



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
11TH NILA HANSARD – 29 SEPTEMBER 2005**

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

SUSPENSION OF STANDING ORDERS

SPEAKER Honourable Members, this is a special meeting of the Legislative Assembly which has been convened by the Administrator on the request of the appropriate number of Members of the Legislative Assembly. Chief Minister I turn to you

MR GARDNER Thank you Mr Speaker, I move that so much of Standing Orders be suspended as would prevent the House from only dealing with the matters listed on the Programme

SPEAKER Thank you Chief Minister. The question is that this motion be agreed to. Is there any debate? Then I put the question

**QUESTION PUT
AGREED**

The ayes have it thank you. So much of Standing Orders Honourable Members, are therefore suspended as would prevent the House from only dealing with the matters that we have listed on the programme

LEAVE – MR N CHRISTIAN

Can I firstly say Honourable Members, that Mr Neville Christian has sought leave from the sitting today. Is leave granted? Leave is granted Thank you

PROPOSAL TO AMEND STANDING ORDERS

SPEAKER Notices in terms of the programme Honourable Members, and in terms of the Chief Minister's proposed motion which we have just resolved

MR GARDNER Mr Speaker I move that this House resolves as follows; (1) That the motion of the House of 10 November 2004 appointing a Committee of Privileges be rescinded; and (2) That Standing Order 18 be deleted and the following substituted: "18. A Committee of Privileges shall be appointed as soon as practicable after the opening of a new House to – (a) inquire into and report upon complaints of breach of privilege which may be referred to it by the House; and (b) inquire into and report upon any matter referred to it under the Legislative Assembly (Register of Members' Interests) Act 2005. The Committee to consist of three permanent members and an alternate member to act when a permanent member is unavailable due to illness; is off Island; or nominates to be absent due to a conflict of interest or some other

reason.". (3) That Standing Order 212 be amended by adding at the end – "and when it is receiving evidence under the Legislative Assembly (Register of Members' Interests) Act 2004.". (4) That Standing Order 213 be amended by adding at the end – "except when the Committee is receiving evidence under the Legislative Assembly (Register of Members' Interests) Act 2004.". (5) That Standing Order 214 be replaced by the following – "The Committee may exclude Members, other than Members of the Committee, when – (a) the House so authorises; or (b) It is receiving evidence under the Legislative Assembly (Register of Members' Interests) Act 2004."

SPEAKER Thank you Chief Minister. The question Honourable Members, is that, that question be agreed to

MR GARDNER Mr Speaker as Members would be aware and some of the listening public I am sure, the Tenth Legislative Assembly enacted the Legislative Assembly Register of Members Interest Act 2004 with some of those provisions including sections 1, 2, 3 and 13 commencing on gazettal on the 3rd December 2004 and the remaining provisions of that legislation commenced on the 24th June 2005 by notice in the Gazette fixed by the Administrator on the 24th June 2005. Mr Speaker the Legislative Assembly Register of Members Interest Bill deals with matters such as the Code of Conduct, disclosure of Members interest, and these were the subject of the further commencement of the provisions on the 24th June 2005 allowing Members to make returns to the clerk of the House in relation to their interest and for a register to be held by the clerk in relation to those matters. Mr Speaker it was intended with the final and full commencement of that legislation to make consequential amendments to our Standing Orders that would allow our Standing Orders to speak to the legislation and vice versa and the matters before the House today are in relation to those amendments to Standing Orders. In developing the proposals for amendment to Standing Orders the Clerk of the House has also prepared a paper which is available for people who are looking to ensure that the process is followed in regard to the lodgement and consideration of complaints that are lodged under the Legislative Assembly Register of Members Interest Act 2004. That paper has been completed obviously subject to the passage of the motion before the House today. At this stage I have nothing further to add in relation to the motion as it stands and look forward to any debate or input from Members around the House

MR T BROWN Mr Speaker Thank you. Chief Minister that's all well and good but why exactly did we need to call a special sitting today to deal with this when we could have just dealt with at the next available sitting

MR GARDNER Mr Speaker thank you. In the interest I guess of transparency and accountability I understand that a complaint has been lodged and under the legislation it requests that a reference be made I understand to the Committee of Privileges within seven days and I felt that because of the public importance that's placed on these matters that the matter be dealt with as soon as is practicable and in the Norfolk Island environment I know that it causes each of us some inconvenience to be called together at very short notice but just felt that it was appropriate to do so

MRS JACK Mr Speaker, I was wondering myself why the special meeting because there was a clause provision that said if a provision of the Standing Orders of the Legislative Assembly is in conflict or is inconsistent with the provision of this act the provision of this act should prevail but I have no problem in having the special meeting to address this housekeeping issue because it just wasn't one amendment, it was several and I think its important that as much correctness be attached to this very important, what I see as a very important piece of accountability that this house has. Thank you

MR BROWN Mr Speaker I'm uncertain as to the precise reason for a special meeting having been called about this. It would have been a simple matter to just suspend Standing Orders if need be in order to deal with it, but nevertheless, the meeting's been called. We're all here. In due course the reason for the meeting will become apparent. I propose to abstain from voting on it because I'm not a supporter of urgent meetings being held without the cause being fully disclosed but having said that I don't propose to vote against the motion

SPEAKER Any final debate Honourable Members? I put the final question that the motion be agreed to

QUESTION PUT

AGREED

MR BROWN

ABSTAIN

Thank you Honourable Members, the motion is agreed to with Mr Brown abstaining

APPOINTMENT OF COMMITTEE OF PRIVILEGES

MR GARDNER Mr Speaker I move that this House pursuant to Standing Order 18 appoints Geoffrey Robert Gardner, David Ernest Buffett and Timothy Sheridan, to be members of the Committee of Privileges, and Neville Charles Christian as the alternate member

SPEAKER Honourable Members, the question is that, that motion be agreed to

MR GARDNER Mr Speaker I don't have a great deal to add to that. It really is a motion constituting the Committee of Privileges as is required to be done under Standing Orders and I commend the motion to the House

MRS JACK Mr Speaker, when this Committee was first appointed under this Legislative Assembly I was a Member of the Committee of Privileges and under the legislation the one that we are asked to agree to today, it is that there should only be one executive Member on the Committee. Mr Speaker I have no problem in the Chief Minister being that one executive Member. I had a sentimental tie to it in that it was my motion that brought this matter before the House but I have as I said no trouble with agreeing to the Chief Minister and I won't be contesting anything, thank you

MR BROWN Mr Speaker on the basis of what I said earlier I'll abstain from voting on the composition of the Committee

SPEAKER Any final debate Honourable Members? I put the final question that the motion be agreed to

QUESTION PUT

AGREED

MR BROWN

ABSTAIN

Thank you Honourable Members, the motion is agreed to with Mr Brown's abstention

Honourable Members, in the context of all of that the Legislative Assembly Register of Members Interest Act 2004 requires the Speaker to no later than the 30th September

each year prepare an Annual Report to the Legislative Assembly stating how many complaints under this Act has been received in the twelve months to the preceding 30th June and in that context I have to report that there have been no complaints under the Act in the twelve months to the 30th June 2005 and I table that report

That concludes therefore the matters to be brought forward at this special sitting and we look at fixing our next sitting day which is proposed for tomorrow

FIXING OF THE NEXT SITTING DATE

MRS JACK Mr Speaker I move that the House at its rising adjourn until Wednesday 19th October 2005, at 10.00 am.

SPEAKER Thank you Mrs Jack. Is there any debate. The question is that the Motion be agreed to. I'll put that directly I think because that is the date that we had already set on another occasion

QUESTION PUT
AGREED

The motion is agreed, we've fixed our next sitting day

ADJOURNMENT

MR SHERIDAN Thank you Mr Speaker I move that the House do now adjourn

SPEAKER Is there any debate Honourable Members.

MR GARDNER Mr Speaker just as a matter of information to the community I understand that the Petro Discoverer is discharging fuel at the Mobil Ball Bay facility and that it is expected that any directives issues under the legislation passed by this House last week in relation to emergency fuel supply will be lifted some time tomorrow as and when fresh deliveries are made to the service stations and other businesses on the island, thank you

MRS JACK Mr Speaker, I will be putting an announcement in the paper but I would just like to inform the listening public today that as of last week or early this week I should say the crusher final approval was given and that the company in question is able to start crushing rock under certain conditions of approval

SPEAKER Thank you. Is there any further adjournment debate Honourable Members. There being no further debate I put the question that the House do now adjourn

QUESTION PUT
AGREED

Therefore Honourable Members we so adjourn until tomorrow morning, Wednesday 19TH October 2005, at 10.00 am