting stuff through and whilst it's not a process that we're saying we want to jump into bed with you and get all your information, particularly on Social Services and that, that's not it. What should be done is to say that we have x problem, can you help us, can you advise us? From your information on x, do you believe that this is acceptable? Those sort of issues. I can't get into it too deeply because we're in a bit of personal stuff there, but that's what these issues are just so simple, they would be difficult to put through but if you dealt with them all in one bunch instead of fragmenting them it would be a lot better and it should be on a Government to Government basis. Apart from that, I just would like to thank the Members of the Committee. They were terrific and great support and I particularly want to thank the people who came along, because these ideas, they came from the people not from the Committee. Somebody would drop something and yeah, that's a good idea so we'll pick it up. That was the idea at the start and so hopefully it can go but until we get these parameters as to which businesses can operate we're going to have difficulties in encouraging people to come here. Big deal stuff. Not the small ones. You can get the small people who come through and do things and they might want the lifestyle and spend a bit of money here and all that sort of thing but if you want a decently established alternative industry to tourism and the other ones that we have here at the moment, you need to operate within an area that they feel comfortable with and at the present time, I don't think we'll get the bigger type operations to feel comfortable. I'll listen with interest to what your comments are

MR EVANS

Thank you Mr Speaker I probably won't touch on anything else that the other Members have said, but I say thank you to the Government. I suppose when this Committee started sometimes you wonder whether the work you're doing is worth it, whether it's going to go anywhere and I think it's quite heartening that it's slowly working. The Government's taking on some of our recommendations and hopefully those recommendations will be of a high standard and we'll see the Government in there helping them to go forward so on that really heartening note I would like to think that it's going pretty well, these discussions have helped us in ways of working together and trying to just use each other as much as we can for the betterment of our people and the community that we all love, thank you Mr Speaker

MR SNELL

Thank you Mr Speaker I applaud the Committee for the work they've done. As the co-author of the responses by the Government to the Reports I do apologize to the Education Working Group about the international student fees. We didn't at the time check the terms of reference and so we were probably incorrect in stating exactly what Mrs Ward has identified here this afternoon and we apologize for that but the extension of fees for international students is a matter of public concern. It's been raised in the community certainly to me and maybe to others as well and it's something that perhaps in the future would need to be looked at but as Mrs Ward has quite rightly pointed out it certainly didn't form a part of her Working Group's

terms of reference and we do apologise for that. There are other areas within the responses we have tried to introduce and we're working on with our communication with the Commonwealth with regard to such things like the Commonwealth Medicare card holders to utilize their cards in the same way as return servicemen resident on Norfolk Island utilize their Gold Cards etc and of course the private health care by those Medicare holders who contribute to private healthcare funds; the introduction of Strata Title, just to name a few of the issues that have been raised and certainly the development of an economic function here on the Island whether it be in a private capacity or within the Public Service that's yet to be decided but the work of the Committee hasn't gone unnoticed and we will be working on it more than we have in the near future hopefully, so it hasn't gone away, it's still with us and we'll try and get more results from their recommendations and advise the Committee accordingly or the House accordingly

SPEAKER Thank you Chief Minister. Further debate? There we are. Honourable Members the question is that the Paper be noted

**QUESTION PUT
AGREED**

The ayes have it. That Paper is so noted.

INTRODUCTION OF LAND RATING SYSTEM

We resume debate on the motion that is before the House and the question is that the motion be agreed to and Mr Nobbs, you have the call to resume

MR NOBBS Thank you Mr Speaker. The motion was that this House resolve that any system of rating land on Norfolk Island must be applied to all land in Norfolk Island, irrespective of its classification, tenure (freehold or Crown Lease) or ownership. May I say that the motion is in no way giving support to the proposal for a land rating system for Norfolk Island particularly at this stage, with such a depressed Island economy. The motion says simply that if a land rating system is to be considered and I repeat, considered, for as far as I am concerned it has not been considered by the community, let alone having community support, thus this motion is quite appropriate for it highlights inadequacies and inappropriateness in a small isolated community and that any proposal to develop related to imposition of land rates should encompass all land on the Island. The proposal developed by officers as a possible and I repeat as a possible system of land rating for Norfolk Island was constructed by at least one specific parameter, not of their making. This was that some 25% of the island must be automatically excluded as a result, the land to which the proposal considers applicable is that owned by the Norfolk Island Government, private entities and charitable organisations. This motion seeks to amend this anomaly prior to it being the subject of a thorough community consultation and decision. I seek support of members

SPEAKER Thank you Mr Nobbs. Debate Honourable Members

MRS WARD Thank you Mr Speaker just to let my colleagues know that I'll vote against this one, only because I don't have enough information in front of me to support it I'm afraid. I think it's a little too early. Another one of those things. Thank you Mr Speaker

MR SHERIDAN Thank you Mr Speaker I wasn't here last month, so I don't know what the initial, and I haven't read the Hansard on this particular issue to see what was discussed last month, but I'm well aware of what Mr Nobbs is attempting

to achieve, is that all land and I can say that in the initial draft of the municipal rating system that leasehold land would be included but for land that is entirely owned by the Commonwealth and operated by the Commonwealth I don't believe it is the intent that rates are to be charged upon those portions of land. Of course, the Bill that will support the municipal rating has been developed and once that's developed it is my intent that we will have a public meeting in regards to the actual rating system and having the draft Bill available to the community so until I believe that the Bill actually comes to the House and we can identify the issues that surround all portions of land, no matter who owns them, whether or not they will be excluded or not, I think is a matter for this House but until that time that we see a draft Bill at this point in time the draft rating system that has been proposed as I can certainly say does not include the Commonwealth owned properties, leasehold properties yes, but not specifically the Commonwealth owned properties so that will have to be discussed if there's a want of this House to include Commonwealth owned properties. I know that on Christmas Island they do pay rates on Commonwealth properties up there, so it's not as if it's an unknown to them, and they don't do it elsewhere, they do do it elsewhere, its something that we would have to have discussions with the Commonwealth to ascertain whether or not it is achievable so as to supporting this motion I understand where Mr Nobbs is coming from but I don't think that I'm in a position, specifically as the Minister responsible, I don't think I'm in a position right now to actually support it. I would like to see how things pan out and it may come to the fore later on down the track that in actual fact we do get some rating on Commonwealth properties, and I assume that's what Mr Nobbs means when we talk about 25% of the Island he's talking about the National Park and KAVHA for that matter and so I couldn't agree with it today but I know where Mr Nobbs is coming from and I'm sure that it will be discussed in discussions before the final Bill is agreed to in the House about municipal rating

MS ADAMS Thank you Mr Speaker briefly, I hear what Minister Sheridan is saying. I support it in principal but I see the methodology that Minister Sheridan is proposing. Would you be disposed to adjourning it and leaving it sitting on the Notice Paper as we have done with the KAVHA motion until such time as perhaps Minister Sheridan, how far away are we with the municipal legislation

MR SHERIDAN Not too far away

MS ADAMS It's in your hands Mr Nobbs, but I'm just wondering whether you would be disposed to leaving it sitting on the table for the time being. I don't want to vote against it but at the moment I don't have enough

MR SHERIDAN Thank you Mr Speaker I don't believe the outcome of this motion will determine whether or not rates are charged upon these lands. I think it's a discussion that the Government needs to have with the Commonwealth. I don't believe the outcome of this motion will necessarily mean that rates will be charged. It may be the intent of the Norfolk Island Government that to ease the burden across the Island, across the Board if we are to raise sufficient funds, that everybody does pay their way and maybe that's the approach we need to take in moving forward, that the Government needs to take, but I can't see either way that the voting on this matter goes, whether its affirmative or the negative will really effect the outcome of those portions of land owned by the Commonwealth

MR WARD Thank you Mr Speaker. There's a number of issues in this and I certainly understand where Mr Nobbs is coming from. The questions that come to mind for me, are we talking all land in the territory of Norfolk Island as in our offshore islands as well as the main island, and what would be the implications of the lands that we are using. Would we just be creating a paper trail of money being pushed around from one party to another but all of those issues should be looked at. The other issue that is related, we've had Minister Briggs tell us that he doesn't want aggregations

and I haven't his exact words here so I hope I'm not misquoting but doesn't want to acknowledge aggregations. I suspect what he was driving at was that he didn't want non continuous aggregations to be recognized, that they will be rated independently, but the question over contiguous aggregation does still need an answer from either the department or from Minister Briggs and so there are quite a few issues along those lines that need to be worked through. I would certainly like to see Mr Nobbs' motion stand and be considered as part of the overall process thank you

MR NOBBS Just answering a few things there, I'm a little concerned Tim that we don't seem to have a say in things and I know that wasn't your intention but that was what it came across as. The other one there from Minister Ward is the issue of the Island's offshore Islands is excluded. I explained that last time. The issue that it really is that it's a quarter of the Island and that sticks in my craw at the best of times, because we're actually an isolated area here and I believe everybody should contribute. If you wish it to be left on the Notice Paper, fine, I don't mind but I just think that we should look at these sort of issues when we're going into something like this and I think that it's an area where the Commonwealth could be heavily involved and I believe that they probably may even support it if you go to the right people but that's the way I look at it so if it's alright with you...

MR SHERIDAN Thank you Mr Speaker just thinking about what we mentioned before about not having enough information to make a definite response to this motion is that I think in all avenues of life where rates are charged they are usually recovered through some way, whether it's increased rent to the person who uses the property, whether it's in increased prices on the products, the owner of the land will attempt to recover those rates through some method so we have to be very careful here, because we occupy a lot of these places which are Commonwealth owned. We may find that if we attempt to place these ratings on Commonwealth property that all of a sudden we might find ourselves paying for entry to the National park or we're paying to enter KAVHA or we're paying for the use of these buildings so as Mrs Ward said, more information is needed and we need to have that dialogue with the Commonwealth initially to see whether or not they would be amendable to paying their way you might say in regards to a system that's planned to be introduced to Norfolk Island

MR NOBBS Thank you Mr Speaker a lot of the areas really are reserves. They can be – I mean we have a lot of proposals through the IBDC for commercial activity in the Parks, but there are opportunities but we don't do it because Forestry will clean up or Forestry will do this, and that would come into it and maybe they could do that but the other issue is that, what got me is that the airport plan is in the zone, so I thought well most of that is public land I suppose although you do get money from it. Why is it that the Norfolk Island Government has been hit for rates and not the Commonwealth. It's just the fairness, that's all

MR SHERIDAN Thank you Mr Speaker and Mr Nobbs I can agree with your there. Yes we have included the Administration's holdings under the municipal rates model to ensure that we do pay our own way. It might be Peter pays Paul, coming into our own coffers but there's an acknowledgement that the Administration of Norfolk Island does own these properties and they pay the rates that go along with them. Whatever zone they are in and whatever use it is for. That may be the argument that we take to the Commonwealth and say we intend to pay our own way and we would like you to do that as well

MR NOBBS Very much so. I move that debate be left for another day of sitting

SPEAKER Thank you Mr Nobbs. You have proposed that debate be adjourned and resumption of debate be made an Order of the Day for a subsequent day of sitting. Thank you. I put that question.

QUESTION PUT
AGREED

That matter so adjourned

LAND ADMINISTRATION FEES (AMENDMENT) BILL 2014
LAEN ADMINESTRIESHAN FII (CHIENJEN) BIL 2014

Honourable Members we resume debate on the question that the Bill be agreed to in principle and Minister Ward has the call to resume. Mr Ward

MR WARD Thank you Mr Speaker in introducing this Bill in the last Sitting I was actually acting on behalf of Minister Sheridan, Minister for Finance, and I'll just hand the matter over to him to continue

MR SHERIDAN Thank you Mr Speaker and I'll thank Minister Ward for introducing this last month whilst I was on leave. It just saves this requirement, it's been sitting there for some time and there's certain people waiting for the House to decide upon its fate before they can execute some of their terms under certain Wills etc and as Minister Ward mentioned last month, all this does, is to enable a small fee to be placed upon the registration process of the terms under a will when people transfer property and businesses etc. currently under regulations these are exempt from all fees and it's felt that there should be a small fee purely for the administration costs of registering of these properties and businesses etc as is the norm so I just leave it in the hands of the House there Mr Speaker

SPEAKER Further debate? No further debate? Honourable Members I put the question that the Bill be agreed to in principle

QUESTION PUT
AGREED

The Bill be agreed to in principle

We move now to the detail stage. Is it the wish of the House to dispense with the detail stage. We so dispense. I seek a final motion please Mr Sheridan

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

SPEAKER Further debate? No further debate? Honourable Members I put the question that the Bill be agreed to

QUESTION PUT
AGREED

The Bill be agreed to. Honourable Members We have concluded Orders of the Day

FIXING OF NEXT SITTING DAY

MR EVANS Mr Speaker I move that the House at its rising adjourn until Wednesday 17 September 2014 at 10 am

SPEAKER Thank you Mr Evans. Any debate
Honourable Members. No. Then I put the question that the motion be agreed to

QUESTION PUT
AGREED

The motion is agreed to. Honourable Members

ADJOURNMENT

MR NOBBS Mr Speaker I move that the House do now adjourn

SPEAKER Thank you Mr Nobbs. Any adjournment debate
Honourable Members

MR SNELL Thank you Mr Speaker. I would just like to make comment again on the importance of sport events to Norfolk Island for tourism and as indicated in my previous statement the exposure to Norfolk Island of the Commonwealth Games team in Scotland was a great example of the benefits of sporting organisations and the coverage that its received. I would like to acknowledge at this time that on the Island will be next week is golf for the ProAm event, the Hardy's Wines ProAm event and I would like to thank Andrew and Kylie for their continuing support and the Norfolk Island Golf Club on the Island at the moment is the bowls and Minister Sheridan is well aware the bowls, I think it's the triples or fours, it's an annual event and we have some overseas participants particularly led by Punga Adams as a lot of you would know and we thank him for his continuing support of bowls on Norfolk Island and certainly of tourism and coming up in the very near future, in the next week is the inaugural croquet tournament that is going to be held down here at Kingston and we thank the Administration workers for preparing the oval as its called for the croquet tournament which will consist of about four teams and we again acknowledge Pine tree Tours in their efforts in promoting croquet as a new attraction for Norfolk Island and there have been many others, the squash, the rugby, BMX which have proved to be very important for the tourism industry here on Norfolk Island and the community and this Government have shown their support with the Norfolk Island outrigger group by injecting over \$100,000 in the promotion and buying of equipment for that very exciting opportunity which will come up in January of next year so on behalf of the Government I acknowledge the efforts of all of these people to provide exposure to Norfolk Island, to provide an impetus for people to come to Norfolk Island and the importance of sport to tourism on Norfolk Island. Thank you Mr Speaker

MR NOBBS Thank you Mr Speaker just a quick two bobs worth if I may. At times I think I'm flogging a dead horse but one must keep trying because sooner or later you'll get a break and then it is up to you to make the best of it. My words? No. They weren't my words. They actually were my late father's words and they seem pretty appropriate at this time actually because regardless of tax, the dole or being in or out the reality without improved economy as I keep saying, is extremely difficult and the island will be consistently frowned upon. I question where has gone Prime Minister Abbot's doctrine when he believes Liberals give a hand up not a hand out and where are those Commonwealth public servants who used to say that they have concerns, even say no, but then add, we certainly can work our way through it. Neither side may come out with what they want but there will be an ability for meaningful progress which appears not to be happening today. The fact is that I believe issues and decisions are being largely left in the hands of the bureaucracy supporting each Government and I'm not critical of the bureaucracy, I used to be one myself for years. These groups are not the community representatives, they are not elected. I feel the reliance on the bureaucracy is quite unfair. It is time for less reliance on direct action between Roadmap Managers etc etc and more on establishment of policies which is the role of Government Ministers on both sides. Thank you Mr Speaker

SPEAKER Further adjournment debate Honourable Members?
There being no further debate I put the question that the House do now adjourn

QUESTION PUT
AGREED

The Ayes have it. The motion is agreed to. Honourable Members this House stands adjourned until **Wednesday, 17 September 2014** at 10 am.