



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
14TH NILA HANSARD – 20TH MAY 2015**

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

PRAYER

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

CONDOLENCES

SPEAKER Honourable Members I firstly ask if there are any condolences today. Mr Evans

MR EVANS It is with regret that this House records the passing of Leslie Richard Nobbs who was born in August 1934 at Bishops Court. Les or Short as he was affectionately known, was schooled on Norfolk and on completing school - apart from farming with his dad - Les was employed with the Department of Works and Housing as a carpenter in the 1950's. His skill and expertise around engines became apparent and he transferred to the DCA Mechanical Workshop. In 1958 Les married Alice Adams at St Barnabas Chapel. Their marriage was blessed with many events and four beautiful daughters, Sharon, Ruby, Alyson and Noelene. When DCA shut down, he took a job at the cable station OTC, however, missing the mechanical side of things, he started Central Service Station. In 1972, Les heeded the call to serve the Lord and with his family left for what he thought would be, just a few years. First, as a Literature Evangelist, to Kurrajong, then to numerous locations in NSW and Queensland. In 1984 Les and Alice went to Fiji to spread the word as a Literature Evangelist, an adventure lasting about 3 years, before returning to Australia. In 1997, some 25 years later, the family returned to Norfolk Island given the benefit of care from Bill Summerscales. The Doctors had advised Les that he was expected to live for only 3 more years. But Les and Alice had a different plan – and so did their daughters as everyone changed diets and habits of almost 18 years. With much of his family back on island over the last few weeks, Les was able to do many of the things he loved so much, fishing, exploring the island and the girls taking their dad to the beach. Les loved helping people, no matter who or what their problem. It was a normal occurrence to find him buried within the innards of a vehicle dropped off by a friend or relative seeking some advice and instead, gaining a full repair, complete with the friendliest of smiles and laughter. Les spoke softly, could be slightly stubborn, worked conscientiously, played tennis too well for one ole salan, loved life and sharing with his family and friends. To Alice, Ruby, Alyson, Sharon and Michael and their children Michael and Kerrie, to Noelene and her daughters Rebecca and Skye and his great grandchildren Tyra, Shantae and Axel; to his brothers and their families and to his many, many friends both on and off Island, this House records its deepest sympathy. May he rest in peace.

SPEAKER Thank you Mr Evans, Honourable Members as a mark of respect I ask that all Members stand for a period of silence in their places.

PETITIONS

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

NOTICES

Notices, are there any Notices.

REPORT ON REFERENDUM – 8TH MAY 2015

Are there any Questions Without Notice this morning. Before we proceed to Questions Without Notice this morning I would like to provide a report to you on the Referendum of 2015. Honourable Members I report to you on the conduct of a Referendum held on the 8th May 2015. By resolution of the 18th March 2015 this House authorised a Referendum to be held on a particular question. I so directed a Referendum in accordance with this Resolution and pursuant to the provisions of Section 5 of the Referendum Act 1964 this Referendum has been conducted and I read a record in the House the results of the Referendum. I read to you now the Returning Officer's declaration of poll. It reads Referendum Act 1964. Result of the Referendum held on the 8th May 2015, declaration of poll. I Yvon French Returning Officer appointed under Section 11 of the Legislative Assembly Act 1979 and for the purposes of Section 3 of the Referendum Act 1964 hereby declare the results of the Referendum held on the 8th May 2015 to ascertain the opinion of the electors of Norfolk Island on the question, and the question is – "Should the people of Norfolk Island have the right to freely determine their political status through economic, social and cultural development and be consulted at Referendum or Plebiscite on the future model of governance for Norfolk Island before such changes are acted on by the Australian Parliament – YES – NO ". Yes 624 and No 266, informal votes – 22. I continue to read. "As the number of votes cast at the Referendum in favour exceeded the number of votes cast at the Referendum by no less than 10% of the total number of votes, including informal votes, then in accordance with Subsection 24 (2) of the Referendum Act 1964 the electors are deemed to have expressed their opinion in favour of the question. Votes were counted in accordance with Sections 21,22 and 23 of the Referendum Act 1964. That declaration of poll is dated the 12th May 2015 and signed by the Returning Officer Yvon French. Honourable Members I table the documents from which I have just read with accompanying Gazette Notices applicable to this Referendum. I further advise Honourable Members further to the declaration of the poll that I have received a report from the Returning Officer on processes in the conduct of the Referendum and I am proceeding to draw her recommendations to the attention of appropriate authorities. I do offer congratulations and compliments to the Returning Officer Ms Yvon French for her professional conducts of the Referendum on the 8th May 2015. I so table those documents to which I refer.

QUESTIONS WITHOUT NOTICE

MR PORTER Thank you Mr Speaker. A question to the Minister for the Environment. Given that the Waste Management Levy on an imported motor vehicle is in the order of 3 or \$400 can the Minister confirm that the Waste Management Centre will not accept these vehicles for disposal.

MR WARD Thank you Mr Speaker and Mr Porter for the question. The disposal of vehicles has been an issue for some time. The Waste Management strategy is currently at an advanced stage. There has been a lot of work done to get it to where it is. The consultant's have got the paper work to a stage where it will be ready for us to have a look at very soon and we really have some great progress with them in a very short period of time since they were appointed to take the task on. As for motor vehicles at this point, certainly a lot of componentry is going through the system but I believe there is some problem with the entire car bodies at this time. Some have been going through the airport drill area, they've been used as training props for the Fire Brigade and then ultimately they get taken to Headstone and disposed of after they've been burnt out. So it wouldn't be true to say that there is no disposal of vehicles but there is some issues handling the volume that are there at the moment. One of the key points in the new Waste Management strategy is addressing issues like this and there is hopes and aims to actually export a lot of this material. The logistics of bringing in a crushing plant to crush such bulky items is being considered as one of the options. Now whether that's brought in on a temporary basis, whether it's brought in on a barge or a ship and

ultimately taken away again, or whether it's brought in short term or long term, all of those things have to be worked through, but there's certainly a lot of work happening in that area. Thank you.

MR PORTER Just a further question on that if I might please Mr Speaker. Can the Minister advise if these monies are being held in reserve to pay for these vehicles to be removed when the opportunity arises or is it being just used to cover our day to day expenses.

MR WARD Thank you Mr Speaker and thank you Mr Porter. My understanding is the Waste Management funds as collected are basically covering the cost of running the Waste Management Centre as it stands. I don't know of any funding being put away for a specific line of waste, other than the funds set aside for the disposal of the asbestos.

MR NOBBS Thank you. The first one for the Minister for Finance. Will the Minister for Finance please provide information to the community on the status of the Norfolk Island Budget for 2015/16 given the circumstances we are now faced with.

MR SHERIDAN Thank you Mr Speaker and thank you Mr Nobbs for the question. Mr Speaker I can report that the budget for the 15/16 year is being compiled by the Service as is normal and that is progressing and I hope to have a meeting with the Service sometime later this week in regard to that. As to the process of how the supply will be granted for the expenditure of funds in that 15/16 year is unclear to me Mr Speaker, as it has been pointed out to us by the Federal Minister and the Administrator that this Government is virtually in Caretaker Mode and the passing of legislation is something that this House really needs to consider, and in a normal environment when a Government is in Caretaker Mode well a Supply Bill is something that they would not consider. Mr Speaker I would imagine that the Federal Minister will be organising the Supply for next year under our Public Monies Act and this is sort of clarified in the Explanatory Memo to the Norfolk Island Amendment Bill that got passed last week in the Federal Parliament where it states that legislative powers for that Territory would be conferred on the Governor General who will have the broad powers to make ordinance for the good governance of the Territory including amending or repealing any Norfolk Island laws however described that are in force at the time that part of the Bill commences. So that part of the Bill will commence prior to obviously 1 July this year and I would imagine that the Federal Minister would have in hand the necessary ordinance to confer or to provide appropriation for the Public Service per the Administration so that they can continue their operations past 30th June this year. Thank you.

MR NOBBS Thank you. This one is for the Chief Minister. Chief Minister given that Australian press reports last week claiming the aim of the Commonwealth was to take over democracy on Norfolk Island will the Chief Minister advise what steps are being taken to protect the records of both the Legislative Assembly and Administration for future generations.

CHIEF MINISTER Thank you Mr Speaker and thank you Mr Nobbs for the question. The matter of the records of this place has been discussed with the CEO as to a proper storage and facility for the preservation of such records but we will be advancing that within the next few weeks Mr Speaker.

MR NOBBS Thank you. My next question relates to fuel, and the fuel contract, and I ask the Minister for Finance what is the current status of the tenders called months ago for the supply of fuel to Norfolk Island and the development or not of subsequent contracts under the proposed arrangements.

MR SHERIDAN Thank you Mr Speaker and Mr Nobbs for the question. Yes Mr Nobbs this question of the fuel contract has started to be a very protracted one, very long and erroneous type affair. At this point in time as you are well aware the tenders have closed and they have been assessed. I am awaiting advice from the Service in regards to the finalisation of those tenders. They need to come down to the Tenders Committee of which I'm part for that to be signed off on. As part of the process the Commonwealth Minister also needs to provide his agreement to the

Tender process as it's deemed to be a contract worth over \$1m. In the meantime as happened in the last delivery fuel has been organised to arrive into Norfolk Island in June under an interim arrangement with the previous contractor. So unfortunately Mr Speaker that's all I can provide at this point in time and we're still awaiting advice and the completion of the tender process so that the new contractors can be advised.

MR NOBBS This is for Minister Adams the next question and it relates to the 22nd report of the Commonwealth parliament's Joint Committee on Human Rights which is investigating Amendment 323 of the Norfolk Island legislative Amendment Bill 2015, that's the Commonwealth's Committee actually, the Commonwealth government Committee. Is the Minister aware that the Committee has described the Norfolk Island legislation introduced by Assistant Minister Briggs as being directly discriminatory against New Zealand residents of this island in connection of the social security payments and that the Committee has asked the Assistant Minister Briggs to explain.

MS ADAMS Thank you Mr Speaker and thank you Mr Nobbs for the question. Yes Mr Nobbs I am very much aware that the Commonwealth Parliamentary Joint Committee on Human Rights has published a report on the 13 May 2015 in which it described the Bill's introduced by Assistant Minister Briggs as directly discriminatory against new Zealanders in Norfolk Island in relation to social security matters, and that the Committee has sought an explanation from Assistant Minister Briggs.

MR NOBBS Supplementary please Mr Speaker. Does the Minister know whether the Committee report was taken into account when the Senate debated the Norfolk Island legislation at the Senate Sittings on 14 May last.

MS ADAMS Thank you Mr Speaker and thank you Mr Nobbs for the question. The Committee's conclusion of 13 May that the Norfolk Island legislation was directly discriminatory was not mentioned in the debate in the Senate on 14 May 2015 by any of the speakers who participated in the debate.

MR NOBBS Supplementary again. I ask the Minister if she would on behalf of the residents of Norfolk Island who are New Zealand citizens and there are quite a few of them will the Minister contact the New Zealand Government to bring to their attention the fact that New Zealand citizens will be directly discriminated against by Australian laws enforced on Norfolk Island.

MS ADAMS Thank you Mr Speaker and thank you Mr Nobbs for the question. I will give you an undertaking that I will certainly be contacting the New Zealand Government on this matter.

MR NOBBS I ask the Minister responsible for air services. I think it's the chief Minister. Are you aware that the special freight flights to bring Commonwealth's requirements and much welcomed relief to some other shippers from Australia did not uplift all the backload out of Australia.

CHIEF MINISTER Thank you Mr Speaker and thank you Mr Nobbs for the question. Like Mr Nobbs Mr Speaker, I had also heard unofficially that some cargo had been left behind. Now Mr Speaker this is not unusual. There could have been time restraints on the loading of that cargo, there could have been difficulty in accessing that cargo and there could have been other factors which we are not aware of, but yes to answer Mr Nobbs' question I am aware that some cargo was left behind and it was not all uplifted at the time.

MR NOBBS Just a supplementary on that. It was space that was the problem. Are you able to advise the community Minister if future assistance will be provided with air freight from Australia other than one off flights to ensure Commonwealth requirements are met as happened in recent days.

CHIEF MINISTER Thank you Mr Speaker and thank you Mr Nobbs. That's a little bit hypothetical. I can't determine because of the conditions of the contract whether the Commonwealth who have ultimate control over the airline services to Norfolk Island and because of their arrangement with the carrier that air freight services will be conducted at any given time. I'm afraid I can't comment any further on that Mr Speaker.

MR NOBBS Just a final supplementary there. Minister where the current shipping rates encourage air freight out of Australia and has there been any discussions or proposals to return to the previous arrangement of a direct shipping service to Norfolk Island from Australia which will improve freight handling considerably.

CHIEF MINISTER Thank you Mr Speaker and thank you Mr Nobbs for the interesting question. That has been a decision that virtually snuck in on us that there was to be no more sea freight from Australia direct as all importers know it comes via New Zealand no. There must be commercial reasons for this. We haven't been made privy to it, or I haven't, maybe Minister Sheridan has more information on why the direct services from Australia to Norfolk Island via sea ceased some time ago and all cargo is now transhipped through New Zealand from Australia. To answer Mr Nobbs' question I have no information on why it occurred. I presume it's of a commercial nature and probably the unavailability of suitable ships at the time and probably I would say uploading facilities in Australia making it prohibitive in costs but maybe Mr Sheridan may have some more information on that for you Mr Nobbs.

MR SHERIDAN Thank you Mr Speaker. If I could just add Mr Speaker, I'm not aware of any reconsideration of a direct service from Australia into Norfolk Island but I can say this just through my knowledge of what the Administration brings in in freight and this is mainly through the Liquor Bond that the goods that they get out of Australia which are transhipped to Auckland and then brought to Norfolk Island on the normal freighter are freight charges are actually lower than a direct service from Australia. So I believe the main reason why the ship stopped coming from Australia directly to Norfolk Island was due to competition and in actual fact, that when they've done the transhipments on bulk carriers to Auckland and then they break it down onto our cargo vessels the actual freight is reduced. So that's a good win for the business sector of Norfolk Island.

MR NOBBS Supplementary please Mr Speaker. Just following up on what the Minister for Finance said. Is that due to the actual costs or is it due to competition between two lines coming out of New Zealand.

MR SHERIDAN Thank you Mr Speaker. I don't exactly know if it's due to the two lines coming out of New Zealand but it is just the freight charges that would be applicable coming directly from Australia into Norfolk Island. Obviously the bulk freight rate to Auckland from Australia is a lot cheaper and even when you add on to freight rate to from Auckland to Norfolk Island it still works out to be cheaper. So there are a lot of issues there and unfortunately it's in the private sector and we're not privy to a lot of their expenses that they have to manage in their business.

MR NOBBS Just one more. This is one whether I questioned myself whether I should bring it up but I think I needs to. Concerns have been expressed to me and I've had concerns, and it's in relation Mr Speaker and you might have to pull me up.

SPEAKER I'm prepared.

MR NOBBS Recent suspensions within the Administration. The concerns

SPEAKER Just let me remind you therefore that identifying Officers in terms of their conditions are ones that require a process further than just raising the question Mr Nobbs.

MR NOBBS Thank you Mr Speaker for that warning. The question is not related to one person or persons, it's related to processes. The issue really is that the processes utilised prior to and possible after the suspensions were notified are flawed, and the question is that given that the Public Service will be operating under these arrangements presumably for the next 13 months will the Minister initiate an independent inquiry and hopefully a judicial type inquiry into the actual processes undertaken in these suspensions. But I make it clear that actual inquiry should not have to deal with whatever the outcomes are. Does that sound fair Mr Speaker. Am I clear.

SPEAKER It doesn't contravene Standing Orders if that's the question to me. But the question is therefore directed to the Chief Minister.

CHIEF MINISTER Thank you Mr Speaker and thank you Mr Nobbs for the question. Mr Nobbs we share your concerns. Everybody shares your concern that proper process is being followed and certainly the Norfolk Island Government is no exception to that. The operational process is covered by regulations in the Public Service and the chief Executive Officer of the Public Service has carriage over these matters. It is therefore up to him to determine how the process is being handled and whether it is in a fair and equitable manner. Now Mr Speaker Mr Nobbs has raised a query as to whether the process has been fair or whether it is flawed. That Mr Speaker is subject to a further discussion of course which we have had in Cabinet but only to a very minor degree at this time. Time as Mr Nobbs is well aware is running out for this Assembly and whether an inquiry of the nature that Mr Nobbs has suggested is feasible is yet to be known. However the CEO of the Public Service is well aware of Mr Nobbs' concerns and we will take up further with the CEO for a satisfactory answer to this question. Thank you Mr Speaker.

PRESENTATION OF PAPERS

MR SHERIDAN Mr Speaker under Section 3 2 (32) of the Public Monies Act 1979 I'm required to table a direction in regards to transfer of expenditure between divisions so I therefore table the **virement for the period 5-30 of April 2015**. Mr Speaker I also table the financial Indicators for the Administration of Norfolk Island for the month of March as well as the Financial Statements for the end of the year for the Norfolk Island Hospital Enterprise for the month of march and April as well as the Financial Statements for the Norfolk Island Government Tourist Bureau for the Month of April 2015. Thank you Mr Speaker.

STATEMENTS

CHIEF MINISTER Thank you Mr Speaker. I wish to make a Statement on the **delegation to Canberra** of the Members of the Norfolk Island Government, myself and the Parliament yourself Mr Speaker and a private delegation consisting of Mr Andre Nobbs and Miss Chelsea Evans who were self funded. The delegation Mr Speaker the visit was facilitated by the community members who have expressed great concerns about the impacts the recommendations the Joint Standing Committee and the then possible assent by Federal Parliament of those recommendations. In particular the removal of self government. The main concern was the fear that the parliament would not honour the wishes of the residents of Norfolk Island to clearly express by Referendum their preference for say in any future governance model for Norfolk Island. Mr Speaker it clearly shows that the majority did not accept the process that was conducted by the Administrator, the Department of Infrastructure and Development and Assistant Minister Briggs as being honest and did not reflect the true wishes of the people. The conclusion from this consultation process commencing with the Joint standing Committee was clearly flawed. Mr Speaker the situation is of such a serious matter that the Norfolk Island Government has sought advice and assistance from Her Majesty the Queen and Mr Speaker I will read a letter that has been written under my hand and yours Mr Speaker for the record. On the 25th April 2015 we wrote to Her Majesty the Queen Buckingham Palace, London. Your Majesty democracy is at risk on Norfolk Island. The people of Norfolk Island are currently experiencing uncertainty around their future. On the 26th march 2015 legislation was introduced in the Australian House of Representatives, including a Bill to amend the Norfolk Island Act 1979 Commonwealth which amongst other things removes our parliament and self government that had

been reinstated by the Commonwealth of Australia in 1979. The Norfolk Island Government whilst strongly supportive of many aspects of the legislation including the extension of Australian taxation and social security systems to Norfolk Island it does not support the removal of the island's self governing powers and replacing it with an interim unelected Advisory Council, followed by a Regional Council. The taxation and social security reforms being proposed by the Australian Government are supported by Norfolk Island and were in fact agreed to in 2010. However at no time has there been any agreement to remove self government and our parliament. Self government does not need to be removed to implement the agreed taxation and social security reforms. In acknowledging that reform was required to strengthen the island's sustainability the Norfolk Island government proposed a preferred model of territory self governance. This model returns federal powers back to the Commonwealth, powers which Norfolk Island has administered and funded since self government commenced in 1979 leaving Norfolk Island with a model of governance similar to that of the Northern Territory and the Australian Capital Territory. This model is supported by resolution of the Norfolk Island Legislative Assembly at its Sitting on the 3rd August 2011 and the 8th May 2013. The Norfolk Island Government advised the Honourable Jamie Briggs MP that it unreservedly rejects the abolition of the Norfolk Island Legislative Assembly. A community Petition signed by over 800 members from a community of 1650 was submitted to the House of Representatives and the Australian Senate calling for a Referendum on governance issues before they were voted on by the Australian Parliament. The Petition was lodged in October 2014. Assistant Minister Briggs responded 6 months later on the 10th March 2015 advising "it is not my intention to call a Referendum or Plebiscite on the governance arrangements on Norfolk Island", stating that adequate consultation had already occurred. We refute that claim. Despite numerous attempts to engage in dialogue with the Australian Government on our proposed model of Territory self government over the last four years, this has not occurred. The Chief Minister as head of the Norfolk Island Government was first alerted that the Australian Cabinet had made a decision on a Regional Council model for Norfolk Island by the Australian media. He was then advised by telephone on the evening of the 18th March 2015 that the Assistant Minister intended to introduce legislation to achieve this outcome on 26th March 2015 with formal notification on the 19th March 2015. In addition to the loss of self government we are concerned that the Australian Parliament is removing the current preamble to the Norfolk Island Act 1979 which gives recognition to the special relationship that the Norfolk Islanders of Pitcairn descent have had with the island since 1856 and their desire to preserve their traditions and culture. This is the only piece of legislation that gives recognition to the descendants of the 1856 Settlers from Pitcairn Island. This is most distressing to the Norfolk Island government, the Norfolk Island Council of Elders and many in the Norfolk Island community. The preamble states "and whereas on 8th June 1856 persons who had previously inhabited Pitcairn Island settled on Norfolk Island 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". At no time has there been consultation on the removal of the preamble to the Norfolk Island Act 1979. The Legislative Assembly of Norfolk Island resolved on the 18th March 2015 that a Referendum be conducted on the following question "Should the people of Norfolk Island have the right to freely determine their political status, their economic, social and cultural development and be consulted at Referendum or Plebiscite on the future model of governance for Norfolk Island before such changes are acted on by the Australian Parliament YES or NO". Polling day for this Referendum is set for 8th May 2015. It is anticipated that the Australian House of Representatives will vote on the legislation during the session commencing 12th May, 2015. We have had no indication from the Commonwealth if they will accept a result of the Referendum. If the YES vote succeeds a Referendum is the only true way to determine the will of this community as like other small communities many people fear retribution for speaking up. There is a real fear within the Norfolk Island community that if self government is removed Norfolk Island will also lose the unique Norfolk Island flag created by Norfolk Island legislation that Norfolk Island would lose the right to sing what they believe is their National Anthem "God save the Queen" and the Pitcairn National Anthem". The loss of our Coat of Arms, the loss of our ability to participate in the Commonwealth Games, the South Pacific Games, and World Bowls championships in our own right, and the loss of membership in our own right to the Commonwealth Parliamentary Association. We write to Your Majesty to express our deep concerns as a government, as a community, and as a people. We have communicated our concerns to the Australian Government but it appears that our concerns are being

disregarded. We are a proud people who have always worked hard to pay our own way and to do the best for our island which became our homeland under the benefits of Her Majesty Queen Victoria in 1856. The Pitcairner's came to Norfolk Island as a self governing people with their own language, laws, culture and traditions. They were the first in the world to give women the vote and make education compulsory for all children. We believe that we deserve to maintain a level of self government today and into the future. We have the honour to be at your Majesty's humble and obedient services, signed by myself, Lisle D. Snell Chief Minister and Minister for tourism and David E. Buffett, Speaker of the Norfolk Island Legislative Assembly. Mr Speaker I table that letter. I also table Mr Speaker a letter written to His Excellency the Governor General of Australia Sir Peter Crosgrove. I won't read the letter but I table it into Hansard Mr Speaker. Amongst many other endeavours Mr Speaker is why this delegation had to make all possible to bring to the attention of the Australian Parliament, the Australian people and the world the gross injustice being imposed on the majority of the residents of Norfolk Island against their will. Whilst the Referendum was not necessarily a means to delay the reform process, it nevertheless did present an opportunity for Norfolk Island to get and demand a better hearing and to ask for assurance for a fairer and more equitable and appropriate outcome. Letters were sent to all Senators to inform them of the Norfolk Island situation and to provide detail of our concerns and Mr Speaker I will read that letter. "Dear Senator – Request from Norfolk Island Government for a Senate Select Committee Inquiry. You would be aware that Assistant Minister Briggs on the 26th March, 2015 introduced into the House of Representatives a number of Bills pertaining to the reform of governance arrangements on Norfolk Island. These Bills include the removal of self government and the island's parliament, replacing it with a Regional Council and the extension of Australian taxation, social security and Medicare systems to Norfolk Island. The proposal to remove self government is a recommendation of the Joint Standing Committee on the National Capital and External Territories (JSC) Report – Same Country Different World – The Future of Norfolk Island. Governance change to Norfolk Island was outside the Joint Standing Committee's Terms of Reference and the Norfolk Island Government was not afforded the opportunity to provide evidence on governance issues. We hold serious concerns that a Regional Council model will leave our community with no voice in the management of services and is not in the best interests of our community. Such issues of inadequate discussions with Norfolk Island on their preferred model of governance, amongst other things should be referred to a brief Senate Inquiry. In acknowledging that reform was required to strengthen the island's sustainability the Norfolk Island Government in 2011 first put forward its preferred model of territory self governance. The Norfolk Island model returns federal powers back to the Commonwealth, powers which Norfolk Island has administered and funded since self government commenced in 1979. This would leave Norfolk Island with a model of governance similar to that of the Northern Territory and the Australian Capital Territory. This model is supported by resolution of the Norfolk Island Legislative Assembly at its sittings on the 3rd August 2011 and 8th May, 2013. The introduction of the taxation, social security and medicare systems were collation commitments at the 2013 federal election. The Norfolk Island government made a similar commitment in 2010, a commitment that is conditional on transitional arrangements being in place so as not to disadvantage or displace Norfolk Island residents. The introduction of the Australian taxation, social security and medicare systems does not require removal of self government. The Norfolk Island Government model has been costed by Economist Acil Allen Consulting in January 2015. That cost analysis demonstrates the Norfolk Island model is financially sustainable and is assumed to be less costly to the Australian taxpayer than the current reforms proposed by the Commonwealth. The phrase "assumed to be less costly" had to be used in the previous sentence as at no point has the Commonwealth Government or the Department of Infrastructure and Regional Development (DIRD) answered our request for all costings, economic modeling and impact assessments that the Commonwealth have undertaken on Norfolk Island to help assist us with analysis and decision making. The Commonwealth is not only unwilling to provide all information it is actually blocking the release of key information requested by Norfolk Island and Norfolk Island stakeholders. For example the Norfolk Island Government was repeatedly denied access to the full 2006 Centre for International Economics Report on Norfolk Island. To quote Freedom of Information Commissioner Popple, "it is clear from the body of the Report it was created to inform the Cabinet about a range of issues associated with the future governance of Norfolk Island". The Freedom of Information Commissioner made a decision to release the 2006 Report to a private individual on Norfolk Island. However, before its release the Department of Prime Minister

and Cabinet, together with Department of Infrastructure and Regional Development has requested a review of the Freedom of Information Commissioner's decision through the Administrative Appeals Tribunal. That hearing has concluded and judgment has been reserved. It is concerning that such pertinent information is being withheld from Norfolk Island and should be a matter for a Senate Inquiry. Despite numerous attempts in the last 4 years to engage in dialogue with the Australian Government on Norfolk Island's proposed model of territory self governance or any model for that matter, this has not occurred. It was therefore very disappointing that the Australian Government only advised the Norfolk Island Government and community of their intentions to abolish self government 7 days prior to introducing the legislation into the House of Representatives. We have also presented a strongly supported community petition to both the Houses of Representatives and the Senate requesting that the people of Norfolk Island have a say through Referendum or Plebiscite on a future governance model before any changes are voted on by the Australian Federal Parliament. Assistant Minister Briggs has responded that it is not his intention to hold a Referendum, as he believes the consultation process undertaken has been adequate. We refute this claim. We seek that the stated consultation process be examined through a Senate Inquiry. On 8th May, 2015 a Referendum which asks the following question of the Norfolk Island electorate was supported with a Yes vote of 624 and a No vote of 266. The question and I quote "Should the people of Norfolk Island have the right to freely determine their political status, their economic, social and cultural development and be consulted at Referendum or Plebiscite on the future model of governance for Norfolk Island before such changes are acted on by the Australian Parliament – Yes – No. This result clearly undermines the assertion by the Norfolk Island Administrator and Assistant Minister Briggs that they have overwhelmingly support "from the community for the abolition of self government and the Norfolk Island Parliament". Clearly the community wants proper information and consultation at Referendum or Plebiscite. The proposed governance change is a constitutional matter and the community should be afforded their say at the Ballot Box. The level of consultation and the want by the Norfolk Island community to have a say in their future governance arrangements was also considered at a meeting of the Australian Region Management Committee of the Commonwealth Parliamentary Association held in Melbourne on the 10th April 2015. The Management Committee supported further consultation with the people of Norfolk Island on the proposed governance model prior to the current legislation before the House of Representatives is progressed, and a copy of that letter is attached to this. Assistant Minister Briggs has responded that he believes that the consultation process has been adequate. The Norfolk Island Government refutes this claim. The Norfolk Island Government was denied the opportunity to view the raft of amendments that deal with the removal of self government and the introduction of the Australian taxation, social security and medicare systems into Norfolk Island before their introduction into the Australian Parliament. The amendments currently leave many questions unanswered, for example they leave doubt around policy implementation on taxation and social security and have the potential to disadvantage social welfare recipients and working people on Norfolk Island as currently drafted. It is essential that Norfolk Island recipients are not unfairly disadvantaged or displaced in the transition from the current Norfolk Island system to the Australian system. It is essential that there be proper scrutiny both in the costing to the Commonwealth and the impacts on the Norfolk Island community and the need for adequate transitional provisions that this is a matter for Senate Inquiry. Whereas superannuation is to be phased in over a 12 year period with an increase of 1% each year it is unclear why the draft of the Bills was unable to address transition and phase in periods in all essential areas. Further examples are, from 1st July 2016 the Australian pension and aged provisions will apply. Currently women on Norfolk Island are entitled to the Norfolk Island aged pension at 60. The Commonwealth Bill proposes women under the Australian 65 age provision will be transferred to a new start payment and not the Australian aged pension payments. There should be phased in provisions similar to the current provisions for increasing the Australian aged pension to 67 years. From 1st July 2016 the full pay as you earn Australian taxation provisions will apply to all employees on Norfolk Island by imposing an immediate real cut in take home pay to Norfolk Island workers, as the tax is applied without offsetting wage increases. The Department of Infrastructure and Regional Development have advised that there is no immediate intention to increase wages or the minimum wage rate to compensate for the introduction of tax. This appears to be a standard. In any impost on employers such as superannuation payments and payment of the Australian employment standards are either to be phased in or subject to future consultation when employees and pensioners are faced with the immediate application of Australian taxation and unfair

pension transition provisions. Norfolk Island households are experiencing financial stress as recorded by the Deloitte's Access Economics Norfolk Island Wellbeing Report 2011, and the Norfolk Island Household and Business Income and Expenditure Surveys 2014. This is an unfair imposition on an already identified financially stressed economy and should be the matter of a Senate Inquiry. The introduction of the taxation, social security and medicare systems into Norfolk Island was not reported on in the Joint Standing Committee Report – Same Country Different World, the future of Norfolk Island, nor has there been any opportunity for proper consultation, negotiation and consideration on the implementation of those changes. The Norfolk Island Government refutes the assertion in the statement of compatibility with human rights contained within the Explanatory Memorandum to the Bills, that the consultation undertaken by Administrator Hardgraves and Assistant Minister Briggs on the proposed Government reforms has significant support within the Norfolk Island community. The overwhelming results of the Referendum conducted on the 8th May 2015 clearly indicates that the Norfolk Island electorate require that they be consulted at referendum on the future model of governance for Norfolk Island before such changes are acted on by the Australian Parliament. Additionally the fact that the proposed amendments to the Norfolk Island Act 1979 removed the preamble to the Act would seem an impingement on the rights of minorities. The preamble to the Act is the only place in legislation that recognises the descendants of Pitcairn Island as residents on Norfolk Island. In the Australian population Norfolk Islanders of Pitcairn descent are a minority. The preamble amongst other things, recognises the special relationship of the said descendants with Norfolk Island and the desire to preserve their traditions and culture. There has been no consultation on the removal of the preamble which recognises these people. Therefore the conclusion contained within the statement of compatibility that the Bill is compatible with human rights is incorrect. It is our opinion and the opinion expressed on the 8th May 2015 by the Norfolk Island electorate the reform Bills as proposed do in fact limit human rights and should be subject of a Senate Inquiry. The Norfolk Island Government seeks your support for the current reform Bills to be referred to a Senate Select Committee for inquiry to allow these and other related matters to be resolved in a manner which would enable the reform process to be positively embraced by the Norfolk Island community rather than the current divisive process taking place at the present time. Could I respectfully suggest a timeline for dealing with these matters as follows. 1) That the Bills when tabled in the Senate be referred to a Senate Select Committee to consider a) Future options for the governance of Norfolk Island b) The transition provisions to the Australian taxation, social security and medicare systems within the proposed Bills. c) Examination of all previous costings, economic modeling and impact studies completed on behalf of the Australian Government including the 2006 report of the Centre for International Economics on Norfolk Island d) Examine the consultation process with Norfolk Island leading up to the development and introduction of the Bills into the Australian parliament e) Examine all of the above to ensure compliance with the human rights provision 2) The Senate Select Committee to engage the Norfolk Island Government, the Norfolk Island Legislative Assembly and the Norfolk Island community in the process. 3) The Senate Select Committee to consider these issues as a matter of urgency and report back to the Senate no later than the 7th September, 2015 sittings of the Senate. It is not our intention in seeking a Senate Select Committee Inquiry to stop the change process. It is an attempt to deliver appropriate participation in the process by the stakeholders most affected by the package of legislation currently before the Australian Parliament. It is the wish of the Norfolk Island Government that the extension of the Australian taxation, social security, and medicare systems with proposer consideration still be implemented by 1st July 2016. Yours sincerely, Lisle Snell, chief Minister and Minister for Tourism. Mr Speaker I also table that letter. Mr Speaker that letter was sent to all Senators to give them prior warning of our visit to Canberra and hopefully for them to have a better understanding of the issues that we had wished to discuss with them. Mr Speaker we met with a number of Senators as you are well aware and members of Parliament and with many extending the delegation courtesy and appropriate face to face discussions and it was appreciated to those that gave their time willingly to us. Needless to say Mr Speaker whilst expressions of support was extended to us it did not materialize when it was needed most, on the floor of the Senate. For that I give no explanation other than once a Motion has bipartisan support it is viewed as a fete a compli, and nothing was going to change their minds. Mr Speaker democracy has been wrenched from the people of Norfolk Island. There is no simpler way of expressing it. There will be future opportunity for this community to fight to secure a return to a fairer and more democratic way of life. Mr Speaker like yourself I'm an old

warrior and fought this battle 40 years ago. It's very difficult not to become emotionally involved but God bless the young warriors who will take this fight forward. Thank you Mr Speaker.

MS ADAMS Mr Speaker I seek your leave that the letter tabled by the Chief Minister addressed to the Governor General that he tabled that it be taken as read and included full in Hansard thank you.

MS ADAMS Thank you Mr Speaker. It gives me pleasure to advise the Norfolk Island community that on 14 May 2015 I issued a **Producer's Licence to AusCann Group Holdings Pty Limited** to cultivate cannabis in Norfolk Island for the purpose of exporting to Canada under the Canadian medicinal cannabis regime. For the record and for the listening public I will outline the steps taken that have led to my taking a decision to grant the company's application for a licence under section 7A of the Dangerous Drugs Act 1927. By letter dated 27 February 2015 Dr Mal Washer Chairman of AusCann Holdings wrote to His Honour the Administrator Mr Gary Hargraves. The letter indicated I had been provided with a copy. I table the letter for inclusion as read into Hansard and will read pertinent extracts of the letter relevant to the timelines leading up to the granting of a licence to AusCann "I refer to the AusCann Group Holdings Pty Ltd (AusCann) licence submission to cultivate medical cannabis on Norfolk Island for export to licensed importers in Canada and other jurisdictions. As requested, a copy of the submission was emailed to you on 23 December 2014 and to your office on 12 and 19 January 2015. To repeat I am reading the letter written to His Honour the Administrator from Auscann. "To progress the Project we require your assistance to address any issues that would lead to the revoking of the Project licence under s13 of the Dangerous Drugs Act 1927 (NI). AusCann acknowledges that there is no point in the Norfolk Island Health Minister, the Hon. Robin Adams, issuing a licence for the Project without this assurance. Timing of the issue of a licence by the Health Minister is becoming a matter of great concern for AusCann as any extended delay will affect the overall timeline and viability of the Project. AusCann personnel have just returned from Canada and have met with the majority of Canadian licensed producers and importers of medical cannabis. These parties are extremely keen to enter into agreements to purchase the product from AusCann due to the different strains that may be grown by AusCann on Norfolk and the competitive price points for these premium strains. Timing is critical however. If we miss the opportunity to plant in 2015 AusCann will not have a product until 2017. At the present Australia has a first mover advantage and will seek to enter into long term supply with customers. AusCann and the Norfolk Island Health Minister are keen to assist your office where possible. The AusCann Board spoke to the Health Minister and her senior staff last Thursday and asked if they could contract and assist your office in this matter where required ". Mr Speaker following receipt of the AusCann letter just referred to I wrote to the Official Secretary on 5 March 2015 requesting a meeting with the Administrator to discuss the AusCann proposal. I table a copy of that letter and read the relevant extracts into Hansard. "I have received a copy of a letter to the Administrator from Dr Mal Washer on behalf of AusCann Holdings Pty Ltd . I am aware that AusCann has provided your office with a volume of documentation to support a new licence application by AusCann to cultivate medical cannabis on Norfolk Island for export to licensed importers in Canada and other jurisdictions. As Dr Washer has stated in his letter "there is no point in the Norfolk Island Health Minister issuing a licence for the project" without an assurance that the licence meets with the approval of the Administrator and that it will not be cancelled under section 13 of the Dangerous Drugs Act 1927. It is my understanding that AusCann provided the project proposal documentation to your office to ensure that the concerns expressed by the Administrator, when cancelling the Tascann licence, have now been fully addressed in advance of making formal application to my office for a licence. The Norfolk Island Legislative Assembly by its resolution of 17 September 2014 has made it clear that the Norfolk Island Government is willing to work in close consultation with the Commonwealth Government and Commonwealth agencies in order to facilitate the establishment as promptly as possible of an appropriately regulated medicinal cannabis industry on Norfolk Island. I look forward to having a frank and open discussion on how our two governments can work together collaboratively to bring this great economic and social initiative for Norfolk Island to a positive conclusion". Mr Speaker for personal reasons the Administrator was unable to meet with me until 18 March in the company of Chief of Staff David Price and Official Secretary Robyn McKenzie. I table the minute of the meeting and read it into Hansard – "The Minister sought from the Administrator the process of issuing a

licence for Medicinal Cannabis to ensure the matters raised by him in refusing the previous licence are overcome. The Administrator indicated that the proponent needs in the first instance to satisfy the Minister who would then issue a licence; it was at that point the Administrator would look at it; but he indicated the issues identified by him before need to be addressed". Mr Speaker on the basis that the Administrator had clearly indicated when I met with him that the appropriate time for him to consider the licence was after it had been issued, no further contact was made with the Administrator in regards to the assessment of the application and the issuing of the licence. Mr Speaker a delegation from AusCann visited the Island from 31 March for the purpose of formally lodging their licence application with me; to also meet with the Administrator and to hold a meeting with the community to answer any community concerns. It was clear at the community meeting that Dr Washer and his colleagues had had a positive reception from the Administrator. Mr Speaker the application documentation received from AusCann consisted of a lever arch file with a 43 page written submission and 12 annexures composed of approximately 150-200 pages. The assessment of the application was undertaken principally by Crown Counsel and the Minister for the Environment in consultation with myself. The assessment process took many weeks to ensure that all of the Administrator's concerns had been addressed and that all the I's dotted and the t's crossed. Mr Speaker accordingly on 14 May 2015 I wrote to Dr Mal Washer Chairman of AusCann advising of my decision to grant the company's application for a licence under section 7A of the Act. In conveying my decision I stressed the following: 1)The licence is significantly conditional. It will not be possible to import cannabis and commence cultivation of cannabis until all appropriate licence conditions are met. 2)It is also possible that in light of further developments and consideration that the licence conditions will be changed. 3)The issue of the licence does not remove the necessity for the company to seek all applicable regulatory approvals both within Norfolk Island and in respect of import, export and transshipment outside Norfolk Island. These are matters beyond my purview as Minister under the Act. 4) I will be forwarding a copy of this letter and the licence to the Administrator of Norfolk Island. Mr Speaker the letter to AusCann from which I have just read is four pages long. I table the letter and seek leave for its inclusion in Hansard as if read. Mr Speaker a copy of the letter to AusCann and the licence were delivered to the Administrator by hand at midday on 14 May 2015. They were accompanied by a letter from me to the Administrator of same date and I table that letter and read it into Hansard. It's addressed to The honourable Gary Hardgrave, Administrator. "Your Honour Dangerous Drugs Act 1927 (The Act) Section 7A Licence. Please find enclosed a copy of a letter and licence under Section 7 A of the Dangerous Drugs Act 1927 issued to an Australian company AusCann Group Holdings Pty Ltd ACN 601953860. The applicant company proposes to cultivate cannabis in Norfolk Island for the purpose of exporting to Canada under the Canadian Medicinal Cannabis market. The proposed export business is capable of providing significant economic benefit to the Norfolk Island community. The licence is subject to significant conditions and enables a staged development approach to the applicant company establishing their agricultural operations. The terms of the licence conditions draw heavily on comparable requirements under Canada's Marihuana for Medical Purpose of Regulations SO3 1990 operating regulations 1996 the amend PR made under the Canadian Control Drugs and Substances Act. The applicant company is not able to import, possess, cultivate or export cannabis unless appropriate conditions have been met and specific authorization issued. The licence especially precludes the sale or supply of cannabis in Norfolk Island. The company has invested considerable time and resources and finances in seeking to structure its operation that it will meet Canadian MMPR requirements. I understand that the applicant company has been in previous contact with yourself and your office and further that in December 2014 you were provided with the Company's submission consisting of a lever arch file with 43 page written submission and 12 annexures composed of approximately 150-200 pages. As you are aware Section 13 of the Act empowers the Administrator at any time to cancel any licence granted under the provisions of that Act. I would respectfully request that if you intend to exercise that power you allow both the applicant company and the Norfolk Island Government an opportunity to address the proposed reasons and concerns that might prompt you to consider exercising that power. Please do not hesitate to contact me if you have any queries or would like further information. I table the licenced issued to AusCann. Mr Speaker in their submission AusCann has gone to great lengths to address the concerns of the Administrator which caused him to cancel the licence issued to Tascann. Those concerns were – 1) To identify and address potential social, economic; and environmental aspects; 2) Ensure that Australia's obligations under the Single Convention of Narcotic

Drugs 1961 to carefully, control, supervise and report on cultivations, production and manufacture are satisfied; and 3) Involve the consultation of, or satisfy, relevant federal authorities, including the Office of Chemical Safety in the Department of Health. The submission/application and support documentation has been assessed as adequately addressing the Administrator's concerns in this regard. I offer my sincere thanks to Crown Counsel and Minister Ward for this assistance in progressing the application to a successful conclusion that there could be confidence in the issuing of the licence. I thank the Administrator for the role he has played in encouraging AusCann to keep him in the loop in advance of their lodging their application and meeting with me and making his position in the process clear. Mr Speaker in conclusion one cannot ignore that there has been a radical change of attitude in Australia towards the legalising of medical cannabis. Prime Minister Abbott has come out in support as has NSW Premier Mike Baird and just a week back Tasmania announced the issuing of the first licence to farm medicinal cannabis in that state. With the granting of the licence to AusCann Norfolk Island is now firmly on centre stage to assist with providing a much needed medical product for export to jurisdictions where medical grade cannabis is legal whilst at the same time providing a much needed financial boost to the Island's economy both in funding and in the providing of employment estimated in picking time to have need of eighty people. I am sure I speak on behalf of all my colleagues around this table in wishing AusCann all the best in their endeavours with this fledgling industry for Norfolk Island. Mr Speaker it is my understanding that probably as I am reading that documentation that there is global press out there on the issuing of the licence not initiated by me, but I believe there is. Thank you Mr Speaker.

SPEAKER Thank you. Further Statements this morning.

MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

Speaker Message No. 25 . Norfolk Island Act 1979 Reservation of Proposed Laws for the pleasure of the Governor General. It is hereby notified that on the 13th May 2015 acting pursuant to Section 21 of the Norfolk Island Act 1979 I reserve the following proposed law passed by the Legislative Assembly for the pleasure of the governor General. Standard Time Bill 2015 and this Message is dated the 19th May, 2015 and signed by the Honourable Gary Hardgrave Administrator.

MS ADAMS Mr Speaker I'm sorry I have another Statement. I would just like to read into Hansard a **Press Release from His Honour the Administrator** that came out yesterday Modern health Service planned for Norfolk Island. The Press Release reads " I'm pleased to announce the Australian Government has set in place another step towards providing modern and integrated health and aged care services to the Norfolk Island community with the engagement of KPMG to complete a health services plan for the island. There have been several reports produced and community consultations undertaken in recent years which highlight the need to reform and improve the range of health related services to the Norfolk Island community and the way they are delivered. The transition into Australia's taxation system from 1 July 2016 now provides the opportunity for health and aged care services to be provided in the same integrated manner provided to every other Australian. This plan will be prepared by some of Australia's leading experts in health care planning and will fill in the remaining gaps in our knowledge of what it will take to establish a modern and affordable health service. Our community should expect to receive a similar level of service to those which have been effectively implemented across more than 60 regional remote communities in NSW over the past 20 years. I will just read that part of the Press Release and I will table it not Hansard. I'm pleased at this initiative because it will simply be building on the survey, the health survey and the health findings of the final R&S Mueller Report which was released in February this year, that was an assessment of our health needs in which the community has already participated and that was commissioned, that survey, and consultation process was commissioned by the Norfolk Island Hospital Board and I look forward to providing His Honour the Administrator with a copy of that Report. I have already done that once already but I will forward it to him again so that KPMG have this background data to work with. Along with providing them with the report whilst not strictly relevant nevertheless providing them with the comparison of benefits between Norfolk Island Social Services and Commonwealth benefits so they are full across the issues of Norfolk Island. I have been questioned as to whether or not the Administrator was aware of the work that had been done by

works. 10) The Commonwealth's proposals will not enhance democracy in Norfolk Island. They will not preserve the right or opportunity to take part in the conduct of public affairs, directly or through freely chosen representatives. Instead, they will remove that right and deny that opportunity at the vital level of state-type functions, including the delivery of health services; education and many others. 11) And self-government is not just an expression of democracy, it is also feasible at a practical level. Contrary to uninformed opinion, small communities with small populations can and do exercise wide-ranging powers: St Helena (approximately 5,000 people); Montserrat (5,000); Falkland Islands (2,500); Niue (1,600); Tokelau (1,400). There are many other examples. 12) Mr Ellicott in 1978 recognised the truth of this. His recommendation to the Australian cabinet was that a referendum of the Island's electors should be held if it were proposed to integrate Norfolk Island into Australia. And last Friday, 8 May 2015, the electors overwhelmingly expressed their opinion that they should be consulted, by means of referendum or plebiscite, on the future model of governance for Norfolk Island before the Australian Parliament proceeds further. 13) The people of Norfolk Island have the right to freely determine their political status, and their economic, social and cultural development. 14) For the peace, order and good government of Norfolk Island, that right should be pursued by all possible means. Thank you Mr speaker.

SPEAKER

The question is that that Motion be agreed.

CHIEF MINISTER

Thank you Mr Speaker I've elaborated extensively on the abolition of self government this morning. All I ask is that Norfolk Island is probably the best run island in the Pacific. It is certainly the best run of Australia's external Territories.. In 1991 the Island's in the Sun Report described direct Commonwealth administration of the Indian Ocean Territories as seriously out of date and inadequate characterised by abuses of rights, exploitation and limited opportunities for self management. This view has been endorsed by past Administrator Mr John Stanhope in recent times Mr Speaker. In contrast the same report was generally complimentary to Norfolk Island suggesting no wholesale reform, favouring instead some modifications and fine tuning. This shows that our self government was good. The stewardship of the island on the present issues as on others should rest Mr Speaker with the people of goodwill and energy, elected by the islanders themselves. Demonstrably that it is the approach most likely to be successful. The island has been economically and fiscally self sustaining and I believe can be again to a very large extent, certainly much more so than the States or other Territories of Australia. The Commonwealth Grants Commission in its 1997 report on Norfolk Island concluded that Norfolk Island's financial dependence on the Commonwealth is comparatively low. The Commission found that Norfolk Island had a dependency ratio of about 8% on recurrent expenditure as compared with 78% for the Northern Territory and 34% for the Christmas Island and the Australian average is 44%. Mr Speaker self government has been a success. I commend the Motion. Thank you Mr Speaker.

SPEAKER

Thank you chief Minister.

MS ADAMS Thank you Mr Speaker. In Singapore in 1971 Commonwealth Heads of government agreed to a Declaration of Commonwealth Principles. In acknowledgement that those principles have stood the test of time, Commonwealth Heads of Government meeting in Zimbabwe in 1991 reaffirmed them in the Harare Commonwealth Declaration. On 30 May 1979 the Governor General of Australia assented to the Norfolk Island Act 1979. The preamble to that Act includes the following statements of intent of the Commonwealth Parliament of the day: 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. In enacting this legislation in 1979, the Commonwealth of Australia honoured its commitment to one of the basic Commonwealth Principles, namely that which states: We believe in the liberty of the individual under the law, in equal rights for all citizens regardless of gender, race, colour, creed or political belief, and in the individual's

inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives.” Mr Speaker the words just spoken are the introductory paragraphs to an article titled “Democracy at risk?” with the caption – “Just over a quarter of a century of self-government has taken Norfolk Island from a hopeful new democracy to one facing its demise”. This article appeared in Issue two of 2006 of *The Parliamentarian*, a quarterly publication from the Commonwealth Parliamentary Association Headquarters in London. A further article published in the same issue was captioned “What future for Norfolk Island? In which the leaders of Norfolk Island’s government acknowledge that their tiny South Pacific island can benefit from Australian help, but they argue that “help” does not mean “take-over”. The authors of the article speak of the need for constructive, supportive input from the Commonwealth of Australia to deal with specific, concrete issues on a case-by case basis and in a co-operative way. A partnership approach of this kind would achieve practical results, whilst at the same time respecting the island’s individuality. The 2006 articles were written at a time when the Australian Government was making a unilateral move to change the model of government on the Island without prior referral to plebiscite or referendum. In the article it is argued that where there is significant and overwhelming changes proposed to a system of governance it is appropriate that a binding plebiscite or referendum should be held. The Commonwealth Principle that it is the individual’s inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives supports this argument. We fought the good fight in 2006 and won that battle against a bigger power seeking to subsume this gem in the Pacific into the mainland of Australia. However the Commonwealth has bided its time and when the opportunity offered itself in November 2010 when Norfolk Island sought short term financial assistance to get over the hump of the 2008 global financial crisis, it saw its chance and pounced and before we knew it we were coerced into agreeing to enter the Australian taxation and social welfare system and to discontinue our protests at the diminishing of our self governing status and our control of our fiscus with the introduction of the Territories Law Reform Bill 2010. However, we retained our faith that all would be well and in issue 2 of 2014 of *The Parliamentarian* titled “The Commonwealth of Australia and Norfolk Island: Bridging the Divide:” we continued to focus on the need to build bridges and mend fences; suggesting that it is time for the Government of Australia and the Legislative Assembly of Norfolk Island to return to the negotiation table with mutual respect for one another, and in the deliberations on our Island’s future, asserting that constructive respectful dialogue must be the basis of any discussion on island issues, including governance, finance and financial sustainability. Innocent babes in the woods Mr Speaker in thinking that there would be fair play when Australia had seen the opportunity to take us over once again. So where do we find ourselves today Mr Speaker in 2015. Regrettably Mr Speaker we find the bridge across the divide has now collapsed; return to the negotiation table would seem most unlikely and Norfolk Island is currently trying to come to terms with the lack of respect for Norfolk Islanders and for democracy which is being so clearly demonstrated by the actions of the current Australian Government and the Australian Parliament in their having unilaterally, against the wishes of the Norfolk Island electorate expressed at referendum on 8 May 2015, passed legislation last week to abolish the Island’s parliament and self government. The legislation was labelled non-controversial and passed without dissenting voice through both chambers. One can be forgiven for thinking that democracy in Australia is a different one to that on Norfolk Island. In the Australian Parliament legislation can pass with only a handful of members in the chamber, without a vote being taken and without the need to call attention to the absence of a quorum; even though obviously a quorum was not present either in the House of Representatives or in the Senate when the Bills passed; and the handful of members who did speak in support of the Bills obviously having been misled along the way. It was obvious that they believed that there had been appropriate community consultation. There was certainly no mention by Assistant Minister Briggs that there had been a referendum and that the majority of the voting public had expressed the view that it is their right to freely determine their political status, their economic, social and cultural development and be consulted at referendum or plebiscite on the future model of governance for Norfolk Island before such changes are acted on by the Australian Parliament. In denying the results of the referendum, and in fact, making it clear on numerous occasions that he had no intention to hold a referendum on the governance model for Norfolk Island, Assistant Minister Briggs has clearly demonstrated that he is unaware of the Commonwealth Principle reaffirmed by the Commonwealth of Australia in 1991 in the Harare Commonwealth Declaration that the Commonwealth of Australia—believes in the individual’s inalienable right to participate by means of free and democratic political

processes in framing the society in which he or she lives.” What we did however hear was Assistant Minister Briggs say when introducing the legislation and reading from the Statement of Compatibility with Human Rights- ‘Some parts of the Norfolk-Pitcairn population of Norfolk Island identify as a people with rights to self-determination. The proposed governance reforms, which effectively remove Norfolk Island’s self-governing status, may be viewed by this group as being inconsistent with the right to self-determination. Even if it is accepted that the Norfolk-Pitcairn population are a people with a right to self-determination, self-determination is widely understood to be exercisable in a manner that preserves the territorial integrity, political unity and sovereignty of a country, such as Australia. Self-government of Norfolk Island is thus not a prerequisite to exercising any right of self-determination. The right to self-determination does, however, require that peoples be consulted about decision that impact on them and have the opportunity to participate in the making of such decisions, including through the processes of democratic government. It also includes a right to preserve group identity and culture. In light of the above factors, the Norfolk Island Legislation Amendment Bill 2015 and related Bills are consistent with any applicable right to self-determination’. The proposed governance reforms are the result of an extensive consultation process, including as led by the Administrator of Norfolk Island in response to the report of the Joint Standing Committee on the National Capital and External Territories —Same Country: Different Worldll. The Norfolk Island community was consulted over several months through public forums, facilitated discussions, meetings with community leaders and groups, and the option to provide views directly over the internet or by letter. Hundreds of community members participated in one or more of the consultation processes. These consultations found significant support for change within the Norfolk Island community. I table the Statement of Compatibility with Human Rights and seek leave for its inclusion in Hansard as if read. When writing to Australian Senators, the Norfolk Island government refuted this assertion by Assistant Minister Briggs in the Statement of Compatibility with Human Rights contained in the Explanatory Memorandum to the Bills, that the consultation undertaken by Administrator Hardgrave and Assistant Minister Briggs on the proposed governance reforms has significant support within the Norfolk Island community. Furthermore, pointing out to them that the removal of the Preamble to the Norfolk Island Act 1979 would seem an impingement on the rights of minorities. The Preamble to the Act is the only place in legislation that recognises the descendants of Pitcairn Island as residents on Norfolk Island. In the Australian population Norfolk Islanders of Pitcairn descent are a minority and there has been no consultation on the removal of the Preamble which recognises these people. I table the letter mailed or hand delivered to Senators by the Chief Minister in Canberra and seek leave for its inclusion in Hansard as if read.

SPEAKER Before you go any further Minister Adams Leave is granted in terms of inscribing the letter you refer to.

MS ADAMS Let me now put on record the lies that underpin the assertion of adequate communication with the Norfolk Island community by reading a press release published on 11 May 2015 captioned “The Australian Parliament is being gravely misled” The House of Representatives is scheduled to consider the Norfolk Island Legislation Amendment Bill 2015 on Tuesday 12 May. The Bill effectively abolishes the Norfolk Island Parliament and replaces it with a Regional Council model. Passing of this Bill which is premised on the fabrication that there has been adequate in depth community consultation would be an absolute denial of human rights and a grave travesty of justice. A report with questionable statistics by the Commonwealth’s representative in Norfolk Island the Honourable Gary Hardgrave the Administrator of Norfolk Island has advised the responsible Federal Minister the Honourable Jamie Briggs that the overwhelming view of the community is the Norfolk Island Legislative Assembly should be abolished and replaced by a local type body”. Norfolk Island community report to the Minister prepared by the Honourable Gary Hardgrave 20 December 2014. The Chair of the Joint Standing Committee on the National Capital and External Territories (JSC) Mr Luke Simpkins has reported in similar terms based on a few days on island and discouraging Norfolk Island witnesses to the inquiry from discussing governance issues, requesting them instead to focus on opportunities for growing economic activity on the island. Assistant Minister Briggs has continued to decline to hold a Referendum claiming that adequate consultation has taken place. The Norfolk Island Government refutes that claim. The Norfolk Island electorate at Referendum last Friday overwhelmingly voted in favour of they being consulted at

Referendum or Plebiscite on the future model of governance for Norfolk Island before such changes are acted on by the Australian Parliament. YES votes 624 – NO votes 266 informal vote 22. This result clearly exposes the lies that the overwhelming view of the community is that the Norfolk Island Legislative Assembly and self government should be abolished. The Australian Government has ignored the Petition of in excess of 800 members of the community to the Federal Parliament last October requesting that the community be consulted at Referendum or Plebiscite and having a democratic say on the future model of governance for Norfolk Island before any proposed changes are voted on. The Norfolk Island community has now clearly spoken at Referendum. The Abbott Government and the Australian Parliament need to listen and not ignore the voice of the Norfolk Island electorate expressed at Referendum. To do otherwise will be a day of shame for Australia and the Australian Parliament will go down in history as the first Parliament since Federation and possible the first in the British Commonwealth to remove a democratically elected Parliament even though it has been clearly demonstrated that the Australian Parliament has been misled. That Press Release is dated 11 May 2015. Earlier today Mr Speaker I responded to questions about the concerns of the Federal Parliamentary Joint Committee on Human Rights that the Norfolk Island legislation introduced by Assistant Minister Briggs as being “directly discriminatory” against New Zealand residents of this Island in connection with social security payments, and that the Committee has sought an explanation from Assistant Minister Briggs. I ask the question Mr Speaker, why didn’t Assistant Minister Briggs bring the Committee’s concerns to the attention of the Senate? It certainly wasn’t mentioned in the debate by Senator Brown when telling the Senate that people on Norfolk Island ‘were excited’ about what was happening. I for one am quite sure that New Zealand citizens living on Norfolk Island who will bear the brunt of the discrimination caused by Assistant Minister Brigg’s legislation are certainly not excited about what could happen to their social security payments after 1 July 2016. I am equally sure that the 626 people in Norfolk Island who voted ‘Yes’ in the Referendum held on 8 May 2015 are not “excited” Mr Speaker the Norfolk Island Government under my hand as Acting Chief Minister wrote on 10 May 2015 to His Excellency General the Honour Sir Peter Cosgrove, Governor General of the Commonwealth of Australia, apprising him of the results of the referendum on 8 May 2015. I table and read the letter. “I write to advise you of the results of the Referendum held on Norfolk Island on 8 May 2015 on the question “Should the people of Norfolk Island have the right to freely determine their political status, economic social and cultural development and be consulted at Referendum or Plebiscite on the future model of governance for Norfolk Island before such changes are acted on by the Australian Parliament”. YES – NO. The results YES 624 NO vote of 266. There were 22 informal votes. That is 68.42% voting in favour and only 29.17% voting against. Therefore the electors are deemed to have clearly expressed their opinion in favour of the question. The result clearly undermines the assertion by the Norfolk Island Administrator the Honourable Gary Hardgrave and the Federal Minister with responsibility for Norfolk Island the Honourable Jamie Briggs that they have overwhelming support from the community for the abolition of self government and the Norfolk Island Parliament. Clearly the community wants proper information and consultation at Referendum or Plebiscite”. The level of consultation to date by the Commonwealth and the want by the Norfolk Island community to have a say in their future governance arrangements was also considered at a meeting of the Australian Regional Management Committee of the Commonwealth Parliamentary Association held in London. I won’t read further with that letter. I will table and ask that it be read into Hansard. I have today received a response dated 13 May 2015 from the Deputy Secretary to the Governor-General replying on His Excellency’s behalf and I quote – “I was interested to read the results of the referendum held on Norfolk Island but as I explained in my earlier letter to the Chief Minister, the Governor-General cannot become involved in this matter.” Mr Speaker the motion confirms that the Commonwealth’s proposals will not enhance democracy in Norfolk Island. They will not preserve the right or opportunity to take part in the conduct of public affairs, directly or through freely chosen representatives. Instead they will remove that right and deny that opportunity at the vital level of state-type functions, including the delivery of health services; education and many others. Not only that Mr. Speaker we have not been consulted on the electorate we want to be a part of – we have to be part of the Canberra electorate but NSW laws will apply – if we must be part of a mainland electorate we should be part of a NSW electorate so that we can have a say in State elections as well as Federal elections since it is their laws that are to apply. As the motion states self-government is not just an expression of democracy, it is also feasible at the practical level and Mr Ellicott in 1978 recognised the truth of this. As the motion states, and I have

said on numerous occasions in this House, that Mr Ellicott's recommendation to the Australian cabinet in 1978 was that a referendum of the Island's electors should be held if it were proposed to integrate Norfolk Island into Australia. I turn now to the letter of 14 May 2015 from Assistant Minister Briggs addressed to the Norfolk Island residents and placed in our letter boxes miraculously almost immediately after the legislation passed the Senate and draw your attention to paragraph 3 in which the Minister seeks, quote, "to allay any concern that reform will come at the expense of Norfolk Island's customs and culture..". I table the letter and ask leave for it to be included in Hansard as read

SPEAKER

Leave is granted.

MS ADAMS

Thank you Mr Speaker. Mr Speaker for me that trust, that bequest to trust has already been betrayed by the removal of the Preamble to the Norfolk Island Act for the reasons aforementioned by me. The Commonwealth Fact Sheet tells us that there will be land tax imposed which demonstrates a lack of understanding by the Assistant Minister that the main cultural feature that will be dramatically affected is the Pacific Island tradition of passing down land to future generations. Our land is held in trust. With the introduction of land tax and/or municipal rates, capital gains tax on inherited land etc will see the sale of family plots and inevitably the displacement of our people. We have families who are holding land from the original grant to the Pitcairn settlers in 1856; a fact that was recognised by the Hon Bob Ellicott QC when he spoke about the planks for self government in 1978 at the Ceremonial Sitting 18 August 2004 in this Chamber to celebrate 25 years of self government, and I quote from his speech "The second plank of self government has already been mentioned and that is that the Pitcairner's and their descendents have a very special relationship with this island. Now that special relationship with the land of Australia is shared by only a minor number of Australians. The Aboriginal people, the Torres Straight Islanders, the people of Cocos Island, they all have special relationships with the land where they live. That is not so of all Australians. On the 24th June 1856 this place was set aside as a separate and distinct settlement and the laws and customs of the Pitcairner's were to be preserved and maintained in this place and that's basic to an understanding of self Government on Norfolk Island" Mr Speaker for me personally I am unable to have faith in the promise of Assistant Minister Briggs that we should not be concerned that reform will not come at the expense of Norfolk's customs and culture. How could I when the first time I met the Minister in the company of the Chief Minister and the Minister for Finance in Canberra in November 2013 his opening remarks to us were – "I am not interested in your history; I am only interested in assuring that Australians on Norfolk Island have the same entitlements and obligations of other Australians; that the safety net comes with obligations". Mr Speaker history will record that - despite Norfolk Island going through the worst economic downturn in more than 9 decades; despite a catastrophic reduction in tourism numbers almost overnight; despite being the only people in Australia not to receive stimulus funding from the Commonwealth; despite losing control of the public purse to the Commonwealth in 2010; and despite the lies and propaganda that were being perpetrated in the media by the Commonwealth Departments and Ministers, 68% of the battle weary Norfolk Island electors still recognised, supported and demanded the fundamental human right to freely determine their political status, their economic, social and cultural development. Upon reflection, maybe the true message that came out of the recent referendum is not that this community understands its rights and is resolute in its beliefs; it is that Australia, in its determination to integrate the Norfolk Island territory with mainland Australia, has been prepared to ignore its international law obligations and trample on the human rights of every Norfolk islander to achieve its goals. Mr Speaker in voting for the motion we are reaffirming that the people of Norfolk Island have the right to freely determine their political status, and their economic, social and cultural development – we are supporting the Commonwealth Principle agreed by Australia in 1971 and reaffirmed in 1991 that– "We here around this table believe in the liberty of the individual under the law, in equal rights for all citizens regardless of gender, race, colour, creed or political belief, and in the individual's inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives." Mr Speaker in voting for the motion today we are voting for the peace, order and good government of Norfolk Island, that that right should be pursued by all possible means. I call on the community to unite around that goal until once again the right to govern ourselves is restored. Thank you Mr Speaker.

SPEAKER

Thank you Minister Adams. Further debate.

MR NOBBS Thank you Mr Speaker. I thought that some of the others may wish to speak first before I start. Mr Speaker I deplore the way things have been handled and encourage action commences right away to reverse the decisions made by the Commonwealth related to self government. I guess Mr Speaker the road we are now forced to follow commenced with a request from the Norfolk Island Government for assistance as long ago as 2009, but the trigger was actually the signing of a Memorandum of Understanding by two Ministers, yourself Mr Speaker, then Chief Minister and Finance Minister Craig Anderson in I think it was November 2010. The Memorandum of Understanding committed the island to enter the Australian system in my view and subsequent events have changed the wording of the Norfolk Island's position in 1914 when it was placed under the authority of the Commonwealth of Australia to, in my opinion total assumption under the Commonwealth of Australia. It is interesting that immediately following signing of the Memorandum of Understanding little positively occurred. There were lots of reports commissioned by the Commonwealth and they are still going on. Some finance was produced for Social Service support etc but support often with no funding requirements aimed at the required revitalisation and expansion of the economy was negligible. It was not until late 2014 that the Commonwealth burst into action and orchestrated in some 6 months of frantic activity to where we are today. People ask quite rightly what is it really all about after four years of virtual inactivity. Was it the fishing oil in the economic zone, was it the Australian Defence requirements, maybe refugees, maybe it really is as claimed for the benefit of the island and its people, but in reality there was none of the about. It was in real Aussie terms, basically a pure con. The original proposed planning, explanation, trials, etc outlined in the Roadmap has not occurred. The community was not afforded the opportunity to assess its future. The requested pro visa in passing a Motion in 2013, not long after this Assembly was sworn in, was that the net value of change be demonstrated to the community. This still has not even been attempted let alone satisfied. In fact it was impossible to even consider the proposed changes as they could not be spelt out in a proper and orderly manner that one would expect, each change was just a possibility, but not definitive. Let me return to the reasons now for the rapid change in 2014 which was led by the Territories Division Department of Infrastructure within the Australian Public Service and that's what they call it now, that's the old Commonwealth public Service I understand. So I'll use Australian Public Service as a differentiation between the Australian Public Service and the Norfolk island Public Service. At the time Messrs Anderson and Buffett signed the original MOU the Australian Public Service was fairly stable. In fact under the Labour Government the APS was more than stable, it had expanded, life was good, money was not a problem to the ASP or apparently to the Government. In 2013 the Government changes, the Commonwealth Government changed with the Coalition being elected, that's the Liberal and National Coalition. They commenced to beat the drum in relation to cuts in Canberra, and thus the Australian Public Service. The Minister for Territories Mr Jamie Briggs visited Norfolk Island for some 24 hours early in 2014. I'm sure it was only about 2014 and I think that the Administrator at the time actually gave him a few hours off to sleep but apart from that he was cocooned by the Administrator at the time. Incidentally it was his sole visit to the island yet he talks like an expert. Despite the fact Minister Briggs assured me at a meeting of Members during his visit that he would return to hear the community's views at a Public Meeting it never happened which showed a distinct lack of a lot of things, not the least intestinal fortitude, nor has there been any visit by other senior Parliamentarians such as Minister's. A request last year through the Administrator for a Commonwealth Minister to visit Norfolk Island on ANZAC Day was ignored. All access by Norfolk Island Government Minister's to their counterparts in Canberra was placed off limits. This is unusual as there has always been unfettered access to their Commonwealth counterparts, but Minister Briggs sorted that out and as the chief Minister's comments last week of a lack of knowledge on Norfolk Island affairs by those in Canberra he visited. In 2006 as mentioned by Minister Adams the attack by then Territory Minister Lloyd was dismissed as being frivolous and personal, nothing to do with the management of the island as claimed but look up the Trumby Creek scandal which he was heavily involved at the time. What happened was the senior Minister's were advised, contacted and they fixed this attack up on Norfolk Island once it was discovered what the issue really was. Little happened in the lead up to the Commonwealth's 2014 budget though it was about to. The Commonwealth Parliament Joint Standing Committee on Territories was called upon to conduct an inquiry into Norfolk Island, requiring the Joint Standing Committee to inquire into "positive

action to encourage diversification and broadening the island's economy". Mr Speaker I was wrapped. The economy was to be given a run and it was about time. However, at the time there were ructions in Canberra as a Government progressed its original aim to significantly reduce the Australian Public Service workforce. The Joint Standing Committee visited the island, spent a few hours in hearings which has been described nicely as a shambles and then in June I attended Government House and a wife of a former Administrator at a function at Government House that her husband Neil, after completing his term on June 30th would not be lost to the island as he would be taking up a consultancy with the Department. On the 17th July a Press Release announced that the former Administrator, Neil Pope would appear on this the last day of the Joint Standing Committee hearings. All Members were aware of the evidence of Mr Pope at the Joint Standing Committee and he's later reward for services of an Order of Australia medal. There was no offer for the Norfolk Island Government or any member of the community to reply should they wish, given the Joint Standing Committee emphasis on changing from the island's economy to governance. This was despite the fact that the Pope evidence was considered as crucial to the whole Joint Standing Committee Report. It is a pity the joint Standing Committee did not test the Pops evidence. The Joint Standing Committee completed its report and the rush was on. Why you may well ask after four years of hibernation. It must be pointed out that the Joint Standing Committee members do not write the reports, it's compiled for them by staff including I understand Departmental staff. One comment was made to me in the past that often Joint Standing Committee members, do not even read the report as they claim reports never go anywhere, which in the past they did not. Unfortunately once reports are signed off, as they are in fact gospel as history shows. Media reports were suggesting at the time that whilst the ASP had been ordered to reduce its numbers they found inventive means of circumventing that order and there was actually a claim of some possible increase in numbers. The Joint Standing Committee Report was released and all hell broke loose. Consultation with the island community was ordered by Minister Briggs and this was undertaken in the strangest consultation process I have ever seen. Consultation was simply along the lines that you will have this, we don't really know the details, but you will be informed along the way. We don't really care what you think, and the famous statement "you can call for a Referendum until the cows come home". A report on the consultation by Minister Briggs was compiled by the Administrator without any numerical quantification claim overwhelming support for the Joint Standing Committee recommendations. Another issue was that the Administrator's own report on one Public Meeting was significantly different to that of the media's independent moderator, and I could go on Mr Speaker on this but I won't. The pressure was certainly on for at the time Minister Briggs introduced the island's Amendment Bill at the House of Representatives. An article in the Canberra Times, out of Senator Briggs' Departments of Infrastructure by a claim that Department has produced 17 versions of a Consultants report amid accusations the document was redrafted and told the Department bosses what they wanted to hear. So much for the claims by Minister Briggs in his speech to Parliament that over previous reports over 20 previous reports had supported the Bill he was presenting. On the media evidence alone one may ask – why would the reports not? The reduction in staffing issues was again raising its head just two days before the Norfolk Island Bill was voted on by the House of Representatives the Department of Infrastructure sent out an email to 1200 staff indicating closures of regional offices. It said, and can you believe this, and I was stunned when I read it. It was already stated in relation to those APS members who will be losing their jobs and I quote "the expected takeover of the Norfolk Island democracy was not to be enough to take up the shortfall". So we are in fact part of those inventive approaches developed by the ASP to save their jobs. Under the APS arrangements issues such as the number of staff are critical to the general departmental welfare. Reduced staffing sees reduced responsibilities as seniority of its staffing arrangements and of course seniority is important to the size of the pay packet received by the staff. Reduction in the size of the departments also affects the need for ministerial oversight and that's of course the number of Assistant Minister's required are questioned. There are concerns in relation to reduction in government departments for those Politicians within the seats in Canberra of course, and there were three of them. So it was a win win situation. Apart from the Australian taxpayers who were ripped off again and the Norfolk Island community will have their democracy taken over. I think that to me gives you an indication of where we are. Now the unfortunate part is that in the context of Norfolk Island real reform there were better options for both this island and the Australian taxpayer, forget the Commonwealth Ministers, Politicians, and the Australian Public Service. I'm talking about island

people and Australian taxpayers who have got to bear the brunt of it. At present and into the future. May I take the opportunity to recognise they have gone before they were fair dinkum in their efforts both prior to and following self government. They showed the way despite all the difficulties, in the pre-self government era in which I was also a member. The difficulties were never an issue as they fought for their community gaining say in their future. I salute them and apologise. Thank you.

MRS WARD Thank you Mr Speaker. As the most vocal supporter of integration into the Australian system I will contribute to this debate, and I think the easiest way for me to do that is to follow through the 14 points of this Motion and I will make it as brief as possible Mr Speaker. I think that my opinions and attitude in the way I've represented people is already well recorded in Hansard and the difficulties that the Government and Members of the Assembly went through over the 5 years leading up to this period, is also well documented. I have no problem with supporting the Motion, it is a Motion to note these items to which I will have my say. I don't see that in supporting that it is wanting to overturn the decision or anything of such nature. I'll start with Point 1) and people who are interested would have the Notice Paper beside them and can see the points that I'm referring to. So simply at Point 1) Mr Speaker I will say noted. Point 2) Again is noted. Point 3) The shift in policy is not contestable or contested by me on behalf of the people I represent as the Motion reads. This shift in policy is welcomed by many on the island. I believe that the island's achievements have been taken into account along with the Administration and the Territory Authorities limited capacity to deliver services and programmes at comparable standards in the modern world, and we understand the reasons for that. Point 4) I note a number of Commonwealth and Norfolk Island Government funded infrastructure items are listed but I also note that there is no mention of their current condition or the fact of the depreciation of publically owned infrastructure is not included in the Norfolk Island and your budget, neither is our ongoing debt. Point 5) I note the Norfolk Island Government's efforts in the areas of land planning, social security, healthcare, workers compensation and education. I also note the lack of government legislation in relation to early childhood education and care, aged care and disability support. I recognise that since 1979 the Norfolk Island Government has not met national standards in service delivery as a direct result of the self governing model. Occupational health and safety standards are one of the many other areas that we could list but I won't do that today Mr Speaker. Point 6) I note and agree that in 1979 a decision was made by the Australian government to exclude Norfolk Island from most Federal and State legislation, funding mechanisms, programmes and support services. Norfolk Island legislators were left to develop their own set of laws, standard and revenue raising mechanisms. The question of who's standards was raised in the 1978 Cabinet submission. The Commonwealth Department of Education expressed concern at the Australian Government's proposed action and so did the Department of Finance and Treasury and the Taxation office. The 1978 Cabinet submission is available at the national Archives online and we have referred to that document in this House before on a number of occasions. Point 7) the removal of the Preamble reflects a major shift in policy from the Australian government. This moves us away from being an excluded and discriminated against people and population to being one that is included as part of the broader Australian community. The intention being that our people will be afforded the same rights and obligations, whether they are of Pitcairn descent or not. Point 8) Norfolk Island is part of Australia and will remain so. These are the words of Mr Ellicott and many other Federal Minister who have followed in his footsteps. A number of books which cover Norfolk Island history during the 19th and 20th Century are available and I recommend Maeve O'Collins book titled 'An uneasy Relationship – Norfolk Island and the Commonwealth of Australia' which was published in 2002. Point 9) Appropriate service delivery arrangements for Norfolk Island are something that I have already taken a keen interest in both at a policy and an operational level and I will continue to do that, and the question must always be – what is in the best interest of the community?. Point 10) I believe that the Interim Advisory Council arrangement denies, I believe, I note and I agree Mr Speaker at Point 10 that the interim Advisory Council arrangement denies elected democratic representation for a short period of time. I believe that this situation could have been avoided through negotiation but it was not to be under the leadership of Chief Minister Snell, and therefore I accept that an appointed Council is necessary to address the island's current state of affairs. In addition I note that fresh elections for a new and sustainable model of government will be held next year. The right to take part in public affairs including the development of a local government model will continue via the interim Advisory Council and yesterday I asked the Chief Minister to speak with the Administrator in relation

to the possible extension to existing local and appropriately skilled people carrying out local representation roles during the transition period, for example, membership of the national Parks Advisory Committee and the Norfolk Island Central School Teacher merit selection panel. My response to State level service delivery is already stated. At Point 11) Norfolk Island is a proud Territory of the Commonwealth of Australia and has every right to participate fully as such. Self government was not feasible and integration is the best way forward. Some transition allowances have already been made which is welcomed. However if we truly want a smooth transition and we don't want our people to be disadvantaged then we must ensure that every aspect of the community's need is considered and that the transition process is fair for all. The community must not be penalised because there was a lack of understanding or information sharing between Governments and Departments and I meant both. What I'm seeing in the community is a panic response in some areas, and we will go on to speaking about the Provident Fund and we understand there are concerns around asset testing and pensions. This has been raised with the Administrator, they need to be raised with the Federal Minister. The intent is inclusion and a sustainable transition to a sustainable community. Let's not damage people in the process. Point 12) the recent Referendum was a Referendum to have a Referendum. Sitting here at this table Mr Speaker there was not going to be an agreement and this Government did not have an alternate model. In 1975 the Royal Commission chaired by Sir John Nimmo recommended that Norfolk Island be integrated into the Australian taxation and social security system. These recommendations were rejected by the Australian Government in 1978. This year in 2015 the Australian Government overturned what I now firmly believe was a short sighted and discriminatory policy decision. Norfolk Islanders heritage, finance and future were left in the hands of a few who didn't believe that it was appropriate to apply the Australian taxation system or Mainland standards to the island, Now Mr Speaker in 2015 we have a different direction. Point 13) Depending on your interpretation of the phrase "freely determine" the people of Norfolk Island were not given the right to freely determine their future in 1979. The island was granted a limited form of self government and as a community we were given an enormous amount of responsibility with very little ongoing support. Today in the 21st Century Mr Speaker we want to raise our children, we want to educate them, we want to enjoy the company of family and friends. We want access to modern services and we want a fair and progressive taxation system. We want investment in infrastructure that will serve our major industry which is tourism and let other industries evolve. We do not want to be overregulated but we understand that with standards and protection that regulation will come. But most of all Mr Speaker we don't want to be told by anybody that if we don't like it, that we should leave and as an MLA I make no apology for wanting the best for my community which is to integrate. Point 14) Peace, order and good government. This simple phrase Mr Speaker means so much and is really a topic of an entirely separate debate, but in a nutshell some believe that self government and local Politicians did a wonderful job in protecting their interests over the years but others hold a very different view, including the Australian Government, and which ever boat we have been placed in, as I've just said that decision has been made and a transition towards a local government model will begin shortly. Every single person Mr Speaker who calls Norfolk home, whether they are of Pitcairn descent or not, should be very proud of the good things that have been achieved over many years, including the passage of the reform legislation on the 14th May this year. It is important that the human elements which make Norfolk such a great place to live are preserved, that great sense of community, giving back to community and the readiness to work hard. Mr Speaker I have been criticised outside this place for not paying enough attention to the private sector and I would just say this. Small business is the engine room of the economy but the conversations that will need to take place in this area are complex and will be difficult, and will require a high level of professionalism. In closing Mr Speaker I hope that one day many more people will understand why you and the Honourable Simon Crean signed the 2010 Memorandum of Understanding and I hope that many more will soon see the benefits of the hard fought battle to gain access to the same rights and opportunities, services and programmes for the community that people like myself, and many others entered into. The difficulties experienced by the Norfolk Island Government as I said are recorded in Hansard and I accept that the Chief Minister and his Government Minister's did the best that they could with the resources and the advice that they had available to them. Mr Speaker there is one document but I don't need to table, the Minister Adams has already tabled this but I would like to take this opportunity to raise the Chief Minister's attention to it once again and that is the document which is dated the 24th October

2013 which the subject was – The Comparison of benefits between the Norfolk Island Social Services and Commonwealth benefits. I say this because the Minister has just said that she has confidence that because a Commonwealth Officer who was a community Liaison Officer was at the table when this review or this report was being done which considered those comparisons and they include gifting, New Zealand residents, that all of those things are made very clear to the Administrator because I'm not confident that those were relayed by the community Liaison Officer to the Department as the Minister is. So I would just make note of that document please and ask the Chief Minister to have further discussion with the Administrator to ensure that those items were addressed. There were a range of options and exercises which could have taken place and I'm not sure. I don't want to speak too much because I don't know if certain things which were recommended in this October 2013 report, for example that aged pensioners on Norfolk Island could complete a Commonwealth Income and Asset questionnaire to identify the significant issues whether, I'm not aware that they took place Mr Speaker, maybe they did but that's an October 2014 report, and I leave that with the Chief Minister and his judgement to pursue that. Thank you Mr Speaker.

MR WARD

Thank you Mr Speaker. Mr Speaker if I could just correct one point made by the last speaker there. The 2008 Norfolk Island National Park Plan of Management actually removed local input into the membership of NIMPAC. Whether that was a slight of hand or whether that was a deliberate action is something we can ponder but that is a reality, the local input into the Advisory Committee was removed with the introduction of that 2008 Plan. Just to put that one on the record. Mr Speaker In 2010, the 13th Norfolk Island Legislative Assembly entered into the Roadmap for Reform process in good faith that they would undertake agreed actions such as opening up immigration and improving transparency and accountability. The Commonwealth would in turn, conditional upon Norfolk Island's participation into the tax system relieve the island of cost burdens in the areas they cover in the wider national context. These reforms were promoted as being to "strengthen self-Government". I repeat the reform process was promoted as being to strengthen self-government, not to abolish it. Our participation in the Australian taxation system was promoted as a way to even out many of the peaks and troughs our limited economy is prone to, and to protect the poorest and most vulnerable in our society. That a Liberal government continued with this dogma was astounding. The party that today exists only for the big end of town expressing concern for the poor and the vulnerable – this certainly sent alarm bells ringing for many. The takeover was not necessary to accomplish the reforms that were sought. There were so many ways a more acceptable reform package could have been achieved but there was never the will on the part of the Department of Infrastructure and Regional Development to work collaboratively with the Norfolk Island Government. Whether this was driven by orders from above or whether this was blatant manipulation for the purpose of departmental empire building is yet to be revealed. The Australian Government's decision to remove self-government from Norfolk Island has left this community with much unnecessary and unjustifiable grief. This action from the Australian parliament has been delivered as the result of a long term campaign to denigrate Norfolk Island at every opportunity possible. When this 14th Legislative Assembly came to office it was with a clear mandate to refine the roadmap reform process – to refine the process to better reflect the unique circumstances Norfolk Island operates under. While we welcome the safety net for low income individuals and the right of access to Medical benefits such as Medicare and the PBS. The area of concern to us is the systematic manner in which the Department of Infrastructure and Regional Development has exceeded political agreements and driven their agenda which led to the proposal to abolish self-government. Norfolk Island has until 2010, successfully funded and governed the three levels of government of this external territory since attaining self-government in 1979. There were many reasons for the establishment of Norfolk Island's unique governance arrangements; those reasons are as valid today as they were then in 1979. That the island today has economic issues does not justify abolition of the Norfolk Island democratic and political structure. The island has great potential both in its traditional area of tourism and in harnessing its natural resources. It has to be recognised that the Commonwealth's inability or unwillingness to deliver on its undertakings has been a major contributor to the uncertainty in this island; this uncertainty has translated into real dollar impacts for every business and every person living on this island - and for the Administration's finances. These financial impacts have had a severe effect on the lives of real people. These impacts have also affected island revenue raising capacity and the capacity to deliver services – then they

load us with reforms while the island is at its lowest fiscal capacity, only to deride us for a lack of capacity to deliver. On 25 March 2014 the Assistant Minister for Infrastructure and Regional Development, The Hon Jamie Briggs MP, asked the Joint Standing Committee on the National Capital and External Territories to inquire into and report on the opportunities for economic development on Norfolk Island. The Committee invited interested persons and organisations to make submissions “*addressing the terms of reference*” by 11 August 2014. The Committee’s terms of reference were to inquire into and report on: **1.** redressing barriers to tourism, with particular regard to air services, facilities for cruise ships, roads and other infrastructure; **2.** compliments to tourism, such as agriculture, other industry or small-medium enterprises; and **3.** proposals and opportunities for niche industries. At an open public hearing on the 29th April, 2014 the committee received submissions from Norfolk Island stakeholders including the Norfolk Island Government and a range of community members. In his opening remarks the Chairman, Mr Luke Simpkins specifically stated “The committee is not seeking with this inquiry to replicate the work of previous reviews or complementary processes which look into wider governance issues. Rather this inquiry focuses on one of the aspirational goals of the Norfolk Island roadmap - namely, positive action to encourage diversification and broadening of the island’s economic base. The committee wants to hear your ideas and thoughts for growing economic activity on the island.” This stipulation excluded a vast range of material that many organisations and individuals would have submitted if it were known the JSC was going to exceed their stated terms of reference. Contributions to the committee at this hearing were thus confined to the terms of reference as defined and reinforced by Chairman Simpkins. In a hearing held on the 11th July 2014, former Administrator Pope was allowed to contribute beyond the stated terms of reference of the inquiry. Former Departmental officer Julian Yates was allowed to submit to the inquiry on the 14th April 2014. To present a report to the Australian Parliament based on these distorted terms of reference on matters of such importance to Norfolk Island is a miscarriage of justice to the Norfolk Island people. On the 20th October 2014, the Committee tabled its report – Same country: different world– The future of Norfolk Island – into the inquiry into Economic development on Norfolk Island. The report contained eight recommendations: Recommendation 1, 2 and 6 are about governance and are the key areas of concern. Other recommendations were focussed on infrastructure and an agricultural pest problem. Recommendation 1 of the report reads: The Committee recommends that, as soon as possible the Commonwealth repeal the Norfolk Island Act 1979 (Cth) and establish an interim administration, to assist the transition to a local government type body, determined in line with the community’s needs and aspirations. This will require the development of a new legislative framework. In support of this action, assistant Minister Briggs said in the Australian media: “Over the last four decades there has been a plethora of reviews and reports looking at these arrangements, including a Royal commission conducted in 1976, 12 separate parliamentary inquiries and the commissioning of more than 20 reports from experts in various fields including outgoing reports from former administrators. All of these reports have been unanimous in recommending significant changes and reforms.” legislation and no Drink Driving Laws.”- All clearly and demonstrably incorrect. These statements from the Assistant Minister typify the uninformed, antagonistic approach that has been brought to bear against the island and calls into question what quality of briefing was he given. The Royal Commission referred to was in fact a key driver for the move to self-government. Many of the reports into the island refer to negative or adverse factors, some true, some false, while others are no longer applicable, or totally lacking balance. It would be possible to focus on unacceptable occurrences and innuendo about events in any jurisdiction over a period of time to depict a negative (and inaccurate) impression of that place. Commonwealth initiated reports have tended to draw from earlier reports which often further distorted the presented material. It must also be recognised that it is often persons with a complaint, valid or otherwise who use the inquiries to further their personal interests – thus only the negatives are aired. Unsubstantiated claims of a ruling elite and nepotism have been passed along through many of the inquiries. Unspecified claims of vested interests have been thrown in with regular monotony along with unfounded accusations that Norfolk Island seeks to drag on the Australian tax-payer. There is no ruling elite in Norfolk Island and probably hasn’t been since the closure of the second convict settlement in 1853. This is not to imply Norfolk Island has maintained a perfect record, governments have had to deal with instances of conflict of interest and greed that all levels of Australian governance are prone to. The fact is, in the main these problems have been fully and properly dealt with. The current Norfolk Island Legislative Assembly membership has had none of

these issues. Subsequent to being elected, and with the disposition and mandate to refine the reform process, the current Norfolk Island Government endured hostility from the Australian Government from the outset, commencing with the former Administrator publicly berating the new government elect some days prior to being sworn in to office. Correspondence from the Norfolk Island Government is often ignored. In a workplace this would be classified as unethical - normally in Australian Government departments this behaviour is considered unacceptable. While Norfolk Island has governed the three levels of government, in some ways self-government has not been as comprehensive as the Australian Capital Territory or Northern Territory, (for example Norfolk Island has not been a member of COAG), however this form of self-government does provide a measure of self-determination by the people for the people. There is no one better placed to make decisions for the island than the people whose lives and interests are based here. Throughout the history of Norfolk Island there has been difficulties generated by decision makers based in far distant places who have little or no understanding of the workings of small geographically isolated places. To replace the current governance arrangements with an advisory council is contrary to the principles of democracy, decency and common sense. The Office of the Administrator attempted to undertake community consultation, but the process clearly lacks credibility as proven by the referendum results. It is obvious the Department of Infrastructure has been working toward reforms along the lines of those imposed long before the committee released its recommendations, giving the consultation process the appearance of farcical bias toward a pre-determined outcome. The proposal to appoint an unelected interim Council to guide the formation of the proposed local Council is openly referred to in the community as a dictatorship. It is not acceptable to have a team of hand-picked acolytes given the role of shaping the island's future. Given that the island had already agreed to participate in Australian taxation arrangements, and assuming this measure will bring the economic relief predicted, there was no basis for the abolition of self-government. It is recognised that some reform of government structure to reflect the consequential reduction of responsibilities would be necessary and appropriate. In the package of legislation that Assistant Minister Briggs has introduced into Parliament on the 26th March 2014, it is of major concern that key aspects of the preamble to the Norfolk Island Act referring to Norfolk Island have been removed, and I quote, "And Where As the residents of Norfolk Island include descendants of the settlers from Pitcairn island: And Where As the Parliament recognises the special relationship of the said descendants with Norfolk Island and their desire to preserve their traditions and culture:" This in association with the insistence upon introducing a municipal rates system raises questions as to whether there is a deliberate attempt to disenfranchise the Norfolk Island Pitcairn origin families from their lands and effectively from the island. Compared to most settlers who have bought into the island, these island families tend to hold moderate areas of land for current needs and for the use of their future generations. To abandon the range of user pays charges and fees that have been developed over the years and place the revenue raising burden upon landholders has the effect of placing a highly regressive tax disproportionately upon one sector of the community. The Commonwealth contacted the Norfolk Government just hours after we voted against the introduction of rates, advising that they, the Commonwealth, intend to impose a rating system anyway. This demonstrates their lack of regard for democracy, and for this island community. This clearly demonstrates the Department's dictatorial approach to governing Norfolk Island. Thank you Mr Speaker.

MEMBER(S)

Hear hear.

SPEAKER

Thank you Minister Ward. Further debate, Mr Evans.

MR EVANS

Thank you Mr Speaker. I applaud all the previous speakers whether they are for this motion or what's going on ahead of us. I suppose I talk about the community and it's what the community expects of what we are going into as some speakers have alluded too. We entered a memorandum of understanding in 2010 and a lot of us thought we would get a good deal out of that, but unfortunately what has preceded in the last few, well maybe in the last six months has been a disbelief I think from the community to how we have been treated and how things have gone about. We were sort of hoping for a nice democratic process where we would have consultation as a member of this Government, I can see that that has not taken place with the Commonwealth. Unfortunately we have been treated with disdain in most cases as Minister Ward has

just said, we have heard cases that as soon as the Cabinet was about to be sworn in from the previous Administrator, some very harsh words were said towards our Government. The community out there just think that this could have gone a hell of a lot better. We could have had a better outcome for this whole community and I suppose the other, as quite a new parliamentarian, I find it very hard that an Australian parliamentarian could actually sit within his seat and take away the democratic right of any people, and only for economic reasons, not because they've done something terrible, like maybe ISIS or something like that, but to take away someone's democratic right just because for a little while they were economically unviable, I find that very hard and I think that's where the community does. One thing that hasn't really been touched on probably, we look at 68 per cent, if the people, some of the people that live within this island, the New Zealanders, the Fijians, the people that come to Norfolk Island and treat Norfolk Island the way that they respect and how they would have people live in their homeland, the percentage rate would be much higher. We had a lot of people, even Norfolk Islanders, but due to medical reasons, not something that we've done in our voting process, but something that has been forced upon us, not all the people that really hold people dear to their heart were allowed to vote, that in a tiny little way, is just a shameful way of treating our people. We also talk about that Australia recognises our culture and heritage, there is no way that any culture, any native people can continue to practice those things when they are taken off their land, and already we have seen some dirty little things that have happened with some back dating of certain things, back dating to a certain period, where we see Norfolk Islanders all of a sudden start acting because we have too. That land wasn't bought for our personal benefit, it was bought for our future generations, and for little things to happen like that, I think what happened just recently is going to take a lot of work for the community to have any sort of confidence in how we are going to go ahead. Already we may hear from those, that might not know, a big cultural thing for us is Bounty Day, it is where we practice where we came here in 1856, already we can see tiny little changes in things we've done. Bounty Day used to be a happy day, we didn't use it as a political ploy or a political weapon, and now we are having to do that, and I don't think the people of Norfolk Island deserve to have that done to their integrity, and unfortunately this has happened. I hopefully, I don't know how it's going to happen, how all this sort of thing is going to be fixed. But I think we could have got a better deal, as I've said before. I feel sorry for the New Zealand people that live within this community and even the Fijian people that at the moment their future looks very very bleak. And under our system they could get a benefit if they lived here for so long, well all of that has been chucked out the door for those people and for a person that now with the aged benefit going up to 65 for females to tell some of our local people that they're now going to have to go on the dole instead of an aged pension, I think that is pretty shocking. There are some other things I suppose when we look at a Senate Inquiry and you look at all the lies and the deceit and all the terrible things Mr Speaker, last year, I was going to go through the process, I think it was going to be a huge thing within the community to actually introduce same-sex marriage. I know that there are many people in the community, but in the few months after I did table it, not sneakily in anyway, I was called by Government Officials, I was called a sneak, by trying to sneak it in, I did it very openly, I was going to go through all the consultation process with the community. That was about equality, that was giving people a chance, it doesn't matter what gender they are, how small they are, to give people a chance and for someone to turn around and then do this to us, with lies and really in some ways criminal activity, and to leave it very traceable, I find it quite bewildering. Hopefully in the future we will be able to go forward for a better way for Norfolk Island, and I fully support what the Chief Minister has put forward in this motion and like I said, I think the community deserves a hell of a better punch than the one we just got punched with. Thank you Mr Speaker.

MEMBER(S)

Hear hear.

SPEAKER

Thank you Mr Evans. Mr Porter.

MR PORTER

Thank you Mr Speaker. I've spoken on many occasions that I do not want to see the loss of self-government either. However, having said that, the only level of Government that we are losing is State level Government and as I also keep saying, this and Federal level of Government are the ones that we can't afford and in the case of the Commonwealth services, so long as we adopt the mutual obligation principles in terms of taxation, which we have all agreed to,

we should not be treated any differently to any other residents of Australia. In terms of state level functions, if we can't provide, or are not prepared to provide the major portion of this revenue raising own source funding, then I don't believe that we can afford this level of government, and then not having the need for any legislative capacity, why would we burden our community with the costs to operate this level of government when it can be more effectively be delivered by the Commonwealth through a regional council model with expanded responsibilities to reflect our unique circumstances. So although I support the noting of the resolution, I don't believe it changes the necessity and the benefits to reintegration. Thank you Mr Speaker.

SPEAKER Thank you Mr Porter. Further debate? No further debate Honourable Members, we are at the stage of voting upon this motion and the question will be that the motion be agreed to. There is no further debate, I am looking around the table, if there is no further debate I will put the question. The question is that the motion be agreed to.

QUESTION PUT

QUESTION AGREED

SUSPENSION

SPEAKER Honourable Members it is approaching the one o'clock mark and given the conclusion of that particular matter I think it may be an appropriate time to pause for lunch. I would say that we will come back at 2.15pm.

MS ADAMS 2.15pm?

SPEAKER 2.15pm, any difficulty with that process Honourable Members? Okay, Honourable Members we suspend until 2.15pm and I will take the Chair then.

RESUMPTION

REMONSTRANCE – NORFOLK ISLAND LEGISLATION AMENDMENT BILL 2015

MS ADAMS Mr Speaker I seek leave of the House to move the foreshadowed motion regarding the Norfolk Island Legislation Amendment Bill 2015 without notice

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

MS ADAMS Mr Speaker I move THAT this Assembly calls on the
(a) Chief Minister to write to the Prime Minister of Australia requesting that the Australian Government respect the view of the Assembly and initiate action to re-examine those aspects of the *Norfolk Island Legislative Amendment Bill 2015* that results in the removal of the Norfolk Island Legislative Assembly; and
(b) Speaker of the Legislative Assembly to present to the President of the Senate and the Speaker of the House of Representatives of the Commonwealth Parliament copies of a Remonstrance which will read as follows –

REMONSTRANCE

The Legislative Assembly for Norfolk Island respectfully addresses itself to –

The Honourable The President of the Senate and Members of the Senate,

The Honourable The Speaker of the House of Representatives and Members of the House of Representatives in Parliament assembly.

Preamble

The passage, in the commonwealth parliament, of the Norfolk Island Act 1979 conferred on Norfolk Island a limited grant of self-governing powers with its own legislature (the Legislative Assembly of Norfolk Island) with a plenary grant of legislative powers to legislate for the peace, order and good government of the territory established, with its own body politic under the Crown with a wide grant of executive powers and with its own judicial system. The Legislative Assembly for Norfolk Island is constituted of 9 representatives of the people of Norfolk Island; duly and democratically elected

pursuant to the Legislative Assembly Act 1979. The Norfolk Island Legislation Amendment Act 2015 passed by the Commonwealth Parliament in May 2015 removes the self-government powers of Norfolk Island. It has been passed without genuine consultation and negotiation with the Norfolk Island Government, the Legislative Assembly of Norfolk Island or the people of Norfolk Island. The Statement of Compatibility with Human Rights contained within the Explanatory Memorandum for the Norfolk Island Legislation Amendment Bill 2015 asserted that proposal to remove self-government powers from Norfolk Island was the result of an extensive consultation process that found significant support for change within the Norfolk Island community. Norfolk Island voters in a referendum conducted on 8 May 2015 under the Referendum Act 1964 voted by a 68% majority that the people of Norfolk Island should have the right to freely determine their political status, their economic, social and cultural development and be consulted at referendum or plebiscite on the future model of governance for Norfolk Island before such changes are acted on by the Australian Parliament.

GRIEVANCES – The Legislative Assembly of Norfolk Island presents its grievances to the Commonwealth Parliament. These are that: (1) The people of Norfolk Island having been granted self-governing powers, the duly elected representatives of the people of Norfolk Island are aggrieved that self-government should be removed without genuine consultation and negotiation. (2) The removal of self-government in Norfolk Island breaches one of the conventions of self-government in the Westminster tradition that once self government is granted to a political entity, it should not thereafter be taken away except in the most extreme circumstances, for example, war or civil disturbance. See submission of the Commonwealth Attorney-General's Department to the Joint Parliamentary Committee on the Northern Territory, page 8 of Parliamentary Paper No.281 of 1974 where it also states that it would be politically unthinkable to take away such powers after they had been granted.

PETITION –The Legislative Assembly of Norfolk Island and its democratically elected Members respectfully request that the Commonwealth Parliament affirm the rights of the people of Norfolk Island to self-government by repealing the Norfolk Island Legislation Amendment Act 2015 and call on the Prime Minister to confer on the people of Norfolk Island the right to freely determine their political status, their economic, social and cultural development and be consulted at referendum or plebiscite on the future model of governance for Norfolk Island before such changes are acted on by the Australian Parliament.

SPEAKER
Adams.

The question therefore is that motion be agreed to, Minister

MS ADAMS

Thank you Madam Speaker. I don't intend to say very much, other than to say that this is a vehicle that has been used by the Norfolk Island Legislative Assembly back in 1996 in respect of the Euthanasia Laws Bill 1996 endorsement by the Norfolk Island Legislative Assembly on the findings of the Senates Standing Committee on the Scrutiny of Bills. Mr King moved that the Assembly endorsed the findings of the Senate Standing Committee on the Scrutiny of Bills in relation to the Euthanasia Laws Bill 1996, notes that the affects that the proposed legislation would be to diminish the powers of the electors of Norfolk Island to have their elected representatives make rules for the peace, order and government of Norfolk Island and it joins with the Australian Capital Territory Legislative Assembly and the Northern Territory Legislative Government in condemning this attempt to disenfranchise the people of the territories by introducing this paternalistic piece of legislation. Mr Speaker I won't go on and read the whole of that motion, I just mention it to demonstrate that this Parliament has, on an earlier occasion, in 1996 used the Remonstrance facility to put forward a grievance to the Federal Parliament and I just will read from the records of the Northern Territory I think it is. 'Mr Speaker, I inform the House', not this is the Federal Parliament. 'Mr Speaker, I inform the House that I have received from the Speaker of the Legislative Assembly of the Northern Territory a Remonstrance of the Legislative Assembly praying that the Commonwealth Parliament give consideration to the grievances set out in the Remonstrance and not proceed further with the Euthanasia Laws Bill 1996. I have also received from the Head of Government of Norfolk Island a letter and an accompanying Resolution adopted by the Norfolk Island Legislative Assembly urging that the full democratic rights of the people of Norfolk Island be preserved and that the Euthanasia Laws Bill 1996 be not passed by the Parliament, the Remonstrance, the letter and accompanying Resolution will form part of the records of the House.' I just mention those as a demonstration to show that this facility has been used on an earlier occasion

by the Legislative Assembly of Norfolk Island and demonstrates that the power is there for the Parliament to put forward a Remonstrance by Motion to the Federal Parliament if they are not in agreement with what has happened by the Federal Parliament. I think the wording speaks for itself Mr Speaker.

SPEAKER

Further debate Honourable Members? Mrs Ward.

MRS WARD

Thank you Madam Speaker. Minister Adams in an earlier debate referred to a good fight being won in 2006 and I can't believe that I am sitting here and having to fight so hard for a good fight in 2015. We do not want a repeat of 2006. I don't need to spell out the consequences and the impacts and the effects that that decision that was taken in 2006 to walk away from a good decision that has been made by the Australian Government and I thank both Houses of the Federal Parliament and every MP, we do not want further contraction of our economy, an already depressed economy, GST revenue declining yet another 20 per cent over the last four years, I don't need to spell that out, surely, surely Mr Speaker. I will, since I can that, thank you Mr Porter, is the only person at this table who has made some attempt to stop the ridiculousness of this motion, but I will speak to it because the numbers may well be there. I refute the suggestion that this Government was not genuinely consulted. I refute the suggestion that the community has not been consulted over many many years. And it wasn't just the most recent consultation that Minister Briggs would have made his final decision on and taken a Cabinet submission to the Federal Parliament, or the Federal Cabinet, who have ultimately made this decision, it has been on years and years of reports. Minister Briggs referred to 35 reports, and if you look under the APH website and you look at the Bills digest there is a very complete summary, an attachment of all of the reports that have been referred to over those years. What we have here is a Government, a Norfolk Island Government, which unreservedly rejected a proposal. That doesn't leave much room for negotiation Mr Speaker. We have had a Government over two years who does not understand the term 'sanctity of contract' and I don't need to go back through the details of when promises were broken and lies were told. I didn't want to have to get down to that level today Mr Speaker. The fact is that we are unable to deliver for our community national and state level services at a comparable standard full stop. The Norfolk Island Government does not have an achievable, nor viable alternative model. When I asked the Chief Minister last month what would he do to maintain his model of Government, and forget the Territory model, it's not being funded full stop, forget the Commonwealth continuing to pump money in here so we can continue to do the same thing, forget it, the Chief Minister responded to me by saying, we will maintain GST and we will create a local income tax model. Well he should refer back to the original Cabinet submission which Mr Ellicott put to the Cabinet in 1978 where he said, and I would not suggest a local income tax model. I would like to say, for the record, in case there is any doubt, I am not aggrieved that self-government is being removed and I represent people who are not aggrieved, they understand that this is a really tough call, that there is pride, there is emotion caught up in the loss of self-government. And do I agree that things could have been done differently, yes, if you had a Government that was lead by somebody who was prepared to face reality, pull their head out of the sand and accept the position that we are in. Nobody was going to make a decision under the leadership of this current Government, there was a Mexican standoff and this community was caught up in the middle of it. The population was declining, people are closing their doors, families are leaving, people are not visiting the hospital because they can't afford to and we have no superannuation scheme for our ageing population and the number of working people are declining and can not, simply can not, support the ageing population. That's a reality that I would have thought that everybody understood. Basic finances, basic economics, population too small to sustain self-government. But I will share with you Mr Speaker what my mother said to me before she passed away, she said, David should have let the place start to shut down, he should have let people lose their jobs in the public service, because until you affect people's hip pocket they will not understand, they will never understand what you have done for them. You will always have my support Mr Speaker for those initial steps you took in 2010 and I know they're not, the final result, is not what you set out to achieve, it's not what I set out to achieve, but the reality is the surveys and the reports that were undertaken following that time have proven that our community does not have the capacity to maintain mainland level services and I refer to aged care and disabilities. There is a whole list of them. So we had to make a really tough decision, do we want to become a pacific nation that just

crumbles, and by the way there is no foreign aid, because we are not a pacific nation, we are a territory of the Commonwealth of Australia. And the sooner some people work out that that's actually a good thing and we will build a bridge, it's not been broken. We haven't even started. And it would help if people read the Fact Sheets and educated themselves and informed themselves of the transition arrangements that have already been put in place. Our differences that have been taken into account by the Department and by the Federal Minister, but they will not have picked up everyone, because reports that I referred to before, which was an in house report, which was given to the Minister, Minister Adams in October 2013 she chose not to take it anywhere she would appear, she was waiting for a negotiation, a face to face. Now what that demonstrates is that somebody didn't understand how the process works, and either the Commonwealth didn't pick up that this Government didn't understand what was going on around it, or they were not advised adequately and that's why I said I recognize that the Government did the best job that they could with the advice that was available to them. But what this Australian Government decision is, is the beginning. It is the beginning and maybe the Department putting out the Fact Sheets and trying and trying in good faith to give the community information because there was a void which was creating fear, perhaps that has had the opposite effect, perhaps. Although I have been told by people that they feel that they feel comforted by the Fact Sheets. But the fact is that this is the beginning, the transition period is the beginning, this is the time to have those conversations and to nut out all of those peculiarities. And I said people must not be damaged and relations must not be damaged. But as to think that I would support the Chief Minister writing to the Prime Minister to repeal, is that the words? 'To initiate action to repeal' the legislation reform package that has just gone through the House, my answer is I can not, I will not, I have no intention of doing that. The rights of Norfolk Island people, their democratic right to have a say in their future will continue through the responsible Federal Minister, that is the federal and state responsibilities. Local issues, and the shape of that Regional Council is yet to be developed, yet to be developed. So stop the fear mongering, and how about getting engaged in the process and how you would like the future to look, because it is still in our hands with the right people at the table wanting to actively engage in a progressive creation of a progressive model of Government, a sustainable model of Government, will get involved. I respect, and I understand the concerns that people have around having a direct say, or some say in the state service delivery arrangements, I get that, whether there is a mechanism in the Regional Council, or Advisory Councils that are set up with Assistant Minister Briggs, those things can be worked through. You don't panic at that, and say well let's run back to the other side of the road and repeal the reform package, no, you take a deep breath Mr Speaker, you know that, you've done that, and that's why you have accepted the invitation to be on the Advisory Council, that's what this difficult time needs is leadership. And unfortunately it didn't come from Head of Government, and we don't need to go back to the fight I fought the day after the election to try and have that not occur, but it happened, it's our reality. And I wish you well, and all members of the Advisory Council as they move forward into the interim transition period. But speaking of Human Rights, and I will just finish off on that one, because that's where I said, what self-government has done, and I question the way that Norfolk Islanders have been discriminated against by the Australian Government, that's who I ended up getting angry with, not the Chief Minister, the Australian Government, the demands, the demands, nobody will understand this more than the Minister for Finance, and what he has had to deal with, the demands, the ridiculous. But what we didn't do, was set about returning to the core functions of Government through the staged divestment of commercial enterprises, there's fault on both sides here, but at the end of the day what was killing our community was the uncertainty, somebody had to step up and make a decision and it's the right decision. Because it was not in our community's best interest to have our children continue to be discriminated against at a national level or a state level around funding mechanisms not flowing to our school, it was not in our community's best interest for the Social Security System not to cover aged care an extensive range of disabilities and carers support, all the support that goes with entering the bigger pool Mr Speaker. This move is dangerous and I will not support it, thank you Mr Speaker.

SPEAKER
Mr Nobbs.

Thank you Mrs Ward. Further debate Honourable Members?

MR NOBBS

I will respond to the first part of it and I will leave it the rest to the Minister's and what have you. In 2006 I can tell you this Mr Speaker that the Minister responsible, Lloyd, came over here and spoke in this room and he sat about where Mrs Ward is now, and he said simply, we're here to take you over. There had been no discussion, there had been nothing, he had printed data that he handed around the table, I was sitting somewhere over here, I blew my top, because I just could not believe that the bloke could come in with this. I can assure Mrs Ward that it was not the Australian Government that withdrew the attack, they didn't support it from the start because they knew nothing about it and that's where it's wrong. We had a problem, at that time before, as you know Mr Speaker, we went from a budget excess of close to \$3million in 2001 to a deficit running at \$800 or \$900 and heading north, heading upwards by 2004. We had problems and it was because we had overspent, and that was all about it. The issue really in 2006 was spooks, we challenged, it took a couple of years, it takes time in these small communities to make any great change if you consult with people, and the consultation went on, and we come out of it, and I think even the airline was making a profit in 2008 and then things went pear shaped as a result, largely due to the Global Financial Crisis I believe, but some decisions were made that weren't proven to be good in the long term, and they happen, they happen in every, every, every parliament. They're happening now in the Commonwealth Parliament, they happened last year in the Commonwealth Parliament, happened six years before in the Commonwealth Parliament. These things happen and that's what I'm saying here, with what we have got now is for the next 13 months, in a critical time, when all this business is being thought through, because they haven't thought it through in the past, they have new guys that have come in and said you are going to get rid of self-government, they haven't thought through the things, in that period we do not have elected representatives and that to me is critical. And when they start talking about the takeover of democracy is perfectly right. I will leave it at that Mr Speaker if I may and just go from there. Thank you.

SPEAKER

Thank you Mr Nobbs, Minister Sheridan.

MR SHERIDAN

Thank you Madam Speaker, I wasn't going to get into the debate today too much, but I think I have to just for a brief second. Mr Speaker, this Remonstrance Motion on the table there, I believe it is every persons right to bring something to the table for the Members to discuss, whether you believe it or not and that's why I supported the Motion going forward. There has been a lot of discussion in regards to who was right, who was wrong. I think both parties have misled the other party you might say in certain areas. But the fact of the matter is Mr Speaker, that when the Government says that they haven't been consulted, they haven't been consulted on the model of governance that the Commonwealth pushed upon us. And this is all that we really wanted, we put up a Territory model of governance that we thought was suitable for Norfolk Island, that was a model based upon a Territory handling state and local affairs, with the Commonwealth taking back their responsibilities. We thought that was a fair option. The Commonwealth obviously didn't think that, and they have gone down this road of a Regional Council, but it at no time did they try and talk to us and say how is your model feasible, how are you going to pay for it, and if they had of, we could have sat down and worked through the issues, we could have sorted out all the issues of how education would have been paid for, how the health services would be paid for, all the state service delivery. We could have identified the pitfalls, we could have identified what was required from the Commonwealth to assist us, and that is in some sort of transfer payments, as you would get, as every other state and territory gets. So this is what I believe is the shortfall when people say that we weren't, that there was no discussion taken place, there were a lot of reviews and a lot of briefings and a lot of public meetings, and they all centered around different things, whether or not the right people took notice of the right things is debatable. But if I can just get back, I don't want to get lost in that Mr Speaker, I think it has been covered a thousand times, and if we can get back to the Motion how it stands, it states that, and as Member Ms Ward mentioned, to repeal the Norfolk Island Legislation Amendment Act 2015, Mr Speaker I don't support that myself. I support the right for the debate in this House in regards to this motion, but back in 2010, when we approached the Commonwealth Government, I agreed, at that time, that for an exchange in entering the taxation system we would receive some benefits. I still believe that that's the best way to go, we do need to access the services and the financial aid that comes from being in the taxation system and that means healthcare, medicare, etcetera. If you repeal the Norfolk Island Legislation Amendment Act

2015, everything goes. I would like a discussion about the governance model, that's not what this motion says, and that's why I will not support it as it stands today. The governance issue is a separate issue. The majority of this Bill the island needs, and the island needs it sooner than later, I would have liked to see the social services benefits being implemented from 1 July this year with taxation taking place in 12 months time when everybody has had a chance to look at things. That's not to be and we are working towards a commencement date of 1 July 16. But Mr Speaker the governance issue is another matter it might be for another ball park, another playing field, but it's certainly not for this motion today and for that matter I will not support it as it stands Mr Speaker.

MS ADAMS Mr Speaker if I may.

SPEAKER Minister Adams.

MS ADAMS I see the need for a slight amendment to the wording of the petition. The matter that is on before us today is about the loss of self-government, that is what this whole grievance is about, certainly as Minister Sheridan has just said, it is not about the loss of taxation, social welfare, etcetera, etcetera, and I would be comfortable, with your leave to move, in line three of the petition to change the word repealing to re-examining.

SPEAKER Minister Adams you are talking about the final page of the document.

MS ADAMS Yes, it would therefore read 'the Legislative Assembly of Norfolk Island and it's democratically elected Members respectfully request that the Commonwealth Parliament affirm the rights of the people of Norfolk Island to self-government by re-examining the Norfolk Island Legislation Amendment', it's really a Bill at this stage still, 'Bill 2015 and call on the Prime Minister to confer on the people of Norfolk Island the right to freely determine their political status, their economic, social and cultural development and be consulted at referendum or plebiscite on the future model of governance for Norfolk Island before such changes are acted on by the Australian Parliament'. That takes into account the referendum, the vote of the people in this community and encourages a re-examination to return self-government to Norfolk Island, which is possible under the legislation without the loss of all the other component parts. I seek your leave.

SPEAKER Leave is granted in terms of that amendment.

MS ADAMS Thank you.

MR NOBBS Mr Speaker I can't support that really because the Act in itself is one conglomerate of information and my view is that you would repeal the Act and go back and start again. I mean by saying, does self-government really mean that they put in the reference to the Norfolk Island and Pitcairn people in the Preamble, is that part of self-government or is that something else? I think you will find that it's not really what you would consider to be self-government arrangements, I think it's something else, and there are other things I'm sure that would be in there that are really something else if you know what I mean. And I'm not too sure, because I'm talking off the top of my head and it's pretty bald at the moment! But the go is, what we need, I believe is, is real certainty in this, and I would say that the repeal part of it should stay with the understanding, and I don't know how you would do it, that we are looking at change, but we ain't look at this change, well to the extent of the change that is proposed. Thank you Madam Speaker.

SPEAKER Thank you Mr Nobbs. Further debate? Mr Porter.

MR PORTER Thank you Madam Speaker. I preface my remarks by acknowledging that this legislation of the Commonwealth went through both Houses as uncontested legislation, so this motion, I wonder if it is political posturing or is it just false hope. Having said that, I can not support this course of action at this time, as was mentioned before with the shrinking and ageing population and a weakness in the young working and family cohort that doesn't appear to be

able to change in the short term with our help, I don't believe that this community is, or can be self supporting in the foreseeable future and this course of action proposed today may well be a course of action for the people of this island at some point in the future, but I don't believe that time is now.

SPEAKER

Thank you Mr Speaker. Minister Ward.

MR WARD

Thank you Madam Speaker. Mr Speaker, this debate is not about having reform or not, it's about getting the right reform. We all acknowledge that there are positives in the package that has been put forward, but there is also a very nasty sting in the tail with it as well that isn't necessary and that is of course the removal of self-government and that removal of self-government is something that people will feel in so many ways. The many, many things that people approach the Government for on a day to day basis that a Council simply will not have that same facility and structure to deal with and I'm also concerned about the setting up of the longer term arrangements. Having the interim council put in there to make the decision, an unelected group of people making the decisions that affect this place for a very long time to come. I referred this morning to Pope's, former Administrator Pope's, submission to the JSC, he spoke of having several years of interim arrangements, several years, not one year, several years, and there is no guarantee in the system as it stands, that we will simply have one year of interim council and several years of an interim council is a very unpleasant prospect and a very unsatisfactory arrangement for us. I will leave it at that Mr Speaker, it really is a most unsatisfactory arrangement as it stands and that's why I will be supporting this today.

SPEAKER

Thank you Minister Ward. Chief Minister.

MR SNELL

Thank you Madam Speaker. Mr Speaker, Mrs Ward made quite a number of comments, I won't comment on them all, but there are some. She mentioned reports, and we know from information that had been supplied to us, that reports can be manipulated and suit for the purpose which it was intended. Also mentioned the pumping of money into the Norfolk Island community, Mr Speaker there has been examples of where Norfolk Island has also contributed money to the Australian system in regards to the exclusive economic zone take and also in taxation and I refer to a paper, certainly 2009, from the then Chief Executive Officer, where he refers the amount of tax that Norfolk Island has paid for services to Norfolk Island based on the goods imported and so forth and he estimates, and I quote, 'table one details the Australian Company Income Tax paid by firms supplying Norfolk Island with merchandise goods in 2008-09 financial year. The estimates are based on Norfolk Island custom records imports from Australia and the Australian Taxation Office industry benchmarks based on a total level of approximately \$22 million in exports to Norfolk Island. Last financial year it is estimated that \$4.8 million was paid in company income taxes into the Australian taxation system. All in all, a summary of the estimate of the level of taxation collected from Norfolk Island residents travelling to Australia is also provided in table 1, this is estimated to represent \$10.5 million in expenditure by Norfolk Island residents whilst in Australia from which \$1.5 million was contributed in the form of GST revenue to the Australian taxation system. The combined estimated taxation contribution from these two sources is estimated to be \$5.8 million in the 2008-09 financial year'. And I'm certain that that is more so today than it was then Mr Speaker. We have also with us, and has been for some time Mr Speaker, taxation options for Norfolk Island prepared for the Norfolk Island Government by the Australia Government Treasury and these taxation option papers which I'm sure most everyone has seen, also details how taxation affects Norfolk Island, what would be the benefit of different types of taxation systems and so on. So the taxation options for Norfolk Island have been taken into account and we would have liked to have had further discussions on the impact of the current system of taxation into Norfolk Island. We again refer to the economic model of the Australian contribution into Norfolk Island of their economic model and how it will impact on Norfolk Island vis a vis our preferred model of self-government as indicated by Minister Sheridan. The Fact Sheets was also referred to, the Fact Sheets have created distrust in the community Mr Speaker and I refer to of course the change of date re the gifting provisions and so on creating some panic situations in the community with regards to land. So, there is that element out there already regarding the difficulties that can be seen that may apply in the future regarding this

transition into the Australian system. So there are doubts Mr Speaker and I would certainly support this motion.

SPEAKER Thank you Chief Minister. Further debate? Mr Evans.

MR EVANS Just quickly, thank you Mr Speaker, I think in the first part of this Remonstrance in section a there was the word repeal there which I think involves the letter going to the Prime Minister so the word repeal does come up a couple of times, just for everybody else's information. Like I said before in earlier debate Mr Speaker, a better deal in some way, if there is any way we can get back to the table and sort out this better deal whilst there is, and as I understand as most locals have, and certainly myself only for a little while, have lived in Australia under a taxation system, it's not scary, but already I suppose there are some people that will benefit from this. But there is also talk within the community and there are a quite a few people that have been told in some way that certain businesses will reduce quite heavily as far as jobs go and this may be more of a downturn than what could actually benefit the community, but it's certainly because the two Governments haven't come together and work out the perfect model for Norfolk Island, this is the uncertainty that has come out from all of this and so, how can I say it, without saying it and repeating myself, rather than get a little slap we don't need a kick in the groin for want of a better word. Thank you Madam Speaker.

SPEAKER Thank you Mr Evans. Mrs Ward.

MRS WARD Mr Speaker if I may add one additional contribution to the debate here, because I prefer to this as the creation of a sustainable model of Government for Norfolk Island. The complexity of delivering state level services is something that we don't have the capacity to keep up with. It's that old saying catch up or patch up and we would only continue to patch up if we had tried to keep this model. Even the Territory model in any form. The way that legislation and legislative frameworks and support services and funding mechanisms constantly evolve and with us remaining outside in a sense would mean that we would continue to have these problems forever and a day. Here is the opportunity to lock in once and for all. And I will just read a piece from this report, this in house report, the comparisons on the Social Services Mr Speaker, it is just one piece on page 9. This is an in house document that the Administration has created, has created for the Minister, for Minister Adams in 2013, and it says, I will read, 'the cost implications for ensuring that Commonwealth standards are met and are adhered to as well as the program cost for the relevant payment would not be significantly cheaper than full integration and potentially opens the Administration to litigation if the services were not delivered as advertised'. That's just in the social services area and I would ask the community to spread their mind across education where we do not have access to services and programs as of right, or national funding programs. Education is actually the least of our worries, the education difficulties, and they extend back down to early childhood education and care, was spelt out in the Education Review, the report which was handed to the Minister last year, the local Minister. But I would ask people to extend their minds across to the delivery of health services. That's where our challenge lies and that's where we should understand that this is not a loss of anything, this is the opportunity to create a sustainable model and to lock into that network, that complex network of service delivery of national and state services for the betterment and in the best interests for our community. Thank you Madam Speaker.

SPEAKER Thank you, Minister Adams.

MS ADAMS Just briefly Mr Speaker, I do not understand why Mrs Ward keeps talking about remaining outside. This Parliament, this Parliament agreed in 2011 and 2013 to not remain outside. What we did do was, we agreed to hand back Federal responsibilities and align ourselves in a similar way to the ACT and the Northern Territory models of governance, to pay income tax, to come into the social welfare system, to contribute into the social welfare system, in exchange for which we would expect to get the same treatment as the ACT and the Northern Territory, why are you saying we are here asking to remain outside of the system Mrs Ward? We are asking to come into the system, that's what this Parliament asked to do, but we did not, ever, ever,

ever ask to lose self-government, and you were part of that process agreeing that model of Territory self-governance Mrs Ward and never have I...

SPEAKER Please address the Chair.

MS ADAMS Yes Mr Speaker. Mr Speaker never did I hear it said by Mrs Ward in the House that we should remove self-government during the lead up time in 2013 and 2011. What is on the table here is asking to look at the return to Norfolk Island of self-governance, nothing else. State functions, give back back federal functions, retain state functions, have a say Mr Speaker, yourself in this House, at the last sitting talked about the loss of democracy through the loss of state functions, that's what we are endeavouring to get back, that's what our grievance is to the Commonwealth, nowhere else, nothing else. Thank you Madam Speaker.

SPEAKER Thank you Minister Adams. Yes, Mr Nobbs.

MR NOBBS In reality, unless you have control over it, if you leave them to outsiders, it's like everything else, they do what they will do with it, and I repeat again, which I've said in this House, an old mate, a friend I guess, who happened to be the Minister for Territories at the time, I talked about the Hospital and I said you know we've got to do some work on it, 'don't push the Hospital too much', I said why's that? He said all I will get from (unclear on tape) and these other guys is we'll make it a three or four bed hospital if that, have a couple of nurses there and fly em all out, that's what they do elsewhere in isolated communities. So without the taking of responsibility of state, of education and those sort of things it's going to be downfall, I believe, and I'm a bit surprised because regardless apparently, we haven't got a very good education system, the response that I have seen here in the last 20 years, the kids going through the School here is quite magnificent and you will find in these areas there, that if the community gets behind the kids and the school and what have you and they have a say in it and everything, this will go ahead. If you leave it to the Commonwealth to do it, you will have the same thing as these blokes that are flying in now and saying, oh I don't know what to do I will let you know. You don't hear anything more from them. And that's the problem, unless you have some control over your state type operations you are in trouble, that's my view, all communities that I have been too that are isolated areas, I mean really isolated, this area is really isolated, people tend to think it's the centre of the earth, I think it's the greatest place on the earth, that's why I'm here, that's why I am back here, but it's isolated, and it survives through its own power of the people so to speak, and if you give that away we are in trouble. Thank you.

SPEAKER Thank you Mr Nobbs. Chief Minister.

MR SNELL One last word thank you Mr Speaker, Mr Speaker I think what we have to take into account too is that we do have a very good aged care system, I am surprised that it has been raised on a number of occasions that we don't adequately cover our aged care, we do try, and we do have a system, we do have a limited form of disability allowance system as well, I appreciate that it can be better, but we must take into account Mr Speaker that there are Regional Councils throughout Australia who have funding deficits every year and they require huge amounts of money to continue, we have a look at the Australian debt Mr Speaker, over \$40 billion, we look at that and it is calculate at \$2 million a day they are paying in interest and we ask ourselves, \$136 million that has been allocated to Norfolk Island for the next four years of what will be expended here, but what after then Mr Speaker, what after the \$136 million has been exhausted, whether it be Canberra, or NSW or here on Norfolk Island. There is uncertainty in this model and it is the uncertainty that we are trying to rectify, I believe, with this type of motion, and I certainly support the motion.

SPEAKER Thank you Chief Minister. Honourable Members what we have in front of us at this moment is an amendment, which I will put to you if you have had your say, but I just want to be clear about the amendment. Minister you talked about substitution of the word 're-examine' for the word 'repeal', the word repeal actually appears in two places and I was wondering whether you had taken that into account and to see that as a consequential.

SPEAKER Let's be clear so that all Members understand where those two amendments lie. The first will be in item (a) n the second line where the word repeal appears, is it your proposal that that be re-examined?

MS ADAMS Yes and I thank Mr Evans.

SPEAKER Mr Evans raised that and I just want to be clear so that Members know what we are voting upon. And then when we come towards the end of this paper, the heading 'Petition', the third line there has the word 'repealing' in it, and you are proposing that that word there be 're-examing'.

MS ADAMS Yes, yes.

SPEAKER So that the word re-examine is used in those two contexts. Have I got that right?

MS ADAMS Correct, thank you.

SPEAKER So that Members may know what the matter is upon which they will be asked to vote. So if we are at that stage Honourable Members, I am going to ask you to vote on the matter of amendment and that is the matter of amending the word repeal to the word examine or re-examine, it is re-examine in one instance and re-examining in the other. Any further debate before I put that to you? Do we understand that amendment and where we are at all round? Yes, thank you. Therefore I am asking you to vote on the question about this amendment.

QUESTION PUT

QUESTION AGREED

The aye's have it, that amendment is so made Honourable Members. We are now looking at an amended motion, is there any further debate in respect of this motion in its overall sense in its amended form? Minister Sheridan.

MR SHERIDAN Thank you Madam Speaker, if I could just make one quick comment to the amendment of examining, it virtually, the petition then would not really read correctly as it doesn't make sense, because we are not stating what we would like them to examine, we are saying that we want them to examine the total legislation, and as I mentioned before, I will not support the possibility of the extension social services which comes with the taxation etcetera will be delayed. Only thing I would be happy to examine is that part of the governance model and this motion does not say that, and the motion at the front doesn't say that and the petition at the back doesn't say that, so in its current form I don't believe it is sufficient for what is being attempted to achieve.

MS ADAMS Mr Speaker I am comfortable to move that this motion be amended to be a later hour in this sitting in order to take advice on how that could be addressed if the House is happy to do that.

SPEAKER Minister Adams is proposing that we pause on this matter and we bring it back at a later hour in this Sitting to give some examination of the various points that have been made, are we comfortable to do that. If we are comfortable, and I'm assuming that we will do that at this stage Honourable Members, so there I will pause on this matter and move to the next and I will consult when there is a readiness to bring that matter on again.

PUBLIC SERVICE ACT 2014 – APPOINTMENT OF PUBLIC SERVICE COMMISSIONER

SPEAKER Honourable Members we are now at Notice Number Two, the Public Service Act 2014 – Appointment of Public Service Commissioner. Chief Minister you have the call to move this motion.

MR SNELL

Thank you Mr Speaker. Mr Speaker, I move that this House, in accordance with section 15(1) of the *Public Service Act 2014* (the Act), resolve that Michael Francis Moore being a person who has qualification, skills, experience, knowledge, independence and aptitude as expected of a person holding a position such as described in Schedule 2 of the Act and who is not ordinarily resident in Norfolk Island and who is not a former employee of the Administration or an employee of a territory instrumentality be appointed by the Administrator as a Public Service Commissioner commencing on the date of the notice of appointment is published in the Gazette.

SPEAKER

The question is that that motion be agreed to and Chief Minister you have the call to continue, thank you.

MR SNELL

Mr Speaker this has been around for some time and it is in response to the requirement under the Public Service Act as mentioned the appointment in respect to the request from the Administrator in his letter to me of 18th May, and I read 'appointments should not be made beyond the 30th of June 2016 at this time and all appointees must complete personal interest and conflict of interest declarations' and so on. So I have spoken of that with the Legal Services through the Chief Executive Officer and it has been communicated to Mr Michael Moore, who has come back with the following information Mr Speaker. And it reads, thank you for your email I am presently in Geneva on work and I saw your email only a few hours ago, I return to Australia at the end of the week, regrettably I do not have ready access to the papers I have accumulated in relation to my possible appointment as Commissioner. One issue which would concern me would be whether, before 30 June this year I had things of substance to do. My recollection is that I had to provide/create budgets etcetera before 30th June. If appointed now, I would have to do so by 30 June 2015, I doubt that realistically I would have time to do this. One would also have to wonder about the utility of doing so given the demise of the Office next year. Also I think the Public Service Act would require me, as Commissioner, to develop procedures for the lodgment and determination of reviews and complaints, again, one would wonder about the utility of this if the scheme under the Public Service Act is to survive for only another year. These thoughts should not be taken to be a negative answer to your question about whether I would consider a one year, it is something I would like to think about and would be grateful for any response you might have to these observations. Yours sincerely, the Honourable Michael Moore. Mr Speaker, just to relate to the appointment, the purpose is to provide the process and time line required to appoint a Public Service Commissioner, the Commissioner under the Public Service Act, the background is there shall be a Public Service Commissioner appointed by the Administrator in accordance with a resolution of the Legislative Assembly. Clause 15(1) of the Act, appointment of the Commissioner, is addressed in Clause 15 and in Schedule 2, as you are aware, the pool of suitable candidates is small and the Norfolk Island Government and the Administration of Norfolk Island have been corresponding with the Hon. Michael F. Moore since he was recommended by the then Chief Justice Peter Jacobsen in May of 2013. Addressing each of the four points at Clause 15, appointment of Public Service Commissioner: 1. There shall be a Public Service Commissioner appointed by the Administrator in accordance with a resolution of the Legislative Assembly. The action that is required Mr Speaker is that the Minister with responsibility for the Public Service to request Legal Services Unit to draft a resolution to take to the House at the Sitting of the 20th of May 2015, it may be prudent to draft the instrument of appointment at the same time. A person appointed under section 1 must be a person who has qualification, skill, experience, knowledge, independence, aptitude as expected of a person holding a position such as described in Schedule 2 and must not be ordinarily resident in Norfolk Island or a former employee of the Administration or an employee of a Territory Instrumentality. Schedule 2 of the Act lists 10 positions each with qualifications, skills, experience, knowledge, independence and aptitude required of the Commissioner. Michael F. Moore's curriculum vitae addresses the first of these positions. A legal practitioner of not less than 10 years post admission experience. Michael F. Moore was admitted to practice as a Solicitor in the Supreme Court of NSW in 1975 and as a Barrister in the Supreme Court of NSW in 1976 and as a Barrister to the High Court of Australia in the same year. A former Judge or Judge of the Appeal or former Magistrate of not less than five years post judicial appointment experience anywhere in Australia including for the Federal Court of Australia, the Federal Magistrates Court, the Federal Circuit Court of Australia or the Supreme Court of Norfolk Island. Michael J. Moore was a Judge of the Federal Court of Australia from his appointment in 1994 until his resignation in

2011. Without going into too much more Mr Speaker it is clearly apparent that Mr Moore, the Hon. Michael Moore has certainly the qualifications to fit this appointment. The appointment though, taking into account the requests from the Administrator should only be for 12 months, and the appointment of that is hoped to be reflected in the motion this afternoon so that the term for the appointment should only be for 12 months from the date of Gazette of the appointment on the 29th of May and I so move Mr Speaker.

SPEAKER Thank you Chief Minister. Further debate Honourable Members?
Yes, Mrs Ward.

MRS WARD It may be a technical question, but the motion as it reads does not have an end date, even though the Chief Minister has raised that, I am very conscious of not entering into contracts at this stage and whilst I do appreciate that this Commissioner is to be an appeal mechanism for the Public Service, at the same time they are to be appointed by the Administrator. And Mr Moore's response to the Chief Minister, I'm not really clear that he is wanting to take this on under the current arrangements and perhaps to buy some time, I note that the House is intending to suspend, rather than adjourn to give some time for the Chief Minister to have a motion that has an end date to clarify with Mr Moore if he is indeed willing to take this on for 12 months and whether the Administrator is somehow comfortable that Members do enter into contracts at this stage. Thank you Madam Speaker.

SPEAKER Thank you Mrs Ward. Chief Minister.

MR SNELL Thank you Mr Speaker. The end date of course would be the 30th of June 2016 and I agree with Mrs Ward that the reply from the Hon. Michael Moore in regards to the query as whether he would accept a 12 month appointment is slightly open, he doesn't say yes and he doesn't say no. But to satisfy the requirements of the Act and that is for the appeal process and so forth of the Public Service on Norfolk Island I would hate this to be extended for a length of time and not handled by this House, I would certainly recommend that we deal with it this afternoon. Thank you Madam Speaker.

SPEAKER Thank you Chief Minister. Minister Adams please.

MS ADAMS The question of an end date could be achieved by just adding the words and ending on 30 June 2016, that allows the House to have recommended the appointment of a public service commissioner to assist the Public Service, who at this moment have no rights of appeal, and that is not appropriate, and so the very best that we can do as a House is endeavour to accommodate the wish of the Administrator, in that all appointments should not go beyond 30th June 2016, and I would recommend that the words 'and ending on 30 June 2016' be added after the words 'published in the Gazette'.

SPEAKER Leave is granted for that amendment.

MS ADAMS Thank you Madam Speaker.

MR SNELL I certainly concur with that Mr Speaker.

SPEAKER Thank you, further debate? Mr Nobbs.

MR NOBBS There seems to be no clarity about this, so I was wondering whether it might be appropriate to put in that this House, and put in the words, 'recommends to the Chief Minister that he appoint in accordance with Section 15(1)(a) of the Public Service Act (the Act)' and delete 'resolve that'. Does that? You have more experience than me Mr Speaker.

SPEAKER It's really not my call as you will understand, but if I might inject I understand that it is not a Chief Minister appointment, so that amendment.

MR NOBBS But he recommends, he recommend the appointment then? Don't worry about it. I just feel it is most important that we put somebody in the position asap and with all the changes and what have you and the business that superannuation and all this stuff flying around that we need a person in there somehow or other. That's my view.

SPEAKER Minister Adams.

MS ADAMS Mr Speaker, without the legislation in front of me, I'm presuming that Legal Services Unit would have crafted this in accordance with the legislation, and that it would say that there has to be a resolution of the House under section 15(1) of the Public Service Act and you spell out the words, I presume these are mirroring the words that are in the Act, it is the Administrator that appoints, we are not recommending to the Chief Minister to recommend to the Administrator, it is the Administrator who appoints, the House is resolving that Michael Moore be appointed by the Administrator, that's what we are doing, and we are now giving an end date. The end date being ending on 30 June 2016. That's my understanding on how we are meeting the law. Yes, yes, yes. The wording is correct as it currently is, all we are doing is adding on an end date.

MR NOBBS As long as we get somebody in place.

MS ADAMS That then means that we have recommended somebody to be appointed, if the Administrator so chooses to pick up the recommendation of the House he will so appoint, and it then lies with Justice Moore as to whether or not he picks up that appointment. That's how I see it Mr Speaker.

SPEAKER I'm at the stage of putting to you the amendment which is, and the word was concluding, there was another word that you used?

MS ADAMS Ending.

SPEAKER 'ending on the 30th June 2016'. Are Members clear about that amendment? Wording at the end of the motion itself 'and ending on the 30th June 2016'. Honourable Members I will put that to you.

QUESTION PUT
QUESTION AGREED

The aye's have it, that motion is so amended. Do you want to bring it to its final stage, in other words we have an amended motion to vote upon.

MR NOBBS I more that the question be put.

SPEAKER Okay, I don't think I need to put that question to you Honourable Members, but I will put the question. The question is that the motion as amended be agreed to.

QUESTION PUT
QUESTION AGREED

The motion as amended is agreed Honourable Members. Thank you.

MUSEUM TRUST ACT 1987 - APPOINTMENT OF MEMBERS OF THE MUSEUM TRUST

SPEAKER We are at Notice Number 3. Museum Trust Act 1987 – Appointment of Members of the Museum Trust. Minister for Cultural Heritage and Community Services you have the call to move this motion.

MS ADAMS Thank you Mr Speaker. I move that this House resolve for the purposes of subsections 5(1) and (2) of the *Museums Trust Act 1987* that the Minister re-appoint the following as members of the Norfolk Island Museum Trust: Albert Fletcher Buffett; Jeanette Elizabeth Calder; Peter Russell Horrocks; Ronald Coane Nobbs; and Jodie Therese Williams and appoint the following as members of the Norfolk Island Museum Trust: Lisa Richards; and Brian McGrath for the period 9 May 2015 to 30 June 2016.

SPEAKER Thank you, the question is that that motion be agreed to. Minister Adams you have to the call to speak.

MS ADAMS Thank you Mr Speaker. It gives me great pleasure to re-appoint Albert, Jeanette, Peter, Ron and Jodie and thank them very much for the tireless work that they do for us in looking after the Museum collections, in particular the Norfolk collection. And I welcome our former Curator who finished her term of office as Curator onto the Trust and that was a recommendation brought to me by the Trust that this happen and to Brian McGrath who has been helping out without being formally appointed in recent times. For the record Mr Speaker, just so there is clarity around the service that these people have provided. Albert Buffett has served on the Trust 1990 to 1991, 2001 to 2007 and from 2011 to 2015 and has been Chairman of the Trust since 2012 to 2015. Jeanette Elizabeth Calder 2011 to 2015; Peter Horrocks 2011 to 2015; Jodie Williams 2009 to 2015; Brian McGrath served 2012 to 2014; Ron Nobbs 1994 to 1996 and 2007 to 2015. The Museum Director/Curator was the Museum Officer in 2002 and the Museum Curator from 2009 to 2015. I would like to take this opportunity Mr Speaker and whilst not quite relevant to the Museum Trust, I would like to take the opportunity with the former Museum Curator coming on board the Trust, the work, the sterling, amazing work that Lisa Richards undertook for the Norfolk Island Museums.

MEMBER(S) Hear hear.

MS ADAMS The grants that she has achieved for this island through her work, the wonderful wonderful, I can't find the right words Mr Speaker, yes, presentations she has done for this community in her time as Curator. She is to be absolutely applauded for her service as the Museum Curator and she will be missed and I wish her well in her future, we have Janelle Blucher who is now acting as the Museum Curator and I welcome her and thank Janelle for her dedication and service to the role she is performing. Mr Speaker I am in discussion with members of the Trust who are being re-appointed, plus the new ones, on their completion of an appropriate declaration of personal interest which seems to be the new way forward. I am comfortable in recommending their appointment to the House without that documentation being there. But we are in discussion about how we can take this new road forward. I would also like to take the opportunity to table the Annual Report for 2013-2014 for the Norfolk Island Museum Trust and to table the Audit Report for the Museum Trust dated 16 March 2015. Thank you Mr Speaker.

SPEAKER Thank you Minister Adams, debate Honourable Members? Any debate Mrs Ward?

MRS WARD Thank you Mr Speaker. I just can not miss this opportunity to compliment and thank Lisa Richards also for her service to the Museums as the Curator, and it will always be remembered the lady behind the Sirius Museum was Lisa Richards. Thank you Mr Speaker.

MS ADAMS Absolutely.

MR SNELL Mr Speaker if I may. I would certainly like to express the gratitude on behalf of the Norfolk Island Government and certainly the Legislative Assembly and certainly the people of Norfolk Island to Lisa Richards for her efforts in promoting Norfolk Island, not only from a Museum point of view, but from a broader Tourism perspective. The amount of work that Lisa has done in her position as Museum Director is exemplary and congratulations to her and I hope

that whatever she is going to do in the future will be of extreme benefit to her, but she will be sadly missed at the Museums, we appreciate her effort extremely. Thank you Mr Speaker.

SPEAKER Thank you Chief Minister. Mr Evans.

MR EVANS Thank you Mr Speaker. Just very quickly and being a member of the Trial of the 15 as an actor, I certainly have to commend Lisa for being one of the best bosses you can get, always been very good there and always there for her cast and other members. Maybe just for other Members information, all is not lost with Lisa, she has acquired a job very quickly as her talents will not be faded off and I think she has been snaffled up into the tourism industry rather quickly and rather graciously has been offered the hours that she has very graciously resigned from the Museum to spend a lot more time with her family, but I think with her experience she has been allowed to work outside of the hours of school, so all is not lost.

MR NOBBS Just a quick one. I haven't got a conflict of interest here and I would never ever wish to speak anything other than good of all the members of the Trust to date. But I think it was Chairman Albert Buffett who led the charge at our last gathering and praised Lisa for her works, on this point I could not disagree with my relation at all! So that's it! Thank you Mr Speaker.

SPEAKER Thank you Mr Nobbs. Any further debate? The question is that this motion be agreed to.

QUESTION PUT
QUESTION AGREED

The motion is agreed, thank you Honourable Members.

IMMIGRATION ACT 1980 - APPLICATION FOR GENERAL ENTRY PERMIT

SPEAKER Immigration Act 1980, Notice Number 4, Application for General Entry Permit. Minister for Cultural Heritage and Community Services you have a motion.

MS ADAMS Thank you Mr Speaker, Mr Speaker I move that for the purpose of paragraph 17A(1)(e) of the Immigration Act 1980, this Legislative Assembly resolve that - Rujirawan Hongsalerk be authorised to make an application for a general entry permit under the Act.

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

MS ADAMS Thank you Mr Speaker. This application and documentation in support of this application has been provided to all Members at our meeting yesterday and I brought this motion to the House as I understand that I have the support of the Members to do so. My apologies, her nickname is Moo, so maybe it is easier to use her nickname. Moo is married to Rodney Marmin who is a long term resident of Norfolk Island, son of Gaye Nola and sister Trina Shepherd and Moo is married to Rodney. Thank you Mr Speaker.

SPEAKER Thank you, any debate? Honourable Members the question is that this motion be agreed to.

QUESTION PUT
QUESTION AGREED

The aye's have it, the motion is so agreed, thank you Honourable Members. Honourable Members we are approaching Notice Number 5 and in that approach I say to you this, I have to advise that in accordance with standing order 158 that the Business Committee has declared that the Norfolk Island Hospital (Amendment) Bill 2015 shall be passed through all stages at this sitting.

NORFOLK ISLAND HOSPITAL (AMENDMENT) BILL 2015**DAA HOSPETL (CHIENJEN) BIL 2015**

SPEAKER The Norfolk Island Hospital (Amendment) Bill 2015, the Minister for Cultural Heritage and Community Services.

MS ADAMS Thank you Mr Speaker, Mr Speaker I present the Norfolk Island Hospital (Amendment) Bill 2015 / Daa Hospetl (Chienjen) Bil 2015 and move that the Bill be agreed to in principle.

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

MS ADAMS Thank you Mr Speaker. Mr Speaker I table the explanatory memorandum to the Bill and I will read the explanatory memorandum into Hansard. The purpose of this Bill is to enable the Minister to appoint the Director to also be the Director of Nursing. At present the Director of Nursing must be an employee, but the Director is not an employee. The amendment makes it clear that in order to be able to make the appointment the Director must have the necessary qualifications to be appointed Director of Nursing, that is, to be a qualified Nurse. Clauses 1, 2 and 3 are standard references to the name of the Act, its commencement and to the Act being amended. Clause 4 provides for the amendment of section 23D of the principle Act to allow the Minister to appoint the Director to simultaneously hold the position of Director of Nursing provided that the Director is a qualified Nurse. Mr Speaker I also table the Regulatory Impact Statement that was provided to Members, RIS number 5/15 dated 17 March 2015 and I table that into the record and just read a couple of matters. Is the proposal urgent? If yes, explain why and provide the required completion date. Yes, it is identified as a high risk matter from ACHS Accreditation and the completion date is to be by the end of June 2015. The purpose and background of the proposal. I think have already said enough about that. And what are the key elements and the intent of your proposal – the initial recruitment for the Director included the role of Director of Nursing. Subsequent investigation revealed that due to the wording of the Norfolk Island Hospital Act this was unable to be implemented. Under section 23D the Executive Member may appoint an employee who is a qualified Nurse to be the Director of Nursing, however an employee in relation to the enterprise means a person employed under paragraph 21(2A), that does not include the Director. The other option of course is to employ additional staff as Director of Nursing in a supernumerary position with additional costs, that was thought to not be necessary when our Director is in fact a qualified Nurse. I think that is all I have got to say at this point in time Mr Speaker.

SPEAKER Thank you Minister Adams. Honourable Members? Nothing further? The question before us is that the Bill be agreed to in principle, I will put that question if there is no further debate.

QUESTION PUT
QUESTION AGREED

The aye's have it. The Bill is agreed to in principle. We progress to the detail stage Honourable Members. Do you wish to progress to the detail stage?

MS ADAMS Thank you Mr Speaker, unless Members wish to the detail stage, I will move that the Bill be agreed to.

SPEAKER I'm interpreting that nobody wants to dwell upon the detail stage and that we go straight to the final vote which is as Minister Adams has just proposed to us. A motion that the Bill be agreed to. Any final debate? No final debate. I will put that final question to you Honourable Members, the question is that the Bill be agreed to.

QUESTION PUT
QUESTION AGREED

The Bill is agreed.

SPEAKER Honourable Members we are approaching Notice Number 6 and I advise that in accordance with standing order 158 that the Business Committee has declared that the Provident Account Closure and Distribution Bill 2015 shall be passed through all stages at this sitting. Chief Minister I give you the call for presentation of this Bill.

PROVIDENT ACCOUNT CLOSURE AND DISTRIBUTION BILL 2015
DISTREBYUSHASN DEN D SHETEN UDAA PROEWEDENT 'KAUNT BIL 2015

MR SNELL Thank you Mr Speaker. Mr Speaker I present the Provident Account Closure and Distribution Bill 2015 and I seek that the Bill be agreed to in principle. Mr Speaker I table the Explanatory Memorandum to the Bill.

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

MR SNELL Thank you Mr Speaker. Mr Speaker I will read the Explanatory Memorandum into Hansard. 'The Bill makes provision for the closure of the Provident account and for distribution of the amount of A and B accounts to contributors. The Bill proposes that with effect 23 June 2016 (the "cessation date") all contributions to the account will cease and the Trustee will, after setting aside the sum of \$2000 to cover the costs of audit, prepare statements of the benefits accrued to each member of the Account from their A and B accounts. The amount provided for audit is expected to be close to the amount required but any shortfall or excess (either of which is expected to be very small) is either to be paid by or paid to the Administration. The Bill provides for a contributor to request early payment of his or her entitlements after the Bill becomes law but not later than two weeks before 23 June 2016 and from the next pay day after giving notice the obligation of the member concerned, and of the Administration, to contribute ceases until the member is paid out in accordance with the request. The Bill provides that the Account is to be wound up after 30 June 2015 but before 30 June 2016 in accordance with a notice published by the Official Trustee in the Gazette. The Official Trustee is expected to give notice at a convenient time and will have the Account audited after the payment date to ensure that the moneys have been properly distributed. The Bill provides that in the event of dispute or a death, the Official Trustee must hold a member's account until able to pay through a grant of representation or court order. At 30 June 2016 the Act is finally repealed.' And it goes on to explain the Clauses Mr Speaker. Mr Speaker, the Regulatory Impact Statement also gives further clarification. The purpose of this Bill is to finalise the Norfolk Island Provident Account and distribute funds to Members before the Assembly ceases to exist. The future of the Provident Account is uncertain with the replies from the Commonwealth somewhat cloudy and mixed as to the future of the fund. The Commonwealth has mentioned that initial enquiries may indicate the Provident Fund is not a complying super fund which may affect how it is treated in the future. If the Provident Account is not a complying super fund then it is not subject to Australian Taxation legislation so the decision on what happens to the funds should rest with the contributors. The general consensus of opinion amongst the contributors is that the Provident Account funds should be made available to the members without having to retire or resign to do so. This Bill will enable contributors to be able to access their funds by giving two weeks notice but being able to stay in the service by doing so. Members still have the option to deposit their provident account funds into a superannuation account in readiness for the 1st of July 2016 and this action is being encouraged by both the Trustees and the Public Service Association Committee. But it should be a choice for the contributors not a requirement. In regards to consultation Mr Speaker, enquiries between Mr Paul McInnes representing the Commonwealth and the Trustees is partly completed and my last information, the meetings with myself has been completed, preparation of the Bill by Legal Services has been completed and the completion by the Trustees of this regulatory impact statement is obviously completed and of course we present the Bill to the Assembly today after discussions with Members. And I also would like to present Mr Speaker and table the letter from the Norfolk Island Public Service Association Corporation addressed to myself. Dear Chief Minister, The Provident Account Trustees and the Public Service Association (PSA) have been collaborating in relation to amendments to the Provident Account Act 1958 so as to enable members to access their

funds without the need to resign or retire. The PSA would like to formally support the requests from the Provident Account Trustees to have this proposed amending legislation tabled at the Legislative Assembly meeting in May 2015 or earlier should there be a prior meeting to May 2015. The members have also met Mr Speaker and 50 of the 85 members attended a fund meeting and unanimously agreed to proceed with trying to get the Bill agreed to, and that meeting was held on the Wednesday, it was held Mr Speaker on Wednesday, I'm not quite sure of the date, I had it but it's gone. But never the less it has been held Mr Speaker and it was at that meeting unanimously agreed of those members present to have the Bill submitted to this House and for the funds to be paid out as described and the Account be closed as of 23rd June 2016. Thank you Mr Speaker.

SPEAKER

Thank you Chief Minister. Further debate? Mr Nobbs.

MR NOBBS

Mr Speaker I thought the Commonwealth would have worked this through a little bit better than they have done obviously. And it's another thing that you can't get the proper information out of them. The issue really is that the Commonwealth itself had two schemes. They had a provident fund and Commonwealth superannuation scheme. They closed the provident fund in 1978 or 1976 and they were both combined in the superannuation scheme and I can remember there was a transition and it just happened. I wasn't really that keen because I was going to live forever Mr Speaker and I didn't need anything after I got to 65, but it came in handy at 65 I can tell you. So I wasn't too worried about it, but I just thought that the simple thing like that, where they've had experience, some of these younger blokes wouldn't have had experience, but there would be somebody who's had experience at that and they could have rolled it over. But I think the issue here really is that the people don't have to get out of the scheme and I assume that that provision of being able to access the money without resigning will last beyond the 30th of June this year, is there any closing date on it? When's close off?

MR SNELL

30th of June 2016 it will be closed off.

MR NOBBS

It's to be closed 30th of June 2016. Oh well that's ridiculous, because I think there is people in there that would have quite a significant amount of money and they are getting on a bit so I think a bit more propping up might be handy, but it's up to them. It's quite disgraceful that the Commonwealth have been allowed to run this sort of thing. That's my view and I'm not a union person, it's just acknowledgement. Thank you Mr Speaker. I will support the motion and the people are on their own and that's it.

SPEAKER

Thank you Mr Nobbs, the question is that the Bill be agreed to in principle, Mrs Ward.

MRS WARD

Thank you Mr Speaker if I may, I have already expressed my concerns to the Chief Minister on this issue because when one of the Trustees came to speak with us, I asked if they had sought independent legal advice for the members on this proposal and the answer was no. So I am very concerned for the fund members, I'm not a superannuation expert, I appreciate the members of the Provident Fund are very concerned. They are worried about what will happen to the funds post July 2016. But we also understand from the Trustee at our meeting, and this was on the 5th of May Mr Speaker at MLAs, that the Commonwealth were seeking independent legal advice and they suggested that Norfolk Island did the same. I would be more comfortable not to support this Bill today, this proposal, because those discussions are part of what is the transition process and it comes back to the word I used before with the panic situation. I think that it would be better if everybody took a deep breath and understood what the impacts were, because if the Commonwealth can negotiate a better deal for Norfolk, Public Servants who have contributed to, what is effectively a retirement fund, I mean that has been their superannuation for 85 privileged members, then legal advice should be considered, very seriously considered, before any rash moves are made. So at the end of the day the best interests of the fund members are served. That doesn't stop people who may have been at that stage in their lives in the Service who would like to retire or move on, that's certainly not would occur by not voting and not supporting this Bill at

this stage Mr Speaker. It is a very complicated area, it is a complex area, I do understand that people are worried, but that's my thoughts on the matter at this stage. Thank you Mr Speaker.

SPEAKER

Thank you Mrs Ward. Debate, Minister Sheridan.

MR SHERIDAN

Thank you Mr Speaker. Mr Speaker I think this is a reasonable action to take in regards to Provident Fund, we must realise that it's not a government fund, it's not an administration fund, it's the members of the Public Service fund, it's an employee scheme that the employer contributes into. All we are doing, and as has been said, the employees who are in the provident scheme are very concerned about what could happen to their moneys that they have held within this trust account. I think it is reasonable that we provide an opportunity for the scheme to close down in 12 months time because 1 July 2016 superannuation takes over where it will be compulsory for the employer to contribute to an approved super scheme, and as we all know the Provident Fund is not a super scheme, like I said, it is a fund, all it is is a fund for employees, the current rules are that they can only access their funds when they resign from the Administration, now that could be when they are 30 years old, when they are 22 years old, when they are 65 or when they are 70. So it is not a super scheme you might say, even though it has been managed as one for these people in their later years, that's what they rely upon. Because of course without superannuation being compulsory here on Norfolk Island that's what a lot of people have managed, but it doesn't stop other ideas being assessed, other avenues being assessed to have a better deal with the funds that are maintained in the Provident Fund, all we are doing here now is facilitating the members to access their funds prior to 1 July 2016 when superannuation is compulsory, and then those funds if caught up could be liable for taxation etcetera. So it will be up to each member to ascertain what they need to do, we're only facilitating part of it, we're allowing them to access those funds without retiring you might say from the Administration. What those people do with those funds really is up to them. Every circumstance, every persons position will be different, some will be of retirement age, some will only be beginning their working life and they will need to enter into a super scheme and they will be able to maybe place the whole amount into the scheme, so I think it is reasonable that we go down this road, things are so very much up in the air, it's something that we can provide a bit of certainty to, those members that will be able to access those funds prior to 1 July 2016.

SPEAKER

then Minister Ward.

Thank you Minister Sheridan. Any further debate? Mr Porter,

MR PORTER

Thank you Mr Speaker. I find it hard to support this primarily because of the risk for these funds, these funds that have taken many years to accumulate could be lost before their intended use occurs. I'd rather the trustees and members seek advice from competent practitioners regarding the best way forward. But I don't want to stand between these workers and what is rightfully theirs although I find myself in a difficult situation given that this is a private fund, I will reluctantly support the motion. Thank you.

SPEAKER

Thank you Mr Porter, Minister Ward.

MR WARD

Thank you Mr Speaker. Mr Speaker with funds accrued for the members of this scheme have been earned and accrued to each members credit outside of the Australian taxation, this Bill allows those members to take control of those funds and give them the flexibility to position themselves according to their circumstances prior to the introduction of the tax system. The other affect of this Bill is to release members from a binding situation that would have forced many to retire in order to protect their financial wellbeing, this is also advantageous for the Administration to not have to recruit and replace or lose these valued and experienced personnel. I certainly will be supporting the Bill today. Thank you.

SPEAKER

Thank you Minister Ward. Anything further? Mrs Ward.

MRS WARD I would just like to ask for clarity, and perhaps the Minister for Finance could answer this, although Minister Ward referred to it as well. It being a private fund, and am I not correct in believing that there has been public contribution to this scheme over the years as well, so it's not just the employees contribution, there's actually been a public contribution as well and just to say that the protection of those peoples financial circumstances is actually my concern sitting here today as well, thank you.

MR SHERIDAN Thank you Mr Speaker if I could just make comment. Yes it is a private fund, and the Government, the Administration, does contribute to it, that's the end of it, but once the contributions are made it is the members money, the Administration has no further control over it, and that's why last year there was a requirement, why in previous years when the Administration did their audit, had their books audited, they used to audit the Provident Account as well, but it came to light in the last couple of years that the Administration had no responsibility, no authority really to audit the Provident Account, it was the responsibility of the Trustees, the Trustees manage the Account and I understand everyone's concerns in regards to the members money and protecting them. But Mr Speaker we are not their protectors, we're not their protectors, it's their money and they should be able to do with it what they so wish. Now they are the ones who need to get some professional financial advice as to what to do with that money – roll it over into a super scheme the best way that they can if they want to continue into the tax system in 12 months time with that money in an approved super scheme, they have to get the right advice, we can't provide that, all we are doing is providing access to those funds without them having to retire from the Administration.

SPEAKER Okay, the question before us is that this Bill be agreed to in principle. I will put the motion to you Honourable Members.

QUESTION PUT

QUESTION AGREED

Abstention, Mrs Ward. Call the House or are you happy that we record that as an abstention from Mrs Ward, thank you. The Bill is agreed. Are you agreed that we dispense of the detail stage? Yes, okay we will dispense with the detail stage and therefore I seek a final motion please, Chief Minister.

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

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

QUESTION PUT

QUESTION AGREED

Abstention, Mrs Ward, so recorded as an abstention from Mrs Ward. The Bill is agreed Honourable Members. We have concluded Notices.

ORDER OF THE DAY

SPEAKER We have one order of the day.

KINGSTON AND ARTHURS VALE HISTORIC AREA (KAVHA) – REVIEW

SPEAKER Kingston and Arthurs Vale Historic Area (KAVHA) – Review resuming debate on this question, Mr Nobbs you have the call to resume.

MR NOBBS Thank you Mr Speaker. Just by way of explanation on this. This motion was introduced almost a year ago and I spoke on it some six months ago and the reason it was introduced, it was primarily to ensure that the KAVHA management plan, which at the time was being amended, would be discussed by MLAs. The timing of the motion was following considerable input into a draft report by groups and the community, but prior to finalisation of a draft being available for public display and a final draft being available for endorsement or otherwise by the Norfolk Island Legislative Assembly and Government. The motion on introduction was left on the table until an

appropriate time when the draft plan would have passed through its development stages and would have seen to be virtually completed and prior to it then ticked off by both the Commonwealth and Norfolk Island Governments. Unfortunately the draft plan has not been progressed to that stage even after all this time. KAVHA is an extremely important part of Norfolk Island history, including the part post 8th June 1856. It is a great concern that the current planning arrangements has not been concluded and the Assembly has not been offered the opportunity to peruse and support or otherwise the document. But again, the history of the establishment of KAVHA is clouded with controversy, there was the eviction of course in the early 1900s which you all should be aware of, and if you are not you should learn about it, the establishment of the boundaries proposed for KAVHA itself was also clouded in controversy when it extended beyond the reserves into the surrounding privately held land, although the opposition was softened a bit by the Commonwealth conceding that the management of the area would be conducted under Norfolk Island legislations, 15 years later the Memorandum of Understanding between the Norfolk Island and Commonwealth Governments was included the provisions for that to occur and 20 years farther on the required legislation has not been completed. Given the island at best, precarious democratic conditions, and rather strange attitude I feel, in relation to local culture and other issues, not being full thought through, one can assume that KAVHA will be completely taken over by the Commonwealth and that joint management arrangements will cease on the 1st of July 2015, that is an assumption from what I have heard. It is not my intention to progress the matter today, but intend to move at an appropriate time that the matter be made an order of the day for a subsequent day of sitting. I would expect it to be the first item on the agenda when the proper democracy is returned to this island. Thank you Mr Speaker.

MEMBER(S) Hear hear.

SPEAKER Thank you Mr Nobbs. Any further debate? Are you moving that adjournment Mr Nobbs.

MR NOBBS I move that debate be adjourned and the item be made an order of the day for a subsequent day of sitting.

SPEAKER Thank you indeed Mr Nobbs.

MR NOBBS After all these years Mr Speaker I can now remember it!

SPEAKER Thank you Mr Nobbs, I put that question to you Honourable Members.

QUESTION PUT
QUESTION AGREED

The aye's have it, thank you, that matter is so adjourned.

REMONSTRANCE MOTION

SPEAKER Honourable Members we earlier suspended the matter of the Remonstrance and we now return to it, if Minister Adams you are now prepared to so proceed with it? And I give you the call.

MS ADAMS Thank you Mr Speaker. You have now been provided with an amended copy and I will lead you through those amendments with the Speaker's indulgence.

SPEAKER Yes, leave is granted in terms of making proposed amendments if that is the stage you are at Minister.

MS ADAMS In the new Remonstrance that you have before you, wherever it might have said Norfolk Island Legislation Amendment Act, the word Act has been changed to Bill. Paragraph (a), the change comes, we are replacing the words 'and initiate action to repeal the Norfolk Island Legislation Amendment Act 2015' with the words 'and initiate action to re-examine those

aspects of the Norfolk Island Legislation Amendment Bill 2015 that results in the removal of the Norfolk Island Legislative Assembly'. Turn to page 2, the paragraph commencing 'The statement of compatibility with Human Rights', the second line, it now reads 'asserted that the proposal' the word 'the' has been put in. And then on page 3, in the petition, the words, bearing in mind we inserted re-examining, so we are replacing 'by re-examining the Norfolk Island Legislation Amendment Act 2015' with these words 'by a re-examining those aspects of the Norfolk Island Legislation Amendment Bill 2015 that result in the removal of the Norfolk Island Legislative Assembly', the rest remains. Could I take this opportunity Mr Speaker before going any further to thank Crown Counsel for this sterling effort, he was given an hours notice, my fault, can't blame anybody other than myself, and to have got to the point we got to in such a short period of time, I thank him very much, and thank the staff, the officers of the Assembly who assisted him in getting the document to the stage that it is in now. Thank you, I have got nothing further to say Mr Speaker, I think it has all been said.

SPEAKER Thank you Minister Adams. We have a further amendment obviously in front of us and that is the matter of debate Honourable Members. Any further debate in respect of that matter before I put the question to you? No further debate? Is the amendment clear to each Member in terms of the paper, is it clear? Okay, in terms of clarity, okay.

QUESTION PUT

QUESTION AGREED

The aye's have it, the amendments are so made Honourable Members, in terms of that outlined by Minister Adams and circulated to you in the paper. We come to the final motion then Honourable Members, that is the final question of the Remonstrance as amended be agreed and I will put that question to you.

QUESTION PUT

Will the Clerk please call the House.

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

SPEAKER The result of the voting Honourable Members, the aye's 7, the noe's 2, the motion is agreed. Honourable Members we have now concluded our business of the day, and we turn to a matter of our next sitting and arrangements. Minister Adams.

SUSPENSION

MS ADAMS Thank you Mr Speaker. Mr Speaker I move that this House stands suspended until a date and time to be determined by the Speaker.

SPEAKER Any debate Honourable Members? I will put that question to you Honourable Members that this House stands suspended until a date and time to be determined by the Speaker.

QUESTION PUT

QUESTION AGREED

The aye's have it. Honourable Members then we so stand suspended until a date and time to be determined by the Speaker.