

**NORFOLK ISLAND
THIRTEENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 19 MAY 2010**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
THERTIINTH LEJESLIETEW 'SEMBLE
WEDNESDAY 19 MIEH 2010**

1 The Legislative Assembly met at 10.02 am, the Speaker, Hon Robin Adams MLA, took the Chair and read Prayers

2 **LEAVE OF ABSENCE FOR MRS GRIFFITHS MLA**
Leave of absence unanimously extended to Mrs Griffiths

3 **CONDOLENCES**
Mr Snell recorded the passing of –

**Agnes Nancy Violet Lindsay
Peter John Walsh**

As a mark of respect to the memory of the deceased all Members stood in silence

4 **QUESTIONS WITHOUT NOTICE**

5 **ANSWERS QUESTIONS ON NOTICE**
Responses were provided to :

No 1 (Mr King to ask the Minister for Community Services) – At the April meeting of this House the Minister of his own volition undertook to inform himself on the policy operating in relation to the definition of "income" under the Social Services Act 1980, particularly as it has been applied where income has been of a "one-off" nature. Can the Minister inform the House of the outcome of his enquiries and table the relevant policy?

No 2 (Mr King to ask the Minister for Community Services) – At the April meeting of this House the Minister of his own volition undertook to return to this House with a policy in relation to disability pensions paid by the Department of Veterans Affairs and whether those pensions, unlike the practice on the mainland, should be regarded as "income" for the purposes of calculating pensions in Norfolk island. Can the Minister now state his policy?

No 3 (Mr King to ask the Minister for Community Services) – At the last meeting of the House the Minister was asked, in the interests of satisfying Members that OHS and community health issues were being properly addressed at the tanalith plant, to advise the arrangements for pressure testing of the tanalith treatment plant including frequency outcomes. Can the Minister now so advise?

No 4 (Mr King to ask the Minister for Finance and The Attorney-General) – At the last meeting of this House the following question went unanswered. Is the Minister satisfied that employers on Norfolk Island particularly larger employers of imported labour, are complying with the law in respect of minimum wages, working hours and other entitlements and is the Minister satisfied that officers authorised under the Employment Act are fully and properly empowered to conduct appropriate checks and to investigate and resolve non compliance?

No 5 (Mr King to ask the Minister for Finance and The Attorney-General) – Can the Minister advise the House what statistics justify the fact that over the past 30 years when the island population has remained unchanged, the size of the Norfolk Island Police force has more than trebled?

No 6 (Mr King to ask the Minister for Tourism, Industry & Development) – The cattle disease BVDV or Bovine Petty Disease, although not harmful to humans, represents a huge on-going cost to beef producers in Norfolk Island, which can be contained or removed entirely by low cost government intervention and cooperation. Can the Minister confirm his willingness to address this issue urgently in cooperation with industry?

No 7 (Mr King to ask the Minister for Tourism, Industry & Development) –

1. At the last sitting of the House the Minister referred to some commercial interest in sharing Norfolk Telecom's copper wire infrastructure and indicated some support for this expressed interest; does this support take account of the fact that a government embargo on leased circuits has been in place for 6 months without any sign of the embargo being lifted and no explanation of its expected duration ?
2. Can the Minister advise the House of the legislative authority for this embargo?
3. Is the Minister aware that Norfolk Telecom operates overall at a financial loss and that lifting the embargo under certain terms would result in much-needed additional income for Norfolk Telecom?
4. Can the Minister advise how long the process of consideration of this issue might take?
5. Can the Minister identify and inform the House of the standing of recent telecommunications consultancies; of the adopted government position in relation to those consultancies and when any reports arising from those consultancies might be available to interested parties?

No 8 (Mrs Griffiths to ask the Minister for Tourism, Industry & Development) – Given Norfolk's poor financial situation can the Minister advise the community of at least three revenue generating activities he has planned to reverse our current financial trends?

No 9 (Mrs Griffiths to ask the Chief Minister) –

- a) Can the Minister advise the community of the differences between policy and legislation and which is more appropriate for Norfolk island?
- b) Given the continuous confusion between policy, law and convention can the Minister advise the community of the capacity within the public service to develop policy and where these policies might be found?
- c) What are the future policy priorities for the public service; how are they developed and how often are they evaluated and reviewed?

No 10 (Mrs Griffiths to ask the Minister for Finance and The Attorney-General) – What is the process for enhancing the involvement of the Assembly in identifying priorities for the budget draft process for Norfolk's future and who and how have priorities been identified?

No 12 (Mrs Griffiths to ask the Chief Minister) –

- a) How do the executives keep themselves informed of development activities and strategies in the region?
- b) To what extent are the executives familiar with the United Nations Millennium Development Goals and their possible benefits for Norfolk Island?

No 13 (Mrs Ward to ask the Minister for Tourism, Industry & Development) – What is the timeframe for commencement of the SPIN project?

No 14 (Mrs Ward to ask the Minister for Finance and The Attorney-General) – Minister, at the April sitting of this House I asked what measures were you proposing to take to contain the upward pressure on the cost of living; in your response you shared your concern and

indicated a willingness to have discussions with officers; is the Minister able to report on those discussions at this time.

6 PRESENTATION OF PAPERS

The following papers were presented:

- 1) Mr Nobbs, Minister for Tourism, Industry & Development - Inbound Passenger Statistics for March and April 2010

Mr Nobbs moved -

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- 2) Mr Anderson, Minister for Finance and The Attorney-General – Financial Indicators March 2010

Mr Anderson moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- 2) Mr Anderson, Minister for Finance and The Attorney-General – Public Moneys Act 1979 – Virements

TO HERE

5 STATEMENTS

The following statements were made –

Mr Sheridan, Minister for Community Services, reported on Gardasil Vaccinations

1) Mr King moved –

THAT the Statement be noted

Debate ensued

Question put and agreed to on the voices

2) Mr Buffett, Chief Minister, reported on the recent visit of the Joint Standing Committee on the Territories Law Reform Bill

6 **IMMIGRATION ACT 1980 – APPOINTMENT OF MEMBER OF THE LEGISLATIVE ASSEMBLY TO THE IMMIGRATION COMMITTEE**

Mr Anderson, Minister for Finance and The Attorney-General, pursuant to notice, moved –

THAT for the purposes of subsections 6(2) and 6(4) of the *Immigration Act 1980*, this House recommends to the executive member that –

**Michael William King, and
Melissa Ward**

being members of the Legislative Assembly, be appointed as members of the Immigration Committee.

Debate ensued

Question put and agreed to on the voices

7 **SOCIAL SERVICES ACT 1980 - APPOINTMENT OF MEMBER OF THE LEGISLATIVE ASSEMBLY TO THE NORFOLK ISLAND SOCIAL SERVICES BOARD**

Mr Sheridan, Minister for Community Services, by leave moved -

THAT for the purposes of subsection 5(1) of the Social Services Act 1980, this House resolves to choose –

**Lisle Denis Snell, and
Melissa Ward**

being members of this House, to each be a member of the Norfolk Island Social Services Board and further, in accordance with subsection 4(5) of the Act, appoint –

Lisle Denis Snell

to be chairman of the Board

Debate ensued

Question put and agreed to on the voices

8 **HEALTHCARE ACT 1989 – APPOINTMENT OF A MEMBER TO THE HEALTHCARE CLAIMS COMMITTEE**

Mr Sheridan, Minister for Community Services, pursuant to notice, moved -

THAT for the purposes of section 22(2) of the *Healthcare Act 1989*, this House resolves to choose –

Lisle Denis Snell

to be a Member of the Claims Committee

Debate ensued

Question put and agreed to on the voices

9 SEA INSTALLATIONS ACT 1987 (CLWTH) – NOMINATION OF MEMBER TO BE REPRESENTATIVE

Mr Sheridan, Minister for Community Services, pursuant to notice, moved –

THAT for the purposes of paragraph (d) of the definition of “representative” in section 4(1), of the Sea Installations Act 1987 of the Commonwealth, this House nominates –

André Neville Nobbs

to represent Norfolk Island for the purposes of the Act

Debate ensued

Question put and agreed to on the voices

10 NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ACT 1980 – APPOINTMENT OF MEMBER OF THE NORFOLK ISLAND GOVERNMENT TOURIST BUREAU

Mr Nobbs, Minister for Tourism, Industry & Development, pursuant to notice, moved –

THAT this House in accordance with subsection 4(2) of the Norfolk Island Government Tourist Bureau Act 1980 recommends to the executive member that he appoint –

Lisle Denis Snell

as a member of the Norfolk Island Government Tourist Bureau

Debate ensued

Question put and agreed to on the voices

11 APPOINTMENT OF BUSINESS COMMITTEE

Mrs Ward, pursuant to notice, moved -

THAT this House pursuant to standing order 20 in addition to the Speaker appoints –

**Andre Neville Nobbs; and
David Ernest Buffett**

to be Members of the Business Committee

Debate ensued

Question put and agreed to on the voices

12 APPOINTMENT OF THE HOUSE COMMITTEE

Mr Buffett, Chief Minister, pursuant to notice, moved –

THAT this House, pursuant to standing order 19, in addition to the Speaker, appoints –

**Rhonda Evelyn Griffiths; and
Craig Maurice Anderson;**

to be Members of the House Committee

Debate ensued
Question put and agreed to on the voices

13 APPOINTMENT OF STANDING ORDERS COMMITTEE

Mr Sheridan, Minister for Community Services, pursuant to notice, moved –

THAT this House, pursuant to standing order 17, in addition to the Speaker and Deputy Speaker, appoints –

**Andre Neville Nobbs;
Rhonda Evelyn Griffiths; and
Melissa Ward,**

to be Members of the Standing Orders Committee

Debate ensued
Question put and agreed to on the voices

14 APPOINTMENT OF THE IMPACT OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE

Mrs Griffiths, pursuant to notice, moved –

THAT this House pursuant to standing order 20A appoints –

**Timothy John Sheridan;
Michael William King; and
Melissa Ward**

as Members of the Impact of Bills and Subordinate Legislation Committee and appoints –

Lisle Denis Snell

as the 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

Debate ensued
Question put and agreed to on the voices

15 APPOINTMENT OF A COMMITTEE OF PRIVILEGES

Mrs Griffiths, pursuant to notice, moved:

THAT this House, pursuant to standing order 18, appoints –

**David Ernest Buffett;
Craig Maurice Anderson; and
Michael William King**

as permanent members of the Committee of Privileges; and –

Melissa Ward,

as the 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

Debate ensued
Question put and agreed to on the voices

16 AMENDMENT OF STANDING ORDER 20B – PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Mr Anderson, Minister for Finance and The Attorney-General, pursuant to notice, moved -

THAT this House delete from paragraph 1 of standing order 20B the words “two other Members” and insert the words “three other Members”

Debate ensued
Question put and agreed to on the voices
Mr Sheridan dissenting

17 APPOINTMENT OF A PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Mr Anderson, Minister for Finance and The Attorney-General, pursuant to notice, moved -

THAT this House, pursuant to standing order 20B, in addition to the Speaker (ex officio) appoints –

**André Neville Nobbs;
Rhonda Evelyn Griffiths; and
Michael William King**

as Members of the Public Accounts and Estimates Committee

Debate ensued
Question put and agreed to on the voices
Mr Sheridan dissenting

18 PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Mr King, pursuant to notice, moved –

THAT in accordance with standing order 20B(3) the Assembly refers the following questions to the Public Accounts and Estimates Committee for enquiry and report to the Assembly:

- 1. Was the Norfolk Island Government, the Legislative Assembly and the community of Norfolk Island fully and adequately informed of the state of public finances during the past three years and if not, in what manner and to what extent was the information deficient?**
- 1. What was the nature of, the extent of, and the appropriateness of internal funds transfers within the Public Account during the past three financial years ending 30 June 2010?**
- 2. In respect of the following expenditure items:**
 - Runway End Safety Area (Airport runway extensions);**
 - Capital acquisitions of airport plant;**
 - Capital construction of airport fire station also known as the emergency Services building –**

- a) Were the public procurement processes followed in terms of both the letter of the law and the spirit of the law, and agreed guidelines, and if not, in what way were proper processes able to be circumvented?
 - b) Were the items properly costed, adequately managed and brought in on budget and if not, to what extent were proper processes not followed and budgeted expenditure exceeded?
 - c) Were the respective projects fully and properly considered as to their individual necessity and if not, to what extent were they inadequately considered?
 - d) Was the Legislative Assembly adequately informed about budget performance of each expenditure item on a progressive basis and if not, what was the extent of the inadequacy?
3. What reforms should be made to ensure greater accountability and transparency of the public finances?
 4. That in respect of each discrete question the Committee report to the House progressively

Debate ensued

Mr Anderson, Minister for Finance and The Attorney-General, moved –

THAT all words after “THAT” first occurring be deleted and the following be substituted: “in accordance with standing order 20B(3) the Assembly requests the Public Accounts and Estimates Committee to enquire into and report to the Assembly on appropriate reforms that could be made to ensure that there is optimum accountability and transparency in the public finances”

Debate ensued

Mr Snell moved –

THAT the question be put

Question – That the question be put - put and agreed to on the voices

Question – That the amendment be agreed to - put and agreed to on the voices

Mr King dissenting

Question – That the motion as amended be agreed to - put and agreed to on the voices

19 FIXING OF NEXT SITTING DAY

Mrs Ward moved –

THAT the House at its rising adjourn until Wednesday 19 May 2010 at 10 am

Question put and agreed to on the voices

20 ADJOURNMENT

Mr Buffett moved –

THAT the House do now adjourn

Debate ensued with Mr Buffett, Mr Snell and Mr Nobbs participating

Question put and agreed to on the voices

AND THEN the House at 1.55 pm adjourned until Wednesday 19 May 2010 at 10 am

Gaye Evans
Acting Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present