



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY  
14<sup>TH</sup> NILA HANSARD – 17 SEPTEMBER 2014**

**SPEAKER** Honourable Members we commence with the prayer of the Legislative Assembly.

**PRAYER**

**MEMBERS** Almighty God we humbly beseech Thee to vouchsafe Thy blessing on 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** Thank you Honourable Members. Honourable Members we are all present this morning, so there are no requests for leave. Condolences, Mr Evans please.

**CONDOLENCES**

**MR EVANS** Thank you Mr Speaker. Mr Speaker it is regret that this House records the passing of Agnes Edward. Agnes was born in October 1933 in Palmerston, South Island, New Zealand. Agnes met Stan Jensen at the Salvation Army in Palmerston North and they were married in 1956. They had three children, Raewyn, Robyn and Graeme and later adopted Melvin. This was an admirable undertaking by a very generous and special couple. Agnes had six grandchildren and four great-grandchildren. In 1967 Stan and Agnes visited Norfolk Island and six months later moved their family here, buying and working in the Norfolk Island Newsagency. In 1999 Stan passed away. Agnes continued her involvement in many community groups and coffee clubs whilst enjoying the companionship of her three dogs Jessie, Tammy and Buster. In 2005 Agnes and Bill were married in the lovely rose gardens of Wanganui, and the happy couple enjoyed a few trips visiting different parts of Europe and Canada. Agnes loved and was a long standing member of the Uniting church. A highlight for Agnes was meeting the Queen on the Island in 1974 while she was the Secretary for the A & H Society. Agnes drove with Marie's Tours, then later with Bounty Tours, and spent many years driving the school bus. She spent many hours engaged in spinning, knitting, crochet, needle work, craft and quilting. She had much pleasure in taking part in the different groups, and tutoring many. Escorting the tourists embraced Agnes' sociable and amicable nature and her vast knowledge of Island affairs, personalities and history. Laughter was frequently enjoyed during progressive dinner excursions when she taught her passengers the coconut song. She excelled at writing poems and wrote many. These creative activities highlight her usual calm, her patience and quiet determination but most of all the love she had for those who received the final products of her personalised artistry. Agnes had a wonderful sense of humour, a warm smile, was easy to talk to and was excellent company. She enjoyed learning new words for the many cross words puzzles she attempted. Although usually a modest unpretentious personality she would learn a new word and then quiz those around her as to its meaning. When they gave up, she would tell them the answer as if she'd known it all her life. She will be greatly missed by all who knew her. To her husband Bill, her children Raewyn, Robyn, Graeme and Melvin, and their families, and to her many friends this House extends its deepest sympathy. May she rest in peace. Thank you Mr Speaker.

**SPEAKER** Thank you Mr Evans. Honourable Members as a mark of respect I invite you all to stand for a period of silence.

**PETITIONS**

SPEAKER Thank you Honourable Members. Honourable Members are there any petitions this morning?

**NOTICES – PRESENTATION OF A BILL FOR AN ACT FOR SAME SEX MARRIAGE**

SPEAKER Are there any notices? Mr Evans.

MR EVANS Thank you Mr Speaker, Mr Speaker I give notice of my intention to present a bill for an Act to provide for same sex marriage between adults and I will talk further on this matter in adjournment debate. Thank you Mr Speaker.

SPEAKER Thank you Mr Evans. Any further notices?

**QUESTIONS WITHOUT NOTICE**

SPEAKER Are there any questions without notice? Mr Porter.

MR PORTER Thank you Mr Speaker. My question is directed to the Minister with responsibility for communications. Mr Speaker I refer to a letter in our local press from a number of weeks ago regarding Norfolk Island's time zone. While at the time this seemed to be just a matter of passing interest or minor inconvenience, can the Minister confirm that our communication system suffered a number of failures due to the fact that quite a lot of modern electronic equipment is not programmed to recognise a half hour time difference to GMT.

MR SHERIDAN Thank you Mr Speaker and thank you Mr Porter for the question. I'll have to take that question on notice to facilitate a response.

MR PORTER In that case Mr Speaker, a supplementary which is on the same matter, further to this I must say at the time of writing the letter, 12 noon occurred on Norfolk at 12.24.40pm, however this varies and at the moment it is 12.14pm. However, the point raised is valid and resetting out time to an even hour time difference to Australian East Coast would also gain the other benefits as outlined in Mr Summerscales letter, and I believe that the Government has the power to resolve this matter and my question Mr Speaker and I believe the Minister has already answered – is the Minister prepared to advise this House in due course if he sees merit in this action.

MR SHERIDAN Thank you Mr Speaker, yes I will certainly take that on board and certainly have a look at the problem, I will speak to the Service and people in the telecommunications world and see exactly what the problem is and if it is fixable I will see what we can do.

MR NOBBS Thank you, I ask the Minister responsible for KAVHA, yet again. Has the Minister had the opportunity to find if the minutes of the KAVHA Board meetings are available for distribution to Members.

MS ADAMS Thank you Mr Speaker, thank you Mr Nobbs for the question. Mr Nobbs I can advise that I have written formally to the Chair of the KAVHA Board requesting advice as to whether there is such a policy and if so what the policy provides, thank you.

MR NOBBS Thank you Mr Speaker, a question to the Minister for Finance. Minister is it correct that some \$4.4m, I think that was the figure that was the Commonwealth's proposed contribution in the 2014 Funding Agreement but to date some three months into the new year, how much of that \$4.4m has been received.

MR SHERIDAN Thank you Mr Speaker, thank you Mr Nobbs for the question. Yes, that is correct, under the Funding Agreement for the last financial year there

was the ability to have funded by the Commonwealth \$4.4m, of course, that funding was dependent on certain milestones under the Funding Agreement and over the course of the 12 months the Government and the Administration certainly attempted to achieve all of those milestones, but in some areas were found wanting by the adjudicators in the Commonwealth. The funds actually received from the Commonwealth were around the \$3.5m dollar mark, I think the shortfall was \$905,000.

MR NOBBS Thank you, I have got one on garbage disposal to the responsible Minister. The centre, the, I keep calling it the Waste of Money Centre, the Waste Management Centre, remains closed on Sunday and Monday despite continued calls for variation in hours of opening, particularly by tourist accommodation houses, why has a compromise not been negotiated.

MR WARD Thank you Mr Speaker, thank you Mr Nobbs for the question. It is certainly is an issue that continues to be of concern to me, I have raised it, as I have mentioned in this House previously, I have raised it with the Service, and they are, or were, looking into options there. I believe the CEO was looking at a wider ranging set of reforms there, which may give him some scope to rearrange his personnel as he needs to do. But I haven't had a recent update on that.

MR NOBBS Thank you, this relates to health and safety, I don't know who wants to handle it, can somebody please explain why two sites within KAVHA – the Old Crank Mill and the Officer's Bath – are still wrapped in police incident tape. What is the future for these sites and will they be pulled down, as I understand the policy still exists not to rebuild existing ruins in KAVHA.

MS ADAMS Not from an occupational health and safety aspect...

SPEAKER I'm really directing it to you, whichever you choose of course, I was really directing it to you in terms of KAVHA.

MS ADAMS Thank you Mr Speaker, thank you Mr Nobbs. I'm just flipping here through this volume of email exchanges that are around this issue. I can't answer it from an occupational health and safety perspective. But what I can say to you is, where is it, bear with me. I believe Eric Martin will be returning to the island for discussions around this issue. Because it is a broader issue than just the issue of the tape, they are looking at relevant (unclear on tape) and heritage impact statements etcetera which might be required around constructing ramps etcetera for disabled visitors, users of the site. I understand that Eric Martin has prepared schematic drawings for the platform that is proposed, but apart from that it is very much a work in progress and at this stage, until there is something definitive on the desk, I can't give you anymore than that really. Other than it is very much under construction, just referring here, I could have bought the photos up if I'd have known I was getting the question. In regards to the signage, the suggested wording that we have been provided with is "viewing platform under construction please keep out" and we understand further that the Administrator's Office has no issue with the Commonwealth Government logo being used, we are querying whether the right wording is there on the signage that is there. It is an ongoing issue Mr Nobbs, I wish I could give you more.

MR NOBBS Minister do you watch that ABC programme Utopia? If not, I would suggest that you watch it tonight, because that is precisely the type of response that I expect having watched that programme and having worked in that Commonwealth for so long. Will the Minister please ensure that by the next meeting, which is another month away that we have some definitive, something definitive in place as to what will happen. And I ask that because it's a terrible look for a world heritage area and there are other things probably more important and more dangerous than those two things actually on the site. Could you undertake that?

MS ADAMS To answer the first part of your question, no I haven't watched the show Utopia, but I certainly know what the word Utopia means, and in most respects I believe I live in Utopia! I don't watch TV Mr Nobbs, if you would like me to watch tonight I am happy to do so. I will write formally to the Chair of the KAVHA Board for a definitive response for you and will provide that to you as soon as it is received. I agree totally Mr Nobbs with your concerns.

MR NOBBS Mr Speaker I don't know who should handle this, it relates to grazing of cows in KAVHA. Would somebody please explain the Commonwealth's reasons for requesting the removal of cows from KAVHA and the statement by the Commonwealth that, and I quote, "the immediate removal of cattle would be the soundest way in ensuring the long term viability of the site" as cattle have been in the area for over 200 years that I am aware, on what grounds was this assumption made?

MR WARD Thank you Mr Speaker, thank you Mr Nobbs, if I can perhaps answer part of that question Mr Nobbs in that the first consideration in removing the cattle from the Kingston Common area came about from the URS Water Quality Report for this area and the Cascade area I believe it referred to. One of the recommendations in that report was to exclude the cattle from what basically could be determined as the marshy areas and the creek areas within the Kingston Common area to reduce the amount of faecal material going into that marsh and the resulting bacteria or whatever other pathogens you may have in that water as a result of that cattle being so close there. To exclude the cattle from the area, from those wet areas, you would be looking at some 2.2kms of fencing which would be quite unsightly, and it is an issue that does need to be worked through probably at the KAVHA level and elsewhere, but there is quite a lot to it and a decision will have to be made, and if the decision is to remove the cattle from there, we would have to look for alternative grazing whether that's by allowing for some clearing in other public areas or opening up some other public area that would be suitable – that would all have to be worked through. I don't think we can take out such a big percentage of our cattle grazing area without creating some offsets somewhere else for it. Thank you.

MS ADAMS Thank you Mr Speaker, I will add to that response. But before I do, I declare in accordance with paragraph 4D(3) of the Legislative Assembly Register of Members' Interests Act 2004, that I have the owner of four head of cattle, which are from time to time adjusted under the Pasturage and Enclosure Act on common land, they may or may not today be in Kingston at the time of my responding to this question. The Chief Minister received a letter from His Honour the Administrator dated 4 September, and it was referred to me, and I have drafted a response, would you like me to read that letter?

MR NOBBS If you wish.

MS ADAMS Thank you Mr Speaker and Minister Ward has referred in passing to this, it's headed 'Grazing of Cows on Australian Convict Heritage Site KAVHA. The grazing of cattle throughout the vulnerable Australian convict heritage site of Kingston and Arthur's Vale seems inconsistent with the intention of the UNESCO World Heritage Listing. Whilst the immediate removal of cattle would be the soundest way of ensuring the long term viability of the site I accept this could create a cattle management issue elsewhere on the island and therefore I suggest a staged approach be considered. Such a staged approach could also raise funds to assist meeting the ongoing costs of dealing with health and amenity issues from cow excrement clogging the Australian Convict Heritage Site. As a first step a new additional charge for cattle using the site for grazing purposes could be introduced such a fee could be based on the existing grazing fees charged by your government for the right to graze on roadways and common land. Based on this existing fee, 150 per cent premium fee could be additionally levied against owners choosing the Kingston and Arthurs Vale site for grazing. For example, if the current fee is \$50, the KAVHA fee would be an additional \$75 per annum. This user pays principle would provide

choice and could boost funds for the KAVHA Board to affect the eventual removal of cattle and the installation of cattle grids and fencing to prevent future grazing. I look forward to your assistance in helping to develop policy options'. Mr Speaker, a draft response has been prepared and it is currently with the Chief of Staff and Minister Ward for tick off but it sits under my hand. The importance of the response that will go is – I will just read from the draft letter at this time. 'The supporting management regime for KAVHA is structured through the KAVHA Management Board established by the Intergovernmental MOU and through the site conservation management plan formally adopted under the EPBC Act; which at this time is the KAVHA Conservation Management Plan (CMP) 2008. Conservation policies including approved use of land and resources in KAVHA are articulated in the sites CMP which for KAVHA includes from the original 1980 KAVHA Management Plan to the current 2008 CMP, which is currently in the final stages of review. Since as early as the first formally adopted KAVHA Management Plan, which was dated 1980, cattle grazing in KAVHA has continued to be an approved activity and I quote from that Plan: "The Kingston and Arthur's Vale area has a landscape character of cropped grass which is achieved and maintained by the grazing of cattle. This landscape character could not be economically maintained with any other method. Moreover, any further exclusion of cattle would mean the erection of additional fencing which would be a visual intrusion. However, it is recognised that overgrazing needs to be controlled by limiting the numbers of cattle and horses. Damage is caused to the historic structures through rubbing, walking and urinating by the cattle. The implications of this would need to be well substantiated before any question of restriction of movement could be seriously raised as the cattle serve to maintain the area economically and could add to tourist interest" and there is a policy statement in that document "Access for cattle will generally be permitted to those areas where they presently have free access. Numbers are to be restricted to prevent overgrazing. Valuable sites, if necessary, should be unobtrusively fenced. Regular maintenance of existing cattle grids shall be carried out to ensure their effectiveness. Access for pedestrians adjacent to cattle grids should be provided where necessary in an appropriate manner. Planting trees identified in the Landscape Plan are to be protected by fencing. Grazing of horses on common land ceased in the 70's and since that time there has been an incremental annual decrease island wide in the number of cattle agisted on common land. Fencing of some valuable sites in KAVHA has occurred." The current CMP, the 2008 CMP, perpetuates this traditional use and policy approach to grazing in the KAVHA as does the Draft Heritage Management Plan expected to replace the 2008 CMP in early 2015. Of note is the 2008 CMP for KAVHA was intrinsic to the nomination and successful inscription to World Heritage status and that Plan provided for cattle grazing on the Kingston common. Any proposal to change a long standing policy provision in respect of cattle in KAVHA ultimately needs to be agreed by our governments who will be informed by advice from no less than the KAVHA Management Board as the sites management body.' And Minister Ward referred to this in that there needs to be consultation around this. 'Because this potentially significant change in policy was not foreshadowed during the recent community and stakeholder consultation processes undertaken as part of the statutory review of the 2008 CMP a separate consultation process will need to be undertaken to enable broad participation in any new or revised policy approach. I am happy to refer your letter to the KAVHA Management Board for their informed advice if that is helpful'. For what that is worth that gives you a comprehensive.

MR NOBBS

Thank you Minister, I have just got another one, it is in the same vein of things, and I have to declare that I have land within the KAVHA, I don't have any cattle on the road, but I have got cattle grazing within KAVHA. Is it not correct that the creeks running through KAVHA have a huge catchment area in comparison to the area of the island and most of which is outside KAVHA – that is the boundary of KAVHA we are talking about. We are not talking about the reserves, we're talking about the boundary of KAVHA. I ask what will happen if all cattle are removed from KAVHA and the readings do

not go down? And the second question, I'll put it in now, but it shouldn't be mixed up with that, is this the start of the old view shed proposal rising again? The old view shed proposal was for an extended area of KAVHA which virtually followed the ridges and the main roads right up to the Hospital out here somewhere. So is this the start of an old view shed proposal rising again Minister Adams?

**MS ADAMS** Thank you Mr Speaker, in understanding that this really has some elements of a hypothetical question, I won't attempt to answer it at this time, but I take on board exactly what you are saying and I will try and couch for you a response. Certainly there is nothing on the table as far as I am aware that there is to be any return to the original view shed proposal and would be, I am quite sure, resisted by Norfolk Island were that to happen.

**MR NOBBS** Grazing within KAVHA and the letter refers to KAVHA occurs on private held land, which is some 50 per cent of the area of KAVHA. Is there a suggestion that the \$313 annual fee as suggested will be applicable to people who own private land?

**MS ADAMS** Thank you Mr Speaker, thank you Mr Nobbs for your question. That assists very much in responding to the question. That assists very much in assisting with an additional paragraph to be added into the response, I see the point that you are making which has been, I confess, over looked by myself that that potential sits in that letter, thank you.

**MRS WARD** Thank you Mr Speaker, I have a question to the Minister for the Environment, I am seeking an update on community consultation stage of the public reserves management plan?

**MR WARD** Thank you Mr Speaker, thank you Mrs Ward for the question, I haven't actually liaised with the service in recent days on this issue, haven't had any notification that there has been any advancement in that process. There was still some work to be done on reducing cattle, not so much reducing cattle, introducing some cattle control measures in a couple of those reserves, and that as far as I know is still to occur with the Conservator, acting also as Acting Land Use and Environment Manager, as far as I know that work hasn't progressed.

**MRS WARD** Supplementary if I may. Has the Minister liaised with the Chief Executive Officer of the Administration on this issue in the last month?

**MR WARD** In the last month, definitely not.

**MRS WARD** Thank you Mr Speaker, a question again to the Minister for Environment, is the Norfolk Island Government going to seek support of the MLAs in endorsing the Iain Faulks Road Safety Strategy, assuming that the Norfolk Island Government itself intends endorsing the report?

**MR WARD** Thank you Mr Speaker, thank you Mrs Ward for the question, I actually have a copy of the report here today to table and I will be making a statement to go with that if you are willing to wait for that?

**MRS WARD** A question to the Chief Minister if I may, if whether he intends to inform the community or give an update or table the report on the Deloitte Report.

**MR SNELL** Thank you Mr Speaker, thank you Mrs Ward for the question, I will be making a statement to the House regarding the Deloitte's draft report.

**MR NOBBS** I have got a couple for the Minister for Finance, the first one is, is it correct that there is a section in the Funding Agreement which is milestones that is relating to economic development. And of the four milestones one relates to the

implementation of land rates, and the other of increasing administering revenue streams, if it is correct, would you not agree that only Canberra could link economic development and use such taxation regimes and will the Government be signing such an idiotic statement? Thank you.

MR SHERIDAN Thank you Mr Speaker, thank you Mr Nobbs, under the draft Funding Agreement there is one of the milestones certainly around raising more revenue to the tune of \$1m per year commencing 1<sup>st</sup> July 2015. I can't recall anything in regards to land rates within the document, and I don't believe there is. As to whether or not the Government signs the document as it is remains to be seen, as there are still discussions underway in regards to the final document.

MR NOBBS I think there is reference to land rates, but anyhow. Can you explain Minister, and you may not be able to, why as KAVHA been suddenly included in the 2014 Funding Agreement, and this part you may be able to answer, and is there not a conflict as two senior of the Norfolk Island section of the Department Territories or whatever they call themselves now, responsible for the Funding Agreement are also members of the KAVHA Board?

MR SHERIDAN Thank you Mr Speaker and thank you Mr Nobbs, Mr Nobbs I can't speak for the Commonwealth's people who they place on the KAVHA Board and also who negotiate the Funding Agreement, as to the reasons why the KAVHA supplement has been attached to the Funding Agreement, again I am not real privy to the real reasons, I understand that there is a thought process that they wanted to bring the KAVHA management of their fundings, of the trust account, under the Administration to make it more, to add clarity to the fund, and some transparency you might say in regards to how those funds are managed and so that the Administration can report on the KAVHA fund as they do on the Administration's revenue fund each month. As to those other requirements in the document with regards to KAVHA I am not sure where that comes from.

SPEAKER I am looking around the table to see if there are any further questions without notice this morning, no further questions without notice, then we will move on to questions that are on notice.

### QUESTIONS ON NOTICE

SPEAKER The question that is on notice today is number 87, Mrs Ward to ask the Minister for Cultural Heritage and Community. Minister Adams.

MS ADAMS Thank you Mr Speaker, thank you Mrs Ward for the question. I will read the question for the purposes of getting it into Hansard. What is the agreed Norfolk Island and Commonwealth Government policy on 1. Australian citizens and residents being required to apply and pay for Norfolk Island residency; and 2. the interpretation of the *Immigration Act 1980* (NI) section 33A which allows foreign national passport holders to apply for Norfolk Island residency by declaration if they are entitled to reside permanently in Australia? In respect of part 1 of the question, Mr Speaker I won't be responding to that today because this is all part of the ongoing daily link up with the Department of Immigration and Border Protection, Department of Infrastructure and Regional Development, Norfolk Island Chief of Staff and our Immigration Officers and other members of the Norfolk Island Administration, so at this point in time, it is just part of the total mix of possible changes that may happen in due course. In respect of the second one, I will later on today be bringing through the Immigration Amendment (No.3) Bill which picks up this issue, thank you.

**PRESENTATION OF PAPERS**

**SPEAKER** Thank you Minister. We have concluded the questions that are on notice this morning Honourable Members. Presentation of Papers, are there any papers for presentation this morning? Chief Minister.

**MR SNELL** Thank you Mr Speaker. Mr Speaker I table three papers from the **Household and Business Income and Expenditure Surveys 2014**. The Income and Expenditure Survey for Norfolk Island Businesses and the Income and Expenditure Survey for Norfolk Island Households and the Survey Supervisor's Report for the Household and Business Surveys and move that the Papers be noted.

**SPEAKER** The question is that the Papers be noted, Chief Minister.

**MR SNELL** Thank you Mr Speaker. The Household and Business Surveys were conducted in July 2014 to collect information that will provide the Norfolk Island and Commonwealth Governments with key indicators on the size of the island's economy, help ascertain the cost of living pressures faced by Norfolk households, assist Government to better understand the capacity of Norfolk Island to raise revenue. The surveys were also a milestone in the 2013-14 Funding Agreement. I would like to thank the householders who contributed to the survey by completing the return. 80 per cent of households are represented in the household survey results. The average household is 1-2 persons in size, average age is 56, the household earns \$1,056 per week and spends \$906 on living expenses. The fact that 80 per cent of households are just getting by is reflected in the observations of collectors of empty houses, overgrown gardens and homes in need of tender loving care. I wish to thank the business owners who contributed to the survey by completing the return. 70 per cent of businesses are represented in the business survey results. It was disappointing to hear that some businesses were unwilling to contribute to an information gathering process that can benefit all Norfolk Island. The typical business owner earns annual income of some \$238,000 per year, but makes a profit of only \$2,000 which is less than 1 per cent. I encourage everyone to read the three reports which are available under reports/surveys on the Government website. Thank you Mr Speaker.

**SPEAKER** Debate. The Chief Minister has moved that the paper be noted, so is there any debate by anyone else?

**MRS WARD** Thank you Mr Speaker, just briefly and I did not that the Chief Minister has said that these survey will be made publically available, I won't assume, I would encourage the Government to ensure that the Commonwealth has these surveys as quickly as possible, so that they can actually see what is going on the ground on Norfolk Island and I make those comments particularly when they tie into a milestone within the Funding Agreement, which is for the Norfolk Island Government to raise another, or create a strategy to create another million dollars, to create, to create, to pull from the community another \$1m when the community is clearly under stress. I won't dwell on that point today, I really think it is important that people read the survey reports, draw their own conclusions. But most importantly the Commonwealth understands what is going on the ground here on Norfolk Island. Thank you Mr Speaker.

**MR SHERIDAN** Thank you Mr Speaker, I will just say a few words. I was unaware that the Chief Minister was going to table those two reports today because I have only seen drafts of these reports, I haven't seen the final copy, and I was unaware that they were up on the web. But in saying that, I am still trying to analyse the information that's contained in these two reports and there are, and all members here have had a presentation by the person who completed the work. And during that presentation we were informed that across the board each household had a total of sum \$150 excess for their own use you might say, on a weekly basis. But that had a disclaimer to it, that there was a lot of other

activities that weren't identified in the questionnaires and that was more along the lines of personal expenditure etcetera, so I believe that the \$150 in some households would be virtually non-existent. Of course this does have ramifications in our future areas of attempting to raise more funds for the provision of services around Norfolk Island and I would like to have the paper noted and leave it on the programme for a subsequent day of sitting if I could Mr Speaker, because I believe that everybody should have the opportunity to make comment on these two reports and it would be interesting to know how Deloitte's, no not Deloitte's, the CIE people who are doing some work at the moment as to what would be the impacts on introducing Australian Taxation and Social Services etcetera to Norfolk Island. I think these two reports will have an impact on their final report and also hopefully the Commonwealth will be able to have a good look at these reports and may be able to provide some feedback as well. I do believe that at first glance that these two reports do need further analysis and some further commentary made on those, and I will be seeking, with the Chief Minister's approval, that we maybe able to obtain some further analysis of the data that has been extracted from the community for the purposes of informing ourselves better as to how much the community can bear before we see further deterioration and a further exodus of locals from the island. Thank you.

MR SNELL Thank you Mr Speaker. And I take on board the comments made for the Minister for Finance and certainly agree with him. The intent of tabling these papers as quickly as possible was to inform the community of the results of the surveys and to invite comment, in particular in relation to the prior signing and further discussion on the Funding Agreement Mr Speaker. It ties in and the sooner we get this information out to the public for consultation the better.

MS ADAMS Thank you Mr Speaker I wasn't planning to enter into the actual discussion, but I heard what Minister Sheridan, that he would like further discussion in the House and I would encourage him to move at the end of debate that debate be adjourned and made an order of the day for a subsequent day of sitting, thank you.

MR PORTER Thank you Mr Speaker, I am speaking in the same vein. I am in support of the Finance Minister because I think that when you have a very small population with an extremely disparate income and expenditure profile, if you put that into quintiles and you are looking at bunching it into groups of 20 per cent, you are still covering a broad range of incomes and expenditures and it may be that you need to drill down further to determine that what they say in the report are average incomes and expenditures are not quite that, and also from what Minister Sheridan was saying, the other expenses not including household furniture, equipment, services and operations, medical, dental and optical and associated travel is an enormous expense for people on this island given our high age profile, so that we really only have half the picture and it has been aggregated into such large groups that I don't know whether it is practical enough information. So I agree with Minister Sheridan that this be taken back.

MR WARD Thank you Mr Speaker, Mr Speaker I have been really interested to see these results, they have painted for us a picture that we all knew was out there, it was a picture of extreme difficulty that a lot of people are facing. And it has also painted very clearly that governments, and I'm talking here about previous governments and previous assemblies, that have been accused of under taxing to ignore revenue raising options and so on. I think it has shown very clearly that those accusations, those suggestions, are quite inaccurate, there wasn't the capacity there to be collecting anything further from the people and any further attempts along those lines would have actually done more damage than good. And I look forward to seeing this material worked through more fully as Minister Sheridan has suggested as I think there's a lot more material/information to be gained from it all. Thank you.

MR EVANS Just quickly Mr Speaker, I agree with my colleagues and I suppose thank all the people that did come and fill those surveys, for a lot of people it was quite an invasive process but one they hadn't been familiar with and probably thank those people who came out and did it, it was quite a good response and thankfully it does give us a more clearer picture on how the community is standing at this time and we can go forward with that information. Thank you Mr Speaker.

MR SNELL Thank you Mr Speaker, just to clarify, the final report will be made available to Members as quickly as possible and also in relation to the enquiry to Mrs Ward, it will be certainly passed to the Department also today.

MR NOBBS Mr Speaker, are we adjourning this or is this the debate? You're going to move? Well I'll wait on the move by the Finance Minister, next time.

MR SHERIDAN Thank you Mr Speaker, I move that debate be adjourned to a future day of sitting.

SPEAKER The question is that this matter be adjourned and made an order of the day for subsequent day of sitting.

QUESTION PUT  
QUESTION AGREED

That matter is so adjourned. Chief Minister any further papers?

MR SNELL Thank you Mr Speaker, Mr Speaker I table the **Norfolk Island Government Tourist Bureau General Manager's Report** for the period financial year July 2013 – June 2014. And Mr Speaker I move also that the paper be noted and published.

SPEAKER The question is that this paper be noted and published.

MR SNELL Thank you Mr Speaker, Mr Speaker, if I could reflect on some contents from the General Manager's report following on the budget submissions of May 2013 this report outlines the work undertaken in line with the 2013-14 budget submissions notes and in line with the functions of the Bureau within the Norfolk Island Government Tourist Bureau Act 1980. In the past two years the Norfolk Island Government Bureau has provided leadership through some of Norfolk Island Tourism's greatest challenges including: seven years of visitor numbers decline; ceasing of the Norfolk Air Australian Air Services; commencement of Air New Zealand air services from Australia; large scale distribution changes; reductions in Australian airfare commissions; negative population growth; negative press; governance uncertainty; substantial budget reductions. At the end of the 2013-14 financial year it is fair to say that the Norfolk Island Tourism Industry is in a better position than in the previous two financial years. Monthly tourism figures have seen year on year positive growth for the past 12 months, 60 per cent of the market are our target 45 plus market segment, visitor survey results continue to show significant levels of consumer satisfaction, statistics show the emergence of new market segments. Anecdotal evidence suggests that stakeholder confidence has increased. This improvement in the overall tourism industry is an indication that the industry is benefiting from both the Norfolk Island Government Tourist Bureau leadership as well as a sustained program of reform implemented by current management since January 2012. These substantial reforms have included: review of the world of Norfolk branding; significant changes to organisation management and human resources structure; assessment and adjustments to overseas representation services; and updated staff and resource productivity plan; financial management review; structural changes to the creative sales and destination marketing programs; the development and implementation of the tourism strategic plan 2013-2023. The success of these reforms are highlighted in the following major outcomes over the 2013-14 financial year: Norfolk Island Government Tourist Bureau results within the 2012-13 ANAO audit; a 9 per cent on year increase in overall visitor

numbers; and overall Norfolk Island Government Tourist Bureau numbers; and overall Norfolk Island Government Tourist Bureau budget reductions since 2012-13 of \$328,358; ongoing success of the 360 degrees of wonder creative campaign and delivery and communication of the Norfolk Island Tourism Strategic Plan. Mr Speaker in addition, the marketing and other conference initiatives, the meetings, incentives, conferences exhibitions, known as MICE, this market continues to be developed, there has been some business created however based on distribution feedback there are still some barriers to development. Barriers include: service delivery; accommodation options; conference facilities; and internet capability. The conference market requires the commitment of a major accommodation stakeholder to ensure further development. Luxury travel notes Norfolk Island's newest five star property on island has provided some recent promotion opportunities in the luxury market through PR, or public relations. There is currently not enough luxury product on island to substantial grow promotions to this market, however there is strong indications from the sector that the development of infrastructure targeted at this demographic would see positive returns. Soft adventure market – the sports fishing, golf, sea kayak, nature walks, all make up the soft adventure product on the island. Some product like fishing has been developing steadily over the past few years. In the past year Norfolk Island has been gaining more and more exposure through the NICHE press. This product plays a very important role in changing market perceptions for the island and will continue to be developed through the next financial year with a view to start advertising consistently in market specific publications. EcoNature based tourism, whilst this type of tourism has been identified as having great potential on island, further development will be reliant on the available product. There appears to be some private development in this product and distribution which may provide the opportunity to develop marketing plans during the next financial year. The overall development of nature based tourism requires the direct input from National Parks Australia and the Norfolk Island Parks and Reserves in establishing strategies for the internal development of tourism assets and/or the development of private public partnership arrangements. Heritage, history and cultural tourism, Norfolk Island has an abundance of heritage, history and culture and there are large range of island products which feature this. The marketing development of this product is currently hampered by the lack of a central body focused on the promotion and presentation of this market from which a selling proposition can be developed around. The development of this market is heavily dependent on the KAVHA Management establishing strategies for the internal marketing/promotions of tourism assets and development through private/public partnership agreements or internal resourcing. Weddings – whilst there is a current wedding market on island, development to a larger scale is totally dependent on the development of product, indications are that if a dedicated supplier was willing to invest that this market could be successfully developed. Mr Speaker, there are other areas, such as short breaks, families, school education groups, this market has been promoted in Australia through distribution channels who sell school groups both domestically and internationally, there has been a range of work done by on ground suppliers in the integration of curriculum into itinerants market, feedback identifies the primary barrier to attracting this market is price. There is emphasis on LBG Travel, notes that this market has provided success with co-op promotions being undertaken primarily in Sydney with markets specific distribution partners. All indications are that this is a market that will return value with relatively low investment and has the potential to provide positive outcomes in market perceptions. The short breaks market currently only available out of Australia, the short break market promotions are primarily used in the promotions, or PR promotions, to highlight different options to high yield time poor clientele. The lack of touring and shopping opportunities over weekend periods would need to be addressed before a larger investment in this market would provide greater returns. This market lacks larger wholesaler commitment due to a reduce return on investment. And the families market, the main message for Norfolk Island, is that this destination is a close, safe destination where families can spend time together and connect. And the family market is being concentrated on in this report. Thank you Mr Speaker.

SPEAKER  
noted and published.

Further debate? The question is that this report be

QUESTION PUT  
QUESTION AGREED

The eyes have it. Chief Minister any further papers?

MR WARD Thank you Mr Speaker. Mr Speaker I table the report '**Safer Road Travel** on Norfolk Island developing a Road Safety Strategy for 2014-2016' dated September 2014 by Iain Faulks. Mr Faulks is a specialist consultant who was briefed to design a road strategy tailored to the circumstances of and appropriate for Norfolk Island. Mr Faulks also had connections on the island, in that his inlaws were the later Peter and Joan Irwin of Ball Bay and therefore has been a regular visitor to the island in recent years and had an appreciation of the island and its traffic conditions. Members have previously been provided with a copy of the report which I have tabled today and it is my intention at the next sitting when Members, and the Road Safety Committee, have had an opportunity to fully consider its contents to move a motion to seek endorsement of the strategy, or agreed amendments to the strategy by the House. Mr Faulks is a specialist consultant from the Centre for Accident Research and Road Safety Queensland University of Technology and the Department of Psychology Macquarie University and he was selected to undertake the development of a road safety strategy for Norfolk Island following a submission from him in February 2011 when amendments to the Road Traffic Act 1982 were first proposed. It is appropriate to note that this is the first time that such a strategy has been prepared for the island and that it sets a benchmark for other small isolated communities within Australia. Once adopted it will then be incumbent on this Assembly to develop an action plan to implement the recommendations in this report. Mr Speaker this strategy is the end result of the input from many people and in particular I wish to extend my appreciation to the voluntary members of the Road Safety Committee, the Registrar of Motor Vehicles, the then Administrator Neil Pope and his assistant Ms Ginny Maidment and the Department of Infrastructure and Regional Development who provided the funding for this report and of course Mr Faulks and Dr Julia Irwin who are the authors of the strategy. Thank you Mr Speaker.

MS ADAMS Minister Adams. Thank you Mr Speaker, I have two papers to table this morning. The first one is under the **public sector remuneration tribunal** legislation and I table the determination in respect of number PSRT No. 1 of 2014 between permanent staff nursing and non-contractual staff at the Norfolk Island Hospital Enterprise who are the applicants and the Norfolk Island **Hospital Enterprise** named as the respondent. This determination, I will read part of the determination. The Public Sector Remuneration Tribunal of Norfolk Island having considered an application made to it by the permanent nursing and non-contractual staff at the Norfolk Island Hospital Enterprise an affidavit sworn on 15 August 2014 by David John McCowan the Director of the Norfolk Island Hospital Enterprise a terms of settlement document signed for or by on behalf of the non-contracted staff at the Norfolk Island Hospital Enterprise the Norfolk Island Hospital Enterprise itself the Minister for Cultural Heritage and Community Services of Norfolk Island and the Norfolk Island Hospital Enterprise Advisory Board, the Tribunal has determined that the Enterprise is to pay the superannuation contributions in respect of all non-nursing staff at the rate of 3.5 per cent per annum of salary conditionally upon the individual staff member contributing also an additionally 5 per cent of salary. 2. Paragraph 1 is to operate retrospectively as from 1 December 1997 as if a provision to its effect had been included in the 1997 determination. Mr Speaker, I would ask that the reasons for the determination be taken as read and included into Hansard for posterity. But from the determination I will read so that there is clarity for members around this table and the community at large that there are no financial implications for the enterprise or for the Norfolk Island Government as a consequence of the present application, it was really to ratify a decision that was taken by the Director of the day back in 1997 in that Director's interpretation of that Tribunal Determination which had been intended to only apply to the nursing staff, but in fact it was applied to all staff at the Hospital, so we have just ratified that process. Thank you.

**PUBLIC SECTOR REMUNERATION TRIBUNAL  
NORFOLK ISLAND**

**No PSRT No 1 of 2014**

**BETWEEN:** PERMANENT NURSING AND NON-CONTRACTUAL STAFF  
OF THE NORFOLK ISLAND HOSPITAL ENTERPRISE  
Applicants

**AND:** THE NORFOLK ISLAND HOSPITAL ENTERPRISE  
Respondent

**DETERMINATION**

The Public Sector Remuneration Tribunal of Norfolk Island, having considered an Application made to it by the "Permanent Nursing and Non-contractual Staff of the Norfolk Island Hospital Enterprise", an affidavit sworn on 15 August 2014 by David John McCowan, the Director of the Norfolk Island Hospital Enterprise, and a "Terms of Settlement" document signed by or on behalf of "the Non-contracted Staff of the Norfolk Island Hospital Enterprise", the Norfolk Island Hospital Enterprise, the Minister for Cultural Heritage and Community Services of Norfolk Island and the "Norfolk Island Hospital Enterprise Advisory Board".

**Now determines under sections 8(1) (a) and (b) and 10(1) of the *Public Sector Remuneration Act 1992 (NI)* as follows:**

In this Determination,

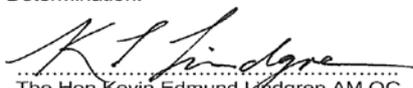
"the Enterprise" means the Norfolk Island Hospital Enterprise that is established as a body corporate by the Norfolk Island Hospital Act 1985 (NI)

"Non-nursing Staff" means administrative, domestic and other staff except nursing staff, who are, have been, or shall be employed from time to time by the Enterprise on a permanent (non-temporary and non-casual) basis;

"the 1997 Determination" refers to Determination of the Tribunal No 5 of 1997 dated 1 November 1997;

- (1) The Enterprise is to pay superannuation contributions in respect of all Non-nursing staff at the rate of 3.5% per annum of salary, conditionally upon the individual staff member contributing also and additionally 5.0 % of salary.
- (2) Paragraph (1) is to operate retrospectively as from 1 December 1997 as if a provision to its effect had been included in the 1997 Determination.

DATED the 26<sup>th</sup> day of August 2014

  
The Hon Kevin Edmund Lindgren AM QC  
Member  
Public Sector Remuneration Tribunal

**MS ADAMS** The second paper is the report of the **education review** which has been undertaken over the past twelve months. Mr Speaker I am very pleased to be able this morning, to table the Report of the Education Review Norfolk Island, a review which has been undertaken over the past 12 months by a very dedicated Review Team which was headed as we know by Mrs Ward MLA as Chair and Executive Officer to me as Minister. Mrs Ward has been very ably assisted by Mrs Trish Magri in the compilation of the final report. Mr Speaker I extend my sincere thanks to all who have participated in this very worthwhile initiative. So I table that Report of the Education Review and move that the paper be noted and printed Mr Speaker.

**SPEAKER** Thank you, the question is that the paper be noted and printed. Minister Adams

**MS ADAMS** Thank you Mr Speaker, before I move into the actual debate around the report, I would like at this time to also say that I had intended to table the new memorandum of understanding between the Administration of Norfolk Island and the New South Wales Department of Education and Communities on Teacher Staff at the Norfolk Island Central School which was signed recently. However it is essential that Teachers at the School be briefed on the new MOU before that happens and provided with a copy before it is made publically available, that briefing is to take place tomorrow afternoon

at the school by video conference with Mr Peter Johnston, Executive Director of People and Services with the Department of Education and Communities and myself. The MOU will then be publically available on the government website along with the report of the education review. Mr Speaker I am going to read into Hansard for the record the summary of the report and then turn to Mrs Ward, I think it is important to do, to be clearly spell out for prosperity what this education review has concluded. Of course the Report has wide reaching consequences if the recommendations are adopted but that is a discussion for another day. Alright, so, the summary from the education review report, the Norfolk Island Act 1979 (Cth) created a unique self governing arrangement which left the island without the application of most Australian law, services and programs. The Australian Education Act 2013 (Cth) does not apply to Norfolk Island and therefore Federal Government funding opportunities which are available to other schools are not available to the island. In 1988 the Norfolk Island Government (the NIG) signed a memorandum of understanding (an MOU) with the Commonwealth reaffirming its commitment to fully fund education on the island it is becoming increasingly difficult for the Government to uphold its commitment, in fact the current public school funding model has been underpinned by the Federal Government since 2011. From a service delivery perspective an education package is purchased by the NIG. New South Wales Department of Education and Communities (the DEC) Teachers are recruited and seconded to teach at the Norfolk Island Central School, which we call NICS, this arrangement is outlined in an MOU between the parties. The education package supports the delivery of the NSW curriculum but does not include automatic access to relevant NSW services or programs. In 2008-2009 payment to the NSW Department of Education fell into arrears and in February 2010 it was agreed that the Administration of Norfolk Island would commence a payment plan. The debt at the time was \$2m and a payment plan was to see the education debt repaid by 2014, however due to an increase in staff numbers as a result of the NSW DEC staffing formula being adhered to, and at current repayment rates, it is projected that the debt will not be paid in full until March 2019, under current repayment arrangements that is. The NICS budget allocation for 2013-14 was \$3,450,000 or 10 per cent of the government's overall expenditure. Of the allocated figure 89 per cent was for salaries and wages, 10 per cent for recurrent expenditure and less than 1 per cent was allocated for capital expenditure and there are figures that were provided by the Administration of Norfolk Island. In relation to early childhood education and care the Commonwealth education and care services national law Act of 2010 and Regulations do not apply to Norfolk Island and corresponding legislation has not been passed by the Norfolk Island Legislative Assembly. The Australian Children's Education and Care Quality Authority, which is the national body which jointly governs, guides and oversees the implementation of the national quality framework does not include Norfolk Island. The Norfolk Island Government has not attempted to mirror the work of the Australian Children's Education and Care Quality Authority and as a result early childhood education and care has not evolved at the same rate as mainland Australia. In terms of government funded service delivery across the pre-school – year 12 continuum Norfolk Island does not adequately meet the needs of the community, particularly in the area of early intervention and psychometric assessment. On the subject of vocational education and training, we call it VET, it is important to note that the Skills Australia Act 2008 applies to the island, but the Skilling Australia's Workforce Act 2005, which links funding to Australian states and territories for a range of conditions and targets for training outcomes does not include Norfolk Island. The National Vocational and Education and Training Regulator Act 2011 applies to Norfolk Island, however there is no local process to facilitate the adoption of an Australian Skills Quality Authority. The Norfolk Island Central School (NICS as we know it) works in partnership with registered training organisation, called RTOs in NSW, QLD and local private sector employers to support students who choose to access VET courses, the Norfolk Island Government does not have a strategic policy in relation to current, emerging and future workforce skills needs and workforce development needs. A general condition of the Commonwealth's 2013-14 Funding Agreement for the Norfolk Island Territory stipulated that

the NICS budget be benchmarked against comparable NSW Department of Education and Community Schools. The benchmarking report attached appendix five demonstrates that NICS is currently understaffed, does not have access to a school counsellor or reading recovery teacher, has no equivalent funding for the integration funding support program, and no funding resources and programs for additional needs students. Transitional equity funding for geographical isolation does not extend to the island. The school is currently unable to access K-6 literacy and numeracy programs or submit applications for state or Commonwealth tiered educational grounds. To achieve the road maps aspirational goal of both Governments considering ways to provide, and I quote, 'excellent educational outcomes on the island for future employment and investigate the expansion of educational opportunities for tertiary and vocational education', the review examined the regulatory framework and the current level of services being provided for education and training. It also examined how Norfolk Island residents may gain equivalent access to relevant services and programs available to the broader Australian community. The future status of the islands public school, a sustainable funding and service delivery model are matters to be resolved between the Norfolk Island and Federal Governments. The Working Group considers that at a practical level, the current support and assistance arrangement between the NSW Government and the Norfolk Island Government should progress to become a service delivery agreement between the Federal, NSW and Norfolk Island Government and respective agencies. And finally, the creation of a Ministerial Advisory Board will assist the relevant Minister to explore the development of contemporary educational facilities and opportunities for future employment on the island. The social and economic value of maintaining and promoting the islands unique heritage and culture should not be underestimated and needs to be intrinsically linked to each stage of educational development, pre-school to year 12 and beyond. Mr Speaker, I don't take this summary as, in anyway, being other than putting the two facts on the table, it states it how it is. The report certainly goes on, it makes certain recommendations and that is where the House will play a role going forward, taking these recommendations one at a time and working through them to see how the House would want to progress this before it is taken to a further step. It is an excellent document, I applaud Mrs Ward and her team yet again for taking what's been a very professional approach to this report and I would like to invite Mrs Ward to pick up and takeover.

MRS WARD

Thank you Mr Speaker. Just to follow on from the Minister's comments and again to thank and congratulate all of the working group members who contributed and to the community who contributed. Some of the meetings were difficult, they moved into areas which were controversial, where people were threatened, and that was really around job security, so all was understandable, the thought of regulation. But what I was surprised by was actually how ready people were to embrace a new world so to speak and what I was also pleased to see, and it was only sense, because the working group certainly didn't carry out a full assessment of how Norfolk fits in with the mainland standards, particularly around the early childhood development area, but just without having those qualifications to make a qualified assessment I don't think there is going to be a lot of problem for those people if and when those regulatory systems are applied to Norfolk. They are very competent and qualified and skilled personnel who deliver wonderful results when you look at the children of the island and then progressing or transitioning through to big school. But to come back strictly to the report and the terms of reference the report was borne of the road map, it was written to assist the Norfolk Island Government to uphold its commitment to the road map aspirational goal and that was to consider ways to provide excellent educational outcomes on the island for future employment and in addition to investigate the expansion of the educational opportunities around tertiary and vocational education. So that led to 19 recommendations which as the Minister has said, will then become a matter for the Government and the House to consider. The first tranche of the recommendations probably in the first four, will really lead to high level discussion between

the Norfolk Island Government and the Federal Government. But the main messages within the report Mr Speaker are the failure to extend and implement relevant pieces of Commonwealth and in some areas, indeed NSW, legislation to Norfolk Island continues to disadvantage the community. And if I can just expand a little on the NSW legislation, that really applies to the area of disabilities, there is some work health and safety issues and that's a list, but again the detail is within the report and needs further examination. The second point is that the community does wish to see the NSW curriculum continue to be delivered with ongoing regard been given to the island's unique culture and history. And the question about whether there would be market testing around another education system for Norfolk Island was not actually the role for the working group to take on, what the working group sought was the views of the community and what they wish to see to continue. But of course how that progresses in the future is a matter between the Norfolk Island Government and the Australian Government and the final was the creation of a Ministerial Advisory Committee or Board. It is desirable to ensure that future education and workforce skills policy development is based on sound advice. And three areas that were considered by the working group in that area, well one was the suggestion of going back to the School Council days, the other was to have an Education Department within the Administration and the other was for a Ministerial Advisory Group and the latter was selected ultimately to be moved through as a recommendation into the report because number one education is not just about the school, it actually moves back down into early childhood development and care right through to apprenticeships and workforce, the industry being able to contribute in terms of employment for the future of the island. It's not that other areas were not considered is the point I'm trying to make. So the report as the Minister has said, was prepared with the skills and the knowledge of not only the working group members but also a considerable number of people in the community and we thank them for their considerable assistance. Trish Magri and I played email ping pong at the end to get it ready for the Minister, but also I would like to, in this forum, thank Chloe Nicholas, my mother, who provided substantial support and assistance in the area particularly of editing. The working group believes that the report is a valuable piece of community based work and that if the recommendations are adopted will lead to the delivery of a range of shared policy objectives and outcomes that will benefit the Norfolk Island community. And by shared I mean Norfolk Island Government and Commonwealth policy objectives in the area of education. Thank you Mr Speaker.

MR SNELL

Thank you Mr Speaker, Mr Speaker it goes without doubt for those that have taken the opportunity to read the report to compliment and endorse the comments that have already been made around this table this morning by Minister Adams and acknowledged by Mrs Ward – the professional effort that has gone into the production of this report needs to be commended and I certainly do so. I thank Mrs Ward and her team accordingly the reports recommendations is to be considered there are a number of issues that needs to be dealt with, as Mrs Ward pointed out, this Government and in cooperation with the Commonwealth touching on a number of matters as explained. The regrettable situation is that there is a high cost of implementation of some of the recommendations and they need to be dealt with. It may become a huge barrier that the island can not afford, but those are discussions that need to be had, nevertheless the policy and objectives that are detailed in the report are certainly one which deserves the highest degree of consideration that we can possibly give to it, and I again compliment Mrs Ward and the team for the production of this detailed analysis. Thank you Mr Speaker.

SPEAKER

Any further debate? I put the question then that this report be noted and published.

QUESTION PUT

QUESTION AGREED

The ayes have it. Further papers? Minister Sheridan please.

MR SHERIDAN Thank you Mr Speaker. Mr Speaker under section 32B of the Public Moneys Act 1979 I am required to table directions in regards to transfer of expenditure between divisions, I therefore table the **virements** for the period end of June and also that of August and September. And also Mr Speaker I table the financial indicators for the Administration of Norfolk Island for the month of July and August as well as the financial statements for the entity of the Norfolk Island Hospital Enterprise for the month of August.

SPEAKER Thank you Minister, thank you. Further tabled papers this morning? We are concluded with papers.

#### STATEMENTS OF AN OFFICIAL NATURE

SPEAKER Statements, any statements this morning?

MR SNELL Thank you Mr Speaker. Mr Speaker I wish to place on record the Government's appreciation to the Federal Government in commissioning the draft report, and to **Deloitte's** for the information and unbiased presentation they provided the Government and Assembly Members on their draft report. The Government will be making comment on the draft report within the timelines suggested by Deloitte's and those comments will go to minor corrections of some figures, and adjustment of some terminology used within the draft report. However, it is not the Government's intention to challenge or seek to change the substantive content of their report. We believe that the Draft Deloitte's Report provides a solid analysis against which the Government and the Federal Government can work together in developing the core principles as identified in the draft report. To that extent, once the final report is released, we will have, and have been, in dialogue with the Federal Minister's office and his Department to resolve the question of funding and resources to assist in the critical development and implementation of the core principles within the draft Deloitte Report. This, Mr Speaker will enable us to then examine the operation of our 19 business enterprises against those core principles to resolve the appropriate managerial structure that will satisfy those principles. As a Government we look forward to that process as a way forward in developing managerial models for enterprises that will deliver ongoing improvement to the internal and external service activities of those enterprises. Thank you Mr Speaker.

MR SNELL Yes, Thank you Mr Speaker. I would like to advise the House and the listening public of a recent visit of Detective Superintendent Shane Austin and Mick Ryan of the **Australian Federal Police**, they flew in on Monday and flew out yesterday. During their visit we had two very productive and positive meetings with them. The first with myself as the responsible Minister for the Norfolk Island Police, Public Service Officers and Detective Sergeant Marriott and the second meeting with all Members of the Legislative Assembly. The purpose of their visit was to progress discussions on updating the current arrangement between the Commonwealth of Australia and the Administration of Norfolk Island concerning the provision of services to the Administration of Norfolk Island and by the Australian Federal Police. Mr Speaker, as Members around this table are aware, the current agreement was signed in 1993, some 21 years ago, so it is in much need of review. As stated above, the meetings were very positive and productive and I would like to publically thank both Detective Superintendent Austin and Mr Ryan for making the time in their busy schedules to travel to Norfolk Island, I will keep the community informed as we progress with those discussions. Thank you Mr Speaker.

MS ADAMS Thank you Mr Speaker, two short ones on health matters. The first on the community consultation of the **island's health needs**. Mr Speaker in recent weeks the Director of the Hospital has advised the community in local press on the engagement of R & S Muller Enterprises Pty Ltd to undertake a community and stakeholder engagement strategy to assess the health needs of the community and develop a health

Services Plan for Norfolk Island. R & S Muller Enterprise Pty Ltd is a company with in excess of 20 years experience in consultation, stakeholder facilitation and results driven strategy development processes. R & S Muller Enterprises is a panel member for the Department of Prime Minister and Cabinet for the provision of economic development and business support services and has approved consultant status with the Department of Trade and Investment NSW. We are in the final stages of settling the survey to be completed by residents of Norfolk Island. The survey will be available via both hard copy and electronic version. The age range for survey respondents will be 14 years and older with the intention that the survey be also provided to the high school to ensure representation is received from those under 18. The goal of the survey is to collect data on the health needs of a sample of the population. This date will ensure that Norfolk Island Hospital Enterprise has collected information which was identified within the Nexus report and I quote 'there has been no comprehensive health survey or epidemiological study of the Island in recent times'. The survey will then be followed by widespread community consultation including the identification of key community groups for involvement, around eight small group sessions for interest groups and stakeholders, group meetings with Hospital staff, three community sessions through public meetings and of course with the Norfolk Island Government. All members of the community are urged to take part in the consultation process. And secondly Mr Speaker the visit of Beth Trevan. Mr Speaker I would like to acknowledge the recent visit of Mrs Trevan between 5 to 15 September which was organised by the Women's Advocacy Group Norfolk Island or commonly refers to themselves as WAGNI. The purpose of Mrs Trevan's visit was to promote Cancer awareness and how that awareness can save your life. Health Awareness was promoted through community session, workshopping with students at the school, with health professionals and hospital staff. I found her presentation to Members and staff at the Assembly most informative. On behalf of my colleagues here today and the Norfolk Island community I thank the Women's Advocacy Group for having organised this valuable initiative. And to add to that, it is a further demonstration of the invaluable role that our volunteer groups play in this community – a value that should never be underestimated. Thank you Mr Speaker.

MR WARD Thank you Mr Speaker. Mr Speaker since announcing the **Roads Work Programme** I have been asked to justify the priorities we have identified on a number of occasions. In deciding the priorities a number of issues were factored in. One being that residents have reasonable access to and from their homes in all weather conditions and that high density housing areas should not have to be subject to clouds of choking dust in dry times. Two – that priority thoroughfares in need of attention get that focus ahead of lesser branch or side roads, one that comes to mind is Middlegate Road from Middlegate down to the Cenotaph, used by residents regular visitors and cruise ship passengers. Three – was work force availability, whilst our roads crew positions are classified as full time, it has long been recognised that we really only have a part time roads crew with a range of other tasks constantly assigned to them. One of the issues being our best plant operators employed in the roads area are also needed for lighterage operations and other tasks requiring their expertise. Even the inherently risky nature of lighterage work, no one could justify denying access to these skilled operators. Four – current comparative conditions of various roads. Five – was seasonal factors, there is little point scheduling reconstruction work in say late June early July when statistically the work is likely to be impacted by weather. The Works Manager has to balance this part time work force against maintenance and upgrades works, unplanned damage from extreme weather events, limited resources and delays in supplies of offshore sourced products that are beyond his reasonable control and irregular and often unforeseeable demands on his work force. Mr Speaker I believe every Member of this House and most members of the community are aware of the state of our roads and want to see more resourcing of this area. Most are also aware of the financial realities we work to, I have asked the Service to expedite the roads

programme to provide some relief to those supporting industries such as crushed work producers and providers of equipment. Thank you Mr Speaker.

MR SHERIDAN Thank you Mr Speaker, I just have the one today. Mr Speaker I would like to make a short statement on the progress of the project of having the **telecommunications carrier O3b** provide for the carriage of Norfolk Island's internet service. Over the past two weeks technicians Steve Varnet and Kerry Bartel from Cordia, together with the Norfolk Telecom Team, have been busy installing and setting to work the two ground station satellite dishes and associated equipment. I can now announce that these two ground station satellite dishes are now locked on and tracking the O3b satellites. Currently a rigorous testing of the system is being undertaken to iron out any glitches before being brought into service. I have had the opportunity to see firsthand the different that service will bring to the island, with ping times being reduced from 750 – 850 milliseconds down 150 milliseconds to google. In actual fact one of the main problems that Norfolk Telecom initially faced was that the signal strength from the O3b satellite was too strong and had to be dampened down this end. The final optimum configuration is still being fine tuned through testing with O3b. Once the service has been rigorously tested it is the intent that to fully test the service that the whole of the island will migrate to the O3b service next Wednesday and for the rest of the month the system will be given a good work out. Bandwidth will be increased from 20 meg to 50 meg an increase of bandwidth of 150 per cent. Data usage during this period will be identified and will be sent to each household on a daily basis so that the community can assess what their future needs may be and if necessary amend their plans with Telecom. It is the intent, that with everything going according to plan that the official crossover to O3b will be the 1<sup>st</sup> of October. I have signed off on a new charging schedule for Norfolk Telecom and can advise that for the \$30, \$50 and \$90 plans that the monthly allowance has been increased by 50 per cent, with the excess charges being reduced considerably. This means that for a \$90 plan the data allowed has increased from 4 to 6 GBs and the additional excess being charged at a rate of \$17 per GB is down from \$22.50. The \$150 and \$230 plans have had their data increased by 75 per cent and the excess data reduced as well. For \$150 plan the data allowed has increased from 8 to 14 GBs and the excess data being charged at a rate of \$7 per GB down from \$18.80. The local download speeds have also been increased over all plans. It is the intent of Norfolk Telecom to provide advice for the community via email broadcast regarding the O3b implementation as well as the increased ADSL data allowance that will be effective from 1<sup>st</sup> October. This will be followed by a settling in period of two months where loadings of the network will be reviewed and subrates will be able to be offered to corporate customers and access seekers who apply for connection to the Telecom copper network. Mr Speaker I believe that the improvements to Norfolk Island's internet service will improve the delivery of services to the community and that users of the internet will experience speeds equivalent to that of the east coast of Australian. Mr Speaker I would like to thank the team from Norfolk Telecom and that of O3b for their diligence and hard work over the past 12 months and finally the results will be seen by all. Well done by all involved. Now Mr Speaker if I may just add, next week, after next Wednesday, everybody, the whole community will be crossed over to the O3b service and the data usage during this period will be carefully assessed and individual data usage will be sent to each household every day. During this period if people go over their current plan they won't be charged the excess for that period next week. During the testing phase. Thank you.

SPEAKER

We have concluded statements Honourable Members.

**MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR**

SPEAKER I report to the House a message from the Office of the Administrator. It is message number 17, it reads – on the 2<sup>nd</sup> of September 2014 acting pursuant to section 21 of the Norfolk Island Act 1979 I declared my assent to the following proposed law passed by the Legislative Assembly: *Land Administration Fess (Amendment) Act 2014* Act No. 4 of 2014. The message is dated the 3<sup>rd</sup> of September 2014 and signed by the The Hon. Gary Hardgrave, Administrator.

#### REPORTS OF STANDING COMMITTEES

SPEAKER Any reports of standing committees this morning? No reports.

#### NOTICES

SPEAKER Notices Honourable Members.

#### NORFOLK ISLAND BROADCASTING ACT 2001 – APPLICATION FOR BROADCASTING LICENCE

MR SHERIDAN Thank you Mr Speaker. Mr Speaker I move that in accordance with the provisions of subsection 10(6) of the *Norfolk Island Broadcasting Act 2001*, I give notice of my intention to issue a broadcasting licence as follows— The proposed licensee is RPM Media (a Norfolk Island registered business name Number 43/08 which is a partnership owned by Robin Nisbet, Peter Cassidy & Mathew Christian-Bailey). The reason for issuing the licence is to permit the licensee to conduct a Television Broadcasting facility called TVNI from premises at Taylors Road. The proposed licence will present a service providing, inter alia, documentary programs, public benefit advertising and movies to residents of, and visitors to, Norfolk Island as well as making available to audiences in Norfolk Island television programs offering entertainment, education and information in accordance with the objects of the Act. The terms and conditions of the licence in addition to the statutory conditions applicable to all licensees will include a requirement that the broadcast be confined to the immediate Norfolk Island community at a strength sufficient for reception only by residents of Norfolk Island and that it must not interfere with the reception of any radio or television or telecommunications signals from other sources; and – that the Legislative Assembly resolve to approve the issue by the Minister for Finance of a broadcasting licence to RPM Media (registered business name no. 43/08 being a partnership owned by Robin Nisbet, Peter Cassidy & Mathew Christian-Bailey) for the purpose of conducting a television broadcasting station under the description TVNI station for the benefit of residents of, and visitors to, Norfolk Island; and subject to the conditions that the broadcast be only within the specified VHF Channel 10 broadcast frequency of 212.5 MHz at a strength sufficient for reception only within the territorial boundaries of Norfolk Island and that it must not interfere with the reception of any radio or television or telecommunication signals from other sources.

SPEAKER Thank you Minister Sheridan, the question is that this motion be agreed to. Minister Sheridan.

MR SHERIDAN Thank you Mr Speaker. Mr Speaker I think the motion virtually says it all, but RPM Media has owned and operated TVNI since 2009 and currently their licence has lapsed, so this is the reason why this requirement for this motion to come to the House has been necessary. As stated Mr Speaker TVNI provides a local TV service to the community and visitors alike and their programmes are differing you might say, but in the main they tend to advertise the local services and products that are available on Norfolk Island. So Mr Speaker as I said, I think the motion says it all, and I just look forward to Members support so I can issue this licence.

SPEAKER Thank you Minister. Any debate? Chief Minister.

MR SNELL Thank you Mr Speaker. Mr Speaker I intend to support the motion in the principle that any promotion of this type is beneficial to the island, the advertising and promotions that it would afford and its another business and I certainly wish them all the best in improving a local product.

MR EVANS Thank you Mr Speaker, yes, I support Minister Sheridan's proposal there, and having a fair bit to do with tourists that it is quite intriguing to hear how much they love TVNI and unfortunately sometimes they say after watching it two or three days you are watching pretty much the same thing, so hopefully they can increase their content because it is quite a novel thing for the tourists and they do love the channel and certainly support it, so a continuation, thank you Mr Speaker.

SPEAKER The question Honourable Members is that the motion be, I am just looking at Mr Nobbs' vacant seat for a moment and I know we won't be back in a moment, I'm not too sure it's going to affect the outcome of this motion so I think we will proceed. The question is that this motion be agreed to.

QUESTION PUT  
QUESTION AGREED

The ayes have it, thank you.

#### **ESTABLISHMENT OF A MEDICINAL CANNABIS INDUSTRY**

MS ADAMS Thank you Mr Speaker. I move that this House 1. Acknowledges the health benefits attributed to medicinal cannabis in the treatment of many serious and debilitating diseases and the growing public demand both across Australia and globally for medicinal cannabis to be available to those in need of treatment; 2. Recognises the overwhelming support expressed at the public meeting convened by the Norfolk Island Government on Thursday 21 August 2014 for the introduction of a medicinal cannabis industry on Norfolk Island; 3. Acknowledges that Norfolk Island by its isolation provides a safe environment in which to establish a world's best practice model for the growing of medicinal cannabis which could then be replicated on the mainland of Australia; including a local medicinal cannabis program on Norfolk Island with a view to export; and 4. Is of the view that there is potential for substantial and much needed economic benefits to accrue to the Norfolk Island community from the establishment of a medicinal cannabis industry on the Island. And accordingly this House fully endorses the stated commitment of the Norfolk Island Government to work in close consultation with the Commonwealth Government and Commonwealth Agencies to make changes to their policies in order to facilitate the establishment as promptly as possible of an appropriately regulated medicinal cannabis industry on Norfolk Island.

SPEAKER Thank you Minister Adams, the question is that this motion be agreed. Those who wish to debate it will have their opportunity in a moment. Minister Adams.

MS ADAMS Thank you Mr Speaker. Mr Speaker I have moved the motion today to give the House the opportunity to endorse the stated commitment of the Norfolk Island Government to progress the establishment of a regulated medicinal cannabis industry for Norfolk Island. I believe the motion speaks for itself and I do commend the motion to the House for its support. Mr Speaker to give context to the motion I will read into Hansard my opening remarks at the public meeting held at Rawson Hall on Thursday 21 August and the independent report on the meeting published by Mr Fred Howe on Norfolk Online that same weekend. I thank Mr Howe for his support of the project. And I quote, 'The government has convened the meeting to allow for information sharing and answering of questions from the community on the establishment of a medicinal cannabis industry and an industrial hemp industry on Norfolk Island. I will just set the scene for this evening's

meeting with a bit of background information. Tasman Health Cannabinoids made application under the Dangerous Drugs Regulations 1998 on 10 July. Minister Sheridan, in consultation with the Norfolk Island Government, issued a letter of in principle support to Tasman Health for the establishment of a medical cannabis (Cannabinoid) industry on Norfolk Island. Our Dangerous Drugs Regulations allows a person/company to apply to: Import certified low THC cannabis into Norfolk Island; Import other cannabis into Norfolk Island; Export cannabis from Norfolk Island; Plant, Cultivate, Tend, Harvest, Sell and Possess Low THC cannabis; and also to plant, cultivate, tend harvest, sell and possess other cannabis. In other words our law is not restricted to low THC hemp and that law has been in place since 1998. On receipt of the licence application officers of the Administration, in particular Crown Counsel, commenced the assessment process to the point that I felt comfortable, as a courtesy, to meet with the Administrator on 30 July to advise him of the initiative. I was accompanied by Crown Counsel, the Acting Chief of Staff and Chief Executive Officer of the Norfolk Island Administration. The license to Tasman Health Cannabinoids (a then a Norfolk Island registered company) was signed on Monday 4 August 2014; almost a month after the application was received. And I will just briefly touch on some of the reasons for supporting the license proposal. The licence is essentially merely a first step along the way – it is subject to a significant number of conditions that must be satisfied before operations could commence. I was comfortable that the conditions were appropriate. The licence draws significantly on previous industrial hemp related licences granted under section 7A of the abovementioned Act as well as the Canadian *Marijuana for Medical Purposes Regulations SOR 1996* made under the Canadian *Controlled Drugs and Substances Act*. There was ample scope for relevant and appropriate Commonwealth concerns to be reflected in the licence. The *United Nations Single Convention on Narcotic Drugs 1961* and the *United Nations Convention on Psychotropic Substances 1971*, which have been ratified by Australia both allow the use of cannabis for medical and scientific purposes. The scientific evidence is available that cannabis based treatments are appropriate in some cases. Medical cannabis is legal in a number of states in the United States of America, Canada and other countries. The licence specifically prohibited the supply of medical cannabis in jurisdictions where to do so is illegal. Australian state and other territories do not currently allow cannabis for medical purposes but this is subject to change. Until change occurs the current licence will prohibit supply into Australia. There are other jurisdictions where medical cannabis is lawful. These are the only jurisdictions to which the licensee could supply. And finally Norfolk Island has been endeavouring to take the message out to the world that we are open for business and investment. The Norfolk Island Government was of the view that the medical cannabis industry had the potential to bring into the community a new high profile business with potential for high economic return to the Island. The 4 August licence to Tasman Health has been cancelled and we have put that now behind us. Today, this is my advice to the community at the meeting, we are now totally focussed and committed to working with the Australian Government to reach the point where all concerns are addressed and satisfied and the Norfolk Island Minister can move forward with confidence to issue licenses in the future under the Norfolk Island's Dangerous Drugs Act 1927 for medical cannabis industries or other cannabis related industries on Norfolk Island', end quote. Turning now to the report on the public meeting published by Mr Fred Howe in Norfolk Online on 22 August, I quote – 'Following action by the Administrator, Gary Hardgrave, to cancel a licence to grow medical cannabis issued by the Norfolk Island Government (the NIG), the NIG called a public meeting to provide the community with more information about the project and how it may be progressed. The meeting was chaired by former MLA Geoff Gardner and attended by all members of the NIG and the principals of Tasman Health Cannabinoids. Approximately 150 people initially heard some background to the issue as the Chair explained some of the national and international developments in the world of medicinal cannabis and the implications for legislators. He went on to say that the conditions that would need to be met for the project to proceed were necessarily stringent and that the Australian government, when and if they venture into this area on the mainland, will require equally tight controls many of which relate to international conventions in the trade in narcotic drugs. Minister Adams spoke briefly and thanked the community members who attended the meeting. She emphasised that while the licence has been cancelled, that's history and now we need work towards ensuring that the concerns which led to the

cancellation can be addressed, overcome and a licence ultimately issued so that the project may proceed. Minister Ward then outlined the wide range of conditions that needed to be considered and it was apparent that issues relating to security, planning, public safety and general regulation of the activity had been considered but not necessarily resolved. Mr Troy Langman, one of the principals of the company, spoke at length about the benefits of medical cannabis to a wide range of human health conditions and on the economic benefits that he anticipated would flow to Norfolk Island should the project go ahead. Mr Langman's company has engaged the services of a noted breeder of medical strains of cannabis who has wide experience in the Netherlands. Mr Langman indicated that the financial yield on the product would likely be in the order of \$1m per acre and that his objective was to have 20 acres in production eventually and upwards of 50 full time employees. Mr Langman was seeking the support of the community to get the project happening and to that end there is an online petition with 11000 + signatures on it so far'. And just to update the community, in that regard, the petition now sits and somewhere around 21,328 signatories. 'For the most part it appeared that those present at the meeting were on side with the proposal and particularly locals with small holdings who may be in position to contract to grow. There is no doubt that worldwide demand for medicinal cannabis is growing and many states of the USA have legislated in favour of the product and more are proposing to do so. Australia is moving in the direction of legislation to legalise and regulate the product but as one of the project proponents indicated to the writer, "If Norfolk can establish an industry and meet regional markets Australia may choose not to open the growing side of the industry on the mainland where there may be conflicts with the legitimate industry and the illicit suppliers". This project clearly has some way to go', Mr Howe continues, 'before it can make any sort of contribution to Norfolk Island's economy however the proponents remain committed, as does the Norfolk Island Government. And it appears that there is good community support for this industry. So the next steps will be critical and will test the Norfolk Island Government's resolve because there are a wide range of issues to address. Hopefully though, when the time is right and the Commonwealth concerns are put to rest, a new licence will be issued and Norfolk Island will have a new industry.' End quote from Mr Howe. I chose to use that public release rather than the Government one as I saw it as being independent of the Government. Mr Speaker my introductory remarks have been lengthy but I believe of necessity in order to put the facts on the table for future reference. And just by way of interest, as late as yesterday there was press coverage in NSW on this very matter, and I was provided overnight from a reliable source from a quote from a public release on passionate care NSW Leads the way on medical cannabis, it is interesting to note that it being stated in that forum that there is a growing body of evidence to suggest that cannabis used for medical purposes may provide relief to patients suffering a range of serious illnesses. That is way, this is Premier Baird who is talking – that is why we are embarking on the clinical trials, so we can better understand what role medical cannabis can play an alleviating symptoms in some serious ill patients. The NSW Government is leading the reform of medical cannabis with the VIC Government next week considering a bill to make it easier to conduct medical cannabis clinical trials. The NSW Government will also commence discussions with other Australian jurisdictions including the Commonwealth to place the use of medical cannabis on the national register research agenda. So I think that was a bit of synchronicity around my speaking in the House today around this matter and perhaps that is a discussion to be had as to whether or not that we make contact with NSW. The motion before the House today at clause three acknowledges that Norfolk Island by its isolation provides a safe environment in which to establish a world's best practice model for the growing of medicinal cannabis which could then be replicated on the mainland of Australia and that's one of the strengths that we could take forward in our discussions. Much work is going on behind the scenes to progress this very worthwhile initiative to a successful conclusion where all concerns are addressed and satisfied and the Norfolk Island Minister can move forward with confidence to issue licenses in the future under the Norfolk Island's Dangerous Drugs Act 1927 for medical cannabis industries or other cannabis related industries on Norfolk Island. Thank you Mr Speaker.

SPEAKER  
Any participation?

Thank you Mr Speaker, debate Honourable Members.

MR EVANS  
Thank you Mr Speaker. I am of course myself, like many people in the community, have supported, and show support, for this project. I suppose in my context I was, whether you could say privileged, or lucky or just fortunate to be involved in its first initial step in 1997. So it is something we have trailed before, but I suppose in those days that the realisation of the medicinal relief gives to people wasn't really realised, that there was potential. But now we have seen just lately, especially in television reports and things like that, that the wide range of medical ailments that medicinal cannabinoids can help people. And I think that's been everybody's main scope of supporting this issue and I suppose that it is a worldwide thing and it's gained so much coverage just recently. So I support it, as I did right from the start and as everyone on Norfolk Island it looked like it may sort of be a little light to help our economic stress that we are in, but unfortunately that's sort of not to be, but I think we all hold hope and certainly with regards to our Government and the Commonwealth coming together, it will come to fruition in the near future. Yes, I support it Mr Speaker and thank you for the opportunity to speak on it, thank you.

MR WARD  
Thank you Mr Speaker. Mr Speaker I endorse Minister Adams' motion, many cultures use a range of plant materials for a wide range of conditions and ailments, medicinal cannabis has been identified by a wide range of people around the globe as beneficial for many serious conditions. It is unfortunate that this plant can also be used for illegal purposes. There is however, no doubt, that properly grown and processed medicinal cannabis has a place in medical practice, and if Norfolk Island can use its geographical isolation to make these treatments available and to facilitate a new agricultural endeavour it has my support. This support is contingent on having a robust, credible, regulatory body to oversee the process. For me that is critical, but I have no doubt that that can and will be done. Thank you Mr Speaker.

MR SHERIDAN  
Thank you Mr Speaker, just a few words on this and I actually fully support this motion by the Minister and I see this motion as giving the Norfolk Island Government some support in liaising with the Commonwealth in an attempt to have them review their policy on the stance that they have taken in regards to this industry. And as the Administrator said to us at meeting, currently Australia's stance is that it is an illegal trade, and of course, it rightly is so. So to facilitate any sort of cannabis industry on Norfolk Island, whether it be the growing of it for use in other parts of the world where it is legal at the moment, or whether it is for use in Australia, Australia would need to change its policies and I see it that this is what this motion is about, it gives the Norfolk Island Government the go ahead with the support of the Norfolk Island Legislative Assembly to liaise with the Commonwealth Government as is all the other states and territories of Australia, they seem to be all moving in the same direction of wanting to establish trials for the use of medical cannabis and that I would presume, also be the growing of the cannabis to support this industry. So it's in this vein that I support the Minister in her actions today. Of course I would like to see Norfolk Island benefit from it, it's an industry that could be developed nicely on Norfolk Island, purely by its isolation, I think it would be fairly easy to regulate here on Norfolk Island, but also because we are in need of diversifying our economic base, our income, away from tourism reliance at this point in time. I see this as a great opportunity for industry here on Norfolk Island to participate in something like medical cannabis, the growing of cannabis for medical purposes and I encourage the Minister to commence discussions with the Commonwealth, the appropriate the Commonwealth Minister, through the Administrator's Office, to put pressure, as the other states are, put pressure on them to have a look at their policies in regards to this and see if they can change their views so that industries can be commenced, not only here on Norfolk Island, but within Australia as well, as I would see that as a good market for the end product. Thank you Mr Speaker.

MR SNELL Thank you Mr Speaker. Mr Speaker, I fully support the motion. Mr Speaker much has been said about medicinal cannabinoids and cannabis as an industry, it is worldwide, the application, the information. But here on Norfolk Island, we certainly can't dismiss the obvious benefits, the benefits which are now proven, that this industry projects. The Norfolk Island community would benefit both financially and from labour and we must also take into account from the introduction of this industry to Norfolk Island, to mention the assistance the final product gives to deliver, eliminate and alleviate pain and suffering to those that most need it. Mr Speaker I can only see benefits to the Norfolk Island community, and I plead with the Australian Department responsible for them to take some more regulatory and positive action in our endeavours to introduce this to Norfolk Island.

MR NOBBS Thank you Mr Speaker. Mr Speaker I don't think there is anything I detest more than the use of drugs for anything other than medical purposes. I have seen the effects of it, and I can assure you that it is not very nice. The issue really is, to me, I support this proposal fully. I believe it can work, I understand that there are plants that provide direct medical support, I recall now having ring worm when I first went up the territory and the Aboriginal said 'pick that plant there, put it on, put a band aid over him and she'll be right' and I did that, and it dropped off three days later. That took me by... (unclear on tape – laughter). There is benefit and I went through it all after that and I don't know whether you recall, but there was an ex-army guy that did a project on it, I assisted him early with that, on the use of plants, so I understand the process. I agree with it, all I ask is that the regulatory arrangements related to security and supporting mechanisms, etcetera are very stringent and are able to be policed, that the export is controlled and does not contravene the conventions of receiving or transiting countries and the community assured, and is demonstrated, that the final use is as proposed. Those are the three conditions that I have said right from the start, not probably on those terms, I have just scribbled something down here, but the thing is that the community needs that assurance, and I think that the Government can give it. I am all for it, and I wish that the proponents well in their endeavours, I think their fair dinkum, which is a big thing and I know that there are others who are lining up as well to also to become involved in the industry. Whether the opening up in Australia would be detriment to the island, well that remains to be seen, but the thing is, I believe that we should proceed, or permitted to proceed with the proposed trial as a matter of urgency, and I think that those states which are lining up now, as the Minister said, Premier Baird was quoted as being very interested yesterday. Those states should allow Norfolk Island to provide a trial planting and that would allow testing of the actual transportation arrangements and the whole deal. After that, well then they can open up, well I would think, quite honestly, that as poppies are only allowed to be grown in on state, that there is a distinct possibility that there will be only one area that will be allowed to produce this crop, but I'm no expert on it, but that's my thoughts. And I would hope that Norfolk Island could fill the bill. Thanks very much Mr Speaker.

MR PORTER Thank you Mr Speaker, for what is a very contentious and emotive issue, I will support this motion because it sets out a very structured approach in creating an industry. On the face of current evidence suggests that it would bring much relief to people in need all over the world. I noticed yesterday evening, Channel 7, again this morning on their sunshine programme, carried a story relating to the benefits of medicinal cannabinoids in a rather primitive method by the looks. But certainly highlighting the benefits that these products may give to people with serious illnesses. So I support it, because I believe this is a more structured, as I have said before, a more structured and positive approach to going through a process for an industry that could have great benefit or great harm. Thank you Mr Speaker.

MRS WARD Thank you Mr Speaker. I don't intend to support the motion but I need to explain why. What I see in the final paragraph of the motion is two

separate issues being lumped in together, and one is around the clinical trials, and possible decriminalisation of medical use in cannabis, and the other is the UN Convention and the Regulatory Framework which would need to be established around the export or trade of an illicit drug. So when the motion asks us to endorse further consultation with the Commonwealth, with the Administrator in the first instance, I have no problem with general discussion, but the question is, is the general discussion about what I originally understood it to be, is the regulatory requirements of the UN Convention, and that's the –

MS ADAMS

1961 Single Convention.

MRS WARD

Yep, that's the one, thank you Minister. On narcotic drugs. So that's what I thought it was originally about, and then I read in the motion, and I picked this up yesterday, these were my concerns, but I can see there is overwhelming support in this House to proceed, and I certainly don't intend to make amendments from the floor Mr Speaker. It is far too important. But it is then asking the Commonwealth Government and Commonwealth Agencies to make changes to their policies and that was when Minister Sheridan pointed out, and he has just done that in debate now that he was talking more about the decriminalisation of the medical use, and the clinical trials, and the fact that nationwide, and federally, that it is currently illegal, so to me, that's probably the best way I can put it. There appears that the intent of the motion appears to be confused to me, but I will come back to the points within the motion, so that within time the Minister, well the community and the Government will be fully aware of Members points. The point which asks Members to acknowledge the health benefits attributed – I could only provide an uninformed opinion at this stage, and that is what the Premier, Mike Baird in NSW, and other Premiers and Chief Minister's perhaps eventually, will do, is support clinical trials to commence and you never know until the question is put in front of you, but if that question were put in front of me, I would probably at this stage, be a Member who would support clinical trials into the use of medicinal cannabis, and yes there is growing public demand, I have certainly acknowledged that. Point 2 asks for us to recognise the overwhelming support expressed at the public meeting. My first response to that is how do Members who weren't at the public meeting do that, but I was at the public meeting, and I sensed a very curious public, a very curious community, but I also don't call one public meeting a thorough community consultation process, and that is what occurred with the hemp industry, when there was the amendments to the Dangerous Act back then, there were months and months of community consultation and the intent at that time was for the establishment of a hemp seed industry and I know that the law says 'and cannabis', but the Minister is technically correct, but I always go back to what was the intent of the law, and it wasn't actually about, I don't believe that at the time, reading through Hansard, that it was about cannabis, but that is a separate point and one could say that that is history. The public meeting was about the proposed introduction of a medical cannabis industry, and that was to grow product, extract the flower, capture the flower and export that through to Canada was what we were informed at the time, not into Australia where it continues to be illegal. So I would just say that there has not, in terms of such a controversial public policy, agenda item, and given the fact that there is no public policy framework documented around this that is publically available, I say not enough has been done. The question at point 3 – which is that Norfolk Island in its isolation provides a safe environment, which is about the growing. Again, I don't know, I could only provide an uninformed opinion. What I would like to see is a white paper for the presentation, with a framework, which highlights all the issues of the security, the enforcement, the public safety and what that takes. And what concerns me now, and another reason I won't support the motion today, is that that doesn't just appear out of thin air, it takes a lot of public money and resources and capacity to deliver on a comprehensive regulatory framework, because what you would have to be going back to is, hypothetically and if the Commonwealth did support that this is an industry for Norfolk to diversify the economy and there is potential, of course there is, anything is possible, but it's about setting up that agency and then being able to provide enforcement which would then be required if

you are serious about allowing illicit drug to be growing for export. We have had it demonstrated to us again and again the difficulty that the Administration and the CEO in particular, have at the moment around Funding Agreement milestones and I am really reluctant putting another load/body of work onto the Administration and I say that because I pick up the words in the motion which say 'as promptly as possible'. There's this sense of urgency, and I get that side of it, I appreciate that, but it needs to be put into an overarching strategic plan for the island. Part of an economic development strategy, and that wasn't put to the JSC for example in May. What is happening here today is a reaction to somebody coming in and having a great idea. And it is great idea. But it takes more than just words and what we might say over the coffee shop when we say that yes that's a great idea. When you actually drill down into it and look at the serious issues and the resources and the funding that it would take to establish this industry. I think the point where I really am at odds with Government is that they think that it is ok to issue the licence and then create the regulatory framework, I don't, I don't. Okay. The question of, I have covered the question of potential, does it have potential for a substantial and much needed economic benefits to accrue to the community, perhaps. But in terms of those final words, I'm sorry Mr Speaker, I hope I have explained that well enough. I do have another wad of background information which I won't go through now, but I am certainly happy to sit down and speak to the Minister further if she wishes. Thank you Mr Speaker.

MS ADAMS Thank you Mr Speaker for the record I will table a document, which I do believe I provided to all Members some little time ago, which is an article headed 're-introducing medicinal cannabis' which was put out by the medical journal of Australia. And this document has been externally peer reviewed, you might be remember this document that I copied you all with. I will just quote in response to a couple of the comments from Mrs Ward, and I acknowledge your right to not support it, you know, this is what we are all about round here. So I will just – the first few paragraphs – 'the medical use of cannabis (box) was prohibited in Australia some 50 years ago, at a time when scientific knowledge about it was meagre. It is now clear that cannabis has genuine medicinal utility' so that answers this from the Medical Journal of Australia – 'but this has been largely overlooked with research and society's attention in most parts of the world being directed towards the hazards of its recreational use, rather than the benefits of its medicinal use. We maintain the consideration of policy for medicinal cannabis should be kept separate from consideration of recreational cannabis. In May 2013 a NSW Parliamentary Committee, comprising members of five political parties, unanimously recommended making medicinal cannabis available for selected conditions. Its report, the NSW report, stated, "in general terms medical cannabis has potential as an effective treatment for some medical conditions with appropriate safe guards in place and cannabis products are emerging as a promising area of medicine". We agree and add the national acceptance of medicinal cannabis should be implemented based exclusively on evidence of its clinical efficacy, safety and cost effectiveness, and that necessary legal reforms permitting medical prescription should be enacted, as has been done in many countries'. I won't go on any further, but I table this into the record. And I am happy for it to be made as widely available as people might like to have it made available, but I think it answers some of the questions and concerns that Mrs Ward had. Perhaps I ought to Mr Speaker I should table, and I do so, into the record, the Single Convention on Narcotic Drugs 1961 as amended by the 1972 protocol amending the Single Convention on Narcotic Drugs 1961, so that all the documentation is on the table.

SPEAKER Honourable Members I am about to put this motion, the motion before us is that the motion be agreed.

QUESTION PUT  
QUESTION AGREED

Mrs Ward you seem to be the one voice, do you wish me to call the House. Will the Clerk please call the House.

Mr Buffett	Aye
Mr Porter	Aye
Mr Ward	Aye
Ms Adams	Aye
Mr Snell	Aye
Mr Nobbs	Aye
Mrs Ward	Noe
Mr Evans	Aye
Mr Sheridan	Aye

The result of voting Honourable Members the aye's 8, noes 1, the motion is agreed, thank you.

Honourable Members continuing with notices, I am not about to call Notice Number Three at this moment.

### **LEAVE TO PRESENT THE IMMIGRATION AMENDMENT (NO. 3) BILL 2014**

Minister Adams you are seeking leave in respective of another matter related, I give you the call at this time.

MS ADAMS I so seek leave Mr Speaker.

SPEAKER Would you like to identify the matter on which you seek leave.

MS ADAMS Thank you, I seek leave to present the Immigration Amendment (No. 3) Bill 2014 which is appearing on the programme in my name.

SPEAKER Is leave granted. Leave is granted. Minister Adams.

MS ADAMS Thank you Mr Speaker. Mr Speaker, I present the Immigration Amendment No. 3 Bill 2014 in Norf'k - Imegrieshan (Chienjen 3) Bil 2014 – and move that the Bill be agreed to in principle and I table the Explanatory Memorandum to the Bill.

SPEAKER The question is that this Bill be agreed to in principle. Minister Adams.

MS ADAMS Thank you Mr Speaker. Honourable Members, because this Bill has only just appeared this morning, I had provided you with an advance of what I am intending to say in support of this Bill, so that it gives a little bit more clarity around what we're trying to achieve today and to endeavour to allow you to give consideration at the appropriate time through this process whether or not you want the Bill to pass through all stages today. I will read from the Explanatory Memorandum to begin with. This Bill seeks to amend the Immigration Act 1980 to provide a transitional provision to modify the operation of section 33A which would otherwise preclude a grant of residency to certain persons who are not entitled to reside permanently in Australia. The transitional provision will expire seven years and six months after commencement. Members, as Mr Speaker, has just referred to the Immigration Amendment (No. 2) Bill you will recall at the August sitting I had given notice of my intention to move that Bill and that Bill sought just to remove section 33A. However, you will also recall that the Commonwealth on the eve of the sitting asked that the Bill not proceed at that sitting to allow for further discussions to occur. That Bill remains on the Notice Paper for introduction, possibly in an amended form, at a later time. Since the August sitting there has been ongoing, and I mean ongoing in depth discussion between officers of the Department of Infrastructure and Regional Development, Officers of the Commonwealth Department of Immigration and Border Protection, Officers of the Norfolk Island Norfolk

Island Administration and our Chief of Staff on how to resolve the unintended consequences of the enactment of section 33A. The Immigration Amendment (No. 3) Bill 2014 addresses some of those unintended consequences placed upon people on Norfolk Island at the time of that enactment. So in essence this Bill, will put in place transitional provisions which were overlooked at the time of commencement of the Immigration Amendment (No. 2) Act 2012, allowing those people who had satisfied immigration requirements to apply for a declaration of residency of Norfolk Island. These people are: 1. People on the Norfolk Island who were here for a period which would have enabled them to apply for residency at the time 33A was enacted and consequently had that right removed with the introduction of 33A. This Amendment restores that right. 2. People on Norfolk Island at the time of the enactment of 33A and would have now been entitled to apply for residency if 33A was not in place. The Amendment restores that right. 3. People on Norfolk Island at the time of enactment of 33A and would be entitled to apply for residency at some time in the future had not 33A taken away that right. This Amendment restores that right. And people who are now on Norfolk Island but were not here at the time of enactment of 33A. This Amendment now gives them that right. In particular, this will allow school children from Norfolk Island seeking to enrol in mainland Australia in the coming year to do so with the fee structure that applies to Australians and not the overseas student fees which are high. That is just one of the side benefits of this. I am going to read from the documentation, just to give clarity around what DIBP, DIRD, NIA and Chief of Staff have been discussing – the background, and the options which have emerged out of that for amending Norfolk Island Immigration Act to address the issue of the unintended consequences of the enactment of 33A. Currently Australian and New Zealand citizens are deemed to hold an unrestricted entry permit (a UEP) upon entry into Norfolk Island pursuant to section 14A of the Norfolk Island Act. Foreign Nationals, other than New Zealand citizens, are required to apply for either a visitors permit, a temporary entry permit, or a general entry permit. A person may apply for Norfolk Island residency under the following provisions of the Norfolk Island Act, section 28A residency by citizenship. This allows a UEP holder to apply for residency subject to certain criteria being met. There is no requirement that the applicant has been ordinarily resident in Norfolk Island for any period and section 29 residency by declaration – this allows a GEP holder to apply for residency subject to certain criteria being met, this includes a requirement that the applicant has been ordinarily resident in Norfolk Island for at least five of the last seven preceding years. However, section 33A of the Norfolk Island Act precludes a person from being granted residency either under sections 28A or 29 unless they are also entitled to reside permanently in Australia. To enter the migration zone New Zealand citizens are generally granted a special category visa, an SCV, which is a temporary visa. If section 33A were to be repealed there is concern that this would allow a pathway for New Zealand citizens to enter Norfolk Island under a UEP gain permanent residency in Norfolk Island under section 28A of the Norfolk Island Act and then obtain a subclass 834 permanent resident of Norfolk Island visa, a PRNIV, to obtain Australian permanent residency or citizenship. Mr Speaker, this amendment does not seek to address the residency question of people who will have moved to Norfolk Island after the commencement date of this Amendment. This is subject to ongoing discussions with the Department of Immigration and Border Protection regarding options on how to address in the long term either the repeal of 33A or other amendments and I would anticipate these discussion should enable this Assembly to consider further amendments in the course of this calendar year. Mr Speaker I repeat. The Bill before the House seeks to address those people on Norfolk Island at the time of enactment of 33A and who have had an entitlement taken away or interfered with as a result of 33A. This amendment Mr Speaker will give certainty to those people and restore their rights which 33A unintentionally took away. I commend the Bill to the House and I have an assurance to bring to you this morning that this has passed all people who it needs to pass before it has reached here this morning, I can only give you that undertaking at this time. Thank you Mr Speaker.

MRS WARD Thank you Mr Speaker. I would like to seek some further clarity from the Minister on this who has seen it issue, because when we sat here between 10 and 12 yesterday morning, Members were informed that this amendment, and the exact words, the distinct impression that I was given, was that only yesterday morning this amendment had, to use the colloquial term 'gone to Canberra', gone to the Department of Regional Development. The question is, if the Minister can again, because that means that there has been a turn around time of the Commonwealth of less than 24 hours to give oversight and an in principle – unbelievable! If the Minister would just give that assurance please.

MS ADAMS Mr Speaker, to the best of my knowledge, conversations were as late as this morning just ticking off on this Bill which has been very closely monitored, I am advised, very closely monitored the Department of Immigration and Border Protection and the Department of Infrastructure and Business Development, that this has been done in very close liaison with those Departments with us. As late as last evening it was continuing and as late as this morning another minor amendment was made to the Bill. I can give you no further assurance on that matter.

MRS WARD Then my heartfelt thanks goes not only to the Norfolk Island officers, but those in the Commonwealth. I seek it because I need to know whether I can give support to the Minister in moving this Bill through all stages, so if it has indeed been to the Commonwealth and turned around in less than 24 hours for which I thank them.

MS ADAMS I repeat Mr Speaker that is my understanding.

MRS WARD Then I am more comfortable to support that. I have had a look at the Bill of course, Members may be aware that I have been very across this issue, unfortunately not as seriously or as focussed as I wish I had been in the months prior, but there is no point going back in history we have what we have before us today and I thank the Minister who has temporarily departed the House and has returned. I thank the Minister, and I would particularly like to thank the Chief Minister who progressed this issue when Minister Adams went off island all of a sudden it was pushed to the top of the agenda, so I thank the Chief Minister who carried that as well, it will have my support. What members in the community need to be mindful of is that, you know it isn't one of those sort of open doors, where everybody who was now a TEP and a GEP who is a foreign national passport holder is a resident, that's not what it is about at all. This just allows those people to lodge their application and for the Minister to progress it as though they were entitled I guess to reside permanently in Australia so it certainly gives clarity and for that I give my heartfelt thanks to everybody who was involved in getting this on the table this morning.

MS ADAMS Thank you Mr Speaker I have just been advised by Chief of Staff that what I have told the House is quite correct, as late as this morning it was continuing in discussion and is agreed at all levels, thank you.

MR NOBBS Thank you Mr Speaker. I support this proposal by the Minister, but I would just like some clarification, you said that it didn't apply to some people but yet all the rest of them, 1, 2, and 3 all apply to people that were here at the time. The 4<sup>th</sup> one says people who are now on Norfolk Island but were not here at the time of the enactment of 33A do get a run so to speak, but then you went on to say something about it doesn't cover – would that be people that are not here on the island, who arrive later? Is that my understanding of it? I will try and explain it further. Four says that people who are now on Norfolk Island but were not here at the time of the enactment of 33A this gives them the right, and then you went on to say something about people who were not on the island, I thought that's what you said, but have come later, will not get the same opportunity, is that right?





they couldn't provide the proof, and nothing distressed me more, than not being able to allow these people to continue on, they tried the Office of the Administrator, our immigration department has continually had discussions with DIBP, we couldn't get these people that guarantee, they couldn't give me the guarantee, therefore I could go no further. Let's be quite clear on this point. I didn't put 33A in there. Thank you Mr Speaker I se dun.

MRS WARD Thank you Mr Speaker, yes we weren't going to go back in history, but I'm picking up on what Minister Sheridan is saying and defending his position and I was in the same position where we allowed the 33A to be put in, and the person who was making the application, the question is really about the question of whether they were entitled to reside in Australia. And national policy objectives focus on two things, health and character, and character you could put a little sub-heading terrorism in there these days, and once somebody met those you then went into a range of visa categories and they would be family, business, worker, humanitarian, economic, there is a range and a vast list and of course Norfolk Island doesn't have that extensive visa system. And so where Minister Sheridan and those at the table as well would be thinking, well a person who is not entitled to reside permanently in Australia and rather than us say well the person has to prove that they can, well how could they? And they would have to put themselves through one of these great systems to find out, they couldn't do it coming through our system, but of course the onus was then put back onto the applicants. So it is about interpretation of the law, but that's past, what we have in front of us is an amendment, and again my heartfelt thanks to all the officers and people who were involved in getting it to the table today. Thank you Mr Speaker.

MR NOBBS I will come back into the debate Mr Speaker as I withdrew after my last question, but I accept what has been said, and I accept and I thank the Minister for taking the time, and the Chief Minister for being involved in it, but my concern is that the overall still remains and the overall issues in the immigration debate and I quote 'opening the borders' which was aimed at broadening and improving the economy which it has not. What has happened really is that nothing other than creating a potential for a disaster and that's what I am still on about Mr Speaker. Through a number of issues not the least of these – social services. And we need to be more proactive, I believe, in the immigration debate and sought those particular issues out, because it is potentially a disaster for the island and that's what started the whole immigration debate, immigration acts and what have you in the 1950's, was a purely severe disaster for the island, and I think that we need to do more to try and sought out those issues, and if there is some goodwill now between the various departments, well it might be a good time to strike whilst the iron's hot.

SPEAKER Further debate? I think we have concluded debate at this stage of proceedings. Minister.

MS ADAMS Thank you Mr Speaker, I am in the hands of the House as to whether or not you want to take this through to its final conclusion today and I'm happy to move that so much of standing orders be suspended as would prevent that happening Mr Speaker. If the House would like to consider that question – that so much of standing orders be suspended as would prevent the Bill going through all stages today, I so move.

SPEAKER That's the question before us honourable members.

QUESTION PUT  
QUESTION AGREED

Is that one voice at this time Chief Minister? Do you wish to have the House called? That's quite clear that that motion is agreed to and that means that we will be able to proceed with this matter. I will then ask you if we have no exhausted debate on the matter of principle, that we will put that matter to the House, the question therefore before us is that the Bill be agreed to in principle.

QUESTION PUT  
QUESTION AGREED

The aye's have it, is it the wish to dispense of the detail stage and that is inherent in our earlier motion so we will proceed.

MS ADAMS

Mr Speaker I move that the Bill be agreed to.

SPEAKER

The Bill be agreed to, which is the final motion, any final debate? I put that final motion that the Bill be agreed to.

QUESTION PUT  
QUESTION AGREED

The aye's have it, that matter is agreed honourable members.

### **SUSPENSION OF SITTING**

Honourable members we are going to suspend now for lunch and we will return at 2 o'clock.

### **RESUMPTION OF SITTING**

SPEAKER

Honourable members we reconvene after suspension for lunch and we move to Orders of the Day

### **ORDER OF THE DAY**

#### **INTRODUCTION OF THE LAND RATING SYSTEM**

SPEAKER

Mr Nobbs, you have the call to resume.

RON NOBBS

Thank you Mr Speaker I will just find my paper. Mr Speaker if you recall that this was dealt with at a meeting some time ago, a motion that I put up was as follows – that this House resolve that any system of rating land on Norfolk Island must be applied to all land on Norfolk Island irrespective of its classification tenure freehold or crown lease or ownership. Mr Speaker, the motion is very simple Mr Speaker, if land rates are to apply on Norfolk Island, and as yet there has been no Bill put to the House, but if land rates is to apply, the system to be developed, I believe, must be applied to all land. The proposed rating system does not apply to all land. It covers all land other than that to which the Commonwealth holds title. I asked, the response was that elsewhere they do not pay rates. To me Mr Speaker that is not good enough. This is a very small isolated island and community that over the years has survived largely on its own wits, based largely on cooperation. The reality is that Norfolk Island is very small in area, but yet some 20 per cent of the land on the island is not included in the proposed rating system, however land owned by the Norfolk Island Government/Administration is included. The claim that the Commonwealth do not claim rates elsewhere is irrelevant. The idea of rates was proposed, some say forced on us by the Commonwealth, it is another of those milestones, or more appropriately I refer to as headstones, embodied in funding agreements which are neither of value to the island, or in the long run to the Commonwealth. Several issues against the acceptance of this motion have been suggested. The first it will upset the Commonwealth, really? The rating proposal has upset a large proportion of the island residents and will upset more once implemented. It has been suggested that the Commonwealth impose a charging regime, in fact this building and others have been suggested as an example, we may be required to pay rent. I see no problem in that the Norfolk Island Government pays rent elsewhere and rates if implemented will be included in all rental charges. In fact it is about time that KAVHA was run more for the benefit of the island and the same applies to the reserves and National Park, all owned under Commonwealth title. These areas at

present are protected species in themselves, they are in fact relatively exercise and a drain on resources, and this will continue unless change in usage are made. Regardless of what is claimed, they do offer potential opportunities with the island economy desperately needing its expansion. A perfect example is a recommendation from one of the Infrastructure and Business Development Committee Reports that Parks and Reserves be assessed to ascertain their potential for tourism and other commercial activities. The response that the committee received inferred that officers did not have the time to address the matter. It has been claimed that if rated, the National Park will institute an entry fee. Entry fees have been found in similar situations to Mt Pitt and KAVHA to be not cost effective, being costly to impose and a negative to tourism. The National Parks people should be aware of this given history elsewhere. What is cost effective is granting what is referred to as concessions. A concession for the private sector to provide a service to visitors for which they pay. This is a very effective means for providing a revenue to the facility as well as encouraging private enterprise participation. The trick is to be capable of managing the system. The parameters in which we operate must be understood. The reality at present is that, and I base this on past experience and subsequent observation, it appears that there are Commonwealth bureaucrats that appear to tend to live in the moment not necessarily the future. The island community on the other hand are currently forced to live in the moment, but then to be desperately fighting for the future. There is a need for these stark differences to be understood. The use of reserves, National Parks and KAVHA are, amongst other things, important to the moment but critical to the future. I'm not saying ignore conservation issues as they can be easily addressed. But 20 per cent of the island area, please have a think about it. The Norfolk Island Government has established a revenue regime based on consumption taxation. Originally there was import duty and then the last eight years GST. For this process to be successful the health of the economy is critical. Incidentally that health is also critical for jobs and say income tax. I apologise for what may be claimed for running off the track, but it must be said that the argument for the Commonwealth charging is a great scare tactic, but could, that is if officers had the time, to turn into a positive. Believe me, tourists are prepared to pay for a service providing officers have the time to ensure the service is worth the charge. In conclusion whatever is proposed the community must be provided with an affordable well thought out system that will be acceptable and some confidence that the funds raised will be adequately appropriated. To exclude 20 per cent of the island from such a taxation regime is unfair at best. One final point, at the proposal, some 13 years ago, to transfer Commonwealth land to the Norfolk Island Government been followed through and actually occurred under the current proposed rating system rates would be required to be paid on that land. I seek support of the members for this motion. Thank you Mr Speaker.

SPEAKER

Thank you, debate honourable members.

MR WARD

Thank you Mr Speaker I just have a few words to say on this. People will generally be aware of my stance on the whole rates issue and the concerns I have about it and the capacity for people here to pay those rates. Those concerns have been aired in many forums and they remain today. The recent cost of living expenditure surveys, sorry if I haven't got the right terminology there, but the surveys to do with the household income and business surveys, they have certainly demonstrated that there is an issue there. I would like to also go back though and look at why the Commonwealth lands are registered as Commonwealth lands and basically when you look at the history most of the lands were registered to the Commonwealth before there was a Norfolk Island entity to register them to. So in my view rather than perhaps dealing with the issue as Mr Nobbs has suggested, perhaps it would be better to revisit the whole land transfer initiative and look at having most, if not all, of those Commonwealth lands returned to Norfolk Island. I think that would simplify the question quite substantially. Thank you Mr Speaker.

SPEAKER

Thank you Minister Ward, further debate?

MRS WARD

Thank you Mr Speaker, just to say that unfortunately I won't support this motion today, it is really around the word that the system "must" be applied. In discussion yesterday I did ask Mr Nobbs if he had taken the opportunity to provide input to the strategy, the rating strategy, when it was being delivered, he hadn't taken that opportunity, but I would hope that because it is still an open document, and I'm talking about the Rating Strategy, which in turn, it's almost like a working policy document, which will in turn lead to legislation that this door isn't closed for further investigation, perhaps by the officers. And that the flow on effects can and should be examined in greater detail for members who may want to have further information on that. But in terms of the motion as it reads, that a system of rating on land on Norfolk Island must be applied, I'm afraid that I cannot support that today. In terms of the rating system and where we are going, that again, for people that may be listening Mr Speaker, is about aligning our tax system with the broader Australian taxation system. So it is very much about the future, I know that it seems like it's just about today and that's all we are dealing with, but it's really about planning for future and having a sustainable system. Thank you Mr Speaker.

SPEAKER

Thank you Mrs Ward, further debate? Minister Sheridan.

MR SHERIDAN

Thank you Mr Speaker. Mr Speaker, whilst I applaud Mr Nobbs for bringing such a motion on, and you know, Mr Nobbs' reasonings has the interests of Norfolk Island at heart you might say. You know, if we are going to produce a new taxation regime, Mr Nobbs wants to see it spread across all available properties on the island, but I won't support this motion today, I will take on board what Mr Nobbs is attempting to do, and I will discuss it with the CEO to see whether or not there is any ability to factor in municipal rating over Commonwealth property, but at this point in time, and the documentation that has been provided, and it is up on the net, it clearly indicates there at paragraph 17 that the Commonwealth land wouldn't be subject to rating. And as I said yesterday on the subject at MLAs I think it is a dangerous path to go down, Mr Nobbs has touched on it a little bit, that if we attempt to charge Commonwealth for the Commonwealth properties here, we may find the people who currently use those buildings or property, whether they are the Legislative Assembly or the Administration of Norfolk Island or the Golf Club for instance, they would find then that all of a sudden the Commonwealth will recover those monies in some way, and the only way that they could really do that would be to start charging rent for the properties that aren't being charged rent at the moment, or vastly increasing it such as the golf club. I know that the golf club at the moment struggles to pay theirs, it's only a small rent, but they are not an affluent club you might say, they have a lot of territory that they have to maintain etc, and if they had added cost imposed upon them through municipal rates I think it would be detrimental to that service. But also in the back of my mind is, and that is the main one, I think it would change the relationship in regards to how we on Norfolk Island access properties and land that is deemed to be Commonwealth owned. But also in the back of my mind, well everybody should know, that currently the Commonwealth is funding our deficit, \$4.4million last year that they provided, which we received \$3.5million. Up for grabs this year is \$7.5million. That grab will not go away, in conjunction with the Commonwealth, reorganise the way our finances are brought into the revenue fund. This is largely dependent upon the model of government and what services will be extended to Norfolk Island, but I would believe that the Commonwealth would have a need to inject funds yearly into Norfolk Island as of right. So, whilst they are funding our deficit and then to go out and say that we want you to pay these municipal rates as well as everybody else, I don't think it will work, but as I said, I'm quite happy to discuss it with the service to see what their thoughts are on the possibility, but I wouldn't be holding my breath.

SPEAKER

Thank you, further debate? Chief Minister.

MR SNELL

Thank you Mr Speaker. Mr Speaker this is an awkward motion to give support to. Mr Speaker my constituents did not vote me here in this place to apply any tax on land on Norfolk Island. And whilst it is a part of our future to introduce municipal rate legislation to bring in municipal rating here on Norfolk Island, this motion appears to me to be a little premature. We have not as yet passed or assented to the final legislation, even with our best endeavours it may not even be assented to. So Mr Speaker I can't support this motion this afternoon that this rating on land must be applied to all land on Norfolk Island, irrespective of its classification, we haven't as yet passed through this house the municipal rates legislation to the extent to which this would apply. I won't support it at this time.

SPEAKER

Thank you Chief Minister, Minister Adams.

MS ADAMS

Thank you Mr Speaker. The motion equally creates a difficulty for me, I certainly don't want to vote against it, at the last sitting I had made noises about the reasons for adjourning for it, as I saw it as premature. I also had intended, and my apologies to Mr Nobbs that I didn't move forward on my wish to work with him to try and amend the motion to such a form that the House would be able to support it, to make it a little bit more generic. The Chief Minister is right, we have yet to have the municipal rates legislation come into the House, we have had the Household and Business survey results on the table, there is no guarantee that we will be weaving down that road with that information that we have in front of us, there is responsibility to be taken on board by us as legislators around this community, that in itself is another hurdle to be crossed. I would give an undertaking to work with you Mr Nobbs between now and the October sitting if you were of a mind to adjourn it for a further month, for us to try and work together rather than for me to have to abstain at this time on the motion, I won't vote against it, because what you are saying here this afternoon is absolutely spot on as far as I am concerned. But at this point in time I put that on the table, I won't say anymore about it, if you were disposed to adjourn it for another month I would be happy to work with you to try and get a motion that people could be more comfortable with.

SPEAKER

Thank you, Mr Porter.

MR PORTER

Thank you Mr Speaker, and I can't support the motion. As a low the proposal is about equality and I applaud that, however we would, I believe be setting a precedent that the Commonwealth would never support, there are many other situations where the Commonwealth would be liable to pay if we were to set that precedent, and I don't see us as being trend setters in this regard. However, I don't believe we are in a position to drive this change, however, if other groups were to do it, we could certainly follow them. And also I endorse the Finance Minister's fears with regards to the possibility that we may pay more than we raise, so at this time I can't support the legislation, thank you.

SPEAKER

Further debate, Mr Evans.

MR EVANS

Thank you Mr Speaker and I applaud Mr Nobbs for trying to bring the equality thing in there and I'm sort of probably, as Mr Porter just said, aligned with Tim, I suppose the KAVHA region, the golf club and things like that, are probably dear to a lot of Norfolk Island peoples hearts and if something like this were to come in, I think we would see the Commonwealth charging us for something that we sort of use for free, and we have a right to go down there, so it is a pretty hard one to sort of back. I should back Mr Nobbs, he is a great friend and things like, but I go along with Minister Adams too that we can probably sit down and work something that might be a little bit

amicable for both parties and something that could have a good result in the end. Thank you Mr Speaker.

SPEAKER

Thank you Mr Evans, further debate? Mr Nobbs.

MR NOBBS

I will certainly take up the challenge, I won't be adjourning it, because I can see what is going on, but one question I want to ask my friends on my right, will all sporting clubs have the same rights as the golf club, no they won't, that is the story, that is that question over right? Minister Ward says that he would prefer us to go and look at the transfer of all lands back to Norfolk Island from the Commonwealth, that was something I got in train 13 or 14 years ago, and I'm all for it. It was when I was in last time as a Minister, the financial situation, as the current finance Minister will tell you, was the total focus of what was going on in my life at that time. So we didn't have time, but I would applaud it and we just have to get that land back again and operated, and don't be fooled by them saying that you can't have KAVHA and you can't have the title to KAVHA and the title to the National Park, because it is easily done, and there is a precedence, and I actually did it in the NT, where you transfer the title that comes over to us, but it is then leased back and no cost to the Government of the day whoever it may be, it is Commonwealth or State. This system that we are supposed to be going under is somewhat obscure at the moment and that is why I feel that we have to do something really, this issue that me not bringing it up when it first came out, the issue of developing the process was in the hands of the Service and they came and the CEO did report from time to time on how they were going, but I thought it was better late than never to try and rectify some anomaly in the situation, I think we are planning for the future. If this is all we can plan for is a rates system I think we are in deep trouble.

MEMBERS

Hear hear.

MR NOBBS

As for crown lands and the like, if it's applying to crown land that's leased now, well if crown land is not leased that's it, so if the golf club has a lease over the area, I would have thought that they would be paying rates on it under your system Tim. Anyhow, regardless of that, I move that the question be put.

SPEAKER

Have you concluded your substantive debate?

MR NOBBS

Yes I have.

MR SHERIDAN

Thank you Mr Speaker and Mr Nobbs and just to clarify the point, yes, the sporting clubs under the proposal here that is up on the web, the draft municipal rating categories, yes, the sporting clubs are, actually all non-charitable organisations will be charged municipal rates at a different rate, down the bottom of the table there they are spilt into two sections you might say, charitable there is two sections, the ones with a liquor licence and the ones who don't hold a liquor licence. The ones who don't hold a liquor licence for the first 12 months it is the intent that the charge would be \$75.43 and for a liquor it would be \$188.57. So all the clubs are being treated equally, specifically the ones with a licence to sell liquor. What I am referring to is the additional costs that the golf club may incur by having their rent increased to cover the rates that we would place upon the Commonwealth for their property. So if you are saying ok well the golf club leases that land so they would pay it, well they may say well ok that they are paying their way there, but you have a look at all the other areas of Commonwealth land that people utilise for nothing, they're the ones that all of a sudden my find themselves paying for the privilege of utilising those buildings such as we do here.

MR NOBBS

I've already thought of that, because I think it is a pretty good idea to get some activity in the situation here, if we can't afford to have it, we will move out and let a hotel or something move in here, that's my view, simplistic view Mr Speaker as you know.

SPEAKER I think we have exhausted debate around the table. Therefore I am at the stage of putting the motion. The motion is that the motion be agreed to.

#### QUESTION PUT

Will the Clerk please call the House.

MR BUFFETT	NO.
MR PORTER	NO.
MR WARD	NO.
MRS ADAMS	ABSTAIN.
MR SNELL	NO.
MR NOBBS	AYE.
MRS WARD	NO.
MR EVANS	NO.
MR SHERIDAN	NO.

SPEAKER Results of voting honourable members the ayes one, the noes 7, with one abstention, the noes have it, the motion is not agreed honourable members.

#### **REGISTRATION OF BIRTHS DEATHS AND MARRIAGES AMENDMENT BILL 2014**

SPEAKER Resuming debate on the question that this Bill be agreed to in principle and Chief Minister you have the call to resume.

MR SNELL Thank you Mr Speaker. Mr Speaker as foreshadowed at the last meeting the amendments proposed by this Bill originated as part of a draft model developed by state and territory registrars of births, deaths and marriages and adopted with local amendments in all Australian jurisdictions except Norfolk Island. Mr Speaker a recent high court decision in New South Wales Registrar v Norrie, resulted in a Registrar being required to accept a reassignment of a persons gender to one of non-specific, rather than that of male or female. The court said that if the applicant for the change establishes that the applicant has undergone a sex affirmation procedure and that procedure has not resolved the ambiguity of the applicants sex, the applicant should be permitted to apply for their sex to be registered as non-specific and the high court commented that the Act provides the Registrar the role of establishing and maintaining the Registers by recording information provided by members of the community and does not require any determination other than that the Act has been complied with. This Bill Mr Speaker seeks also to give effect to that principle in Norfolk Island and in doing so to follow and clarify the model law. Mr Speaker I would like to take this opportunity to thank our legal services unit for their considerable effort to compile this Bill for presentation and for possible assent. Thank you Mr Speaker.

SPEAKER Debate honourable members. No further debate. I put the question to you honourable members, the question is that the Bill be agreed to in principle. We will just pause for a minute. Members will realise that there is a process for this, that votes are to be taken and when somebody is absent I think I turn the glass, ring the bell and when the glass is expired I lock the door, you will realise that I don't have a bell and there is no lock on the door, so I am just going to pause for a minute. The question before us again honourable members is that the Bill be agreed to in principle.

QUESTION PUT  
QUESTION AGREED

The aye's have it, the Bill is agreed to in principle. Do you wish to dispense with the detail stage on this matter? Aye, ok, agreed, thank you. A final motion please Chief Minister.

MR SNELL

Mr Speaker I move that the Bill be agreed to.

SPEAKER

The question is that the Bill be agreed to. Any final debate? I put that question – that the Bill be agreed to.

QUESTION PUT

QUESTION AGREED

The aye's have it, the Bill is agreed honourable members.

### **THE PUBLIC SERVICE BILL 2014**

SPEAKER

We resume debate on the question that that Bill be agreed to in principle and Chief Minister you have the call to resume on this matter.

MR SNELL

Thank you Mr Speaker, Mr Speaker, most of the issues involved in the explanatory memorandum has been again, explained to the House and the listening public in the previous meeting of the House. But just to recap, this Bill repeals the Public Sector Management Act 2000 and it also replaces 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 underpinning the Act as the basis for administrative action, administration of the public service and conduct of its employees, emphasis employee conduct and performance and the responsibilities of the CEO in delivering high quality services, changes the appeal mechanisms in the Act through the abolition of the Public Service Board and the appointment of a Commissioner to hear appeals who will be a person of some independence and stature. Mr Speaker there have been quite a number of issues revolving around the Public Service Bill 2014, we hope that we have resolved all of those in this Public Service Bill, and we appear to have done so, we have received the final Bill and that final bill draft has been principally agreed to by the Commonwealth so Mr Speaker I seek the approval of the Bill.

SPEAKER

Thank you Chief Minister, debate, any debate? Mrs Ward.

MRS WARD

Thank you Mr Speaker, just a few words on the Bill and I guess picking up again on the comments the Chief Minister has said before and has said again about the Bill, ultimately a Public Service Act, continuing to meet the needs of the public service. A public service act is about more than that, it is about meeting the needs of the government and the community which it serves. The objectives of the Act have been updated to hopefully provide a contemporary piece of legislation, legislation is always evolving, so as elected representatives, all we can do is the best we can today, or at any given time to ensure that the public service is the very best that it can be, and that senior level officers and employees uphold the objectives of the Act, which are certainly not limited to, but would include, and if you bear with Mr Speaker, I will just read out five of them, one is that the Public Service is to provide the objectives. I will read it as it is, under section 3(1). The objectives of this Act are to provide a public service a) that is apolitical performing its functions in an impartial and professional manner and at d) that provides a workplace that is free from discrimination and recognises and utilises the diversity of the community it serves,

f) is openly accountable for its actions and at g) responsible to the government of Norfolk Island in providing frank, honest, comprehensive accurate and timely advice in implementing the governments policies and programmes, at k) that it is career based service to enhance the effectiveness and cohesion of Norfolk Island's democratic system of government and at m) that establishes work place relations that value communication, consultation, cooperation and input from employees on matters that affect their workplace at n) that provides a fair, flexible, safe and rewarding workplace and a final point I will make is at o) is that the public service focuses on achieving results and managing performance and it finishes off Mr Speaker by saying that it provides a fair system of review of decisions taken in respect of its employees. And that's just picking up on an important point, and a change of the repeal of the old Public Sector Management Act 2000, is the removal of the Public Service Board, who in the past Members have made a deal of the efforts that were made by that Board, but I repeat that. And that will be replaced by what is seen to be a more independent review process and oversight and that is by an externally appointed Commissioner. Thank you Mr Speaker.

SPEAKER Thank you Mrs Ward. Further debate? Honourable members the question before us is that this Bill be agreed to in principle.

QUESTION PUT

QUESTION AGREED

An abstention, Minister Adams. Honourable members is it the wish of the House to dispense with the detail stage? I see nods, ok we dispense with the detail stage. Chief Minister final motion please.

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

SPEAKER Final question is that the Bill be agreed to. Any debate on this final matter? Minister Adams.

MS ADAMS Thank you Mr Speaker, the reason I am abstaining is that there continues to be in this Bill, as was in the earlier Bill the difficulty around understanding what is a Territory Authority and Territory Instrumentality on that basis that it is still unresolved I will be abstaining from the Bill.

SPEAKER Thank you, final debate? Then I put the question honourable members, the final question is that the Bill be agreed to.

QUESTION PUT

QUESTION AGREED

Abstentions? Minister Adams. Thank you, the Bill is agreed to.

## **PROVIDENT ACCOUNT AMENDMENT BILL 2014**

SPEAKER Honourable members we are resuming debate on the question that this Bill be agreed to in principle and again Chief Minister you have the call to resume.

MR SNELL Thank you Mr Speaker, Mr Speaker as mentioned previously, this concerns the provident fund account and the provident fund members have been advised that they will in the future be responsible for the accounting of their own provident fund. Mr Speaker as explained in earlier memorandum, this Bill is intended to make provision 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 engaged to perform the audit. As 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 and I so move that the Bill be agreed to.

SPEAKER Thank you Chief Minister, debate, any debate? No further debate, I put the question that the Bill be agreed to in principle.

QUESTION PUT  
QUESTION AGREED

The aye's have it, thank you and the Bill is agreed to in principle, is it the wish to dispense with the detail stage? We dispense with the detail stage honourable members, final motion please Chief Minister.

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

SPEAKER Final motion that the Bill be agreed to. Any debate? I put that question, the final question is that the Bill be agreed to.

QUESTION PUT  
QUESTION AGREED

The aye's have it, the Bill is agreed honourable members, thank you. We have concluded orders of the day.

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

SPEAKER Fixing of the next sitting day, Mrs Ward please.

MRS WARD Thank you Mr Speaker, Mr Speaker I move that the House at its rising adjourn until Wednesday, 15<sup>th</sup> October 2014 at 10am.

SPEAKER Thank you, any commentary in respect of that matter before I put that motion? The question is that that motion be agreed to.

QUESTION PUT  
QUESTION AGREED

The aye's have it, thank you, that motion is agreed.

#### **ADJOURNMENT**

SPEAKER Adjournment honourable members. Mr Porter.

MR PORTER Mr Speaker I move that this House do now adjourn.

SPEAKER Thank you, the question is that this House do now adjourn. Did you want first call Mr Porter in terms of any matters in the adjournment debate?

MR PORTER No thank you.

MR EVANS Thank you Mr Speaker. Mr Speaker earlier today I gave notice of my intent to introduce a private members bill for an act to provide for a same-sex marriage between adults and I table an Exposure Draft of the Bill and supporting documentation. Mr Speaker it is for many reasons that warrant my actions in commencing

this procedure. As a subject of same-sex marriage may seem controversial and far away from many other issues that this government issues has before it, surely human rights and equality should never stray from our sights, not only as members of this government but also as members of this unique community which we live in today. Mr Speaker as having lived in this community for 40 years I and others in the community know and realise the contribution that gay and lesbian individuals and couples have played in community life here on the island and certainly the part they have played and still play in maintaining our culture in song, dance and other cultural activities. I would have say that their contribution has certainly added to the cultural values that islanders hold and enjoy today. Whilst we have accepted and embraced them within our community we have never offered them legal equality, especially regarding the privilege of the legal marriage of same-sex couples. Mr Speaker I urge those that may be listening to our broadcast as heterosexuals, as married or unmarried, to think for a moment of not having that opportunity in their life time. Those that are married, in most cases, regard their wedding day as one of their momentous days in their lives. Overseas studies show that after marriage same-sex couples experience a stronger sense of inclusion and belonging, also that marriage equality improves the mental health of gay and lesbian people and strengthens the relationships and families of same-sex couples. Many other benefits are forthcoming with barriers to social inclusion and participation are reduced, particularly in the regard to a core social institution like marriage. A question that would be in the minds of most in the community, is probably how can Norfolk Island benefit and what impacts will this Bill incur on island life socially and economically. Other than a few obvious benefits the community can derive Mr Speaker, a community consultation process will be undertaken which public opinion can be sought and much more detailed information offered. For those that may or may not know Mr Speaker, and I think we touched on it earlier on in the tourism information, Norfolk Island Tourism already targets into the gay and lesbian market, the passing of this bill will see a large, maybe even huge increase, in interest and visitation numbers to Norfolk Island from this group. On a local note, and probably a very important one for most of us on the island Mr Speaker, we do have a local who currently resides overseas who is looking forward to such legislation becoming a reality, and then his dream of being able to marry 'back hoem' 'as we tul' (back home as we say) may become a reality sooner than later Mr Speaker. Mr Speaker my Bill, or this draft Bill, is a product of months of hard work by some of Australia's top legal and constitutional minds and may I graciously add Mr Speaker at no cost to the Norfolk Island Government, these include Professor George Williams, who is Australia's leading constitutional law academic, Bret Walker SC who is a leading Constitutional Barrister and Don Wright who is familiar to members as an expert in Norfolk Island law. Also Mr Speaker, Mr Andre' Nobbs, former Chief Minister of the 12<sup>th</sup> Assembly, commenced this process in February of this year. They have been helped by input from family law experts from Monash University, whose paper on Norfolk Island family and relationship law has proven vital in drafting this Bill. One of the key points the experts had to address was what led to the ACT's Marriage Equality Act being overturned in the High Court last year. Unanimously they agreed that the problem was that the ACT Law drew on the definition of marriage from the Australian Marriage Act. Even before its Act was passed the ACT Government was warned of this problem but it went ahead anyway. My Bill has been drafted to avoid this problem by creating a new legal status of same-sex marriage, this means that it doesn't impinge on the Marriage Act at any point, and is much more constitutionally robust. Here I would like to quote from an article written by Professor Williams after the ACT Act High Court decision 'the High Court overturned the ACT law because it was inconsistent with the Federal Marriage Act. The court did not say how differently drafted state or territory law might fare. One of the problems facing the ACT was its law was not drafted in a form that gave it the best chance of success. It was crafted explicitly as a marriage equality measure, not as a law that established an entirely separate form of same-sex marriage at the territory level. Problems with the ACT law were apparent from the High Court decision. Hence, the view of the leading NSW barrister Bret Walker, SC, was that the ACT law was invalid, but that a differently drafted law could survive constitutional attack.' This draft Bill that I am putting forward today Mr Speaker is that differently drafted law. Along with the draft Bill Mr Speaker is a four page information document and also a summary of the results from the same-sex

marriage research from Crosby Textor. I thank all members for giving me the time to bring this issue to our government Mr Speaker, and thank you for your time as well Mr Speaker.

SPEAKER Thank you Mr Evans. Further participation in the adjournment debate honourable members? Mr Porter.

MR PORTER Thank you Mr Speaker. My comments on the matter are in two parts. First I am disappointed that a great deal of emphasis in the report has been placed on the economic benefit of the proposal, this may invite people to come to the conclusion that Norfolk will do anything for money and this may impact on our credibility in other cutting edge legislation, for example the medical cannabinoids. I would rather support the notion that we are a very inclusive society and we encourage that gay and lesbian community, as we have said before, to enjoy a holiday in an open and welcoming community on Norfolk Island and by extension we should offer them this opportunity. Having said that, on the matter of equality, I will preface my remarks with a statement, that although I have no need or desire to access the service should it become law, I don't believe I have the right to prevent the adult consenting parties being able to avail themselves of this, what some people might say is a basic right of lawful union. Personally, from my perspective, I'd see it as a legal civil union rather than marriage, whereby my definition it's a union of a man and a woman before god, having said that, as I have previously mentioned I have no desire to prevent these people from achieving equality to the extent that we have the authority to provide. Thank you.

MS ADAMS Thank you Mr Speaker, I want to compliment Mr Evans for bringing this initiative before this House. I also accept and hear and agree with what Mr Porter has said, I think I brought this onto the table yesterday when we were afforded the opportunity to have a discussion here after a meeting of members. For me it is a human rights issue. First and foremost it is a human rights issue any economic benefit to Norfolk Island for me is secondary. I applaud your initiative.

MR WARD Thank you Mr Speaker. Mr Speaker, our neighbour New Zealand has already taken up this initiative and was widely applauded as having made a smart move that would yield a niche tourism market. I applaud Mr Evans for taking the initiative to bring this as a private members bill, but I do have some concerns. Concerns that are somewhat broader than the actual bill. Firstly, I acknowledge the point raised in Mr Evans' supporting material about same-gender couples, that they should be able to have a legally recognised status beyond that of de-factor and I would support a civil union provision were it to be brought to this house. The broader concern that I referred to, is that we have currently launched into the medicinal cannabinoids issue, a subject many would regard as being somewhat left field. I do not want this House to be seen as abusing our unique constitutional position to inflame or manipulate mainland political debate on controversial issues that they are working through. And finally, I do not want to waste our limited resources on a law that could be challenged legally and end up tying up our LSU, our legal department, in a battle that we do not need. I wish Mr Evans well with developing his bill to create something that will serve the needs of the people who have need or want of this legislation, thank you.

SPEAKER Thank you Mr Ward, further debate, Mrs Ward.

MRS WARD Yes, thank you Mr Speaker. I am just perhaps asking some questions, and I'm not expecting answers right now, it's just something else that can go into the melting pot as this is progressed. My question is, why the Norfolk Island Government is not presenting this initiative, whether the people who are driving this have already been to the Norfolk Island Government and whether it has already been out rightly rejected by them already and their reasons for that – I would like that explained at some stage. All credit to Mr Evans for bringing on what he would see ultimately in time as a private members bill, I do, I congratulate him on that, but I am very interested to see why the Norfolk Island Government isn't driving this, if it is indeed something which

should/could/would be pursued. So that is the question of whether it has been presented and has been rejected by the current Norfolk Island Government. I will come to the other easy point first and then I'll come to the technicality. My understanding is that the Social Services Act (Nik), does recognise same-sex relationships in terms of couples, so there is not discrimination there, those forms of discrimination have already been removed from perhaps a number of our pieces of legislation, so get that clear. It would be helpful if that could be cleared up. The last point really is about technicality. The first that I heard of this initiative, other than being an item that we were going to have a meeting on yesterday, it was not an agendaed item, it was something which Mr Evans asked if members could sit, unfortunately I had a prior engagement and had to leave and couldn't attend that meeting, so to me and members are presented with information and initiatives and proposals and ideas, and it's wonderful and that's really why we set up the Infrastructure and Business Development Group, so that people had a set pathway and structure that people in the community could go through. So it wasn't sort of all over the place, members knew where they could direct these initiatives too. So the first was that. The first I really heard the words 'introduction' and 'presentation', not it was 'introduction', introduction into the Norfolk Island parliament today, was on Radio National this morning. Then I thought, that's the first I've heard of it in that sense. That's serious, if you start talking about introducing legislation, with no idea about what's going on, I must say I am affronted by that, so I'll just pass that as a comment to members, they may wish to take that on board or not. Then Mr Evans in Notices this morning gave notice to present a Bill. So we have got the words 'present', 'introduce' and now we have got 'table an Exposure Draft', so I'm really coming back to technicalities, because if you want this to happen, it's got to be done properly ok. So what I've noted as Mr Evan's presented or tabled, no you have used the word introduced, my colleague has used the word introduced as well, an Exposure Draft, and I saw the Crest, the Norfolk Island Government Crest, so to me I make an assumption that our LSU has created that piece of legislation, and if not, I wonder what the Norfolk Island Government Crest is doing on a piece of, on a document that is tabled as an Exposure Draft during an adjournment debate in this House. Mr Speaker I have had the conversation with you before around my concerns of private companies and individuals using the Norfolk Island Government Crest on its documentation. It is misleading to say the least, it is false impression, I'm being polite Mr Speaker. So they are the technical issues, so if we seriously want to progress this, can we please just get the basic fundamentals right and then we can look at the issue and the topic. I will state for the record that I do not have a problem with, neither do I have a problem with clinical trials of medicinal cannabis, it's just that we are a parliament, we are not sat at the back of a pub just throwing around ideas. So I would only ask that members who are democratically elected to represent this community are respected in that way. Thank you Mr Speaker.

SPEAKER

Thank you Mrs Ward, further debate, Mr Nobbs.

MR NOBBS

I thought we were just allowing Mr Evans to proceed and table a document and speak briefly on it, I didn't know it was becoming a debate, that's what I said yesterday, don't make a debate of it, because it's not the way to go, but anyhow, that's up to the members to decide themselves. I'm pleased about the equality word being used because I am all for equality, but I just remind Mrs Ward that you can't beat the press! I mean, whatever they say that's it, and unfortunately it was in the ABC this morning well that's their side of it, that's nothing to do with this Assembly. The issue really is, I think, that we should let the processes proceed from here Mr Speaker, and I'm not getting into any argument on who's what and what's who, so if we can, that's all I wanted to say, let the processes begin. Plus, if I may, I just congratulate Teddy on his presentation, and I know how much courage it took. Thank you Mr Speaker.

SPEAKER

Thank you Mr Speaker. Minister Adams.

MS ADAMS

Thank you Mr Speaker I just want to simply, for the record, clarify in my mind what Mr Evans has done today. At the giving of notices under Standing Order 78(4) he exercised his democratic right in this Chamber to give notice of

intention to introduce legislation at some time. He then, in adjournment debate, exercised his right as a member of this Assembly to do as he has done. Mrs Ward is offended, I'm equally concerned that the processes of this Parliament are being called into disrepute. Thank you Mr Speaker.

SPEAKER I think I should just give clarity to this situation given a number of things that have been said. Firstly, appropriate notice has been given at the commencement by Mr Evans in respect of a proposed Bill to come before the House. That is quite clear in our Standing Orders and processes. Here in the adjournment debate, the adjournment debate is a matter for any matter to be raised, by any member, although to be quite frank, and I have made mention of this before, my priority is to provide that facility to non-ministerial members. Ministers of the Government have their capacity in a whole range of other processes within this Parliament from Statements to Papers to a range of other things that members do not have initiating action upon and so this is really a forum for, principally for, non-executive members. Mr Evans has exercised that this afternoon, as has others, and in that process has presented a document so that others may share it at this time. I need to make it plain that that is not an introduction of a Bill into this Assembly, that is not an introduction of a Bill into this Assembly. There are other processes to be followed and Mr Evans will need to take account of that. But that needs to be made clear if anybody is making an interpretation at this time, for example the press that has been referred to, that is not an introduction of a bill into this Assembly, there are other processes for that. Now, are there any other matters of participation by individual members in the adjournment debate? Mr Evans.

MR EVANS I apologise to members and probably apologise...

SPEAKER No, none of the things that I have said is seeking an apology. If it were, I would make it very plain!

MR EVANS Thank you Mr Speaker. I was just apologising probably just for my lack of vocabulary knowledge of the thing, but I was rather proud that I only got a couple of words like 'present' and 'introduction' rather than some other explicit words that seem to be quite a part of my language Mr Speaker, so I would just like to finish there, thank you Mr Speaker.

SPEAKER Thank you. Are we done? I think we are done. Ok honourable members the final question is that this House do now adjourn.

QUESTION PUT  
QUESTION AGREED

The aye's have it. Honourable members this House stands adjourned until Wednesday, 15 October 2014 at 10 o'clock in the morning.