



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY  
12<sup>TH</sup> NILA HANSARD – 29 JULY 2009**

**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

Thank you Honourable Members

**SUSPENSION OF STANDING ORDERS**

MR GARDNER Thank you Mr Speaker, I move that so much of standing orders be suspended as would prevent only those matters appearing on today's programme from being dealt with at this sitting. Thank you Mr Speaker just in explanation for those listening as we met only a couple of weeks ago in relation to our normal monthly sitting, we have had some discussion since that meeting to suggest that we only deal with these two proposed Social Services Amendments today as they appear on the Notice Paper and to dispense with the other business on the Notice Paper and I commend the motion to the House

SPEAKER Thank you Mr Gardner. Any further debate Honourable Members. I put the question that the motion be agreed to

Question put  
Agreed

The ayes have it, the motion is agreed

**MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 33**

SPEAKER Honourable Members, I have received the following Message from the Office of the Administrator and it is Message No 33 which reads that on the 30<sup>th</sup> June 2009, pursuant to section 21 of the Norfolk Island Act 1979, I declared my assent to the following proposed laws passed by the Legislative Assembly, the Goods and Services Tax (Amendment) Act 2009 (Act No 8 of 2009); the Departure Fee (Amendment) Act 2009 (Act No 9 of 2009); the Appropriation Act 2009-2010; (Act No 10 of 2009); and Waste Management (Amendment No. 2) Act 2009 (Act No 11 of 2009); and that message was dated the 30<sup>th</sup> June 2009 and signed Owen Walsh, Administrator

**ORDERS OF THE DAY**

We move on Honourable Members

**SOCIAL SERVICES (AMENDMENT NO. 2) BILL 2009**

SPEAKER Honourable Members we resume debate on the question that the Bill be agreed to in principle and Mrs Jack you have the call to resume

MRS JACK Thank you Mr Speaker just to refresh to those listening in the community this morning, that this amendment Bill proposes to make provision for the creation from time to time of special benefits to be paid to low income families and individuals in situations where economic circumstance, whether as the result of Administration policy or legislation or external effect, may make such action desirable in the public interest. In discussing this amendment further with my colleagues, Mr Sheridan raised a couple of matters yesterday and I would just like to raise them here in this place. One of them was his concern over the inclusion that we have here that says who will be able to receive this benefit, (a) an adult person or (b) a person who has attained the age of 15 years. That age was brought about so as to enable those in the community who are undergoing apprenticeship training and who may be living externally to their parents here on Norfolk Island to be able to perhaps claim a benefit due to low income circumstances. That age is in line with that of the school because there is no compulsion for a person to stay on at school after attaining the age of 15. Also Mr Sheridan showed some concern over different benefits having different age requirements for youth and that is allowed because each benefit has a set of definitions that relates to that benefit just as this low income special benefit 26(A) have a set of criteria and so there need to be a same age throughout the Act is not relevant. The third matter that Mr Sheridan raised was in listing this particular benefit in, I think about section 18 of the Act which lists all the types of benefits available under this Act, and that covers the aged pension, the widows pension, handicapped, invalid, children's and special benefit and Mr Sheridan was querying whether that section would also have to be amended to include low income special benefit and the answer was no. It is actually still a special benefit but a particular kind of special benefit so I hope those have answered Mr Sheridan's questions and unless there are other concerns raised by Members of which I'm not aware but I'll just wait to see if there is anything else to be discussed before I ask that we continue on with the process

MR MAGRI Mr Speaker I just have a question for the Minister in relation to this Bill. I said when it was introduced at last month's sitting I think it is a terrific initiative and I think that it is probably long overdue in relation to helping and providing assistance for some of the people who would have fallen through the cracks from the other different benefits that we offer on Norfolk Island. I think the particular sector that this will help the most is single mothers and I think it's a terrific initiative and I applaud the Minister for bringing it forward but obviously it's going to come at a cost and I just wonder whether the Minister can provide some information on what the potential financial impact of this is going to be on the Administration

MRS JACK Thank you Mr Speaker yes in discussions with my fellow Ministers and all Members around this table and in discussions with the Service we have made provision that perhaps some 300 persons might make claim on this and an amount of some \$330,000 has been budgeted in this years current budget should all those people avail themselves of this service. Just also explaining Mr Speaker that this will be a schedule 3 matter and should it be passed today, then it will be forwarded to the Commonwealth to receive assent and hopefully there will be no problems in that assent process and as it is something that is able to assist those in the community that may be suffering I hope that we have a speedy passage and consideration within the Commonwealth sphere. Also the need to have guidelines in place. I have been questioned by one Member of the community directly about those guidelines. Those guidelines are in the process of being made. However, I'm not going to rush ahead, just in case there are concerns shown by the Commonwealth although hopefully, not, and perhaps we may have to make some changes. However, my understanding is that we have been in discussions with the Administration in dealing with this legislation so I'm hoping for a speedy passage

MR SHERIDAN Mr Speaker I think I've made a few comments on this just a couple of weeks ago and I'll be supporting this, because as Minister Magri has stated, it's a facility for low income earners on this Island to supplement their income. I

would just like to make a couple of comments in relation to my concerns that I had yesterday, and the Minister has already touched on them, and the first one that I would like to touch on is the listing of this benefit under paragraph 15 of the Norfolk Island Social Services Act and under section 15 it lists all the benefits that benefits are paid for and as the Minister has quite rightly said, it says there in 15(2) that benefits so far are the aged benefits, invalid, widowed persons, orphans, handicapped children's, special benefits, supplementary benefits and long term care benefits. I don't agree with the Ministers reasoning that this is just another – it doesn't need to be listed because it's just another special benefit, a part of the special benefit paragraph. If that was the case we would never have needed this to come to the House and we agreed to alienate this low income special benefit apart from the special benefit section because that section did not cover fully the criteria that this low income special benefit does. The special benefits are what we call hardship benefits and we didn't want people to get confused and apply under the low income special benefit for a hardship benefit, so this is why it was alienated from the paragraph f special benefits. Now I believe that this should be included as a separate item in the Act because benefits are listed. If we don't list this low income special benefit there may be a discussion about whether or not it is legal to actually pay it because in further paragraphs down, each benefit is identified and the requirements to be eligible for those benefits. But without listing it, are we legally entitled to pay it. I don't know. That's a matter for the Minister and the Legal people to take up. I intend to support it. I won't hold that up purely because of that. That is something that she can bring to the House later. The other one wasn't a concern, it was just with regard to the age of 15 and it brought to light an interesting topic because if you look at school age requirements and you must go to school between the age of 6 and 15, so you can leave when you're 15, so this is why we put 15 years of age under this low income special benefit. As the Minister quite rightly said, in a couple of other areas, they quote 16 years of age. This will suffice for the time being but it just raises another important question, and I was doing a bit of research last night into the New South Wales Education Act, and I believe that back in May the Premier of the time, passed a Bill that from the 1<sup>st</sup> January next year, that is 2010, the actual school leaving age will be 17. It's the completion of Year 10, the School Certificate or turning 17 or you may leave prior to 17 if you are taking up a TAFE accredited course apprenticeship, and there's a few other qualifications that go with it, but it just does make one wonder whether or not we will have to consider, considering that we do take on board the New South Wales Education Act, whether or not we will have to consider those amendments as well, to maybe allow our children to fully compete with children from Australia when they are applying for jobs in Australia because from next year, the children will have a Year 10 school certificate or they will have a TAFE qualified course or they will have an apprenticeship. They will not have the ability to leave school at 15 and just go and get a dead end job without any qualifications. They will have a piece of paper so if our kids on the island leave at 15, without completing year 10 and no school certificate, they will find it very hard to compete in the outside world, if we don't look at the Education Act and amend those ages. Now I'm getting off the track a little but I've had a puzzle over this 15 years qualification for the low income special benefit and whilst it does comply with our Education Act at this point in time so that is quite correct, I do believe that this will lead into other areas of our legislation that will need to be amended. Thank you

SPEAKER Any further debate Honourable Members. I put the question that the Bill be agreed to in principle

QUESTION PUT  
AGREED

The Bill is agreed to in principle

We now move to the detail stage. Is it the wish of the House to dispense with the detail stage. We so dispense. I call on Mrs Jack

MRS JACK

Mr Speaker I move that the Bill be agreed to

SPEAKER

Thank you Mrs Jack. Any further debate? The question is that the Bill be agreed to Honourable Members and I put that question

QUESTION PUT  
AGREED

Thank you. The Bill is so agreed to

### **SOCIAL SERVICES (AMENDMENT NO. 3) BILL 2009**

SPEAKER

Honourable Members we resume debate on the question that the Bill be agreed to in principle and Mrs Jack you have the call to resume

MRS JACK

Thank you Mr Speaker again this amendment is to the Social Services Act and it deals with the method of payment to recipients of Social Welfare benefit and what it is seeking to do, is to have it so that all payments will be by direct credit to a bank account specified by the person entitled to receive the benefit or in such other manner as determined by the Executive Member. Mr Speaker this very same section, or a copy of it is also in place in the just agreed to previous Bill. Now the reason for this doubling up of this legislation or a surplice as my fellow Minister Mr Gardner said yesterday in discussion of this, is that the previous Bill was a stand alone and to make sure it started as we would like to continue on. That is, that all payments be paid directly into a persons bank account or in such a manner as determined by the Executive Member. What this stand alone amendment seeks is that once agreed to by the Commonwealth all payments would take on that same method of payment and once agreed to will in fact make the similar section in just agreed to Bill surplus to requirements but it is just making sure that the way we start with 26A is the way we want to go on and it's bringing all the others into line. Can I also just say that this type of payment is already in effect throughout Australia with Centrelink, not that one just copies for copying's sake but it certainly means a faster method of getting the funds to the recipient and I'll just see if any of my fellow colleagues around the table wish to discuss this further

MR GARDNER

Thank you Mr Speaker, yes, just briefly in relation to this, just to clarify for those listening the intent of this provision and the amendment to section 41, is it intended Minister that these provisions will allow the executive Member, in this instance, you, to be able to determine that a persons benefit that they receive is able to be credited against Administration accounts for example. Not only to have their benefit paid to them either by cheque, or by cash or by some other means but also a mechanism to be able to have it credited against Administration accounts

MRS JACK

Thank you Mr Speaker it's not my intention but if you want to certainly put an option there down the bottom of the application form, and when you are asked on method of payment if people want these benefits, well especially in the matter of 26A, that is the low income, if people wish that amount to be paid off against current or perhaps outstanding Administration bills I don't have a problem, but it would have to be the whole amount, and not so many dollars here and so many dollars there. It would have to be the entire amount. As for the receipt of your social welfare benefit, no. I don't want to get involved in taking money off before it gets there for the entire benefit. You know what I'm getting at. I think people have to budget. If they wanted that to occur, and seek assistance with so much money going off into that, well that's another matter and is strictly between that person and the responsible officer but I'm certainly not going to go in heavy handed and say before you get your money you're going to have to pay off all your Admin accounts, if there is such a reply

MR GARDNER Thank you Mr Speaker, just to clarify, I wasn't suggesting that we mandate that somebody had to do that, just whether the option was going to be available for that to happen

MR BRENDON CHRISTIAN Thank you Mr Speaker, just for clarification from the Minister. In section 3 it says payment of the benefit shall be made by direct credit to a bank account specified by the person entitled to receive the benefit or in such other manner determined by the Executive Member. Does that mean then that the executive member has the authority if someone does not have a bank account and still chooses to receive their payment by cash or cheque, that that will be an option

MRS JACK Thank you Mr Speaker it must go into a bank account, but if people don't have a bank account, I would say that they would still be given a cheque to go and cash at the bank. It doesn't mean that people who have bank accounts can close those bank accounts down to receive a cheque

SPEAKER Any further debate. I put the question that the Bill be agreed to in principle

QUESTION PUT  
AGREED

The Bill is agreed to in principle

We now move to the detail stage. Is it the wish of the House to dispense with the detail stage. We so dispense. I call on Mrs Jack

MRS JACK Mr Speaker I move that the Bill be agreed to

SPEAKER Thank you Mrs Jack. Any further debate? The question is that the Bill be agreed to Honourable Members and I put that question

QUESTION PUT  
AGREED

Thank you. The Bill is so agreed to

#### **FIXING OF THE NEXT SITTING DATE**

Thank you Honourable Members we move to the fixing of our next sitting day

MR NOBBS Thank you Mr Speaker I move that this House resolves –

- 1) to next meet at 1.30 pm on Wednesday 19 August 2009 at a Ceremonial Sitting to mark the 30<sup>th</sup> anniversary of the inaugural sitting of the Legislative Assembly at the commencement of internal self-government for Norfolk Island; and the proceedings of the day be as ordered by the Speaker to observe the dignity of the occasion; and
- 2) to sit on Wednesday 26<sup>th</sup> August 2009 at 10 am for the purpose of conducting its usual business. I'm pleased to move that the next sitting of the Legislative Assembly should take the form of a ceremonial sitting to mark the 30<sup>th</sup> Anniversary of internal self government in Norfolk Island. Mr Speaker we've been honoured that Her Excellency the Governor General of Australia, Ms Quentin Bryce AC in recognition of this important event has accepted an invitation to attend Norfolk Island to mark this most significant anniversary. Her Excellency has agreed to address the ceremonial sitting which has been scheduled for 1.30 pm on Wednesday the 19<sup>th</sup> August 2009, subject to the agreement of the Legislative Assembly to this motion. Her Excellency will also be undertaking some other official duties in Norfolk Island on August 19<sup>th</sup> and 20<sup>th</sup> including a public reception open to all of the community and the launch of a set of

commemorative stamps. It is hoped that as many Members of the community as possible will be attending the events and will take the opportunity to meet Her Excellency. Mr Speaker I commend you for issuing the invitation to the Governor-General and for arranging a number of events to commemorate thirty years of self Government in Norfolk Island. I understand that there will shortly be a public announcement of the full programme indicating places and times of the events, open to all Members of the community. Mr Speaker since the proposed sitting of the Legislative Assembly on the 19<sup>th</sup> August will be purely for ceremonial purposes, I also moved that the Legislative Assembly should sit on Wednesday the 26<sup>th</sup> August for the purpose of conducting its usual business. I commend both aspects of this motion to the House. Thank you

SPEAKER Thank you Chief Minister. Is there any debate Honourable Members. No, then I put the question that the motion be agreed to

QUESTION PUT  
AGREED

The motion is agreed to. We move now to adjournment

#### **ADJOURNMENT**

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

SPEAKER Thank you Mr Christian. Is there any further participation in adjournment debate Honourable Members? No. I now put the question that the motion be agreed to that the House do now adjourn

QUESTION PUT  
AGREED

Therefore Honourable Members this House stands adjourned until Wednesday 19<sup>th</sup> August 2009, at 10.00 am at a Ceremonial Sitting to mark the 30<sup>th</sup> anniversary of the inaugural sitting of the Legislative Assembly

