

**NORFOLK ISLAND
THIRTEENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 5 OCTOBER 2011**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
THERTIINTH LEJESLIETEW 'SEMBLE
WENSDI 5 OCTOBER 2011**

1 The Legislative Assembly met at 10.05 am, the Speaker, Ms Robin Adams JP MLA, took the Chair and read Prayers

2 **PERSON TO ACT AS CLERK TO THE LEGISLATIVE ASSEMBLY WHILE THE CLERK IS ABSENT**

Chief Minister, Mr Buffett to move -

THAT this House in accordance with Section 48 of the Legislative Assembly Act recommends that the Speaker appoint Sharyn Quintal to act as Clerk to the Legislative Assembly while the Clerk is absent from duty for this meeting, for this meeting on the 5th of October 2011.

Debate ensued

Question put and agreed to on the voices

3 **LEAVE OF ABSENCE**

Leave of absence was unanimously extended to Mr Sheridan, Mr King and Mr Anderson

4 **CONDOLENCE**

Mr Snell recorded the passing of –

**Lawrence Wayne Christian
John George Edward
Hazel Violet Martin**

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

5 **QUESTIONS WITHOUT NOTICE (10.12 AM)**

Time for questions without notice having expired, on motion of Mr King, time for questions without notice was extended by five minutes (10.17 am)

6 **ANSWERS TO QUESTIONS ON NOTICE**

Responses were provided to:

260 Mrs Griffiths to ask the Chief Minister

Will the Chief Minister inform this House the total amount of travel allowance that has been paid to each Member of the Legislative Assembly for the 2010/11 financial year and the 2011/12 financial year to date?

261 Mr King to ask the Chief Minister.

Will the Chief Minister detail in percentage terms, the changes that have taken place in the principal levels of police activity over the past 5 years and advise whether the government has adopted a policy position in relation to significant changes and concerns?

262 Mr King to ask the Minister for Tourism, Industry & Development

Will the Minister advise whether he has yet been able to provide to members of the Norfolk Island Government Tourist Bureau Board any written guidelines for the performance of their statutory functions including the limitations of statutory power and if not, to what extent will he therefore tolerate future aberrant conduct and impaired function?

263 Mr King to ask the Minister for Tourism, Industry & Development

In a series of questions at the September sitting in relation to declining participation in the cruise ship industry the Minister responded in part by denying that a proper risk assessment would have identified characteristic disembarkation problems for Norfolk Island. Does the Minister stand by his

position that the government of the day properly assessed disembarkation risks before inviting the community to participate and invest in a risky industry?

264 Mr King to ask the Minister for Tourism, Industry & Development

At the last sitting of this House the Minister undertook to ensure that in respect of lighterage operations "that all things are working as they should". Assuming that this response meant that the Minister would seek assurances that full equipment maintenance schedules were in place and were being carried out by properly qualified and fully resourced staff and that no unacceptable occupational health and safety risks were present, can the Minister advise what he has done to seek these assurances and mitigate any unacceptable risks?

265 Mr King to ask the Chief Minister

When will the government issue a revised edition of immigration policy reflecting most recent changes?

266 Mr King to ask the Chief Minister

A question to the Chief Minister, what arrangements are in hand to ensure continuity at the head of the Public Service beyond the expiration of the incumbent's term of appointment?

267 Mr King to ask the Minister for Tourism, Industry & Development

At the last sitting of the House the Minister directed the House to the content of Hansard generally and to eight specific media releases, which he tabled, to satisfy question on notice number 253 which sought information on how and where the community was fully informed on the government decision to spend millions of dollars of taxpayers' money on upgrading airport fire fighting equipment instead of opting for a modest less expensive category 5 service –

a) Is it a fact that neither Hansard nor any of the eight tabled media releases offered by the Minister contain any discussion or debate on the full range of options open to the government or information on the widely differing costs or disclosure on the factors which drove government expenditure including the reasons why offers of used equipment from Air Services Australia were rejected and the extent to which policy was driven by a desire for Norfolk Island becoming a hub for aircraft maintenance;

b) Is it a fact that the Minister is unable to provide evidence of full disclosure and accountability in this issue?

268 Mr King to ask the Minister for Tourism, Industry & Development

In respect of the Runway End Safety Area work at the southern end of the runway can the Minister table both the original engineering specifications and the advice that these works are still in line with the original specifications, both of which he referred to at the last sitting of the House?

Paper tabled: Mr Nobbs: RESA Specifications and Drawings

269 Mr King to ask the Minister for Tourism, Industry & Development

What are the expected completion costs of the current RESA project and can the Minister now table those costs estimates?

7 PRESENTATION OF PAPERS

The following papers were presented:

- 1) Minister for Tourism, Industry & Development, Mr Nobbs – **Electricity Supply (Amendment) Regulations 2011**
- 2) Chief Minister, Mr Buffett – **Legal Aid Report July 2010 to June 2011**
- 3) Chief Minister, Mr Buffett – **Budgeted Financial Statements NIGTB year ended June 2012**
- 4) Chief Minister, Mr Buffett – **Funding Agreement for NI 2011-2012**

NOTICE OF MOTION

Ms Ward moved -

THAT the paper be noted

Debate ensued

Question put and agreed to on the voices

8 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR – NO 21

The Speaker reported –

Message No. 21 from the Administrator under section 21 of the *Norfolk Island Act 1979* advising that on 20 September 2011 he declared his assent to the Appropriation Act 2011-2012 (Act No 12 of 2011)

9 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR - NO 22

Message No. 22 from the Administrator under section 21 of the *Norfolk Island Act 1979* advising that on 20 September 2011 he referred the Customs (Amendment No. 3) Bill 2011 for instructions of the Commonwealth Minister

Deputy Speaker Snell took the chair – 11.04 PM

10 IMPACT OF EXTENSION OF COMMONWEALTH LAWS TO NORFOLK ISLAND

Ms Adams, to move –

THAT –

- 1) In acknowledgement that in the Memorandum of Understanding signed by the Commonwealth of Australia and Norfolk Island on 3 November 2010 the Norfolk Island Government agreed in broad terms to participate in the Australian taxation and social security systems on the basis that there will be a net benefit for Norfolk Island and its community and there is appropriate consideration of local circumstances; and
- 2) In acknowledgement that –
 - A. under clause 4 of Schedule 2 to the Funding Agreement for 2011/12 signed on 22 September 2011 by the Commonwealth of Australia and the Administration of Norfolk Island Norfolk Island (“the 2011/12 Agreement) has committed to supporting and cooperating with all Australian Government funded reviews, including but not limited to the Public Service Review and an Economic Development Strategy and Action Plan; and
 - B. under clause 5 of the 2011/12 Agreement Norfolk Island has committed to work with the Commonwealth Grants Commission to update its 2006 review of the financial capacity of Norfolk Island,

this House encourages the Commonwealth Government to engage the Centre for International Economics to simultaneously update its 2006 study of the impact of extending Commonwealth laws to Norfolk Island, including but not limited to the impact on:

- a) Income on Norfolk Island;
- b) The price of goods and services on Norfolk Island;
- c) Employment and wage levels on Norfolk Island;
- d) The sustainability of Norfolk Island businesses and scope of investments;
- e) The level and composition of Norfolk Island’s population including any likely changes in immigration to, and emigration from, the Island; and
- f) Any other proposal in the roadmap likely to have resource, social and economic impact on Norfolk Island,

and further that the study also consider the impact of the extension to Norfolk Island of Commonwealth laws in the following areas:

- a) taxation;
- b) superannuation (including superannuation guarantee);
- c) markets, business and corporate conduct;
- d) workplace relations;
- e) customs, immigration and quarantine;
- f) social welfare;
- g) communications; and

any other area of Commonwealth law if extended that may impact significantly on the Norfolk Island economy.

Paper tabled: Ms Adams: **Population and Planning on Norfolk Island – Report No 1**

Paper tabled: Ms Adams: **Population and Planning on Norfolk Island – Report No 2**

Debate ensued
 Question put
 The House voted –
Ayes 3
Mr Adams
Mr Snell
Mrs Griffiths
 Motion agreed

Noes 1
Mrs Ward

Abstention 2
Mr Buffett
Mr Nobbs

11 PUBLIC SECTOR MANAGEMENT ACT 2000 - APPOINTMENT OF MEMBER OF THE PUBLIC SERVICE BOARD

Chief Minister, Mr David Buffett, to move —

THAT this House in accordance with subsection 10(1)(a) of the *Public Sector Management Act 2000*, recommends that the responsible Minister appoint —
David Sinclair South

as a member of the Public Service Board for the period 6 October 2011 to 5 October 2013

Debate ensued
 Question put and agreed to on the voices

12 NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ACT 1980 - APPOINTMENT OF DELEGATE TO A MEMBER OF THE NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ADVISORY BOARD

Mr Andre Nobbs (Minister for Tourism, Industry and Development) to move –

THAT this House in accordance with section 6 of the *Norfolk Island Government Tourist Bureau Act 1980* resolve that the Minister with responsibility for the Norfolk Island Government Tourist Bureau Advisory Board appoint —

Barry Hyatt

to be a delegate member of the Norfolk Island Government Tourist Bureau Advisory Board for the appointed member —

David Bell

and to act as the member if that member is absent or unable to discharge official duties, during the term that the member is appointed to the Norfolk Island Government Tourist Bureau Advisory Board.

Debate ensued
 Question put and agreed to on the voices

13 PROTECTION OF NORFOLK ISLAND'S CULTURAL HERITAGE

Ms Adams, to move –

WHEREAS in 1979 the Commonwealth of Australia entered into a new partnership arrangement with the territory of Norfolk Island by the passage through the Commonwealth Parliament of the Norfolk Island Act of 1979 (“the Act”)

AND WHEREAS in the Preamble to the Norfolk Island Act of 1979 (“the Preamble”) the Commonwealth Parliament of Australia –

(A) Acknowledges the residents of Norfolk Island include descendants of the settlers from Pitcairn Island; and

(B) Recognises the special relationship of the said descendants with Norfolk Island and their desire to preserve their traditions and culture,

AND WHEREAS on 25 November 2010 a Memorandum of Understanding was signed by the Hon Simon Crean MP on behalf of the Commonwealth of Australia and by the Hon David Buffett AM MLA on behalf of the Government of Norfolk Island (“the parties”)

AND WHEREAS by the signing of the Memorandum of Understanding Norfolk Island has agreed in broad terms to change the 1979 partnership between the Commonwealth of Australia and the Territory of Norfolk Island “on the basis that there will be a net benefit for Norfolk Island and its community and there is appropriate consideration of local circumstances”

AND WHEREAS the changes currently being proposed to the 1979 partnership between the Commonwealth of Australia and Norfolk Island could, contrary to the intention of the Commonwealth Parliament in 1979, adversely impact on the special relationship of the descendants of the settlers from Pitcairn Island and their ongoing desire to preserve their traditions and culture (“the rights of the Pitcairn descendants”)

AND WHEREAS the Legislative Assembly of Norfolk Island is of the view that a process should be put in place as a matter of priority to ensure that the rights of the Pitcairn descendants are in no way diminished,

NOW THIS HOUSE resolves that the Hon. David Buffett AM MLA enter into urgent dialogue with the Hon Simon Crean MP to discuss an approach being made to Major General Jeffery AC, CVO, MC, former Governor-General of Australia, and the Hon Robert “Bob” Ellicott QC, BA, LLB, former Federal Minister with responsibility for Norfolk Island in 1979, being eminent persons respected by the Commonwealth Parliament and the Norfolk Island Parliament, or in the event that they are unavailable, such other eminent persons as are agreed between the parties after consultation with the Members of the Legislative Assembly, with a view to their being co-opted to independently oversee the changes to the 1979 partnership and thereby assist the Commonwealth of Australia, the Commonwealth Parliament, the Norfolk Island Parliament and the Norfolk Island community to have certainty that the proposed new partnership adequately protects the rights of the Pitcairn descendants and the rights of the Norfolk Islander and the rights of the long term permanent residents of this Island

Debate ensued

Question put

The House voted –

Ayes 3

Mr Adams

Mr Snell

Mrs Griffiths

Motion agreed

Noes 1

Mrs Ward

Abstention 2

Mr Buffett

Mr Nobbs

Speaker Adams resumed the chair – 1.10 PM

14 MARRIED PERSONS (EQUALITY OF STATUS) BILL 2011

Chief Minister, Mr Buffett, pursuant to notice, presented a Bill for an Act to repeal the *Married Women’s Property Act 1931* and for related purposes and moved –

THAT the Bill be agreed to in principle

Paper tabled: Mr Buffett tabled the Explanatory Memorandum to the Bill

Debate ensued

Debate adjourned (Mr Buffett) and the resumption of debate made an Order of the Day for a subsequent day of sitting

15 ELECTRICITY SUPPLY (AMENDMENT) BILL 2011

Resumption of debate (Minister for Tourism, Industry & Development, Mr Nobbs) from 5 October 2011 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle on the voices

Leave granted to dispense with the detail stage

Mr Nobbs moved –

THAT the Bill be agreed to

Debate ensued

Question put and agreed to on the voices

16 RESPONSE TO QUESTION WITHOUT NOTICE

Chief Minister, Mr Buffett, responded to an earlier question asked by Mr Snell

17 FIXING OF NEXT SITTING DAY

Mrs Ward moved -

THAT the House at its rising adjourn until Wednesday 9 November 2011 at 10 am

Debate ensued

Question put and agreed to on the voices

18 ADJOURNMENT

Mr Nobbs –

THAT the House do now adjourn

Question put and agreed to on the voices

AND THEN the House at 2.35 pm adjourned until Wednesday 9 November 2011 at 10.00 am

Gaye Evans

Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present except Mr Sheridan, Mr King and Mr Anderson by leave