



NORFOLK ISLAND LEGISLATIVE ASSEMBLY
14TH NILA HANSARD – 17 DECEMBER 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 upon this House, direct and prosper our deliberations to the advancement of Thy glory and the true welfare of the people of Norfolk Island. Amen.

SPEAKER Thank you Honourable Members, for those who would like to remove their coats this morning please feel free to do so, it is getting warm and a bit humid.

CONDOLENCES

SPEAKER Honourable Members, we are all present this morning. We commence with condolences. And Honourable Members I commence with this statement of condolence, commencing on Monday, and concluding tragically in the early hours of Tuesday just passed, our neighbouring city of Sydney, Capital of the State of New South Wales, in a Martin Place café centrally located in the Central Business District, suffered a siege. Perpetrated by a sole armed Islamic terrorist and this siege ended in the death of two hostages. Tori Johnson and Katrina Dawson, this was a horrific siege and hostage crisis inflicted by an Islamic extremist in a major capital of the Commonwealth of Australia. We as a Parliament representing the people of Norfolk Island offer our condolences to the family of those who lost their lives in this horror and send our warm encouragement for recovery for those who suffered and continue to bear the traumatic pain of this tragedy. We do offer to our brother and sister, Australian citizens, our support, fellowship and prayers as the aftermath of this siege is faced. Mr Evans condolences please.

MR EVANS Thank you Mr Speaker. Mr Speaker, it is with regret that this house records the passing of Chloe Barbara Nicholas. Chloe was born in Sydney in 1940 and spent her early life swimming and sailing off Sydney's Harbour beaches. As a young woman Chloe lived and worked in Sydney and married her first husband Harry who remained a great friend; they travelled and spent time on Lord Howe Island. Some years later Chloe flew to Tonga and joined the "New Endeavour" which sailed to Norfolk Island as part of a Captain Cook re-enactment voyage. In March 1966 Chloe returned to Norfolk Island with her second husband Bill and settled at Middlegate. They raised two children; Melissa and Stephen James who pre deceased Chloe in 1998. During her 48 years on Norfolk, Chloe involved herself in many activities. Her involvement in the early days of NATS will be remembered along with her Friday evening radio program – surrounded by Fine Music. Chloe particularly enjoyed the NIMPEX days and the time she spent working as a property agent; most enjoyable were the days spent on Emily Bay with her children. Chloe entered Norfolk's political arena in 1980 to the Second Legislative Assembly and again in 2000 in the Tenth Legislative Assembly and she served on a number of Government Statuary Bodies. Chloe was immensely proud of her grand-children Isabelle, Ari and Tertia and their achievements, particularly their academic achievements. Chloe may well be best remembered for her dedication to the gym and her active ageing regime. She was

unimpressed that after so many years of healthy eating and exercise that her legs would let her down. Chloe developed deep vein thrombosis which was triggered by pancreatic carcinoma and in typical form her own research prepared her for the worst and her decision to return home after just four days in Sydney's Prince of Wales Hospital was absolute. Chloe will be remembered as a woman of great intellect and dignity; a pragmatic person and a quality human being who willingly gave her time and assistance to those who sought it. She encouraged and inspired many. Chloe was a highly regarded member of this House. To her daughter Melissa, to her grandchildren Isabelle, Ari and Tertia and many friends this House extends its deepest sympathy. May she rest in peace.

A second condolence Mr Speaker is Michael Alexander Jack who was born in Kuala Lumpur on 26th August 1950. His father worked for the British Colonial Service and in 1957 the family moved to Nairobi, Kenya. Later that same year Michael was sent to boarding school in England only returning to Kenya during the long summer holidays otherwise travelling to Denmark staying with his maternal grandmother for the shorter term breaks. In 1960 Michael was withdrawn from boarding school joining his family in their final move to Brisbane, Australia. Michael grew up enjoying a variety of sports and in his teens took up rugby union a game he loved playing and watching. In 1972 he was a member of the GPS team that won the Queensland club premiership then went on to represent Queensland in 1972/73. 1972 was also the year he met Vicky, during her uni orientation week. They married in 1979 and commenced working as a hotel management team in pubs in and around Brisbane. During the next 10 years the family grew to include three sons; Edward, David and William. Work and family life co-existed well until 1988 when Michael was a victim to an armed hold-up. This event shook Michael and a re-evaluation of the family and work situation began. Changes to pub ownership also occurred and influenced the need for substantive change. A holiday to Norfolk Island followed and the die was cast. Paperwork was filled and filed and in 1991 the family moved to Norfolk Island. Michael was content. His family could be raised in the carefree ways he remembered from his youth, the fishing was fantastic, the Island's beaches and surrounding waters were pristine and he could sit on his deck, sip a cool beer and watch the world rotate. An added bonus was his love of walking his dogs, Syd and Lucy, on the golf course while training Syd to find errant golf balls and saying hello to other dog owners. This idyll continued until quite recently when his health started to decline. He would shake off Vicky's concerns but a few weeks ago it became obvious that all was not well. Michael, accompanied by Vicky, travelled to Brisbane for medical tests at the end of November staying at David and William's house where he collapsed on Thursday 27th November. Michael was taken to the Prince Charles Hospital ICU but passed away, surrounded by his family, on Monday 1st December. To Vicky, Edward, David and William, to Michael's many friends this House extends its deepest sympathy. May he rest in peace. Thank you Mr Speaker.

SPEAKER Thank you Mr Evans. Honourable Members as a mark of respect I will invite you to stand for a period of silence, especially acknowledging our former member Mrs Jack and our colleague in this Chamber this morning Melissa, the daughter of Chloe Nicholas. I invite you to stand for a period of silence. Thank you Honourable Members.

PETITIONS

SPEAKER Honourable Members, petitions, are there any petitions this morning?

GIVING OF NOTICES

SPEAKER Any notices?

QUESTIONS WITHOUT NOTICE

SPEAKER Questions without notice, are there any questions without notice around the table? Mr Porter.

MR PORTER Thank you Mr Speaker, to the Minister for Finance, is the Minister aware that through some anomaly in the calculation of volumetric rate for air freight there appears to be a disparity in the charge for waste management fees compared to sea freight of some 10 to 1.

MR SHERIDAN Thank you Mr Speaker, and thank you Mr Porter for the question. Yes, I think this was raised at the last meeting or one of our subsequent weekly meetings, I have called for the waste management levy file from the Administration, and I am yet to receive that, and it is my intent that it would undertake a review to ensure that the charges for the waste management levy on air freight is virtually consistent with sea freight.

MR PORTER To the Minister for the Environment if I could please. In the matter of the recent use of private contractors to carry out maintenance on the road network, was this work advertised in the local press, and if not why not. And if not, how can the Minister or the Service for that matter prove a transparent and fair cost effective procurement process was followed?

MR WARD Thank you Mr Speaker, and thank you Mr Porter for the question. The contractors that were used to patch Anson Bay Road were engaged at very short notice, there was a situation with a shortage of Administration staff at the time due to leave and other issues of that nature that meant staff weren't available. The road was in dire need of imminent repairs and the service as I understand it sought three quotes, three quotations from contractors known to be involved in that sort of work and selected from those quotes they received. Had there been the time to advertise and put it out to a wider field that would have occurred, but there was a matter of some urgency to get that work done, thank you.

MR PORTER A supplementary if I may please. Can the Minister enlighten us if this suggests a lack of forward planning on the part of the Department and if so, will that matter be addressed to allow for proper quotation?

MR WARD Thank you Mr Speaker and thank you Mr Porter again. It is not so much a matter of forward planning, it's more a matter of the Roads Department, although we have staff appointed as full time employees, much of their time is directed in other areas, we have aging roads, and we had a situation where that road deteriorated very quickly and quick action was needed. As for dealing with that issue, I have asked the CEO that we look at various options to try and give the roads crew a better handle on the time they have available rather than them being diverted to a range of other tasks, and no doubt he will be working through that process.

MR EVANS Thank you Mr Speaker, this one is directed to the Chief Minister. Can the Chief Minister advise the community and the Assembly Members whether some or any of the strategies proposed in the document, Norfolk Island forward from 2014, tabled by Mr Nobbs in the last months sitting and published in editions and 30th November and 6th December of the Norfolk Islander, will be given consideration or adopted in future consultation with the Commonwealth?

MR SNELL Thank you Mr Speaker, and thank you Mr Evans for the question. Mr Speaker all submissions presented to the Norfolk Island Government is considered, we welcome contributions and in particular from Members of this Assembly. The report referred to by Mr Evans is complex, it envisages a complete adjustment to the

Administrative functions which are in place at this time. It has merit, I don't deny that, it has been discussed in a number of areas including Cabinet of the Norfolk Island Government. However Mr Speaker to answer the question, there has not yet been a firm decision as to its progress within the Norfolk Island Government.

MR NOBBS Just a question for the Minister for the Environment, I have had a complaint that the applications for permits for Camping at Cemetery Beach Reserve or whatever they call it, has been refused, but I understand there is some tents there now. Has there been a refusal, or is open for applications?

MR WARD Thank you Mr Speaker, thank you Mr Nobbs for the question, I had heard some concerns that camping wasn't being allowed at the Cemetery Beach area this year, and I have not actually had those in any formal context but would be happy to look into the situation and if Mr Nobbs wishes to pass on the details of concerned persons I would be happy to talk with them if he so wishes, or they so wish.

MR NOBBS I really need to know are you open for applications for camping at Cemetery Beach? Because the person who spoke to me said they were just refused, that their application was refused. So is it possible to submit an application for camping there or is it going to be a waste of time and it will be refused?

MR WARD Thank you Mr Speaker and Mr Nobbs. The matter does rest in the first instance with the Conservator of Reserves, and I would actually have to take that question on notice and see what provisions are there around the camping issue. My understanding is that he was looking at allowing camping only at the back of Emily Bay rather than Slaughter Bay.

MR NOBBS A further question. Is camping to be allowed in the Bumboras Reserve?

MR WARD My understanding is that it is not being allowed at this time.

MRS WARD Thank you Mr Speaker, my question is to the Minister responsible for Health and relates to the R & S Muller Enterprises Report and that they are now being considered by the Norfolk Island Hospital Director and the Norfolk Island Hospital Enterprise Advisory Board who in turn will then provide advice to the Norfolk Island Government on the next stage in the process of developing a five year health plan. Will the Minister be able to inform the House of what time frame has been allocated to those steps.

MS ADAMS Thank you Mr Speaker, thank you Mrs Ward for the question. I will be making a short statement around that later on, but I can say at this time, no definitive time frame has been set at this time, but I wish it to be moving along as promptly as we can, but how that is to move along will depend on first the advice that comes to me from the Advisory Board and it is on their agenda for the meeting tomorrow, and then it will come to the Government, to this forum, for further discussion and of course it involves much discussion with the Commonwealth.

MR NOBBS I just have another question for the Minister for the Environment, I am a bit concerned about his answers in relation to this. Can the Minister please advise what the actual, and I know he can't give a legal advice, but if he doesn't know this one there is something wrong, what is the legal status of the position of Conservator.

SPEAKER Mr Nobbs you will know that questions should not seek a legal opinion, if you are asking for a legal view, I think it's a bit hard to interpret that it may not be of that nature. Would you like to give some consideration of further words?

MR NOBBS The role of the Conservator, in relation to the Act, the Parks and Reserves Act is it? His position is specified, okay, I should imagine? Is it specified or not, that's what I want to know. And how does he fit in considering the ultimate responsibility for the Act lies with this House and its representative, the responsible Minister.

MR WARD Thank you Mr Speaker, and thank you Mr Nobbs for the question, it is one that receives a lot of focus. The appointment of the Conservator is one being a statutory appointment, he is actually responsible to the Administrator, the Reserves are registered, or vested in the Commonwealth as Commonwealth lands, and therefore although we employ the Conservator he is in fact answerable to the Administrator in the management of those lands. I hope that answers Mr Nobbs' question.

MR EVANS Thank you Mr Speaker, this is probably to the Chief Minister, can the Chief Minister advise the House if the CIE Report that was promised to be delivered to the Chief Minister and the Government two weeks ago has been received?

MR SNELL Thank you Mr Speaker, thank you Mr Evans for the question which is appreciated. Mr Speaker, the CIE Report and quite rightly is identified by Mr Evans was promised to the Assembly some two weeks ago regrettably I haven't been able to contact, I did try and ring the Administrator yesterday, but he is busy with Departmental Officers from Canberra, and that was one of the questions I hoped to ask of him, was the status of not only the CIE Report and its delivery to this arena Mr Speaker, but also of the Deloitte's Report as well. But to answer Mr Evans' question we still have not received the CIE Report but I'm hoping that the Administrator will be able to send it on to us before he departs on his holidays on Saturday.

MR EVANS I suppose it's a little bit of a supplementary there Mr Speaker, but whether the Minister can answer it or not, could the Chief Minister envisage why such an important report has not been delivered when the Government was advised that it was a 60 page report and as soon as it was ready it would be passed on, I don't know whether the Minister can answer that but it is something that probably should be asked.

MR SNELL Thank you Mr Speaker, thank you Mr Evans, yes I can't answer the question, but I share Mr Evans' concern, and I am sure other Members around this table also share the concern, that the document, as promised has not been delivered.

MR NOBBS Thank you Mr Speaker, this is for the Minister responsible for KAVHA, has the Minister been provided with Minutes from previous KAVHA Board Meetings as yet? And if so, will these past Minutes be made available to those with significant interests in the area, namely the residents of this island.

MS ADAMS Thank you Mr Speaker, thank you Mr Nobbs for the question, the question has been asked, I await a response, the Board is meeting tomorrow, maybe they can make that decision at that time, I will certainly bring it up with the Chair.

MR NOBBS Minister, as you are aware the KAVHA governance arrangements in which both the Commonwealth and Norfolk Island Governments hold responsibility have been described, and I quote, 'debilitating over the past 35 years' and what is the Minister doing to alleviate such criticism.

MS ADAMS Thank you Mr Speaker, thank you Mr Nobbs for the question. I understand your concerns Mr Nobbs and I'm looking to the new Heritage Management Plan to give some guidance in this direction going forward and until that document is on the table for us to have a look at, it is a very difficult question to categorically answer.

QUESTIONS ON NOTICE

SPEAKER We have questions on notice number 43 to 53. Firstly 43, Mrs Ward to ask the Chief Minister and Minister for Tourism, Chief Minister.

MR SNELL Thank you Mr Speaker. Mr Speaker, the question reads, given the Chief Minister's response to Question on Notice 38; will the Chief Minister confirm his stated position that he and his Government are reliant on Federal Government action to encourage business development, improve the economy and deliver on a sustainable long term future for the Island? And I thank Mrs Ward for the question. Mr Speaker I said on the 19th of November, in reply to question on notice 38, that a more vibrant environment for business investment and development on Norfolk Island, and I quote 'can only occur through co-operation and trust through the Federal Government and the Norfolk Island Government that will deliver sustainable long term economic growth for Norfolk Island' end quote. I do not at this time Mr Speaker recall having said we are reliant on Federal Government action, what I was saying I believe Mr Speaker is that the minds of the Federal and Norfolk Island Governments need to be brought together to develop an agreed way forward that will create an environment to sustain business investment, improve the economy and deliver a sustainable long term future for Norfolk Island. Mr Speaker following the last Assembly, you and I wrote to Assistant Minister Briggs seeking to put into place that process. I table a copy of that correspondence. We are still waiting a reply to the offer and as a Government we are still committed in working in a collaborative manner with the Federal Government to achieve the joint outcome, and Mr Speaker as late as this morning I have been informed by the Chief of Staff has again requested a reply to our letter of the 21st of November. Thank you Mr Speaker.

MRS WARD Thank you Mr Speaker, if the Chief Minister and his Government are not reliant solely on the Federal Government to encourage Business Development and improve the economy, what is the Norfolk Island Government doing to achieve those same outcomes.

MR SNELL Thank you Mr Speaker and thank you Mrs Ward for the supplementary question, the Norfolk Island Government encourages all submissions from any interested business party that may enquire into setting up a business opportunity here on Norfolk Island and as we will all be well aware investments to Norfolk Island, or barriers to investment to Norfolk Island have been significantly relaxed and we encourage any business opportunity and there have been several that have been brought to our attention, and those are being considered and have been considered in the present time.

MRS WARD How and where are those interests that have been expressed to the Government then processed.

MR SNELL Thank you Mr Speaker, and thank you Mrs Ward for the question, the initial process Mr Speaker is through the Infrastructure and Business Development Committee for which they then pass a report to the Norfolk Island Government, the Norfolk Island Government considers those reports and then response is attended to accordingly.

MRS WARD Thank you Mr Speaker, could the Chief Minister outline which of those recommendations of the Business Investment Development Group the Government has actioned or acted upon.

MR SNELL Thank you Mr Speaker, and Mrs Ward for the question, we have invited participation of interested persons to come to Norfolk Island to submit their proposal, that has occurred on one occasion in particular that I am aware of, from memory there could have been more. We invite those submissions, the great problem that appears to be, with all of these submissions is Mr Speaker, is the uncertainty into Norfolk Island's taxation regime, and it is in itself creating a stumbling block.

SPEAKER Question 44, Mrs Ward to ask the Minister for Cultural Heritage and Community Services, Minister Adams.

MS ADAMS Thank you Mr Speaker and thank you Mrs Ward for the question. The question reads, will the Minister inform the House who is ultimately responsible for the public release of the Norfolk Island World Heritage Listed Area - Heritage Management Plan, draft or otherwise? In response, the KAVHA Management Board with appointed representatives from both the Australian and Norfolk Island governments, will, on behalf of the governments who share proprietorship of the site, authorize the Draft Heritage Management Plan to be placed on public exhibition. The Draft is with the KAVHA Management Board now and is listed for discussion at the Board's meeting to be held tomorrow 18 December 2014 here on Norfolk Island.

SPEAKER Question 45, Mrs Ward to ask the Minister for the environment. Minister Ward please.

MR WARD Thank you Mr Speaker and thank you Mrs Ward for the question. The question reads, will the Minister inform the House who is ultimately responsible for the public release of the Norfolk Island Public Reserve Management Plan, draft or otherwise? The Public Reserves Act 1997 specifies that the Minister will prepare a draft Plan of Management for each reserve, that is a formal reserve continued in existence as a reserve section 50 paragraph (b). The original Plans of Management were prepared by the Administration in consultation with the Minister of the day and the Administration conducted the required publication and consultation process. Section 17 of the Act provides the Minister shall ensure that a copy of each of the following documents is available for inspection by members of the public free of charge at the office of the Conservator: a) a draft plan of management in respect of which public submissions have been invited by the notice required by paragraph 11(a); (b) a draft variation of a plan of management in respect of which public submissions have been invited by the notice required by paragraph 11(a); and (c) the plan of management for each reserve. A set of revised draft plans of management were provided to me when I took up this Ministry, after reviewing those drafts I determined that the Conservators concerns around grazing issues needed to be addressed, on the 2nd of May 2013 I discussed this with the Conservator, on the 8th of August 2013 I met with the then Administrator Pope as Commonwealth Representative, I then met with the Conservator and Administrator Pope together about this aspect of the draft plans of management where some basic stock management measures were to be incorporated. I currently await the agreed amended draft plans which have been slowed by staffing reductions. Thank you Mr Speaker.

MRS WARD If I may Mr Speaker ask the Minister who he is waiting for this work from, the additional work that's been done, who is the Minister waiting for.

MR WARD Thank you Mr Speaker, I referred here to the Administration having actually prepared the original draft plans and that is again the case with these and in this instance it is the Conservator, it is possible that they may induct somebody else to help him with that process, but it is the Conservator who has taken on those stock management issues, it needs to be noted here that the Conservator has also taken on the role of Manager of Land Use and Environment, and I think it's these extra duties that have slowed the progress on this matter.

MRS WARD Mr Speaker will the Minister acknowledge that this has been going on for over 20 months, please, will he acknowledge that.

MR WARD Yes absolutely.

MRS WARD Thank you.

SPEAKER Have we concluded on that matter? Question number 46, Mrs Ward to ask the Minister for the Environment. Minister Ward please. Number 46,

MR WARD Thank you Mr Speaker, I will just, the question 46 standing in my name from Mrs Ward reads, will the Minister table the Norfolk Island Government's current policy on future rock supply? Mr Speaker defining and securing a supply of raw rock product is of prime importance to this Government but it must be said at the outset, that being a long term supplier of raw rock product is not something that this Government wishes to maintain an active role in. Rock one from the Cascade Cliff Safety project led to the Government of the day having to maintain a role as custodian of that material. A recent surveyors report quantified our existing rocks stocks at 14,570 cubic metres or some 8,200 tonnes. This, at current usage rates, which have been lower than previous averages, would last us two to three years, members would be aware that most of the potential quarrying sites are on Commonwealth vested lands, and I speak here of the remaining Cascade Cliff, Headstone and Jacob Rocks areas. Not only are these Commonwealth lands, but they are public reserves, as Commonwealth lands any quarrying work would trigger an EPBC referral and a requirement for Commonwealth approval to quarry that land. A referral under the EPBC Act is not an insurmountable hurdle, especially where the proposed action does not involve a matter of national environmental significance. Any proposed quarry site would require an environmental impact statement, an EIS, as one of the primary uses of rock product, it is prudent that this Government plays a part in ensuring there is every preliminary step taken to ensure a new supply is available as the current stock pile is exhausted. Policy can be summed up as follows. The Government is mindful of the current limited supply of raw rock product, it is desirable to have one high yield area as a quarry, rather than many areas being impacted, the Government has initiated rock supply task force and Mr Dave Porter and Mr Lou Evans, who just last week supplied a final report titled 'Report on future rock supply'. This report highlights the need to secure funding to facilitate core sampling and geo-technical investigation by the sites identified by former Planning Officer, Mr Alan McNeil, this sampling will provide data on quantity and quality of available rock and ensure the best possible location is selected so that decision makers have the relevant facts to work with. The Government encourages commercial operators to explore options to meet future demand, the Government notes and acknowledges the large number of reports on this topic and that many recommended exploratory drilling but were not actioned, this drilling work is now an essential step forward that has to have Government involvement to enable private enterprise to then progress the resulting site of choice. Mr Speaker I would like to thank Mr Porter and Mr Evans for their efforts in compiling this report. I have sought Mr Porters approval to table his report and do so table along with this summary. Thank you Mr Speaker.

SPEAKER Thank you Mr Ward. Question number 47, Mrs Ward to ask the Minister for the Environment, Minister Ward please.

MR WARD Thank you Mr Speaker, question 47, again in my name from Mrs Ward, and I am just moving to the correct paper, the question reads, in relation to the Cascade Pier upgrade project will the Minister answer the following; 1. Given the Minister's assertion in the last Sitting of the House that the risk analysis in relation to design and rock supply, carried out by the Administration of Norfolk Island, was deficient; will the Minister table all relevant documentation to support his claim. 2. Will the Minister table the contingency document that he shared with the Administrator prior to the last Sitting. 3. Is it a fact that the Norfolk Island Government supports the JSC recommendation that the Commonwealth Government assume responsibility for the Cascade and Kingston Pier upgrades and if so; will the Minister explain why. And 4. Is it a fact that the Norfolk Island Government is refusing to sign the Cascade Pier funding agreement and if so; will the Minister list the reasons? For clarity I shall recap each part of the question with its answer. Given the Minister's assertion in the last Sitting of the House that the risk analysis in relation to design and rock supply, carried out by the Administration of Norfolk Island, was deficient; will the Minister table all relevant documentation to support his claim. Mr Speaker I reached my conclusion that there were issues around the project that perhaps weren't the

responsibility of the various officers involved in applying for the RDAF4 funding grant. It isn't so much a matter of labelling their work deficient, but rather a matter of us being certain that all likely risks have been adequately considered and allowed for. Most of this research has been derived from a discussion with a range of people that is not readily available as documents that can be tabled. 2. Will the Minister table the contingency document that he shared with the Administrator prior to the last Sitting. I have the document to hand and will so table. 3. Is it a fact that the Norfolk Island Government supports the JSC recommendation that the Commonwealth Government assume responsibility for the Cascade and Kingston Pier upgrades and if so; will the Minister explain why. And I have may have lost part of the end of that there, but yes, it is fact that the Norfolk Island Government supports the Joint Standing Committee recommendation four, that the Commonwealth resume responsibility for the Cascade and Kingston Pier upgrades, as this removes from us the unfunded contractual obligation to purchase a 100 tonne crane and barges to the cost of \$5.75 million. It would also remove from us the risks of project overruns and the risk of having a partially constructed jetty left uncompleted if such unfunded overruns were encountered. 4. Is it a fact that the Norfolk Island Government is refusing the sign the Cascade Pier funding agreement and if so; will the Minister list the reasons? Yes, it is a fact that there are unacceptable cost risks and it is now very clear that Norfolk Island could not responsibly sign up to the agreement as it stands today. Norfolk Island has the capacity to manage this project, but not the fiscal capacity or the right to commit this island to unmanageable debt. In my press release last week I called upon the Commonwealth for a collaborative approach to developing and implementing a Norfolk Island port strategy. I have asked the Chief Executive Officer to meet with the Department of Infrastructure and Regional Development Staff on island next week on an aim of finding an agreeable way forward. Thank you Mr Speaker.

MRS WARD Thank you Mr Speaker a supplementary on number one. Is, can the Minister confirm that he has made himself aware of the application guidelines that underpinned the application for the RDAF4 and that he understands the purpose of that application.

MR WARD I certainly have read those guidelines, albeit some time ago, and certainly understand the purpose of that funding bid.

MRS WARD Would the Minister describe to the House what that purpose was and is.

MR WARD Without having that material in front of me, I wouldn't risk misleading the House, so no.

MRS WARD Does the Minister care to give a general comment on the type of thing that the project was aimed at originally.

MR WARD My understanding is the project was to improve our port facilities here, enable containerization, enable the transfer of cruise ship passengers and my analysis of that I don't believe that this project along will deliver those aims, it could help towards them, but it will not deliver those aims on its own.

MRS WARD Thank you Mr Speaker, in giving that in broad terms that was the purpose of the project, why has it taken the Minister and the Government 21 months to decide that it is no longer, that the project, the upgrade, will no longer facilitate those original purposes, that original purpose of the funding development or the grant application.

MR WARD Thank you Mr Speaker. The agreement has been backwards and forwards between the Department of Regional Development and ourselves for some time, it has been held up by various processes such as the change of government at the other end, things like that have all served to delay it. The project was formerly announced by the previous Labor Government and then the terms and conditions of the offer

of that grant were changed along the way, there are many factors that have had to be considered and dealt with along the way, it hasn't just been a matter of ignoring the process over those 21 months.

MRS WARD Mr Speaker given that the community deserves to understand why and have some explanation why this has happened, perhaps Minister Ward can answer why in March, March 19 in this House, he said that there are times when we need to trust the skills of those who are qualified in such matters and ensure that all reasonable guarantees are built into the construction contract. So while there was an acknowledgement of that in March, what has changed between March this year and now, November.

MR WARD Mr Speaker, I hadn't actually worked over that contingent liability document at that time, and also I've had representations to me from a number of people of very high skill levels in the construction area and I have taken those opinions on those board. Those opinions, one in particular was expressed to me in the company of former Administrator Pope and the Administrations Project Officer and that was to do with the suitability of the rock material for the project, and that in itself creates a massive cost overrun potential for us, and one that couldn't be ignored.

MRS WARD Mr Speaker, is the Minister able to table the contingent liability document that he is referring to, that has caused him to change his mind.

MR WARD I have already indicated that I would be tabling that document.

MRS WARD So that's the Minister's personal contingent document? Can the Minister confirm that this is not coming from the Administration, it is not advice coming from the Administration, that this is the Ministers personal contingent liability document?

MR WARD Yes Mr Speaker.

MRS WARD Okay, thank you.

SPEAKER Thank you, question on notice 48, Mrs Ward to ask the Minister for Cultural Heritage and Community Services. Minister Adams.

MS ADAMS Thank you Mr Speaker and thank you Mrs Ward for the question. The question reads, what has the Norfolk Island Government done to identify gaps between Norfolk Island and relevant Australian legislation and funding mechanisms in relation to health and education? A review team consisting of the Authorised Officer under the Social Services Act, Mrs Kim Edward, and the Healthcare Manager Mr Gary Dowling were tasked in 2013 to endeavour to assess the potential impact of the extension of Australian legislation relating to Social Services, Health and Aged Care to Norfolk Island; and provide a detailed comparison of the current Norfolk Island benefits against the Commonwealth benefits. They were joined by the Community Services Manager Mr Allen Bataille, Administration Officers Ms Lesley Warren and Ms Cheryl LeCren and Ms Ginny Maidment from the Office of the Administrator in undertaking this task. Considerable work was done by this team in endeavouring to identify the gaps between Norfolk Island and Australian Legislation in relation to social welfare and by way of example I table the comparisons between Norfolk Island Government Payments and Australian Government payments in relation to Supplementary Children's benefits; orphans benefits, age pension, invalid pension, handicap children's benefit, bursary/scholarship for HSC, Tertiary/Vocational, special benefit, low income allowance, medical and pharmaceutical cover, Australian payments requiring no income or asset test or dependent upon existing benefit. The team was certainly of the view that there was a clear need to have transitional provisions so that Norfolk Island recipients did not lose any current entitlements. The need

for amendment of Commonwealth legislation to accommodate Norfolk Island residents into, for example, the Private Health Insurance Act, was identified. A further difficulty experienced by the review team was of course that the range of Commonwealth benefits is considerable and constantly changing. The Education Review Working Group has also identified gaps and I would look to the Ministerial Advisory Board I mention in my answer to question on notice no. 49 shortly to play a role in this process going forward. Regrettably there is no single document available to identify all the gaps between Norfolk Island and relevant Australian legislation and funding mechanisms in relation to health and education and it is because of this ongoing uncertainty for people in the Norfolk Island community that I wrote to His Honour the Administrator last Friday requesting as a matter of urgency that taxation and social welfare officials occupy a shop front in Burnt Pine from January 2015. I table that letter and the Press Release in last weekends press and I read from the Press Release issued on 12 December under the heading Social Services and Tax, so that it is in the record for what we have requested and what the community's concerns are. I will start from the beginning. Norfolk Island residents have been provided with a Fact Sheet dated December 14, headed Social Services and Tax provided by the Department of Infrastructure and Regional Development to each resident via the Office of the Administrator. The fact sheet states it is "general in nature based on how the arrangements operate on mainland Australia". At recent discussions between His Honour the Administrator and Members of the Legislative Assembly on the recommendations of the Joint Standing Committee on the National Capital and External Territories we continued to stress the urgent need for taxation and social security officials to have a "shop front" in Burnt Pine to be available to explain the operation of social services and taxation in Australia and how the extension of these systems to Norfolk Island will impact businesses and individuals. The urgency for this to occur was appreciated by His Honour who undertook to raise the matter with Assistant Minister Briggs. In my letter I sought assurance from His Honour that the Fact Sheet is not intended to act as the shop front for information; particularly as it was agreed by Norfolk Island in the Memorandum of Understanding between the Commonwealth and Norfolk Island entered into in November 2010 that entry into the Australian Taxation and Social Welfare systems was conditional on there being a net benefit to Norfolk Island and its community and there is appropriate consideration of local circumstances. Having access to a shop front manned by taxation and social security officials will assist people to ascertain how entry into the Australian taxation and social welfare systems will impact on them. For example, answers could be provided to questions such as the following which I am currently receiving as Minister with responsibility for health and social services - will persons in Norfolk Island who are over the age of 30 years being entitled to the benefit of Private Health Insurance Lifetime cover taxation relief if they join a private health fund once the legislation is extended to Norfolk Island?; will Norfolk Island patients have to go on public hospital waiting lists in Australia for treatment if private health insurance is not extended to Norfolk Island?; The eligible age to apply for a pension on Norfolk Island is lower than that in Australia. Will those people currently receiving social welfare in Norfolk Island continue to be entitled to such payments under the Australian system?; Who will be responsible for the costs of medical evacuations?; Will persons already in receipt of social welfare continue to receive this payment without being re-assessed based on assets?; Will persons who have tried to be self-funded retirees be entitled to put their savings into a superannuation account without the amount being limited so that they can obtain the best taxation rate under superannuation? Whilst there are many more, these are just a few examples of some of the questions coming at me at me at this time. The issue of transitioning into the Australian taxation and social welfare systems remains on the agenda for discussion. The concept of transitioning was first recommended by Dr James Fogarty in the Acil Tasman (March 2012) Commonwealth commissioned Economic Development Report in which Dr Fogarty recommended the development of a tiered strategy for reform, namely – First phase – immediate measures to improve community welfare; Second phase – built around the continued implementation of a microeconomic reform agenda to bring competition and transparency to the Norfolk Island economy; and Third phase – involves the resolution of the long term taxation and funding arrangements for Norfolk Island. This involves either the staged integration of Norfolk Island into the Australian tax system, or the development of an alternative mechanism for providing

financial support to Norfolk Island. These issues were raised by me by letter of 12 November 2013, over 12 months ago, to Assistant Minister Briggs and Health Minister Peter Dutton, I am yet to have a response on those issues. It will bring certainty to this community when a decision is taken on this tiered strategy approach. We look forward to being advised that shop front will be in place in early January 2015. So in short, there is much work to be done in this area before this community can be satisfied that there is a net benefit to it taking into account local circumstances by Norfolk Island entering the Australian taxation and social welfare systems. The Norfolk Island Government looks forward to entering into meaningful dialogue with the Commonwealth on these issues to bring certainty to this community which has been asking now for more than three years for that certainty in moving to a sustainable future for Norfolk Island. Thank you Mr Speaker.

SPEAKER Thank you Minister. Question 49, Mrs Ward to ask the Minister for Cultural Heritage and Community Services, Minister Adams again please.

MS ADAMS Thank you Mr Speaker and thank you Mrs Ward for the question. The question reads, given the recommendations of the Norfolk Island Education Report 2014; is there an ambition on the part of the Norfolk Island Government to review the current provision of education arrangements in partnership with the Australian Government and if so; what timeframe has been set to achieve this? In response, I believe I speak on behalf of the Norfolk Island Government and all members of the Assembly in saying that there is an ambition to review the current provision of education arrangements in partnership with the Australian Government; however a timeframe to achieve this has not been set at the present time. I can advise that in next weekend's press there will be an invitation for expressions of interest from members of the community who believe they have the necessary attributes to make a meaningful contribution on the Ministerial Advisory Board that is currently being structured in accordance with the recommendation of the Working Group in their recently tabled Education Review Report. That recommendation reads – "Norfolk Island Government endorse a Ministerial Advisory Board to provide skilled advice and guidance in relation to educational development, cultural policy and employment needs". There are a number of other issues flowing out of the report that are being attended to in the coming weeks, including – Preparation of a code of conduct suitable for all non-DEC staff members; Preparation of policies of employment and recruitment for all non-DEC staff members including whether or not there is scope for formal service delivery arrangements between the Norfolk Island Administration and the Norfolk Island Central School; Ensuring that all non-DEC staff have in place adequate Police Clearances and Working with Children Approvals through an approach to the DEC; and assessing amongst other things the cost of conversion of non-DEC staff from locally engaged and paid employees to DEC employees, were that to occur. These issues will be addressed by the Principal in accordance with the Education Regulations and in discussion with the DEC to whom I have also written. I look forward to having discussions with the Commonwealth on delivery and funding of State and Commonwealth services for education, health and social welfare under the Assembly's preferred territory model of governance; a discussion which is yet to commence. Thank you Mr Speaker.

SPEAKER Question 50, Mrs Ward to ask the Chief Minister and Minister for Tourism, Chief Minister please.

MR SNELL Thank you Mr Speaker and thank you Mrs Ward for the question. Will the Chief Minister table the current Legislative Program and confirm that this is the same priority document that both the Norfolk Island Government and the Administration of Norfolk Island are working from? The answer to that is yes, but it has to be taken into account Mr Speaker that whilst the Legislative Programme is noted, it is continually changing, and that is due particularly to the legislative requirements dictated by the 2014-15 Funding Agreement which has taken priority. However Mr Speaker, as requested, I table the current Legislative Programme dated the 9th of December 2014 for the record.

SPEAKER Thank you Chief Minister. A supplementary Mrs Ward.

MRS WARD Thank you Mr Speaker, if the Chief Minister could just explain why the document needs to continually change when the funding agreement 14-15 is a publically available, open, established document?

MR SNELL Mr Speaker, there are areas in the Legislative Programme that have been on the programme for some many many months which are awaiting the services of the Legal Counsel and the Deputy Legal Crown Counsel to assist in its application but the work that is now conducted by them on areas of the funding agreement, particularly municipal rates, land tax and the traffic amendment bill, etcetera etcetera has taken precedence over some of these.

MRS WARD Thank you Mr Speaker, given that the Chief Minister has the programme, the Legislative Programme, in front of him, would he please point out, which are at the top of the pile which have nothing to do with the Funding Agreement.

MR SNELL Thank you Mr Speaker, the question is acknowledged, but the document is voluminous, and whilst I appreciate what Mrs Ward is saying, that municipal rates is number two and three, Land Valuation Regulations four, Healthcare Levy is seven, Healthcare is eight, Public Service Regulation nine, Traffic Act 10, Community Title Bill 12, Immigration Amendment Bill 13, Plant and Fruit Diseases Bill 14, Poisons and Dangerous Substances Amendment, and so on, those are all part of the Legislative Programme, there are others like the Customs Amendment Bill dates back to 21st of May 2013, that's commenced, there is Land Valuation Tourist Accommodation, Immigration Amendment, Crown Lands, Public Service Bill, which is still being worked upon. Appropriation Bill, Marine Safety Amendment and so on. There are quite a number of them Mr Speaker.

MRS WARD Mr Speaker, perhaps the Chief Minister didn't understand my question, if he could look at say the top six or eight pieces of legislation on the programme are there any there that have nothing to do, that are not listed or requirements within the current or previous Funding Agreement?

MR SNELL I would have to compare them Mr Speaker, it is a question that I can't answer off the top of my head, I am looking at the legislation regulations which drafting instructions have been issued or are to be issued and Mrs Ward is correct, most of these are formed as part of the Funding Agreement, but it's still takes some time for the Legal Services to work through them. I understand what's she's saying. But I present the Legislative Programme as requested.

SPEAKER Thank you Chief Minister, question 51, Mrs Ward to ask the Chief Minister and Minister for Tourism, Chief Minister.

MR SNELL Thank you Mr Speaker, the question reads, given the Chief Minister's statement regarding the veracity of the ACIL TASMAN Economic Development Report during tabling debate in April 2012; why is the Chief Minister now promoting utilization of the services of the same author? I thank Mrs Ward for the question, the recent paper from the Department of Infrastructure and Regional Development that was distributed by the Administrator the week before last, raised more questions than it answered Mr Speaker, it seemed to imply that Norfolk Island could be GST free and served by local Government regional governance model. But once again Mr Speaker there was no detail or costing associated with the position from the Federal Government nor Mr Speaker have we received a response to the letter from yourself and I to Minister Briggs offering a better way forward that would have all identified governance models costed by the Department of Finance and at this time Mr Speaker I wish to quote from a paper that has been given to us with some concerns over the last week or so and one of the primary concerns that must be asked is a regional council of who? If it is the Queensland area, has anyone asked Mr Newman if it is okay to throw the \$100-\$200 million Norfolk upgrade estimate onto

Queenslands tab, or likewise has anyone asked Mike Baird, NSW Premier the same question? If we were to give them a call we would probably ask them has anyone from Federal Government has paid them the courtesy of discussing any of this with them before now? The whole idea of Regional is mute if the Premiers don't agree. At this stage I would think that Mr Newman might need a few more days to implement his strong choices campaign to peg back extraordinary debt levels whilst Mr Baird is going for a new record spend of \$60 odd billion to rebuild NSW after it was somehow busted. I am not sure Mr Baird will be allowed too much more money and aim and I am almost sure he won't reduce his spend to throw a couple of \$100 million Norfolk's way. The serious concerns are listed in the document which members have already received. Mr Speaker as a Government we can not stand by and allow this process to continue on a path that has no accountability. Therefore we are developing a costing on our preferred model of governance, on our preferred model of governance. As a Government we may make no apology for that as the Australian taxpayers need to understand what is being proposed and if the Federal Government is reluctant for that to occur my Government is not. My previous comments regarding the Acil Tasman Report have nothing to do with my governments confidence that costing of our model will be anything but robust, accountable and transparent process. Thank you Mr Speaker.

SPEAKER A supplementary Mrs Ward?

MRS WARD Mr Speaker the question remains, in April 2012 the Chief Minister as a member wasn't confident in the robustness and the veracity of the author who wrote the Acil Tasman report, I'm wondering why he is now promoting utilisation of the services of the same author, what has changed?

MR SNELL Thank you Mr Speaker, I get where Mrs Ward is coming from, Mr Speaker this area of employing an economic professor, or somebody of economic expertise to do this job was discussed at Cabinet, there was several names applied to this, it was decided at that forum that Mr Fogarty was the best choice and the job was offered to him.

SPEAKER The next question is 52, Mrs Ward to ask the Chief Minister and Minister for Tourism, Chief Minister.

MR SNELL Thank you Mr Speaker, Mr Speaker the question reads, given that the number of unrestricted entry permits holders who have been granted an exemption from payment of the Healthcare Levy on the grounds of income has now been quantified as less than five (5), and given that the seemingly relevant funding agreement milestone has \$200,000 attached to it; has the Norfolk Island Government changed its non-compliant position? Mr Speaker we recently introduced amendments to section 33A to ensure that people innocently effected with the introduction of 33A were provided relief. We are committed to further examination of 33A in line with options that have previously been put forward by the Department of Infrastructure and Regional Development, on the question of the suggested non-compliance position to milestone 9a of the current Funding Agreement to remove unrestricted entry permit requirements for Australian citizens and permanent residents, I need to remind the member that a mutual commitment from the Commonwealth to introduce the Australian welfare system into Norfolk Island previously was linked to that. With the Federal Governments inclusion of permanent residents within the provision also raises the question as to how temporary residents are treated as they move to permanent residents within the Australian system, our model will be a robust, accountable and transparent process Mr Speaker.

SPEAKER Thank you Chief Minister, the next and final question is 53, is Mrs Ward to ask the Minister for Cultural Heritage and Community Services, Minister Adams please.

MS ADAMS

Thank you Mr Speaker and thank you Mrs Ward for the question. Given that in 2010 the Norfolk Island Government requested and agreed a reform path, and given that the community at large have been given ample opportunity over many years to directly influence and shape their future; will the Minister explain her statement in the article 'Norfolk Islanders deserve respect in governance talks' that she is disappointed in the apparent lack of understanding that Norfolk Island is the homeland of the descendants of the original settlers who relocated to Norfolk Island from Pitcairn Island in June 1856? In response Mr Speaker. I can only think that Mrs Ward is referring to a guest post on the blog site of Mr Steve Brooks who invited me to participate in this forum. I was comfortable to provide a post and chose to post a draft media release that I composed on 31 October 2014 following the tabling of the JSC Report in the Federal Parliament on 20 October 2014. I will read the article into Hansard to give context to this question and the response. "Thank you Steve for the opportunity to 'guest post' on your blog '*liveonnorfolkisland*'. The following is a media statement written by me on 31 October 2014 that I chose not to publish at that time. I am comfortable that the statement be published now through the vehicle of your blog should you choose to do so. I have redated the document to today's date with some minor updating of context and that date is 9 December 2014. It's headed 'Norfolk Islanders Deserve Respect In Governance Talks'. The Hon. Robin Adams MLA, Minister for Cultural Heritage and Community Services, has today publically conveyed her deep disappointment at the apparent lack of understanding that Norfolk Island is the homeland of the descendants of the original settlers who relocated to Norfolk Island from Pitcairn Island in June 1856 by the Grace of Queen Victoria. They came, all 194, an acknowledged race of people, self-governing, with their own language, laws, traditions and culture. They were the first to give women the vote; the first to make education compulsory; a pious race of people who believed that they had been ceded Norfolk Island as their new homeland. 'The lack of respect shown to the people of Norfolk Island of Pitcairn descent is distressing to many here on the island who have voiced their deep concerns to me that yet again they are being threatened with the loss of self-government as happened to the Pitcairn community on Norfolk Island in 1896; along with the loss of their parliament hard won back in 1979 and a lack of a codified recognition of them as a people going forward' the Minister said. When speaking on New Zealand National Radio last October Minister Adams said 'I myself am Australian born and educated; however through my father's side, I am a Norfolk Islander of Pitcairn descent. Being an Australian does not give me the right to force a race of people to change their governance model without them being consulted at referendum or plebiscite, particularly on the removal of their parliament and self-governance.' 'The Norfolk Island Government acknowledges the need for reform and proposed to the Commonwealth Government in 2011 that Norfolk Island move from the self-government model it has today to a Territory style model of self-governance. The Norfolk Island Government was shocked to learn this month that their preferred model was not being considered; instead the Commonwealth proposes that an unelected administrative body transition Norfolk Island from self-government to a Regional Council. This model of governance potentially will add more cost to the Australian taxpayer and downgrade the self-governance of Norfolk Island to local government status. This would mean that a considerable amount of power will rest with unelected representatives, to govern important aspects of Norfolk Island' the Minister said. A local government model brings with it even less certainty for stimulating and growing an already depressed economy. The onus is on Canberra to demonstrate how a local government will assist our economy. The examples of Christmas and Cocos Islands are not encouraging. Far better for the Norfolk Island Government's preferred territory model of governance to be adopted and for the Island to be declared a special economic zone, thereby allowing Norfolk Island to have a different tax regime to the rest of Australia; surely this can only be seen as a sensible start in the right direction to rebuilding the Island's economy. Norfolk Island has a unique cultural heritage, which underlies the strength of our community resilience, our economy and, amongst others, is a major part of our tourism appeal. Any economic development strategy that disempowers our community heritage is a high risk gamble. To decide on our governance model therefore, without reference to an agreed economic development strategy, is fraught with danger of economic collapse. The Speaker of the Norfolk Island Parliament and the Chief Minister of the Norfolk Island Government have delivered to the Australian Federal Parliament a petition of Norfolk Island

residents and descendants of the original settlers of Pitcairn Island requesting that before any change to governance arrangements for Norfolk Island, established by the *Norfolk Island Act 1979* of the Commonwealth, that the residents of Norfolk Island have the right to be provided the facts and consulted by referendum or plebiscite and have a democratic say on the future model of governance for Norfolk Island before any proposed changes are voted on by the Federal Parliament. 'Conduct of the referendum or plebiscite will require independent oversight to ensure there is an appropriate process to gain an unbiased outcome', Minister Adams said, 'I will be personally recommending that an appropriate institution outside of Australia and Norfolk Island provide that independence to ensure that the culture, traditions, language and rights of the Pitcairn descendants on Norfolk Island are fully acknowledged and protected.'" In addition yet again, in responding to the question, I refer to the Preamble to the *Norfolk Island Act 1979* of the Commonwealth and read the following pertinent extracts into Hansard: "AND WHEREAS the residents of Norfolk Island include descendants of the settlers from Pitcairn Island: AND WHEREAS the Parliament recognises the special relationship of the said descendants with Norfolk Island and their desire to preserve their traditions and culture. AND WHEREAS the Parliament considers it to be desirable and to be the wish of the people of Norfolk Island that Norfolk Island achieve, over a period of time, internal self-government as a Territory under the authority of the Commonwealth and, to that end, to provide, among other things, for the establishment of a representative Legislative Assembly and of other separate political and administrative institutions on Norfolk Island: AND WHEREAS the Parliament intends that within a period of 5 years after the coming into operation of this Act consideration will be given to extending the powers conferred by or under this Act on the Legislative Assembly and the other political and administrative institutions of Norfolk Island, and that provision be made in this Act to enable the results of such consideration to be implemented. To conclude Mr Speaker the JSC in their Report "Same Country: Different World" totally disregard the intent of the Preamble to the *Norfolk Island Act 1979*. Thank you.

MR SHERIDAN I don't want to join the discussions Mr Speaker, but I do have a response to some previous questions on notice that I would like to?

SPEAKER Ok, Minister Adams thank you for your response, Minister Sheridan can I give you the opportunity to elaborate or further...

MR SHERIDAN Thank you Mr Speaker, at the Sitting last month Mr Speaker question 30 and 31 I indicated that I would provide more information to Mr Nobbs and therefore leave the question on notice. Question 31 was will the Minister or Finance provide for the public record an itemised list detailing the specific works the Norfolk Island Government has been required to do in exchange for annual payments received from the Australian Government and the Funding Agreements. Mr Speaker the Administration of Norfolk Island has to date entered into annual Funding Agreements since 2010/11 Funding Agreements for each of these five years, including the listing of specified works for each agreement are on the public record on the Government website, but the listings of specific works table some 25 pages Mr Speaker and I will table those 25 pages into the House which really are the schedules to those Funding Agreements from 2010/11 down to 2014/15. And Mr Speaker for question 30, where I did respond to it, but I gave some comments to Mr Nobbs that I would further investigate whether or not the Administration of Norfolk Island had a computer which would provide a simple table from each financial year since '79 which lists the year, average number of resident population, the total value of expenditure from the Norfolk Island Government public account, total dollar value of expenditure funded by the Australian Government and the total dollar value expended used to fund works on Commonwealth assets, e.g. roads, reserves, piers, etc. And unfortunately Mr Speaker the Administration is unable to locate a computer with all the old financial data on it prior to 2006, they make a comment that smartstream has been in use since 2000-2001. So I would just like to put those on the table Mr Speaker.

PRESENTATION OF PAPERS

SPEAKER Thank you Mr Sheridan. Honourable Members we have completed questions that are on notice this morning and we move to presentation of papers. Firstly I report to Members that Members will recall a motion in October and a statement on a matter of public importance which required I draw these matters to the attention of the members of the House of Representatives. That was done and I now have a letter to which I report to you and table from the Speaker of the House of Representatives and I read it to you. Dear Speaker Buffett, thank you for your letter of 28th of October 2014 transmitting a motion and statement on a matter of public importance and requesting that I bring them to the attention of the House of Representatives for the information of all Members the motion and the statement of the matter of public importance was tabled in the House of Representatives on the 24th of November 2014 and have been incorporated into both Hansard and the votes and proceedings. Yours sincerely, the Hon. Bronwyn Bishop MP, Speaker of the House of Representatives. I table that document Honourable Members. Further papers for presentation? I am firstly going to see if the Chief Minister has any papers and if not, I will turn to Minister Ward who has foreshadowed the matter of exposure draft.

MR WARD Thank you Mr Speaker, Mr Speaker I have just received last night the Community Title material. I have been a little bit in the back foot on this one as it has come in at a very late stage. The Legal Services Unit have been working extremely hard to get this material to me, but Members have asked that it be lodged as an Exposure Draft rather than tabled for consideration. I would ask that that be considered please.

SPEAKER Yes, if you have that document to table now, you may table it Minister as a paper in the proceeds of this Assembly. It will be interpreted as an Exposure Draft if that is how you wish it to be.

MR WARD Thank you Mr Speaker.

MRS WARD I will be guided by yourself Mr Speaker, but if there is an opportunity to move that that paper be noted I would certainly like to draw some further comment on it and make comment.

SPEAKER That will be possible, let's hear the Minister first. Minister Ward please.

MR WARD Mr Speaker the paper to do with this, sorry Mr Speaker, I have just lost track of a paper I need, the Community Title Bill 2014. Do I need to seek leave to have that? Mr Speaker the original Bill was presented as an Exposure Bill on the 21st of May as I recall and the current version has a number of amendments in it, and my understanding is that Members need time to get around the details of that, and so I ask that that be what's agreed to.

SPEAKER Minister if I might interrupt you and make this abundantly clear. You have sought that this be tabled as an Exposure Draft, that is in no way an introduction of the Bill at this time.

MR WARD That's right.

SPEAKER It is a paper that you are putting on the table for information of Members and if we have a motion to note it it can be talked about in that context. It should not be interpreted as an introduction in the formal sense of the Bill to this House. Thank you. Minister Ward.

MR WARD Mr Speaker I move that this paper be noted. Sorry, because of the change of process here, I don't have the papers to rely on, but I ask that this paper be noted.

SPEAKER The question is that this paper be noted, Minister Ward you have the call to so table it and address it.

MR WARD Thank you Mr Speaker. I do so table that paper and ask that it be noted.

SPEAKER Concluded? Is there any further debate? Mrs Ward.

MRS WARD Thank you Mr Speaker, it just may be of use to people who are very interested in this whole community title legislation story to have some further explanation from the Minister as to why this bill would turn up, and I am assuming it was wanting to be introduced at the eleventh hour, and when he says that it is different, perhaps he would share how different that is, because there are members who are in the community who have taken time to examine the exposure draft, the bill, that has been tabled as an exposure draft back in May, so if the Minister is able to elaborate at this stage on how different it is, which key elements have fundamentally changed at this sitting now, then members of the community are interested will have some idea as to what is going on here, and if the Minister is able to elaborate a little bit further on how the community title bill sits within the Funding Agreement milestone requirements, it would be of use, thank you.

MR WARD Thank you Mr Speaker, because of the late presentation of this material, I am not fully across it I have to confess myself, and this is why I have agreed with this concept of making it an exposure draft today, it is an important piece of legislation and I believe that we do need to take the time to examine it properly and for that reason I have accepted that course of action if that is agreeable to you.

SPEAKER Thank you, any further debate? Honourable Members then I'll put the question that the paper be noted.

QUESTION PUT
QUESTION AGREED

The paper is so noted. Are there any other papers for presentation? Mr Sheridan.

MR SHERIDAN I have got a few Mr Speaker. First of all Mr Speaker I would just like to table the Airport Amendment Regulations 2014. Also Mr Speaker I would like to table the virements from the Norfolk Island Administration for the period 23 October through to the 24th of November. Also Mr Speaker I would like to table four Bookmaking Licences under the Bookmakers and Betting Exchange Act. Mr Speaker I table the following licences: Raximus Company Ltd., Moneyball Australia Company Ltd., Bet HQ and Mad Bookie Company Ltd. And Mr Speaker if I may just say a few words to this tabling. Mr Speaker the Norfolk Island Gaming Authority has been extremely busy handling enquiries and new applications and this activity is the result of significant business development by the Authority and a high level of support for the Norfolk Island jurisdiction. The above companies are looking to provide further support for Norfolk Island and of particular note is the sponsorship of Bet HQ Company Ltd to the initial Norfolk Ocean Challenge event in January 2015, they look increase this sponsorship as their business grows. Mr Speaker further applications are in process, and the level of enquiry has not diminished, Mr Speaker I would just like to thank Members of the Authority for their commitment and enthusiasm in developing much needed new business for Norfolk Island. I just table those four new licences there Mr Speaker. Also Mr Speaker under the current Funding Agreement under Clause 2.5 of Schedule 1, the Administration financial indicators and material departures from the budget from the revenue fund for the five months to November, I table a copy of that, and I will apologise to Members because I have just realised that I haven't forwarded this to Members, and I planned to yesterday when I did receive these, but I will forward that this afternoon. And also Mr Speaker I would like to table to the November statements of the

Norfolk Island Hospital Enterprise and also the Norfolk Island Government Tourist Bureau as well as the quarterly statement for the last quarter for the Norfolk Island Hospital Enterprise and also the Norfolk Island Government Tourist Bureau. Those papers I therefore table Mr Speaker and I don't believe I have any more.

MR WARD Thank you Mr Speaker in answering question on notice 46 earlier, I omitted to mention that I would also be tabling the terms of reference for the rock group, the Supply of Rock Working Group, and I do so table those.

SPEAKER Thank you Minister, thank you, further papers? We have concluded papers Honourable Members.

STATEMENTS OF AN OFFICIAL NATURE

SPEAKER Statements. Are there any statements this morning Chief Minister? Minister Adams please.

MS ADAMS Thank you Mr Speaker I have several this morning. The first one, the first two give me great pleasure to report. Mr Speaker I know my Assembly colleagues join with me in offering congratulations to our Year 7/8 debating team at the Norfolk Island Central School who have excelled themselves in the Premier's Debating Challenge held over the past five months. Members of the team are Brancker South, Amelia Murray, Vanessa Brown and Sophie Ellem. The debating team recently competed in the State finals of the Premier's Debating Challenge held in Sydney in early December. They achieved equal third in the State following a narrow loss in the semi-finals; a feat to be truly applauded considering these students had never competed at this high level before. The debating challenge began in June this year with the team having wins through seven regional rounds thereby being declared the winners of the North Coast Region in New South Wales. This win, which entitled them to join the other nine regional winners in New South Wales, must be all the more commended by the fact that due to Norfolk Island being geographically remote from NSW, the debating team participated in each rounds of the regional debates by video conferencing – this is no small feat for first time debaters. To achieve third in the state is a truly remarkable achievement for this team in their first year in the competition. Congratulations to the members of the debating team and to their mentor Ms Suzie Hales. These students have done the Norfolk Island Central School, the Norfolk Island community, their parents and themselves proud. Well done yorlyi.

MEMBERS Hear hear.

MS ADAMS If I may continue with the School. Mr Speaker last night students at the Norfolk Island Central School - too many to mention here today - were presented with awards for excellence in 2014 and I am confident that all members here today join with me in sending congratulations to each one of them. However, I would like to mention one award. During the year students from our school submitted artwork for consideration for the 2015 NSW Department of Education and Community Calendar called 'Beyond Borders' the theme being 'Cultural Diversity'. Miss Nova Bates, a Year 4 student at Norfolk Island Central School, submitted artwork titled 'Norfolk Island Turtle' with the caption: 'The sea turtle comes from beyond our ocean borders. It travels far away and returns to our beautiful island. Norfolk Islanders make these beautiful hats for our people to wear. The hats are decorated with our lovely native hibiscus flower. Lastly our Norfolk Island pine trees stand tall on the horizon.' Nova's artwork, which consisted of a mixture of painting, drawing and collage, has been chosen to be featured for the month of October in the 2015 NSW Department of Education and Community calendar. Nova has been awarded a certificate of achievement from the NSW Department of Education and Community. Well done Nova.

MEMBERS Hear hear.

SPEAKER

Minister Ward please.

MR WARD

Thank you Mr Speaker, I have got a paper here, it is actually a copy of a submission which I made in the final days of the consultation period to the Administrator on the JSC matter and if I may I would like to read that into Hansard. It is headed response to Norfolk Island Governance consultation processes, it is dated 12th December 2014. Your Honour, May I admit that this final submission to your consultation process on the JSC Report – Norfolk Island, Same Country Different World, to adequately address the many issues around Norfolk Island governance it is necessary to consider not only the matters that have been raised in the consultation process, but also the Territories Law Reform Act 2010 and the Norfolk Island Road Map 2011 and the reforms that were actioned under these processes, there is a need to fully anticipate and consider the consequential effects, benefits, impacts and costs of reform. Norfolk Island's small population can not sustain the high percentage of their incomes that is directed to running the island, nor can they be expected to bear the cost of the range of reforms imposed by the Commonwealth. This support must be a firm commitment, not nearly an eligibility to apply for grants. Reform consultation information sheets released by the Office of the Administrator on Wednesday, 3rd of December outlined an economic framework that appears close to general expectations stemming from Norfolk Island entering the tax system. Despite the fact that Norfolk Island would not be raising revenues for some of the existing function of Government service delivery, there will still be a need for the development of policies for these areas to be governed and for the Norfolk Island community to continue to have direct access to their elected representatives. The community have clearly demonstrated they want to retain a form of self-governance. Participation in taxation and receiving return from this should not exclude self-governance any more than it does in the ACT and Northern Territory. It is widely recognised that Norfolk Island salaries and wages are significantly below parity with mainland conditions. This is, of itself, an issue requiring intensive investigation, actuarial modelling to assess the effects of this lower remuneration local economy, population and business viability. To protect the interests of the Norfolk Island community there needs to be a clear and defined recognition that many of the reforms driven by the Department of Infrastructure and Regional Development, will carry significant direct and indirect costs, costs this small community should not have to carry, and may not be able to carry from our limited resource base.

1. Opening of immigration. Adds to pressures on infrastructure. Care is needed to avoid over bursting the economy and creating a further boom and bust cycle and causing extreme overload on the relatively small and unique environment. There is a need for a professional capacity study. The island has limited cemetery space and not crematorium, this is a problem best addressed as a priority. The immigration reforms, along with access to Australian aged pensions and other forms of welfare, will serve to attract many retirees which in turn will place pressure on the available cemetery area. There is also a risk of contaminating ground water supplies with greater number of burials.
2. Island road laws and infrastructure to be harmonised with NSW places huge cost imposts on this community to achieve compliance in terms of infrastructure upgrades and provision of public transport. This is a current issue as the Norfolk Island Government introduces legislation to amend blood alcohol limits consistent with mainland levels. While the existing .08 level is generally viewed as an adequate level of control for the prevailing condition on roads with a maximum limit of 50km/hour. The requirement to reduce to .05 BAC level will impact on the islands tourism industry and viability of clubs who play an important role in the tourist industry. The changes will drive the need for a public transport system.
3. Compliance with disability access requirements. While these requirements can be written into the Norfolk Island Plan as the imminent review process commences, these requirements carry a cost to Government business and individuals.
4. Requirement to export waste of island. Geographic isolation and scale of operation impose very high freight costs into or out of Norfolk Island. General sea cargo rates ex mainland Australia are \$308 ex New Zealand \$178 - \$358 including Lighterage Charges of \$31 and Waste Management Levy at the rate of \$32/cubic metre (sea freight). To export low or no value processed waste materials would be a significant impost on the local economy, export of these waste streams will only be viable with external subsidisation.
5. Consequential requirement to increase

facilities. To adequately deliver services to a larger population, medical facilities, power generation, increased waste management processing, increased depreciations on public facilities. 6. The tax mix. In times past there was a number of wealthy settlers basing themselves on Norfolk Island to shield their wealth being subject to taxation, for reasons not immediately apparent, that situation appears to have diminished. Recently household and business income expenditure surveys confirmed a high level of economic distress, a fact decided as a driver for reform. Today most of the population seem to accept the logic behind entering the larger economic pool, paying into the tax system and being illegible for the same safety net applicable to the rest of the nation, however there is one aspect in respect of reform, as driven by the Department of Infrastructure and Regional Development that remains of concern to most members of this Government and to many in the Norfolk Island Community, which is the imposition of a municipal rating system, we submit in a place where hereditary acquisition of lands is an integral aspect of Norfolk Island culture, such taxing of land holdings is regressive and in direct conflict with the freehold titles granted to the original Pitcairn families by the British Monarchy in 1854, and that's not an error that 1854, I can explain it if Members are interested. Concerns around the Commonwealth imposed taxing of land in Norfolk Island has long been a primary concern, one that has major consequential impacts for the island, taxing of land in Norfolk Island is totally inappropriate in Norfolk Island for these reasons. 1. Long term hereditary acquisition removes the norms of person holding the property their finances allow them to have. There are many persons and families holding potentially valuable land for which they would be unable to pay rates on a sustainable basis. 2. Valuation based taxing of land in such a small area can quickly serve to raise the rate burden beyond owners capacity to pay. This is exacerbated in a place with limited industries and range of income streams. The next dot point is, many Norfolk Islanders are asset rich, cash poor, in a setting where the value of the land asset is inconsequential as lands are held for subsequent generations. The next dot point. Because of geographic isolation, most land has little potential to be put to commercial uses to earn the imposed rates and the final one is there are no municipal services provided to land holders in Norfolk Island, nor are they generally sought. The commercial area is sewered and owners pay an annual fee for provision of this service. I urge all decision makers to give serious consideration to rejecting this imposition and to allow the islands elected representatives the discretion to raise appropriate local revenues that do not impact residents capacity to retain their land holdings irrespective of their earnings and capacity to pay. This is the primary form of respect for Norfolk Island culture that should underpin the reform process. Thanking you for your interest. Thank you Mr Speaker, I so table that document.

MR SHERIDAN

I have a short one Mr Speaker, Mr Speaker I would just like to make a short statement on airline operations over the Christmas Period. As the community would be aware a person/organisation other than Air New Zealand has been attempting to facilitate an airline operation into Norfolk Island on an ongoing basis. The Norfolk Island Government has attempted to facilitate this operation by requesting the new operator to comply with all laws and regulations which apply under the Airport Act 1991 and the Airport Regulations 1992 and in particular compliance with a security deposit. Mr Speaker due to this operator not being able to meet these conditions as requested the operator initially moved the commencement date for service out, and eventually notified the Norfolk Island Government that the service would not operate at all. In an attempt to move persons who had already booked on this new service, Alliance has been chartered by Norfolk Holiday Specialists for three flights over the Christmas/New Year Period to meet this booking demand. The Norfolk Island Government has deemed that no security deposit is required for these three flights and that Alliance have agreed that they are responsible for all accounts raised on Norfolk Island. The Norfolk Island Government welcomes the additional visitation to Norfolk Island over this period. The Norfolk Island Government would like to stress that it does not inhibit new air operators into Norfolk Island as currently there is an open skies policy, but the Norfolk Island Government is insistent that all laws and regulations are complied with prior to any commencement.

MS ADAMS

Thank you Mr Speaker. The inaugural Medicinal Cannabis Symposium was held in Tamworth NSW on 21/22 November 2014 which I attended as an official guest. Regrettably flights and a sitting of the House that week prevented my being there for day one. I was a member of a discussion panel titled "We Can Fix This" in company of Dr Mal Washer, Hon. Catherine Cusack MLA from the NSW Parliament and Dr Vendula Belackova from Czechoslovakia. Very warm applause was accorded Norfolk Island for the part it had played in issuing a licence to grow medicinal cannabis and in helping to bring media attention of the need for governments in Australia to take action to legalise the production of medicinal cannabis which has been proven through overseas trials to have great benefit in the treatment of a wide range of diseases as well as assisting people in a positive way who are in pain and suffering. The Symposium was opened by the Premier of NSW the Hon. Mike Baird with guest speakers from Israel, Canada, the United States, Czechoslovakia and Australia. It was inspiring to listen to the key note speakers and panel members and one could not have come away from the symposium without being enriched in knowledge and understanding of the benefits of medicinal cannabis by having been there. Senator Richard di Natale from the Australian Senate, spoke of his intention to introduce into the Australian Senate legislation to legalise the production of medicinal cannabis. The Senator's Bill, The Regulation of Medicinal Cannabis Bill 2014, was introduced into the Senate on 27 November. The objects of the Bill include establishment of a Regulator of Medicinal Cannabis to regulate medicinal cannabis in the way set out in the UN Single Convention on Narcotic Drugs 1961 and to provide for a national system for regulating the cultivation, production and use of medicinal cannabis. The medicinal cannabis system set up by the Bill is to be implemented cooperatively between the Commonwealth and the States and Territories. The States and Territories are likely to have to change their own laws relating to cannabis if they wish to participate. Norfolk Island will be closely following the passage of the Bill through the Federal Parliament. I have already made inquiries as to whether Norfolk Island will need to change our laws substantially in view of the fact that we already provide for the import and export etc of cannabis under our Dangerous Drugs legislation. I am advised that the Bill, if passed, has the potential to significantly advance, on a non-exclusive basis, the prospects of a medicinal cannabis industry and medical tourism in Norfolk Island and I am very heartened by this being on the table. I took the opportunity when speaking on the panel to talk of Norfolk's potential in this regard, in particular, expounding on the potential for Norfolk Island, through our geographical isolation, positive environmental attributes, climate and aesthetic beauty, to be a Centre for Health and Wellbeing in the Pacific. Medical Tourism is just one aspect of that potential to be pursued. The Joint Standing Committee on the National Capital and External Territories in its Report "Same country: Different World" at recommendation 7 proposed that – "The Commonwealth Government provide a dedicated officer to assist Norfolk Island cottage industry owners and operators to brand their products, set up a cooperative shop front, and look at ways to market and export their products." In its response to the Committee the Norfolk Island Government agreed and welcomed the recommendation. A member of the community recently in the local press took the government to task for this response and suggested that the Norfolk Island Government get on the front foot and prepare a cottage industry development plan from 1 January 2015 so that the implementation could commence in July 2015. This suggestion of course has merit; however, I would suggest that one has to first have a collective vision for Norfolk Island around which to develop this cottage industry plan forward and the community needs to assist in helping and creating the vision it wants. I think most people know my vision in this area and I have already been in preliminary discussions with the General Manager of Norfolk Tourism and one of our local wholesalers on building an image in the market place around the concept of Norfolk Island as a Centre for Health and Wellbeing in the Pacific. They applauded the concept being progressed. Blue sky planning around this concept commenced with a gathering some time back of people already positioned on the Island to support the vision. There are many cottage industries already established on the Island that would further support the concept. To mention just a few. We have a bee/honey industry, we have a cheese making industry, we have farmers growing our produce using sustainable biological principles, we have restaurants providing their patrons with local produce from their own properties using as their selling point that the food comes from paddock to plate at less than 1km food miles; we have on island

naturopaths, masseuses, chiropractors, alternate health specialists, a gymnasium, accommodation houses who offer spas and massages to their clients. These are just a few of the pieces of the pie that would be required for Norfolk Island to achieve recognition as a Centre for Health and Wellbeing in the Pacific. And to build the vision in January 2015 would be a good time to broaden the discussion base and I would welcome as a starting point having discussion with the General Manager of Norfolk Tourism and with Mr Wally Beadman who was Chairman of the Bureau that adopted the Brand of "The World of Norfolk: Small World No Small Wonder" to kick start selling our world as a Centre for Health and Wellbeing in the Pacific. I would certainly welcome hearing from any interested community members also. And to conclude, and in defense of the Norfolk Island Government, it is important to note that in its submission to the JSC on building the Norfolk Island economy the Norfolk Island Government recommended the establishment of an Economic Development Function commencing with the engagement of an Economic Development Officer. An Economic Development Function is seen as a key driver in economic recovery and ensuring the island becomes financially sustainable. Provision for this appointment was approved by the Commonwealth in our 2014/15 budget. However, the Department of Infrastructure and Regional Development indicated that it would not be supportive of the Norfolk Island Government or the Administration of Norfolk Island making this appointment on the basis that the Administrator is developing an economic development consultancy via his local business advisory group. The Norfolk Island Government looks forward to receiving the findings from the Administrator's economic development consultancy via his local business advisory group. Thank you Mr. Speaker.

SPEAKER Thank you Minister Adams, any further statements of an official nature? Minister Adams.

MS ADAMS An update on some issues at the Norfolk Island Hospital and the R&S Muller Plan. This is a report to me principally from the Director of the Hospital. Accreditation at the Hospital. The quality assurance co-ordinator and director have reviewed the progress of the Hospital Enterprise's accreditation and advise that the Enterprise has made significant process in achieving the extreme and high risk recommendations. 34 out of 51 extreme risk recommendations have been completed and the remainder are well on the way to completion. 56 high risk recommendations have been completed and the remaining 43 also being steadily progressed. The results have been forwarded to the Commonwealth under the current Funding Agreement milestone. The Hospital Enterprise has completed the self-assessment required for the next survey which has been forwarded to the Australian Council on Healthcare Standards for their assessment. Our operating theatre – as previously reported, our operating theatre does not currently meet ACHS standards for elective surgery, and NIHE has complied with the ACHS requirement and ceased elective surgery. In addition there is a significant amount of work both in building, electrical and policy and procedure development still to be carried out. Whilst this has resulted in the need to cancel the visiting specialists this year that would require the use of the operating theatre, some however, will continue to come to undertake consultations. Brining the theatre up to standard will not be achievable until the next financial year provided we can meet the high costs and the necessary resources to undertake the work. Community consultation process. The Norfolk Island Government, together with the Norfolk Island Hospital Enterprise, acknowledged community concern regarding two reports released relating to the Norfolk Island Health Care system. These reports are the Draft Health Services Plan – Nexus Management Consulting; and Review of existing child and family support services on Norfolk Island the Gillian Calvert and Marie Connolly Report. The Nexus Report recognised there was little information regarding the status of health needs for Norfolk Island and that this was required to underpin any future health services planning. The NIHE, that's the Norfolk Island Hospital Enterprise engaged R&S Muller Enterprises Limited to undertake a community and stakeholder engagement process to inform health service needs moving into the future and to assist the Hospital and the Norfolk Island Government to develop a five years Health Services Plan for Norfolk Island. This five year plan is to identify the healthcare needs of the Norfolk Island community now and into the future and to develop health strategies to provide for those needs. Mrs Sam Muller visited

Norfolk Island from 17 to 24 October. Prior to her visit a survey was developed in direct response to recommendations or comments made in the Nexus and Calvert and Connolly reports. The survey covered community safety; substance abuse; sexual activity; mental health and barriers to accessing care. The number of valid surveys submitted was 335 representing 20.1% of the Norfolk Island population at the time and should be considered statistically valid. The Hospital and the Norfolk Island Government have now received the Draft Health Services Survey Report and the Report following on island community consultation on those two reports. Both reports will now be considered by the Hospital Director and the Advisory Board who will in turn provide advice to the Norfolk Island Government on the next stage in the process of developing a five year health services plan for the Hospital taking into account the findings of the Reports. Both reports are available on www.norfolkisland.gov.nf under reports and a hard copy of the reports is also available at the public library. Feedback on the reports is welcome and should be sent to the Hospital Director. Continuing on with the Hospital, the 2013/14 Audit, the Hospital Enterprise has been audited for the 2013/14 financial year and a copy of the audited financial statements is available also on www.norfolkisland.gov.nf under reports/financial statements NIHE 2013/14. The reading and reporting of xrays and ultrasounds in a timely manner continues to present difficulties, however this is very close to resolution. We are arranging for Mr Darryl Heenie from South East Sydney to come to test the new system that has been put in place. In the meantime we are also negotiating for a private radiological firm in NSW to read and report on our xrays in the meantime. Debtors, some good news, the current system of debt collection through the Legal Services Unit is progressing and the current 90 day debt has been reduced to \$148,000, a significant decrease from 18 months ago, a significant decrease, so my thanks to the LSU and the staff at the Hospital for working hard to achieve this outcome and to the Norfolk Island community of course in what are difficult times. The finances, the financial situation at the Enterprise is reported as healthy, with the enterprise being able to make all salary and creditor payments within 30 days of invoice. Medical staff, we now have two permanent Doctors on staff, Medical Superintendent Dr Jenny Sexton who works part time and Dr Bob Challender who works full time and is the Deputy Medical Superintendent, we are still using local medical officers until Dr Glen Survey is registered in Australia and is hoped that this will occur early in the new year. I thank the Director for providing me this update from the Norfolk Island Hospital. Thank you. And I table, without going into any detail, but it is an interesting document to read, is a recent issue from the Australian Bureau of statistics on patient experiences in Australia, a summary of their findings, it was released on the 28th of November 2014, I provided Members with a copy of that. Thank you Mr Speaker.

SPEAKER Thank you, further statements of an official nature? Mr Nobbs.

MR NOBBS As I see that Minister Ward has tabled his, I would like to table my respond to the Administrator if I may, and I'm not going to read it, but I would like to read the last four paragraphs if that is possible?

SPEAKER This is the provision of statements of an official nature Mr Nobbs, I had interpreted all of those from Minister's as of an official nature. That doesn't mean there won't be an opportunity for you to say participate, this would not be the time however, I could give you the call at adjournment or the like.

MR NOBBS That's fine, as long as they're official nature in future, that's all, if we have made the decision that's fine Mr Speaker I will abide by it.

SPEAKER It's not a matter of me making up my mind about that, that's what the Standing Orders say, I can make the point, there might need from time to time be an assessment as to whether when Minister's are speaking they are speaking and making an official statement of an official nature, or whether they are pursuing their views,

but I've got to say that that would be a matter more for the Government to determine than for the Speaker to determine. Thank you Mr Nobbs.

MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

SPEAKER There are no messages from the Office of the Administrator this morning.

REPORTS OF STANDING COMMITTEES

SPEAKER There are no reports on Standing Committees, so we are at Notices Honourable Members.

NOTICES

SPEAKER The first for us to consider is a notice on the **IMMIGRATION ACT 1980 – FUNDING AGREEMENT COMPLIANCE TO THE GRANTING OF RESIDENCY**. Mrs Ward to move a motion, Mrs Ward please.

MRS WARD Thank you Mr Speaker. Mr Speaker I move that this House requests the responsible Minister to take such action as may be required in order to comply with the Norfolk Island Funding Agreement 2014/15 milestone 9a which seeks to remove unrestricted entry permit requirements for Australian citizens and permanent residents and ensure that Australians are considered resident of Norfolk Island on arrival.

SPEAKER Thank you, the question is that this motion be agreed, Mrs Ward.

MRS WARD Thank you Mr Speaker. I would just like to make it very clear from the outset that this motion and the debate today is not about immigration, it is about complying with an already agreed and signed Funding Agreement. And I will realise that it will seem odd to some people, that particularly when a Funding Agreement has already been signed and agreed on the 14th of October this year, but others who listen closely to the Assembly meetings will also know that Minister Adams in particular and the Chief Minister have given a strong indication that they didn't intend to support this particular Funding Agreement milestone, even though they had already given the Chief Executive Officer of the Administration a direction to sign the agreement. What I hadn't realised in all of this Mr Speaker was that Minister Adams and the Government hadn't meant to, or hadn't intended to even bring forward amending legislation so that we could then take that next step and have the debate around 9a and the immigration question. The Minister claims that she has been guided by MLAs and I first brought this up at MLAs two weeks ago and that she would continue to be guided by MLAs and that is why the motion is on the table today. It may assist Members and the listening community Mr Speaker if I just go back through and pick up five points from what is the deed of agreement. This is the Funding Agreement which is the mechanism that allows the provision of funds to balance our budget into Norfolk Island and currently the request is for \$7.5million and the funds tied to this particular Funding Agreement milestone is \$200,000. So the Funding Agreement is made between and binds two parties, so that is the Commonwealth and in this case the Department of Infrastructure and Regional Development and the Administration of Norfolk Island, and that's based on the Norfolk Island Government requesting funding from the Commonwealth so that we can provide essential services to the Norfolk Island community for this financial year. The recipient and that's us, agree to accept the funding for the purpose and subject to the terms and conditions set out in this agreement and this is entered in good faith and mutual

promises are made, and they are the words that are used within the agreement. The conduct of activity states that the recipient, and that's us, and the Administration, and in this case there are legislative requirements within the Funding Agreement, we are all highly aware of that, that is to meet milestones and to do that in an efficient, effective, economical and ethical manner. If there is a problem Mr Speaker, at 15.2 on page 20 of the Funding Agreement, there is a clause called termination of fault, and it says that if the recipient, and in this case, the Members of the Legislative Assembly or the Government does not comply with any of its obligations under this agreement, then the Commonwealth, at b, if it considers that the non-compliance is capable of remedy, is capable of remedy, may by notice require that the non-compliance be remedied within the time specified in the notice. And if not remedied in that time, may terminate the agreement immediately by giving a second notice. So we are not talking about just \$200,000 we are effect talking about what is not paid of the \$7.5million which is required to fund essential services to this community, which includes the Hospital and the School, Policing, etc. So if you look on the next page, 22, and you look at notices, the format, and addressing of delivery. A notice under this agreement is only effective is it is in writing and addressed as follows, and if it is given by the recipient to the Commonwealth it is addressed to Ms Robyn Fleming, who we know is the Executive Director, she's the Executive Director of Local Government and Territories Division and happens to be currently on the island and if it is given by the Commonwealth to the recipient it is to Mr Jon Gibbons who is the Chief Executive Officer, of the Administration of Norfolk Island and a notice is deemed to be received if it is delivered by hand upon delivery to the relevant address. At page 31 Mr Speaker, under the particulars of the emergency assistance funding there is a point at b,1,7 that if evidence is produced that a milestone is achieved at a later date the Department may decide whether the milestone payment will or will not be paid or a partial payment will be made. So where I initially thought that this may be too little too late, that there was a deliberate fraudulent attempt by the Government to not comply with the Funding Agreement I thought it may be all over, but I went back to the detail of the Funding Agreement and is there any hope of redeeming or pulling back what appears to have already occurred because the time frame for meeting this milestone has expired, but what I believe when we enter into these agreements in good faith and with good will and with open minds, that there is always room to move, and the legal people may interpret my view on this Funding Agreement differently, but I see room move, but I see room for the Commonwealth to move, and I see that me moving this motion today, and if it were to receive support from Members, would be a demonstration of our goodwill and our want to actually comply with the Funding Agreement and to not, as I have said, to not deliberately not comply. So I have brought the motion forward. It is also important to note and acknowledge the Governments concerns, and the Norfolk Island Government Minister's concerns. The Chief Minister in his response to my question on notice earlier in the sitting, at 52, was he seems to, he is in effect ignored the healthcare levy issue, but I will come back to that, and has just stuck to the point that there was a mutual commitment for the Commonwealth to extend the social security in 2011 before we would move any further on immigration. Now we know that Norfolk did move further on immigration, it actually took a leading role in this and progressed these immigration reforms, it lead the way in effect, that the Commonwealth hasn't responded with an ultimate funding commitment and final decision in Federal Parliament, yes I could be harsh too, but I look at the Funding Agreement commitments, I look at the cash that has flowed into the community as funding for emergency funding for essential services and I see the recent fact sheets, so I do see that there is an ongoing commitment being demonstrated by the Commonwealth. When Minister Adams raised concerns on, so I guess the point I am making there Mr Speaker is, that we could play tit for tat with the Commonwealth on who has done what, and you know that we have got to bear in mind that that was a Labor Government at that time, and now we are dealing with a Liberal Government, so to me that is a non-argument. But coming back to the point that was raised about the unrestricted entry permit holders who are now unable to pay for healthcare, or they are seeking exemptions from the healthcare levy is what they are doing, I thought to myself well that's perhaps a valid point, that's a good point, that needs to be quantified, that should be examined, because that did concern some people in the community, you know, there was some outrage and some contempt for these UEPs that were gobbling up our healthcare and not paying pay for it. That's not my view Mr Speaker, but that's what the reaction to the

Minister's statement was, I'm not saying that it was deliberate, but that was the response in some quarters. So I sought to clarify that, to quantify that and to put some facts, to counter the fear with some facts. And so that lead to my question on notice in November which asked the Minister to table in tabular form by category the number of people, resident or otherwise, who had obtained a healthcare levy exemption over the past 12 month period, and the key in the very detailed answer that the Minister gave related to unrestricted entry permit holders, and the answer was this, and I will pick up a direct quote from the Hansard of Minister Adams, and that was, less than five were UEPs, less than five. And the point that we made at the time was that that could actually mean one person, but because of privacy reasons, or due to privacy reasons you know it is not for the Administration or the Government to expose there is just one person, but that could in fact be what it amounts to. So there are less than five unrestricted entry permit holders currently fall within that category where they have applied for an exemption due to the income threshold, it is not an ability to pay, under the law they fall below an income threshold and therefore they are eligible to apply, eligible under the law as it currently stands. So I would just like to point out to Members that I am not dismissing the concerns of the Minister and the Government, I simply sought to put information on the table so that all Members could search their souls and understand that those arguments may not be, well they are not as catastrophic as I am suggesting, the Government, particularly Minister Adams has made them out to be. Mr Speaker I am hoping, as I have said I have put this on the agenda two Tuesday's ago, so I am hoping that Members have had an opportunity to consider, we certainly get a sense of where the Government stands, but there is more than just four Ministers sitting at this table, I hope some of the Ministers have been able to have a rethink, I understand that everyone gets busy in their day to day workings of Government and perhaps this milestone timeline, just wasn't, it was missed, I know that I took my eye off the ball Mr Speaker, and I ask for Members understanding in that, we know through condolences what has been happening for me, and maybe other people have had personal issues in their life which have distracted them for a moment which caused them to take their eye off the ball in this very important issue, so that is my point, it is just a question to seek support from Members at this stage to ask the Minister and the Government to comply with the Funding Agreement, if the amending legislation comes on and doesn't get up, that is a separate issue, that's the next step, an entirely separate stage, but I've just, I can't not do this and say that I haven't tried everything Mr Speaker. Needless to say I don't agree with the Governments position and I place that on the record as well, but I will leave it to other Members to hopefully contribute to debate Mr Speaker, thank you.

SPEAKER

Further debate Honourable Members, Minister Adams.

MS ADAMS

Thank you Mr Speaker. As Mrs Ward has correctly stated, I had left it, and made it quite clear that it was a matter for the House to direct me and Mrs Ward has followed up in taking that action and at the end of debate on the motion I will be abstaining from voting and I will await the will of the House, it wouldn't be appropriate for me at this point to vote yes or no. So to debate. Paragraph 9(a) of the 2014-2015 Funding Agreement requires – Remove unrestricted entry permit requirements for Australian citizens and permanent residents and ensure that Australians are considered residents of Norfolk Island on arrival. In a letter dated 5 June 2014 Assistant Minister Jamie Briggs wrote to the Chief Minister regarding the Australian Government's 2014-15 Budget announcement of a further package of support for Norfolk Island. Funding was to be contingent upon a number of higher level commitments by the Norfolk Island Government. One of those commitments was to reduce all further barriers to immigration within the first quarter of this agreement including the treatment of foreign nationals in a way consistent with the Migration Act 1958 (Cth). As the 'removal of barriers' is a Commonwealth requirement clarity was sought from Mr Paul McInnes of the Department of Infrastructure and Regional Development on a number of occasions as to what the Commonwealth saw those barriers to be. In response to the letter from Assistant Minister Briggs I met with the Administrator to express my concerns and the Administrator indicated he was pleased to assist. And I subsequently wrote to the Administrator on 4 July 2014 seeking clarity setting out the concerns around the funding agreement requirements in respect of Immigration. I read from that letter the parts

pertinent to the motion before us today. Some of which Mrs Ward has already referred to but I will repeat them into Hansard. 'Norfolk Island immigration barriers were removed as required under clause 11a.iii of the 2011/2012 Funding Agreement which stated that Norfolk Island: by 30 June 2012 remove restrictions on Australian citizens arriving and remaining on Norfolk Island to facilitate the extension of the Migration Act 1958 (Cth). This condition is subject to the Commonwealth outlining an implementation plan for access to Commonwealth benefits schemes, including Social Security and Medicare". And yes, that was a former Government, however, I believe that that remains a commitment under a contract with the Australian Government. So, in good faith that the Commonwealth would meet this commitment, the Norfolk Island Parliament passed the Immigration (Amendment No. 2) Bill 2012 and the Bill passed into law in May 2013 thereby putting in place a regime whereby Australian and New Zealand citizens arriving on Norfolk Island are deemed to be the holders of an unrestricted entry permit with freedom of entry and freedom to undertake employment and, to commence or carry on or participate in a business or profession, in Norfolk Island (paragraph 14A(3) of the Immigration Act 1980). I continue to read from my letter. 'The implementation plan for access to Commonwealth benefits schemes, including Social Security and Medicare has not to date been provided. Clause 11.b. of the 2011/2012 Funding Agreement goes on to provide – "The Commonwealth will review their impacts by 30 June 2014, including economic, environmental (including land use) and social/cultural impacts". Whilst this review has not been undertaken I acknowledge that the timeframe was perhaps unrealistic in its timing expectations. The time between commencements of the legislation, namely 25 May 2013, which removed the barriers for Australian citizens and 30 June 2014 does not set a timeframe within which to undertake a review that would provide meaningful data. Paragraph 14A(5) of the Immigration Act 1980 requires the Minister with responsibility for immigration to "cause a review of the operation of this and related sections having regard to the social and economic and environmental effects of the operation of the unrestricted entry permit system such review to be undertaken within 5 years of the commencement of this section." This requirement is not dissimilar to the requirement of the Commonwealth abovementioned in the 2011/2012 Funding Agreement. In addition, the December 2012 Funding Agreement at clause 9(c)(iv) provided Norfolk Island – "will jointly review the Immigration Act to identify any outstanding anomalies with mainland Australia, with the Commonwealth to engage the Commonwealth Department of Immigration and Citizenship to assist in identifying possible solutions." In view of the above', this is my letter to the Administrator, 'I would welcome discussion and consideration between the Commonwealth and the Norfolk Island Government that the 2014/2015 Funding Agreement include as a general condition untied to milestones and funding, the December 2012 requirement above and that both the Commonwealth and the Norfolk Island Government commit by June 2016 to review the impact including economic, environmental (including land use) and social/cultural impacts" of the operation of the unrestricted entry permit system. Apart from the inclusion of these general conditions, I am of the view that it would not be in the best interests of Norfolk Island going forward, nor would it be a responsible action on my part as Minister with responsibility for immigration were I to commit to the removal of "further immigration barriers" – real or perceived – until the Commonwealth can clearly identify what these are and until the Commonwealth can demonstrate that it will meet its commitments under section 11(a)(iii) of the 2011/2012 Funding Agreement.' That was back in July. 'Notwithstanding the suggestion that as a compromise position on the milestone requirement that both the Commonwealth and the Norfolk Island government commit by 2016 to review the impact of the operation of the unrestricted permit system, officers of the Department of Infrastructure and Regional Development would not agree to amending this milestone requirement. It is not clear to me whether Assistant Minister Briggs is aware that a compromise position was proposed to enable the Commonwealth to meet its obligations under earlier funding agreements. The Norfolk Island Government endorsed the view that it would not be a responsible action to introduce the amendments required by 9(a) until the implementation plan for access to the Commonwealth benefits scheme has been provided; particularly as there has been several instances', and Mrs Ward has referred to them, 'in recent healthcare levy periods that Australian citizens who are holders of UEPs or have been declared residents by virtue of citizenship under section 28A have applied for exemption from payment of the healthcare levy on the grounds that their income is below the

current income threshold.' Whether it is one or five, the fact remains that Norfolk Island has been left unprotected without a safety net for people that the Commonwealth are requiring come into this community without any financials being provided at the time they enter. I rest my case. The Norfolk Island community Mrs Ward is being required to support these people under the healthcare system because they have insufficient income, whether that's one, five or 10, they have insufficient income to pay the healthcare levy, that is of grave concern to me.

MR SHERIDAN Thank you Mr Speaker, just a few words to say on the matter, and I take note of the Minister's response in regards that he has written numerous letters to the Commonwealth and attempted to identify what particular issues are on the table, and this one that we are debating at the moment, as Mrs Ward has presented, is a requirement to remove the unrestricted entry permit requirements for Australian citizens, permanent residents, and ensure that Australians are considered resident of Norfolk Island on arrival.

Unclear on tape.

SPEAKER Minister, Point of Order.

MRS WARD I just want to make it very clear that the Minister is saying that the motion is about removing the unrestricted, it's not about that, it's about complying with the Funding Agreement, it's about bringing that to the table, that's all I'm asking.

MR SHERIDAN I understand that Mr Speaker.

SPEAKER Thank you Mrs Ward, I don't accept that as a point of order, but I will give you the call so that you might put your view about that when Minister Sheridan has concluded. Minister Sheridan.

MR SHERIDAN Yes, I understand exactly what Mrs Ward is asking in this motion and what I'm attempting to say is that the effect of the motion is to have the responsible Minister comply with the Funding Agreement and which is the removal of these restrictions on the unrestricted entry permit requirements. That said Mr Speaker, you must understand the sequence of events that have taken place with this Funding Agreement. The Funding Agreement became effective on the 14th of October, and this milestone was for the period ending October, so therefore not much time was provided you might say to have that legislation introduced into the House and progressed to finality. So the time frames were a little bit unrealistic. Now with the response to that period, the first period from the Administration of Norfolk Island I am not aware that the Commonwealth have responded to that as yet, and just the Minister may be able to remember whether or not a request to defer that 9(a) has been submitted to the Commonwealth, I don't believe it has. But it was very nice of Mrs Ward to point out under the Funding Agreements the requirements and everything and the processes etcetera, and it particularly, where either party can provide notice if something hasn't been completed. I am not aware of the Department providing any notice to the Norfolk Island Government or the Administration that condition needs to be complied with, but what Mrs Ward failed to indicate is on page 54, in reference to extension of Commonwealth Laws to Norfolk Island, and this is in regard to 9(a) and 9(b) that one of the deliverables is to reduce all further barriers to immigration including the treatment of foreign nationals in a way that is consistent with the Migration Act 1958 (Commonwealth), then it says that the Department will provide advice on the actions required. I'm not aware that the Department has provided any advice apart from what is in this Funding Agreement on the actions required. We are talking specifics, as to what their requirements are, only what the Funding Agreement says. So where there is further advice, I know the Minister has tried to sought out a compromise position and identify the exact requirements of the Department, but what I'm trying to say here is, I'm quite happy for the Minister to progress

this and bring it to the House, because it would bring the debate on, and there is \$200,000 attached to this deliverable. But what I'm trying to say is that, the period that was provided to the Government to achieve this milestone was virtually 16 days, which is totally wrong, these deliverables should never have been put in that context, and I am sure that the Minister will, well it shouldn't even matter whether this motion gets up or not, that the discussion should continue with the Commonwealth to ascertain exactly what they require to remove those remaining impediments, what do they call them – the barriers. Because an Australian when they come here they're deemed to have a UEP it's invisible, it's seamless, the only impediment really is having to have their passport stamp, which is a Commonwealth requirement I believe, but other than that they can come here and stay, and when they say deemed to be a resident, for what purpose, when do they start paying the Healthcare Levy if they tick on their Immigration card that they intend to stay longer than 180 days, they could be here for six months holiday, 12 months holiday, they might have travel insurance for that period, should we then place the Healthcare Levy upon them. According to our laws we should. So there is more to it than just saying that remove this, they are all residents on arrival, I don't see the difference, the only difference is if they are here for long enough and they apply for Norfolk Island Social Services, well then the requirements cut in that you have to have been a resident for a certain period of time. Other than that to me it's a nonsense argument and it's something that realistically the Migration Act of Australia should extend to Norfolk Island and it would solve a lot of these problems, and we have the ability to make that happen. As I say, what are we protecting now for UEPs, we're not really protecting anything, because they can come and go as they like, Australian residents, they can stay as long as they want, so to me it is a nothing issue, but if it is one that needs to be progressed I will support the motion and ask the Minister to progress it.

SPEAKER

Thank you, further debate? Mr Porter.

MR PORTER

Thank you Mr Speaker, in acknowledging that this is not a debate about immigration per se, and I'll agree with the comments from the previous Speaker and I'll agree with the concerns of Mrs Ward, that not only are we placing our ongoing operations in jeopardy by not complying with the Funding Agreement, we're also losing the opportunity to partake in the debate and process to normalise our legislation with that of the Commonwealth. Now lack of appetite for this reform may see us lose the chance to see us have any input into the legislation on behalf of the residents of Norfolk Island, if the worst fears of Mrs Ward were realised and this argument equally applies to the Municipal Rates, Community Title, the Traffic Act changes, and soon enough the requirement to normalise, as the Minister for Finance said, harmonise our legislation with Australia, where in most events you would probably adapt theirs and deal with the adverse consequences in regulation. This is our chance to show our appetite for reform. Thank you Mr Speaker.

MR SNELL

Thank you Mr Speaker, Mr Speaker there is no doubt that the question of compliance with milestone 9(a) is not a simple one. And as the previous Speakers have mentioned, particularly Minister Adams, it really needs the Federal Government to implement its previous commitments, it really does, I agree with Minister Sheridan, that regardless of how the vote on this motion goes this afternoon, there will be a need to readdress as he has mentioned on page 54. However Mr Speaker there are other issues involved, when the Funding Agreement was signed in October there were conditions that we stated at the time that some of the Funding Agreement milestones may not be possibly met and maybe impossible to achieve, so there was a caveat put on it at the time. This may be one of them. We also have to take into account what the community is thinking out there, that enough is enough. And this is an immigration question that has serious implications, simply it may fall into the special hardship benefits that apply here on the island, and without some type of control over immigration we could find ourselves in a situation that we could no longer afford, even with special essential services funding which the Funding Agreements are all about. Mr Speaker this is a difficult situation and certainly there's no doubt that Minister Adams will look at it again and we will seek some assurances from the Department on how we can move on this question. Suggested non-compliant position as I mentioned before, milestone 9(a) of the current Funding Agreement to remove

unrestricted entry permit requirements for Australian citizens and permanent residents is difficult. I will leave my comments there. Thank you Mr Speaker.

SPEAKER Thank you Chief Minister. Any further debate? Mr Nobbs please.

MR NOBBS Thank you Mr Speaker. Mrs Ward recited the requirements of the Funding Agreement 2014-15 but she hasn't touched the previous Funding Agreements and it appears to me that they are mostly the same sort of issues that she went through with that one. I question the motion and also the Norfolk Island Government did instruct the CEO to sign the document in 2014-15 and whilst this may have occurred I have great difficulties in supporting the motion and it should be pointed out, that in the previous Funding Agreement there were milestones which were not met, and we ended up losing, and I don't know what the figure is now, but the last I heard we got \$3.6m out of \$4.4m or \$4.5m which is \$900K short in whatever the milestones were at that time, but we haven't heard a lot about that. Despite the fact that there was support I guess not to sign the 2014-15 Funding Agreement until the due date in October, and which incidentally, and that's why I'm saying, it coincided with a visit by the Norfolk Island representatives to Minister Briggs and the meeting, if I remember rightly, was held in Adelaide. My belief was that outcomes of this meeting, and possible amendments as a result to the Funding Agreement, was central to the Norfolk Island signing of the document, unfortunately, just prior to the departure of the group to meet with Minister Briggs I was stunned to be advised that the Norfolk Island Government had instructed the CEO to sign the Funding Agreement. Which I think has left us in a fairly sad position. Given the commitments made in the previous Funding Agreements by the Department on behalf of the Commonwealth and I don't care who the Government is at the time, it was the same old Department and same old Commonwealth, included certain actions that were to be undertaken by Norfolk Island and they were also to be undertaken by the Commonwealth. Of particular interest to me was I believe, and vital to the whole process was a review due by June 2014, this to me was critical to the whole issue, given the inability to deal with the changes proposed in the Road Map right from its first inception, I thought that a review of a key issue such as immigration and we are talking about immigration whether we like it or not, the key issue is immigration that such changes in the Road Map has been so dramatic that it has a serious effect, both Ministers have talked on that, Minister Adams and Minister Sheridan, and others have said that it leaves us in an insidious position. I believe the review is essential to refocus the immigration issue and the status that this occurs on this Island. So I won't be supporting the motion, I think that that is a key issue and I think that we should stand up for it, I'm not falling over backwards just because the Commonwealth feels that we may not do this or may not do that, or they may not do this or they may not do that, the issue really is all about this community and this island, and the impacts of all this on this place.

MEMBER(S) Hear hear.

MR NOBBS And we should not go past that, just thinking about personally issues and that, and that's why I was really concerned that we seem to be swinging into what's good for me and what's good for them sort of thing issue, it's not that, it's about this community and the Commonwealth and the Norfolk Island Government and getting together and speaking as a unit on this, and that's why I would say, I will read this out now if I may Mr Speaker, I said at the end of my submission to the Administrator, 'it's time for the Commonwealth Government to sit down with the Norfolk Island Government to sort out what at present is a real mess, the basic solutions are in fact quite simple. The reference above to the current mess shows that the arrangement instituted to date are not working and it is mind boggling what even more of the same will achieve, the reality is that mistakes in the past have been made and should be recognised and remedies instituted. Cherry picking of statements to promote unsupportable premises must cease. The reality is that people with experience, such as Mr Stanhope', and I spoke earlier about him and his experience in the Department itself and the Commonwealth itself,

SPEAKER

Mr Nobbs would you have a mind to relevance please.

MR NOBBS

Yeah ok. I will go on and say, in relevance really, that it's time that these arrangements were put in place to have these reviews, and there are several other issues that need reviewing as well, and that I say that the current situation appears to be rather toxic, which is not good and it is suggested that there is a need for a third party to act as an independent umpire. On the basis of that Mr Speaker, as far as the relevance of immigration, I left here in January 1966, I've spoken to Members about it, so you can doze off if you want to, but in 1966 we left here with my family of one, my wife and one, and we came back regularly and I returned in December 1994, I went to a place called Darwin, which was terrific to us, it was the closest place to Norfolk Island as you could find, you left the doors open and all that sort of thing when we arrived. When we left Darwin in 1994 they had bars on windows, you could really walk around the streets all that much at night, especially us oldies by then, I came back to Norfolk and it was exactly the same as I left in 1966, a bit more affluent, more roads were sealed, and nothing security wise had changed. I believe that was due to the immigration arrangements, and whilst people think they may not be important, I would suggest that as we move into the open status of the island, security will become a huge huge change on the island. I'm not saying that the Martin Place siege had anything to do with my thoughts, but it sort of bears them out. So as a consequence Mr Speaker, and thanks for your help, I won't be supporting the motion.

SPEAKER

Now Mrs Ward, I know Mr Evans that you gave me the call also, but particularly Mrs Ward had raised earlier some points and I think I should at this stage give her an opportunity please.

MRS WARD

I think at this stage I will just simply apologise to Minister Sheridan for jumping down his throat and come back to the good points that he raised when other Members have had an opportunity.

SPEAKER

Okay then, Mr Evans please.

MR EVANS

Thank you Mr Speaker and I suppose there is a lot of very good relevant points around this issue, but I suppose for any Norfolk Islander, Immigration is pretty important, it is how we maintain sometimes our identify, it is how we can control people that come into this island by making sure they are the right persons that come into our community, we all have a passion or a taste for change, and we realise what is going on in the island, but to just to leave something like this like immigration completely open just because there is a \$200,000 price tag on it, I don't think it is something that we can sort of lose or try not to fight against. The Minister's tried talking to the Commonwealth as far as Funding Agreements, how little times have they come to the party to accommodate our wants and our needs, and what's in this little community that's so different to theirs, so for them to understand it is pretty hard, but for us to just completely let it go and say it's \$200,000 let's make it better for the community, I think that sometimes we have to miss out on money if we want to keep the things that we love in this community, unfortunately Mr Nobbs made a remark about Martin Place, maybe these little things can keep us stringent to not have anything like that happen in this part of the world. The other thing to is that there is talk about at the moment that there is maybe less than five, but what happens tomorrow if the plane turns up and there is 20 of them on the plane and they all come in and we are all stuck and Norfolk Islanders go to Australia and they can't get some of the benefits that they've got, and in some ways, we've got Australian citizens who live over here on Norfolk Island quite happy to live on Norfolk Island, unfortunately they still have to work because something that they deserve, something they have worked for all their lives, is denied to them because they have come to Norfolk Island, so in some ways I would like to see this continue and hopefully be resolved in a better manner than what we seem to be sitting down here talking today. If we could have had that right at the beginning we probably wouldn't be doing this now. Thank you Mr Speaker.

SPEAKER
Ward.

Thank you, further debate? No further debate? Mrs

MRS WARD

Thank you Mr Speaker, it will take all my will not to make comment on immigration, this is not a debate about immigration, that will come, that has been had, and it will come again hopefully. I just make two points, immigration underpins economic growth or decline and people if it does come on, need to refer to section 14A of the Immigration Act, and I raise that one specifically because Minister Sheridan, and I thank Minister Sheridan for his input and I will comment on the specific items that he has raised that are relevant to the debate, is the tight timing of the requirements within the Funding Agreement, and the point on page 54, of further information required from the Commonwealth and that would be that the Department will provide advice on the actions required, and what that tells me loud and clear is that this Government or their Advisors or whoever is responsible for progressing this milestone in this area doesn't know how to proceed, we can't do that alone, it would appear that we need the Department to provide advice on the actions required. So it's fortunate again that Department Officers are on the island so I put that on the table now. So that perhaps could be resolved before they even leave, because this is an incredibly important issue about compliance with what is a signed agreement. Minister Sheridan went so far as to call this a nonsense argument, and when we get to debate 9(a) it will be revealed that Minister Sheridan is absolutely right, but I will save the details of that until that debate, and explain through debate to Members, because I can assure you that it is not only Minister Sheridan, what 9(a) and removal of restrictions and how we currently discriminate against Australian citizens is all about.

SPEAKER

Thank you, Chief Minister.

MR SNELL

Thank you Mr Speaker, to wind up my comments on this matter, on referring back to the suggested motion, there is a word in there that I believe is the key to all of this, and that is the word resident of Norfolk Island. We have contingency legislation that has the word resident within it that Minister Adams has brought up previously that falls off this and it has serious implications on 9(a) and the removal of the restrictions. Mr Speaker it is complex, I will not support the motion, it needs more consideration, I'm concerned about the flow on effect, I'm concerned at Mrs Wards interpretation that immigration is the hub of economic development on Norfolk Island, I don't agree with that, I think immigration can be a milestone around the throat of every person on this island if we are not careful, and we have to control it to some degree and I think Minister Adams has also pointed that out, we just can't allow Norfolk Island to be open in such a manner that anyone, any type, any person can come here without of course the safety nets that the Commonwealth promised us at the very beginning of this exercise. Thank you Mr Speaker.

SPEAKER
Minister Ward.

Thank you Chief Minister, we have concluded debate?

MR WARD

Thank you Mr Speaker, Mr Speaker I came to this debate without a preformed opinion on it, I wanted to hear what Members felt were the issues around it, I think it is often overlooked that our immigration prior to the opening of the immigration did have a very real purpose in protecting the islands interests and it had a method of protecting our income and our resources generally. Had Australia, or the Commonwealth, been able to meet its commitments under the original agreements, and they were picking up the tab for these people who are now unable to pay their way, then it's a whole different ball game. But because they haven't been able to do that, it's yet again a situation where we have to deal with the consequences of reform, whilst we understand the reasons for those reforms, we're yet to see whether those reforms really generate any improvement here, at the moment we simply pick up the tab for it, and that's not a good situation. Thank you Mr Speaker.

MR SHERIDAN Thank you Mr Speaker, Mr Speaker I would just like to remind everybody that we are voting on the motion that really provides the responsible Minister to bring something to this House so then we can debate it, we can then debate the immigration issue, there seems to be a lot of views about immigration, that's not what this debate is about now, it's about providing to the Minister instructions to bring to the House some legislation that supports the milestone so that then we can debate it. Whether or not that debate goes which way, I don't really care at this point in time. But this motion today is providing the facility for the Minister to bring it to the House. If we want to refuse that, then I think that's an indication that this Government or this Assembly has no intention of debating immigration issues, and I think that we should in a robust way when the actual legislation comes to the House, so that's the main reason why I will report it Mr Speaker.

MR PORTER I had a note here and I was refraining here from making it, but it's possibly following on from the Finance Minister but it's in regards to the Chief Minister's claim that the Funding Agreement requirements may never be complied with, or not be able to be complied with. This is the crux of this argument, that I would have thought that that would have been a result of the democratic process of this House, not at the behest of the Minister from refraining from bringing legislation to be debated, which is basically just reinforcing for what the Minister for Finance has just said. But I think that that was the crux of this whole motion, perhaps you could have picked a better, less topical subject, although I think they are all fairly emotive subjects, I think this is an illustration in the lack of due process, or the ability for us, as Members, to engage in this process without it being filtered by the Minister before. Thank you.

MR NOBBS Thank you Mr Speaker, I believe that this vote now has become a vote of confidence or not in the Minister, and that's the way I look at it, and that's what's been said, and sorry Mrs Ward but that's what's being said. And on that basis, I'm even more disinclined to support the motion, and I would suggest that if the Minister, she has my full support, and bring it on! Thank you Mr Speaker.

SPEAKER Further debate? No further debate. The question is that the motion be... were you signalling? Mrs Ward.

MRS WARD Thank you Mr Speaker. I just want it to make it very clear, and I thought I had in my words, that this is not a slur on the Minister, a slur on the Government, this is giving everyone an opportunity to have a second chance if they want to take that, here is that opportunity right here and now as well defined by Minister Sheridan, it is a simple yes or no, allow the democratic process to be followed, which has been dictated by an already agreed Funding Agreement, contract, or not. Thank you Mr Speaker.

SPEAKER Thank you. Honourable Members I will put the question. The question is that the motion be agreed to.

QUESTION PUT

Will the Clerk please call the House.

CLERK	Mr Buffett	Aye
	Mr Porter	Aye
	Mr Ward	No
	Ms Adams	Abstain
	Mr Snell	No
	Mr Nobbs	No
	Mrs Ward	Aye
	Mr Evans	Aye
	Mr Sheridan	Aye

SPEAKER Thank you. The results of voting Honourable Members, the aye's five, the noes three with one abstention, the aye's have it, the motion is agreed.

SPEAKER Honourable Members the next item that is on the programme is a Bill by leave, this matter has been handled separately and has already been addressed by the Minister at an earlier stage in this sitting, we are therefore now at Orders of the Day.

ORDERS OF THE DAY

SPEAKER Order of the Day **TRAFFIC (AMENDMENT) BILL 2014**. We are resuming debate on the question that this Bill be agreed to in principle and Minister Ward you have the call to resume.

MR WARD Thanks Mr Speaker. Mr Speaker I move that the Bill be amended as follows and I have detailed stage amendments.

SPEAKER Minister Ward, we are at the stage where we have before us a question that the Bill be agreed to in principle, we are to continue debate upon that matter and decide that matter. If you have amendments we will come to the detailed stage. Minister Ward. The question is that the Bill be agreed to in principle.

MR WARD I move that the Bill be agreed to in principle.

SPEAKER Thank you, we have that in front of us, would you wish to debate that matter?

MR WARD Mr Speaker the Bill is an initial step towards bringing the Road Traffic Laws of Norfolk Island in line with accepted principles of safety applied in the Commonwealth, the Bill seeks to make provision for random breath and oral fluid testing and to make some consequential amendments and corrections to the principle Act. The Bill has four clauses and a schedule. Clauses 1 to...

MR SHERIDAN Mr Speaker, point of relevance I believe the Minister is reading from the explanatory memo which contains the detailed stage amendments and not the original explanatory memo as has been presented in the House.

MR WARD Thank you Mr Speaker, I will be moving detailed stage amendments as I just previously alluded to, and that would provide, I believe the information that Members will need?

SPEAKER Anything further in terms of that the Bill be agreed to in principle. Any further debate on that matter? No, then I'll put that question to you Honourable Members, the question is that the Bill, maybe given the couple of things that have been said, I should repeat. That once we have determined whether or not that you want to agree to the Bill in principle, if that is agreed, we will move to the Detail Stage.

MR SHERIDAN And Mr Speaker if I may, and that pertains to the blood alcohol concentration also the random breath testing.

SPEAKER And that is for you or the Minister's or whoever to explain that to the House of course. I'm really trying to stick to the process. Further debate in respect of the matter in principle, Minister Adams.

MS ADAMS

Thank you Mr Speaker, I will be voting aye, that the Bill be agreed to in principle, that clearly on the understanding that there is a detailed stage amendment coming forward which will be proposing that we remove any reference to reducing the blood alcohol level from .08 to .05. Which actually creates a difficulty for me in having to agree the Bill in principle which at the moment contains both sections and in anticipation that the detailed stage amendments may or may not get up! On that basis I will abstain.

MR NOBBS

Mr Speaker, as I mentioned earlier to you I think, I wish this to be referred to the, I've lost my train of thought, I'm trying to work out what we may lose if we go with the first, what was suggested before, I would like the Bill referred to the Impact of Bills and Subordinate Legislation Committee and as such I intend, at the appropriate time to seek leave to do precisely that, this will allow, I believe, well I believe at the moment, like the police guns exercise, there has been insufficient community consultation and I would have thought that by referring it to the Bills and Subordinate Legislation Committee that this would allow proper community consultation to be had and an opportunity given to the wider community. I know there has been some representations by the industry itself, if you can call it that, the industry, and it would allow the wider community to make representation and to allow full and frank consideration of the changes proposed before we look to finalising the matter. I did agreed to the introduction of breath testing some 8 or 10 years ago, some time ago now, because it simplified the process Mr Speaker as you would remember, and the legislation in my belief provided the Police with means to conduct a test. Now some 8 or 10 years later they apparently can not. The Act currently provides that a Police Officer who has reasonable cause to suspect a person has committed an offence under the drugs and alcohol section may require a person to be tested. And I spoke at an earlier meeting of the isolated communities such as Norfolk Island need a close relationship between the Police and the community. And the Police Sergeant at the moment, as head of the Norfolk Island licencing arrangements, as having a very specific role, and there is need for a greater community involvement in the problem of alcohol and drug use on the need, and this is what I spoke of before, on the need for indicative arrangements to alert patrons in licensed premises to their possible alcohol level should be considered. We have been lax in certain areas I believe, and this must change, we seem to put significant emphasis on alcohol whilst there is a need to recognise other issues. The provision of education programs for both alcohol and drugs needs to be stepped up. Provision of access to treatment to those who have real issues and their participation needs to be encouraged. As a community we willingly support unfortunate people who have other diseases such as cancer, yet we unfortunately we are inclined to ignore those with a similar debilitating disease related to alcohol or drugs. My advice from treating institutions is that a person without admitting they have a problem is extremely difficult to treat effectively. And any community stigma which may be present does not assist in this. Under existing laws I believe the police have the ability to pull a driver over and the driver can be breath tested for alcohol. I would like to see the provision devices in clubs etcetera and a greater emphasis on education. There are other issues in the amendments and what have you, other than alcohol of course, but I still believe that it should be given to the community. The last survey and discussions on policing clearly indicated that the community sought greater consultation in relation to the policing policies for the island, this has not been progressed and it is evident that the community wanted input, particularly in the areas which proved controversial which this Bill has entered. And to this end, I move, do I move now Mr Speaker or not?

SPEAKER

Mr Speaker I assume you are talking about this matter of referral, may I just read to all Members this part of Standing Orders, it is Standing Order 159, after the Bill has been agreed to in principle, I repeat that bit, after the Bill has been agreed to in principle, we have not got to that stage yet, it may be moved that the Bill be referred to a select or a standing committee, it goes on to say some other things but I think that is the part that would interest you. The point I am now endeavouring to draw to Members attention is this. The Bill needs to be agreed to in principle before we come to either the detail stage or refer it to a Committee. Minister Adams.

MS ADAMS Mr Speaker if the facilitator is so comfortable to move that so much of standing orders be set aside as would prevent the motion to refer to the Impact of Bills Committee to be moved at this time.

SPEAKER I put that question to you then Honourable Members? The question is that that motion be agreed to.

QUESTION PUT

Clerk if you would please call the House.

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

QUESTION NEGATIVED

Thank you, the result of voting Honourable Members, the aye's four, the noe's five. The noe's have it, that proposal is not agreed. We continue, that doesn't mean that that motion of that nature can not be moved at an appropriate time according to Standing Orders, that was a motion to put aside Standing Orders. Further debate? The question that remains in front of us is that the Bill be agreed to in principle. Minister Sheridan.

MR SHERIDAN Mr Speaker, I think I spoke on this Bill at length a couple of months ago, or last month whenever it was and really two parts to it is the ability to random breath test and the reduction in the blood alcohol concentration from .08 down to .05, and I think I indicated at that time I wouldn't be supporting the Bill on the basis of I don't agree on the reduction of .08 down to .05. Mr Speaker I believe that this Bill has come about because in the current legislation there is already the ability for the Police to pull somebody over if they reasonably suspect an offence under this Act has been committed, that's the Traffic Act. Where the confusion comes in is that if the Police don't have that reasonable suspicion that an offence has been committed against the Traffic Act, then it may be unlawful for them to stop a vehicle, and that's the doubt which comes to mind. So this amendment for the random breath testing as it states in the Bill is to provide that clear guidance that Police may be able to do that, but only, as I read the Bill, only for the purpose of blood alcohol levels, okay breath testing, and/or drug testing, both. It doesn't allow them to randomly pull over a person for a licence check or a registration, they still have to have reasonable cause to believe that the vehicle may be unregistered or that that person who is driving may be unlicensed. So it is only that particular Act that they can have that ability, and this is what the Bill states, and it just says, because it refers to, without limiting any (unclear on tape) Police Officers may, for the purposes of this Clause, which is Clause 32, request. So they're talking about the power to conduct random breath testing. So it's not the ability to pull you over for a licence check, because they still may, because if they reasonably suspect that you do, so this clarifies it. There has always been that grey area of whether or not they have the ability to pull you over for a breath test if they don't reasonably suspect that you have been drinking. This gives them the ability to pull you over with or without cause, and I think it provides the tool to the Police which is already in the Act but defines it a little bit clearer as to what they can and can not do, and it is very difficult to argue against giving the Police the tools to undertake their job, but as I said, I wouldn't support the Bill because of the reduction of the BAC from eight down to five. But it puts us in a bit of a quandary because, I don't know, it is up to the Members, but if the majority of the Members don't agree with that Bill then we will never get to the detail stage amendment.

MR WARD

Mr Speaker if it would help, I can outline...

SPEAKER

Just a moment.

MR SHERIDAN

And like I say we will never get to the detail stage amendment or the chance to refer it to the impact of bills of committee. But if the majority of people were in favour of it, we may never get to the stage of the detail stage amendment because there may not be a requirement for the Minister to do it, because he has already got initial support for the Bill. So I would have liked to see the actual Bill maybe left on the table and then a new Bill come up in regards to exactly what the Minister would have liked to have seen done and that would have taken away the confusion, but at this point in time I can not support the Bill that we are discussing at this point in time.

MR WARD

If it assists Members at all Mr Speaker, the purpose, the main effect of the detail stage amendment will be to dispense with the .05 clauses, or the clauses around the .05 at this stage, we will have to address that issue when we deal with the whole harmonising of the road laws as required early next year. That is the purpose of that. The reason I had the Bill split from its original form was to give Members the opportunity to vote on these two basic provisions separately and that is why I went down that track, so that people could see the validity as Minister Sheridan has of having the RBT provision clarified, are able to support that, when they feel they are unable to support the .05 reduction. So that is the main purpose of the detail stage amendment to make that provision of removing the .05 at this stage.

MRS WARD

Thank you Mr Speaker, just to assist if I contribute to debate at this stage, being aware that there are four people who are willing to support the Bill in principle in its entirety in October. I was one of those people. Since then we have had a lot of community feedback and I certainly thank Members of the community, particularly those who sort of condensed an argument and articulated it very well and to support that case against these changes, and particularly to a letter which came from the Norfolk Island Golf Club and I started to read the letter and you know it said that the Club was very conscious of responsible of serving of alcohol and should anyone be deemed unfit to drive, I'm not sure by who's measure, but anyway, arrangements are always made to ensure that person is driven home, so this is from a Service Club, it stated that the whole social fabric of Norfolk Island will change, and I will come back to that point, it is important. And that the indication is that it would appear that the thinking is a couple of drinks is not a problem, you don't have to worry about being over the blood alcohol level or the PCA limit as we call it, and then I turned the page and it said, the road safety aspect has also been issued, but I am fully aware of the minimal effect of our current rules have on the amount of road accidents related to drink driving, particularly when compared to statistics in Australia and that was signed by somebody who is not only the President of the Norfolk Island Golf Club but somebody who in his role as the Director of the Hospital is front line on emergency and these incidents/accidents, apart from Police and Nurses and Doctors of course, they are the front line and St. Johns, etc, but this person is highly aware, but that person is fully aware, wearing two hats, that the current laws have minimal effect on the drink driving, it was interesting to note. So I put that case aside along with other people who had provided argument to Members and I thank them for that. The next document that I turned to, I went back to the Safer Road Travel on Norfolk Island, developing a Road Safety Strategy for 2014 – 16 and it was authored/penned by Ian J Faulks, and that I can see has Norfolk Island Road Safety Committee on the front of it, and what this document demonstrated was that Minister Ward had held a community meeting, that 30 very concerned residents had attended and had raised a range of issues, concerning drink driving was included as a very real concern and the Police obviously had input, there is a list of the people who are involved as well as the 30 concerned residents. And one of the points in there and this comes back to the point of about it will change the whole social fabric of Norfolk Island if these laws are introduced is on page 11 and it is the drink driving on Norfolk Island is at crisis level as can be seen on figure 2. And I had seen this before and I remember being shocked by it, but I took a closer look and within this graph you can see that the mean blood alcohol concentration in drink drivers over the period of 2009 – 2013 was 0.177 per cent. So our culture, well I will read the next point, another point in the document said, it is on page 25 and it is titled Safer

People, General Comment, it is noted that drink driving is possibly the preeminent issue to be addressed in a Road Strategy for Norfolk Island, it is deeply concerning that an activity that is known to be highly unsafe and a serious crime in Australia and New Zealand jurisdictions is given tacit acceptance by some in the Norfolk Island community and that visitors to the island can be told that drink driving is somehow okay and that driving drunk and endangering island residents and visitors alike is countenanced. The values reflected in such behaviour must be addressed for island residents and visitors. Both groups know that drink driving is wrong and a serious criminal act elsewhere in Australia and necessary steps to dissuade drink driving on Norfolk Island must include the introduction of random breath testing and a reduction of the permissible blood alcohol concentration to not more than .05 per cent. In community debate there has been much attention focus on the education and training of young people as drivers, and I'm continuing to quote from the same report Mr Speaker. However, the offence and crash data indicates that efforts would be better focussed on addressing issues faced by drivers after several years of driving experience, and of those drivers who are traffic offenders. Accordingly, consideration should also be given to introducing a traffic offender intervention program as a pre-sentencing option for youth by magistrates in determining appropriate punishment for traffic offences. So there are your two counter arguments Mr Speaker, I note also in my research that from the 1st of December this year New Zealand will reduce its limit from .08 to .05 to being the same as the Australian National Standard and that was reported in the New Zealand Herald. I'm noting that at our current limit, 0.08, I'll never get my words around this, but this .08, that people are five times more likely to have a crash than before you started drinking and that if it was to be reduced to .05 that would be reduced to being twice as likely to have a crash before driving, the point there is that if you want to be totally safe don't drink at all. The NSW Government website guards or warns against people using the calculators to determine their level of drinking because of the various factors that affect that, male or female, food intake, etcetera, but there are general rules that people can be guided by, I make that point because what Minister Ward said in Orders of the Day in the last sitting was that he wanted to split this Bill to enable public information program to be phased in in 12 months, to enable an information program and to allow licensed premises to implement such measures, now the President of the Golf Club has assured me in his letter, that if somebody is unfit to drive that arrangements will always be made, and I know that other clubs in busy times do do booze buses and in other rural areas people have sober Bob and people are responsible for their own actions, and that occurs. Enabling of a public information program, if people have access to the internet, and I certainly support, case/argument put up by my colleague Mr Evans that the Government is proactive in this, and perhaps on their new Facebook site, or through the media put on links and websites so that people can actually inform themselves and they will see that there is a rule of thumb about how much alcohol can be consumed over a period of time. So would that change the culture? I would say yes, and I would say that there is information and statistics and data that say that that is part of our culture, we actually need to change, and putting this legislation in place is not about stopping people going out and having a couple of drinks and drinking responsibly, it is about putting measures in place which really our deterrents to that type of excessive drink driving culture which is documented in this report, so I will be putting supporting the Bill in principle, if it goes through, the Minister can now hear, and Members can hear that I won't be supporting a detailed stage amendment, but I will leave that in the hands of the House and yourself Mr Speaker, thank you.

SPEAKER

Thank you.

MR WARD

Mr Speaker, I will leave it in the hands of the House, if they wish the whole Bill to be debated rather than in its original form, but equally if it gives Members the opportunity to simply get the key factor in, the RBT, then I am happy to leave it, I am very much in the hands of the House on this.

SPEAKER

I am not too sure what you are then proposing Minister Ward? If it is in fact that you are talking about splitting it, then you are talking about not proceeding today?

MR WARD No, the Bill has been, well if we are to accept these detail stage amendment, then we would then effectively be splitting the Bill which allows people to...

SPEAKER It would not split the Bill on the first vote.

MR WARD No.

SPEAKER Which is the vote that the Bill be agreed to in principle. I thought that might have been your aim and I just wanted to get a feel for that so I know what to travel with the matter. I'm not trying to dictate any of that or course. Before I come to that Minister Sheridan, I think Mr Porter had my eye earlier.

MR PORTER Thank you Mr Speaker, not wanting to pre-empt the product of the ongoing debate, and mindful of the DSA that we have all received, and notwithstanding the milestone payment issue that we know drives behind this and also the harmonisation of laws ahead in any event, but at this point in the debate if our enforcement agencies have a perception that they are hindered in their ability to enforce our legislation I think it is beholding on this House to heed that advice and update our legislation and if that takes the process of going from in principle through to detail stage amendments, that's the process of this House, but I don't think we should throw the baby out with the bath water. Thank you Mr Speaker.

MR SHERIDAN Thank you Mr Speaker, I was just listening to Minister Ward and I think he was trying to say that if he had general support for the Bill as it is on the table now, as in both BAC and the random breath testing, then he would be comfortable not to proceed with the detail stage amendments, in other words the totality of the Bill was going to go through.

MR WARD That is another way of phrasing what I did put forward Mr Speaker. Mr Speaker if we do accept the detail stage amendments, it doesn't mean the .05 issue is dead and buried, it simply means that it would be considered as part of a whole harmonisation process. I think Mr Porter referred to the milestone requirements, this Bill is actually not the harmonisation Bill, it is not a milestone requirement, but if knocked out today it would still have to be a part of that harmonisation process. It is the key factors required under the harmonisation process, and that while there is quite a lot of other detail to go in there with the road harmonisation process, those two elements that I have put forward in the original Bill are the key elements that are required.

SPEAKER Further debate, Mr Evans.

MR EVANS Thank you Mr Speaker, it seems a little bit confusing when we are talking about we are going to leave it at .08 and now we are going to go down to .05 a little way down the track, probably the pretty bad thing that would be to happen if we left it at .08 and our accidents came down, you know, less DUI's because people are getting a little bit educated, and we all of sudden go well everything's working fine on .08, we said we would agree to do it in 12 months time to take it down to .05 again, it seems a little bit confusing as to where we are going, which one we are voting for, I support it staying at .08 and as far as random breath testing, when we talk about RBT it's actually Roadside Breath Testing, where the police are enabled to put up a road block where every car that goes through has to come through there, it is a little bit different to random breath testing, so Members sort of take that on board. Whether we look at statistics that come in as to where our car crashes occur or when they occur, is it something that we could put an RBT in at a certain time of night that stops those people driving around at night that would come into those sort of incidences, or is there something that we can put in that allows the Cops of the Club Patrons to get home a little bit earlier, the responsible serving of alcohol, they say, okay

it's coming up to 6 or 7 o'clock you guys better get home or something like that, there's probably a whole lot of other detail that we can put into those sort of things. But I am just trying to work out which one we are going to be voting for, it's a bit difficult I guess Mr Speaker!

MR WARD

Mr Speaker I didn't underestimate the angst or the concern about this Bill in the community, it is mainly the restaurants and the clubs that made representation to me about it in a negative context, or being concerned, I'm not saying that they were being negative, but they certainly had concerns about the impacts on their trade and so on. I had a number of people come forward to me from the community generally, very supportive of the moves, and I would like to stress that right from the outset here that this matter is not raised as a result of any one accident or incident, it is based on the fact that there have been many many incidents over time, not all of them as serious as others, but it's that number of incidents, the number of high readings, that prompted the need for this legislation and it certainly has the endorsement of the Road Safety Committee, they have had the benefit of reviewing the material that has been put forward of the statistics about the crashes that have been and it's hard to understand why there is so much angst about it, I believe the police will handle this in an appropriate way, we are not about turning the place into a Police State and it's not about being anti-alcohol, I mean really it's only a question of people having the convenience of having their vehicle at the end of the night or the convenience there when they want it. I do understand the clubs concerns, but it is something that every other country around us has to live with, and I can't see that we can really mount a case that somehow we are different and we don't need it. If people have the facts and have something to support that I'm willing to hear that. I've explored as many options I can come up with, people have fed in various ideas about splitting the times of .05 and .08, I've explored that with the legal team, they have basically advised me that it is unworkable. I've looked at every possibility to try and minimise the impacts of this, at the end of the day we basically need to accept that we need to comply with prevailing standards. Thank you.

MR SNELL

Thank you Mr Speaker, Mr Speaker I have listened to the discussions with interest and I think we should go back a little further, Minister Ward has indicated of course that this is part of the harmonising arrangement under the Funding Agreement 2014-15, page 54 again, and it states 'harmonise road safety laws including drink driving provisions consistent with NSW law to be implemented by February 2015', and the amount attached to that is \$400,000. Those in the community that have given us information we appreciate very much and we have received those and we have noted them. The problem with all of this is the impact that it is going to have on this community, being Minister for Tourism and someone who has been in the Tourism Industry for a great number of years, I appreciate the contents of a number of the correspondence that we have received, raising their concerns as what maybe the consequences of this and the future economic consequences of the decision that we may have to take, and we may have to take it whether we like it or not in regards to harmonising our laws. Mr Speaker, again though, with the \$400,000 amount tagged to it, there's no guarantee that the Department of Infrastructure and Regional Development will agree to the amendment from 0.08 to 0.05 and just leaving it at .08 is acceptable to them, so there is no guarantee in that regard that the funds will be forthcoming. Minister Ward and indeed the Norfolk Island Government has taken into consideration, as I've mentioned before, the many expressions and interests and concerns that have been given to us. I have to applaud Minister Ward in his efforts to establish a compromise in retaining part of the existing Road Traffic Act and it's his endeavours to satisfy the difficulties the Norfolk Island Police have to identify as being a grey area with regards to Roadside Breath Testing. And as mentioned by Minister Sheridan, this is a complex set of regulations that we are talking about here this afternoon and I refer again, as Mrs Ward did, that the Safer Road Travel on Norfolk Island, Ian Faulks, he expressly mentions quite a number of issues, some of the issues that he has mentioned are areas that go behind this. He mentions issues that could have serious implications for Norfolk's lifestyle regarding the specifications for vehicle standards and so on, and the fencing of high drop locations and other things. He mentions crashes in here, but there has been no

definition of what the crashes are. He states on page 11 that drink driving on Norfolk Island is at crisis level, that's quite a large and impact statement to say that it is at crisis level. Mr Speaker I am supportive of Minister Ward in his efforts to resolve this issue, I support that .08 should remain, but to assist the Norfolk Island Police in the grey area that they are experiencing in having the authority to apprehend or pull over who they suspect may be influenced and doing random breath testing, that is an area that we may have to agree with, but I applaud Minister Ward on bringing this as required under the Funding Agreement.

MS ADAMS Thank you Mr Speaker, I move that debate be adjourned and made an order of the day for a subsequent day of Sitting, that Sitting being the February Sitting to enable the Bill that is on the table before us today, to be withdrawn and a Bill be brought into the House which only deals with the random breath testing, because at the moment I have this great dilemma that I can not vote for the Bill as it is at this point in time, and if the Bill is agreed in principle, the Minister is under no obligation to move the detail staged amendments and that's my dilemma.

SPEAKER Minister I'm obliged to put that motion should you move it, but I think I saw other signals.

MS ADAMS Fine, please, please.

SPEAKER If they want to debate the matter, not debate the matter you have just mentioned, because that is not debateable. Did I see your call?

MR EVANS I was just going back, the big thing was education, we need a little time to, I think some of the other Members alluded to it, the education that sort of has to go with drinkers and stuff like that. I suppose that something like this to, an impact, and to mention it in the Legislative Assembly, but, there is a little drug problem, well not a drug problem, but there are users of things, as brought up in the statistics, what's going to be done to facilitate them, is the Government going to look favourably on them, I know it's in the law and stuff like that, so they are going to get smashed, I think the impact of that will probably be just as high, just as great when it comes to alcohol, so there's some other things to take into consideration. I would consider, as I said I was a little bit confused about where we were going, and would agree with Minister Adams thought to adjourn to a later debate when we can sort it out and just deal with the one.

SPEAKER Hang on, we are not debating that matter.

MR EVANS No, sorry Mr Speaker, I will cut all of that off.

SPEAKER She hasn't actually moved that.

MR EVANS I will finish thank you Mr Speaker.

MR WARD Thank you Mr Speaker, I am certainly happy to give Members an undertaking that should this Bill be approved in the principle stage, I'm certainly happy to give an undertaking that I will move the detail stage amendments, which will effectively remove the reduction from .08 to .05 at this time. That is a guarantee.

MR NOBBS Sorry Mr Speaker, I thought I'd finished, but I've done my dash with the last thing, but I'm a bit concerned here Mr Speaker, with second thinking of what the Commonwealth might think and what they might do, surely we should be considering what effect it has on your own community first, and that's it.

MEMBER(S) Hear hear.

MR NOBBS And that's the go, that the first one, the others on harmonisation, I reckon that's a ridiculous, it sort of grates with me, because, as you and I know Mr Speaker, it was when we probably first started to have a beer, and I was before you I must admit that! We could live next door to the pub, but come Sunday we had to drive 20 miles to get a drink and 20 miles to come back. My word, it was great, Sunday it was fine, it was wonderful in New South... Yeah, and it's all come round you know completely in the last few years obviously, and that hasn't taken a lot of time. Anyhow, harmonisation, what are we talking about, I would like to know what we are talking about, are we talking about the vehicles that we can import here. Relevance?

MR SHERIDAN We are not talking about harmonisation.

MR NOBBS We are, you are bringing it up all the time.

MR SHERIDAN No, we are talking about two particular issues, not the harmonisation of road laws.

MR NOBBS Well I think that we should just drop the word completely.

MR WARD It is related.

SPEAKER Yes, I hear your seeking a point of order, I can see the relevance that Mr Nobbs is making in this particular instance. Bear relevance in mind, but the point you are making is one that can be part of the debate Mr Nobbs, please continue.

MR NOBBS Well, I just say that we should work out that if you are talking about harmonisation, sorry Tim, we are talking harmonisation, if you are talking harmonisation, and tell the community what it actually means for them. I mean that's the go, with the tax arrangements, and all this going on, and we are going to have tax, and what's tax you know, and all the other facilities, surely we should do something about that. I suppose I can't say, but I would support Minister Adams there and get the thing sorted out for goodness sake and just give us one document and we can go through it, and as far as the alcohol levels that are mentioned in here, I think the Police Sergeant confirmed the other day that to me, round here, it came to me, that those levels were the ones that they actually caught, they probably couldn't get away! But that's why they are at such a high level, and it's a bit hard to specify that.

MS ADAMS At the risk of having Mr Nobbs growl at me, I'm going to withdraw the motion to adjourn, because the Minister had given an undertaking...

SPEAKER I had not accepted the motion at this time.

MS ADAMS No, I will not be proceeding with that, on the basis that the Minister with carriage of this Bill has agreed that he will be proposing the detail staged amendments, I look at this Bill overall when we are talking about in principle, it is a safety issue. But I am not at the detail yet of what those safety issues are, that is the principle in the Bill, it is a safety issue alright? So on that basis I will say yes to facilitate it getting to the next stage so we can deal with the detail and we have amendments in the detail. Is that clear? And if the details don't get up, because I'm wishing to vote, I will vote no at the Bill being agreed to.

MR NOBBS If you are talking about safety you should have .05.

MS ADAMS I'm just talking generically around road safety, I'm talking generically, I'm not forming any conclusions around .08 or .05, I'm quite clear in my mind, quite clear.

SPEAKER Are we all done? Honourable Members the question before us is that the Bill be agreed to in principle, the Bill be agreed to in principle, I will put that motion.

QUESTION PUT

QUESTION AGREED

The motion is agreed Honourable Members, there is one against and there is one abstention. Fine that motion is agreed. We now move to the detail stage, Minister Ward you had foreshadowed detail staged amendments.

MR WARD Mr Speaker I move that the Bill be amended as follows. That the schedule be amended by 1. deleting item 1 (amendment of section 3 interpretation definition of prescribed concentration of alcohol) and substituting repeal definitions Commonwealth and Commonwealth Authority, substitute Commonwealth includes a Commonwealth entity. Commonwealth entity has the meaning given by section 10 of the Public Governance Performance and Accountability Act 2013 (Commonwealth). 2. Deleting item 2 (amendment of paragraph 32(6)(b), substitution of .05) and substituting new item 2. Section 8 for 8(1)(b) in subsection 8(5A) substitute 8(1)(ad). 3. Insert item 2A. Section 32A driving under the influence of drink or drugs. (a) throughout section 32 for the expression breath analysis substitute breath test and (b) amend paragraph (9)(e) for blood analysis substitute blood test. 4. Deleting from Item proposed paragraph 32D(1)(a): the words "under clause 6(1)". 5. Deleting from Item 3, proposed new subsection 32F(1), all words including "authorised sample taker" to the end of the subsection. And 6. Insert item 4 "Section 56 – Regulations (1) Amend paragraphs (9)(a) and (b) – For "breath analysis" substitute "breath test". (2) Amend paragraph (9)(c) – For "a sample of breath for analysis", substitute, "a breath test". (3) Following paragraph (9)(a), insert – "(aa) prescribing devices or apparatus for the purposes of — (i) making a preliminary assessment to determine whether to conduct a breath test; (ii) conducting a breath test; or (iii) conducting an oral fluid test or oral fluid analysis, and in particular may make regulations with respect to the procedure for conducting preliminary assessment, breath tests, oral fluid tests, and oral fluid samples.". Thank you Mr Speaker.

SPEAKER Thank you, debate Honourable Members, Minister Adams.

MS ADAMS Thank you Mr Speaker, and I thank Minister Ward for facilitating the detail stage amendment. In short, what the detail stage amendment does is it removes item 1 in the Schedule and that item is the item that deals with .08 down to .05, if the detail stage amendments pass, there is no reduction in .08 to .05. Under the current Traffic Act, the law, at Section 32 reads, a person who drives or attempts to drive a motor vehicle whilst under the influence of (1) intoxicating liquor or (2) a drug or psychotropic substance is guilty of an offence. In short that is what it says, it goes on to talk about breath analysis and blood sampling, in my reading of the detail stage amendments, in effect what we are doing is we are making it clear that wherever the word breath analysis appears it becomes breath test and it talks about devices or apparatus for making the preliminary assessment to determine whether to conduct a breath test, the conducting of the breath test, or conducting an oral fluid test of oral fluid analysis, in other words, it's tightening and giving clarity to what the law already provides, that you commit an offence if you are under intoxicating liquor or drug or psychotropic substance in respect of the intoxicating liquor the law currently spells out the categories you are allowed to be dependent on whether you are a novice driver, whether you are a driver of a commercial vehicle or if you are a driver of any other class of vehicle. I am comfortable to support the detail stage amendment because it removes the reference at this time to reducing .08 to .05 and just giving clarity to the remainder of what the law is today as Minister Sheridan stated earlier, thank you.

SPEAKER Mr Nobbs you had earlier foreshadowed that you wanted to give some consideration to referral, I'm only talking process here, I just want to signal that to you, because we have now moved the matter of agreement in principle, and the ball is in your court in terms of that matter, having said that, I seek further participation in the debate. Mr Nobbs.

MR NOBBS Well I would still like to move, but would anybody else like to speak?

SPEAKER Yes, there are some others, yes.

MR NOBBS When you suggest.

MR PORTER Thank you Mr Speaker, and I have covered these matters in the agreement in principle stage, but I would just like to recap a little on it, that the amendment gives us the opportunity to stage a more integration or normalisation of this legislation bearing in mind that harmonisation laws ultimately will require us to go to .05, but as pointed out to Mr Evans, this will give us a couple of months that we may be able to more educate the community, staged process, if we look at just drink driving legislation in Australia, it is something that evolved over probably two generations, from the recognition that you couldn't drink and drive through to acceptable levels for drinking and driving, ways of being apprehended if you were in breach of a law and then ultimately the lower levels to give better public safety. This happened over a couple of generations and we are going to do it in one sitting of Parliament, it's not much time, but those couple of months may very well allow clubs to evaluate the opportunity to provide courtesy services that may allow private individuals becoming dial a drivers and such like, it's not a lot of time, but it's certainly better than tomorrow and a new law, so in that regard I will support the detail stage amendment because it may give us a little bit of time for that public information and also businesses ability to adapt to a changing legislative world, thank you.

MR SNELL Thank you Mr Speaker, Mr Speaker, I hope that the compromise situation offered today will be accepted by the community for its intentions and that the proposed amendment will be acceptable to the Department of Infrastructure and Regional Development. However Mr Speaker it still concerns me that there is going to be an impact. The impact I feel may be negative particularly as the clubs and those who have written to us have pointed out, I hope that this will suffice, and that in satisfying the Department that we won't have to address it again, and I hope that an education, as Mr Porter as pointed out, will enable those within the next couple of months to adjust to maybe having a road side breath test put on them. It is going to change things, there's no doubt about that, I take on board Minister Sheridan, he voted against the motion, and he probably will be a hero in some areas for doing so, but nevertheless Mr Speaker I think it is something that is going to be forced upon us anyway.

MR NOBBS If I can Mr Speaker, I'm no hero Chief Minister, but I can tell you that I believe there is a better of way of doing things and that education and those sort of issues are really critical and also dealing with the particular problem that some people have. I don't believe a big stick approach will work and I think that the community should have the opportunity to realise their potential and my view is that, sure, we say we've only heard from the Clubs, what are the Clubs really? The Clubs have a huge membership on this island, most people I guess would be a member of some club or another, and these people, the licensees are representing these clubs, and whilst I'm not saying that they all vote, what I'm saying is that they represent a lot, and you should give them the opportunity, I believe to voice their opinion, individually or what these surveys do, or whatever you have to do, and it doesn't take long to get a survey going I can tell you, all you need is Sarlu and a computer and you are off. So these things can be done easily and really get the facts on it, and look at it and what's going on. Anyhow, I will move that the Traffic Amendment Bill,

that's what it's called now, 2014 be referred to the Impact of Bills and Subordinate Legislation Committee.

SPEAKER

Thank you, debate, Minister Adams.

MS ADAMS

Thank you Mr Speaker, I will be supporting Mr Nobbs in his motions, on this basis, under the Funding Agreement at item 15, the harmonising of road laws is not to occur until the February Milestone Reporting period and there has been reference about the Commonwealth perhaps not agreeing to this Bill if we have this detail stage amendment go through, I don't see any relevance to the Commonwealth at this point in time. Harmonising of road laws is something in 2015 okay. And this Bill, my understanding from the Minister is, is part of that harmonising process, and it was said here at a meeting of Members, that there was a possibility of the Police being able to use this facility over the festive period. Personally I would be very surprised if we would even get assent to the Bill before Christmas, really I can't see that happening, however, the point I am making is the harmonising is not due until the February reporting period, and in that reporting period we are able to apply for variations to the Funding Agreement if we don't believe the community has had sufficient consultation process the Commonwealth, if this detail stage amendment gets up, is only being asked to comment on, or agree to, random breath testing as part of the harmonising process, on that basis I am more than happy to support the Bill going to the Impact of Bills Committee.

SPEAKER

Thank you, Minister Ward.

MR WARD

Thank you Mr Speaker, Mr Speaker with the amendments that are proposed here today, we are just deciding on the RBT side of the Bill, we are deciding whether we want to give the Police the tools they need to do their job effectively, whether we want to give the Police the clear right to stop right to stop a drunken driver and deal with that as necessary, we are not talking about setting up booze buses, we are not talking about some massive change in the way things are done, if we don't have the courage to put this basic amendment through, because that is all it is, it is an amendment to the existing drink driving laws, if we don't have the courage to do that, then we shouldn't be here as an Assembly, and I will leave it at that Mr Speaker.

MR SHERIDAN

Thank you Mr Speaker, I will just make one comment in regards to the last Speakers discussion, he is saying that there is something about that it doesn't give them the ability, or no intention to set up a booze bus, this is exactly what it does do, it gives them the ability to randomly stop people, in other words, set up a curb side check station and pull cars over as they wish, so that is exactly what it details, as the Minister said, Minister Ward, that to provide the tools for the Police to do the job, unfortunately our legislation is not very clear at this point in time. They do have the ability but they have to have reasonable suspicion. And I think Mr Evans said before, it's road side breath testing, maybe it should be road side breath testing, because the comments have been made that it won't be random, they will target certain people, this is what you have to bear in mind, that the Police will target certain people who they believe continually drive whilst intoxicated, so yes it is the ability to road side breath test, but yes, it certainly does give them the ability to set up checking stations, so let's not be fooled into thinking it doesn't, that they have the ability to pull them over when they want. It gives them to the total ability to pull over somebody whether they have reasonable suspicion or not, they can do it. And I'll support the detail stage amendment, because, the removal of the .05 from the Bill, I don't believe that we are talking about harmonisation everything, that we have to do everything that Australia does, I don't believe it is relevant for Norfolk Island to come down to .05, if you look at all the other jurisdictions around the world, the majority of the places that are still .08 are virtually island states, and there would be a reason why they have that, is due to limited public transport etcetera, and the lower speed limits, short distances you drive, the roads aren't up to scratch you might say, all those things, not to say that you should encourage the

drink driving, but that higher level is in relation to the environment that they live in, and that's why I will support the detail stage amendment that the Minister has put up.

MR NOBBS I'm just asking a question of the group here, I don't know whether you can do that, but can they tell me is there ever been a case lost through the use of the breathalyser was thrown out because they didn't have enough reasons to pull the person up? No.

MR SHERIDAN I don't know Ron, you're asking the wrong person.

MR NOBBS Yeah, I'm just asking, we've got to judge on it, I'm just saying that it hasn't happened.

SPEAKER Ok Honourable Members the question before us is that this matter be referred to an appropriate committee. Any further debate on that matter? That's the question in front of us, that it be referred to a committee, I put that question to you.

QUESTION PUT

Clerk please call the House.

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

SPEAKER Thank you, the result of voting Honourable Members, the aye's five, the noes four, there are no abstentions, the motion is carried, that matter is so referred to the Committee as proposed by Mr Nobbs. Honourable Members we have concluded orders of the day.

FIXING OF THE NEXT SITTING DAY

SPEAKER Fixing of the next sitting day.

MR EVANS Thank you Mr Speaker, I move that this House at its rising adjourn until Wednesday, 11 February 2015 at 10 am.

SPEAKER Thank you, any debate on that matter Honourable Members? I put that question to you, that question is that motion be agreed.

QUESTION PUT

QUESTION AGREED

The aye's have it, thank you.

ADJOURNMENT

SPEAKER Adjournment, adjournment debate, Honourable Members may I commence by saying this as we conclude this sitting, it will be the final sitting as we see it for 2014, and therefore in this context I do offer warm Christmas Greetings to all Members of the Assembly here assembled and their families, to Officers of the Parliament and the Government Officers and all Officers of the Service who deliver Services to the Assembly or Government and for the community and those of course who

perform in our community boards and our community committees and those gatherings that assist the processes of Government and the Legislative Assembly in this context, thank you all for your work in 2014 and may I offer warm Christmas Greetings for this Christmas tide. To all members of the Norfolk Island community, and to the visitors and strangers who are within our gates at this Christmas tide, I also offer Christmas Greetings and goodwill and the warmest wishes and encouragement to us all in that context for a much brighter new year in the new year of 2015. Adjournment debate, Minister Adams, I'm sorry, Chief Minister I didn't see your hand Minister.

MR SNELL

Thank you Mr Speaker, Mr Speaker, I also wish to extend best wishes for a Merry and safe Christmas to all the community, to visiting friends and relatives, please enjoy the festive time in friendship and goodwill. I extend good wishes to His Honour the Administrator Mr Gary Hardgraves and Mrs Hardgraves who will be spending Christmas back in Australia with family. May your Honour have a safe and happy reunion with relatives and friends. To all the staff in our Old Military Barracks, thank you for your support and wonderful encouragement during what has been a difficult period in our political history, I don't recall any other Chief Minister having had to adjust to such changing course of events in their political career as we have encountered in particular in the last 12 months. I extend best wishes and thanks to the CEO Jon Gibbons and to Janette and his staff at the New Military Barracks and services under this control throughout the Public Service, to those staff members I extend good wishes and thanks also. To those that offer the GBEs and the Statutory Authorities and all those in the voluntary organisations throughout Norfolk Island, particularly concerned with the Hospital, Red Cross, etcetera, on behalf of the Government extend our thanks to you all. I like to mention in particular the Norfolk Island Police and the Norfolk Island Government Tourist Bureau, which fall under my portfolio responsibility. I thank them for the sterling efforts in keeping Norfolk Island safe and secure in the past 12 months and in particular I say thank you to the departing OIC of the Norfolk Island Police, Craig Marriott and his family, are leaving Norfolk Island in the near future, and we extend our best wishes to you for your future and we hope that you have a safe and merry Christmas. To the staff at the Norfolk Island Government Tourist Bureau to Spud and his family, I extend my best wishes to you and hope that you continue in your fine style of achieving the tourism forecast for Norfolk Island and growing the tourism market, I extend my appreciation and good wishes. To my fellow colleagues in this House, and in particular to my Ministers, thank you all, and to you Mr Speaker for your contribution and knowledge in this arena. The system of Government that Norfolk Island has attained is one which all peoples of this island should be proud. The achievements from such a small population is to be applauded. On behalf of the Norfolk Island Government I thank you all. As we enter into Christmas and 2015 I sincerely wish the best for you all and as Treasurer, Mr Joe Hockey stated, spend up for Santa, but also spend up for Norfolk Island. Thank you very much.

MS ADAMS

Thank you Mr Speaker. Mr Speaker it is that time of the year with the Festive Season upon us when we say thank you to the staff that support us, and in particular those who support me in my portfolio responsibilities as a Member of the Norfolk Island Government and as always there are just too many to acknowledge by name. To His Honour the Administrator and Mrs Hardgrave and staff at the Office of the Administrator we wish you well in the year ahead. My sincere thanks to the CEO for his untiring willingness in providing advice and support to me and for leading a great team of workers in the Norfolk Island Administration and in particular my sincere thanks to the Officers in the Administration in my areas of portfolio responsibility, who offer their valuable advice and help me stay on course. They are the Officers in Community Services, Healthcare, Social Welfare, Immigration, KAVHA, the Museums, the Legal Services Unit. To the Principal of the Norfolk Island Central School, to Teachers and Support Staff, thank you to a great team who have the education and care of our youth as their responsibility for much of the year. To the Director of the Norfolk Island Hospital Enterprise, the Hospital Advisory Board and the team of professional and support staff who care for our community at the Hospital and in the community when people are in need. To the many members who serve voluntarily on community boards and who provide me with invaluable advice, the

Social Services Board, SWAG, SAAR, the Mental Health Support Group, and please let me not have missed anyone. And last but not least Mr Speaker I say thank you to the small dedicated team of staff at the Legislative Assembly who work tirelessly for Members without complaining often in difficult circumstances, to the Parliamentary Officers, the Clerk, the Assistant Clerk, the Secretary to the Legislative Assembly, thank you for your help. To our broadcasting team here, who man the console in the Chamber and to our Acting Manager of the broadcasting team thank you for the support that you have given us and me over the last 12 months. To our Government support team, the Chief of Staff and Senior Policy Adviser, small in number though our Government support team might be, your worth your weight in gold, and that's a lot gold! Thank you! To my Assembly colleagues, thank you for your support in what has been an interesting and challenging year. To conclude Mr Speaker, as I said when I spoke to the Year 10 students at their formal last Friday night, life is all about the choices we make in each moment of the day and I'm confident that we who have made Norfolk Island our home for the long haul will agree with me that we made the right choice in choosing Norfolk our home. Though geographically remote our island is a safe place to live and raise our young ones and we have many blessings to be thankful for, so let us all move into 2015, strong in our resolve that we are united in our goal to work together as a community to build a future for Norfolk Island that is prosperous and economically sustainable for generations to come. My best wishes to everyone on Norfolk Island for 2015. Thank you Mr Speaker.

MR WARD Thank you Mr Speaker, Mr Speaker I would like to take this opportunity to thank all of the people in both private and public sectors who have contributed to the running of this island, in what has been and continues to be a time of uncertainty and unease. To those in the community who have concerns for the future, this Government remains acutely aware of the tough times being experienced, we continue to seek out and push for the best possible solutions to a range of issues, many of which have evolved over a long time. There are times when we are faced with compromises and there are times when compromise is impossible. I would like to especially mention our Chief Minister, Lisle Snell, who has shouldered an amazing load at an unparalleled point in our history.

MEMBER(S) Hear hear.

MR WARD Thank you Lisle for the skill and decency that you bring to this Government. To the Speaker, David Buffett, whose dignity, word skill and long term service is legendary, thank you David for your efforts.

MEMBER(S) Hear hear.

MR WARD To CEO Jon Gibbons, who has the unenviably job of delivering so much with so little, thank you Jon for your patience and forbearance. I would like to thank our immediate support staff to this Government and Assembly, Alma Davidson, Sharyn Quintal, Gaye Evans, Karen Quintal and David Price, the Legal crew, Wayne, Geoff, Jan and Rowan, to Jodie and Snowy, to the crews at the Works Depot, Lighterage and Forestry and to the voluntary members of the various Boards and Committees, thank you all for an amazing effort through what has been unprecedented and trying times. To the many skilled scientists of the Norfolk Island Quarantine Survey who worked beyond the call of duty and who have achieved so much during their brief visits here. Thank you one of all. To my fellow Ministers, Robin and Tim and to Members Dave, Ron, Hadyn and Melissa, thank you for your support and challengers. Merry Christmas and a happy and prosperous new year to all.

MR PORTER Thank you Mr Speaker and it's a little sting in the tail, but it's at this time of the year that when one thinks of achievements and highlights and unfortunately I note that with bitter disappointment with the passing of another year, and over half of our term in Government that we have achieved so little, I am conscious that at this

time of year which celebrates the birth of our Saviour and a time for families to come together, that we have not achieved much in holding the loss of families from the island. And nothing to allow those families displaced through economic circumstances to return home other than as visiting friends and relatives for a short stay. Further to this, I hope that the Christmas break and the reflection may see us return in the New Year with a renewed focus on what we must do to move Norfolk forward for all of its residents both here and those displaced. Not just a few, for many and varied reasons, hold onto the hope for the status quo. In closing I would like to wish all the compliments of the season to all those mentioned by the previous Speaker's and in fear of missing someone I won't extend the list beyond my family, and may your Christmas be joyous and holy and our new year be one of opportunity for the island. Thank you Mr Speaker.

MR NOBBS Thank you Mr Speaker, on behalf of Marlene and myself I would like to wish all members of the community a very happy Christmas and we hope the new year will bring all that you desire. I personally wish to thank those who have provided me with support during the year and I look forward to your assistance next year. I would particularly like to thank those people who have assisted me in projects and particularly with the Infrastructure and Business Development Committee and I thank the other Members of the Committee, for the time effort and enthusiasm put into them, four reports and 30 recommendations rest with the Government. The second is the policing exercise I was involved in, which included an excellent supported survey and people willing to speak candidly on their views on policing on Norfolk Island. The assistance from particularly Sarlu in this effort was terrific and I also thank the Police, who willingly provided information and assistance where possible. The third one was the last paper that I tabled, which took a bit of support with it, from people who some of you don't know, and others who within the community have given me good feedback on it, and we heard the result of that this morning, but I'll still be proceeding with that I can assure my supporters, I will be pushing it as hard as I can. The rest of it, I would like just now to thank the staff down here, close staff, we've had a very different year I guess from what normally happens, and I wish you and all the other members and their families, wives and families, partners, all the very best for the new year. Thank you Mr Speaker.

MR EVANS Thank you Mr Speaker, I was beat our hero Minister Sheridan to speak first! I would just probably do a big Merry Christmas to my darling wife Rose, it's been a great support to me, and I'm going to get brownie points here mate I know! She's been a great support and always backs me when things are a little bit down and it's always good to have someone like that. On a good note to, or sad note I suppose, say goodbye to Beachy, it's always been good to look over and see her little smiley face over there, it's nice to hear a little sound from her at last and we will certainly miss Beachy! Of course everyone on Norfolk Island and I suppose on a sad note Mr Speaker there are some people that have come to the island for Christmas time, unfortunately they have had to come for some funerals, we are going to one this afternoon and another one again tomorrow, so that is always a sad time on Norfolk Island, but I suppose like anything, life goes on, and we can deal with those things and hopefully our little community that we enjoy will help them get over their pain as I'm sure it will. To my colleagues, the funny thing is, no one might have ever said this, but this is actually quite enjoyable, I actually quite like it, and I suppose and if I wasn't doing this I wouldn't get to see you guys, so it's always fun! I shouldn't say it's just another stage, but I do enjoy it, and thanks you guys for making it as enjoyable as it is. Especially our back up staff Clerks and all those sorts of things. Happy Christmas everybody on Norfolk Island, have a few drinks together and we will all walk home together! Thank you!

MRS WARD Thank you Mr Speaker, if I may wish a safe and Merry Christmas and make special mention of a couple of voluntary groups, they are St. Johns Ambulance and the Mental Health Support Group and Members of the Norfolk Island Education Review, they were voluntary and they put in a sterling effort this year to create the education report 2014 for the Norfolk Island Government. To Members of the Commonwealth Parliamentary Association and the Commonwealth Women's

Parliamentarian Association, who have opened their arms and welcomed me as a member as I've participated in events with them through the year. Best wishes to the staff in both the Old and New Military Barracks including the Administrator's Office, including both the Norfolk Island and Commonwealth staff, and I extend best wishes to the staff in the local Government and territories division in Canberra and may we enter 2015 with open minds and goodwill in our hearts. To our a very passionate group of facebook follows who continue to provide invaluable input in what is a critical time in our history I wish you all a very merry Christmas and can we please take well deserved break over Christmas. Finally to my colleagues Mr Speaker I wish all my colleagues a very Merry Christmas and I want to thank them individually for their compassion and support and understanding in what have been some recent weeks. I will say hold your families close and stay safe, thank you.

MR SHERIDAN Thank you Mr Speaker I won't be too long, I have just been handed a note from the Clerk and she says, what is it, Orb closes at 3pm make it quick! Okay, Mr Speaker...

SPEAKER Are you done!?

MR SHERIDAN Virtually! Mr Speaker I would just like to thank everybody a very Merry Christmas and a prosperous New Year, especially my colleagues around this table, staff within the Old Military Barracks, the Administrator and his staff all the best, CEO Jon Gibbons and his tireless team over in New Military Barracks as well as all the GBEs/the business activities, the statutory authorities the Hospital, the Tourist Bureau and the education area all the very best for Christmas, hopefully Santa will find you, that's only if you have been good this year. I would like to make a special mention to my Statutory Boards in Gaming and Emergency Management Norfolk Island this is the time of the year, especially Emergency Management Norfolk Island that they do come to the fore if we have any bad weather, they'll be looking after everybody's safety. Mr Speaker if I could just say that considering our next Sitting is not until the middle of February, I would just like to wish the Territories Department in Australia a very Merry Christmas a prosperous New Year and to request that they have full and frank discussions with the Norfolk Island Government and the community to ensure that we achieve certainty for this community going into the future, nobody likes surprises and I just hope that they can discuss things openly with us before making any decisions, so Merry Christmas to all.

SPEAKER Thank you Mr Speaker, thank you. Honourable Members I think we have concluded our adjournment debate, therefore I put the question that the House do now adjourn.

QUESTION PUT
QUESTION AGREED

The ayes have it, Honourable Members this House stands adjourned until Wednesday the 11th of February 2015 at 10 o'clock in the morning.