

**NORFOLK ISLAND  
THIRTEENTH LEGISLATIVE ASSEMBLY  
MINUTES OF PROCEEDINGS  
WEDNESDAY 19 SEPTEMBER 2012**

**NORF'K AILEN  
DIISEM MENETS LARNEN WATHING HAEPN  
INAA  
THERTIINTH LEJESLIETEW 'SEMBLE  
WENSDI 19 SEPTEMBBA 2012**

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

2 **CONDOLENCES**

Mr Snell recorded the passing of –

**John Worthy  
Mavis Angeline Tullner**

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

3 **QUESTIONS WITHOUT NOTICE (10.12 AM – 11.11 AM)**

**Paper:** Mr Buffett tabled a memorandum from the Manager Customs and Immigration dated 30 April 2012 titled **Duty Threshold (Multiple consignments)**

4 **ANSWERS TO QUESTIONS ON NOTICE**

Responses were provided to:

437 **Mr King to ask the Chief Minister**

- a. What consideration has been given by the government to the acquisition of barges to assist in cruise ship disembarkation?
- b. What processes are being followed in developing a government position in relation to this matter?
- c. What factors are or have been considered, by whom and with what expertise?
- d. Why, if it is the situation, is a Minister of government involving himself in formulating advice on this matter and what expertise does he bring to the table?

438 **Mr King to ask the Chief Minister**

Can the Chief Minister provide to the House a list of the 30 positions within the Administration which were recently made redundant and can he inform the House what services will be diminished and over what period of time?

**Paper:** Mr Buffett tabled a list of **Unfilled Positions Taken off the Staff Establishment List**

439 **Mr King to ask the Chief Minister**

- a. Is the Administration's immigration section privy to the personal information of permit holders relating to the conduct of their public accounts and to what extent is such information taken into account when determining an application for renewal of a permit?
- b. To what extent is it appropriate that such information be freely available throughout the Administration and to what extent is it lawful that permits be granted subject to conditions relating to the conduct of public accounts?

440 **Mr King to ask the Speaker**

Will Madame Speaker now advise, perhaps in detail which might lift community spirits, what benefits might flow from a twinning partnership with Northern Territory and Niue and when might they be evident in some tangible and meaningful form to the community?

Mr King moved –

**A Point of Order**

Mr King withdrew his motion

441 **Mr King to ask the Speaker**

- a. Given that the matter was raised at the last sitting, can Madame Speaker now report to the House and the community on the tangible benefits that have flowed from longstanding twinning partnerships like Mosman, Sydney and other relationships like that with the Isle of Man?
- b. Does Madame Speaker know if the benefits might be in a form where if you spread them on a table they might be seen and joyfully received?

Mr King withdrew his question from the Notice Paper

**442 Mr King to ask the Chief Minister**

Can the Chief Minister advise the costs associated with the development of the Wills Bill presently before the House and whether Cabinet had considered those associated costs and approved the allocation of resources and whether Cabinet had agreed to the high priority for resource deployment which was accorded the Bill?

**443 Mr King to ask the Chief Minister**

- a. Given that the Chief Minister has informed the House that no benefits arise for the non-government, privately funded organisation CIRCA from the fact that the Chairperson of that body is also a Minister of government, how else can it be explained that this private organisation enjoys benefits of some \$15,000 value of Administration time and efforts over a year?
- b. Was the Chief Minister serious in saying that the involvement of Administration personnel in this organisation is justified because the constitution of the organisation itself provides for such involvement?
- c. Is the Chief Minister asking the community to accept that such use of publically funded personnel to the extent described by him is in order?
- d. Is the Chief Minister by his actions inviting other not-for-profit organisations to seek financial support of similar amounts by simply changing their constitutions to allow the participation of Administration personnel?
- e. Does the Chief Minister understand how his former responses on this issue might be seen as simply absurd?

**444 Mr King to ask the Speaker**

Is Madam Speaker able yet to report to the House on the appropriateness and propriety of the Office of the Speaker and the Clerk using the Government's Legal Advisors for advice in relation to complaints against Ministers of Government lodged by backbenchers and if not, given the relatively simple nature of the question why is Madame Speaker unable to report?

**445 Mr King to ask the Minister for Community Services**

Given the decision by the Norfolk Island hospital to curtail non-urgent medical treatment for those with overdue accounts, will the Minister advise the House if this is a punitive measure and advise how it can possibly serve the best interests of community health? At the same time the Minister might advise -

- a. how it is decided that a particular person will receive this "special" attention,
- b. how it is decided that the treatment sought is urgent or non-urgent, and
- c. at what point will a supposedly delinquent account holder be told to pay up front; in the car park, at the door or will the doctor be called from his rooms to make an initial assessment in the hallway?

**446 Mr King to ask the Chief Minister**

What is the justification for allowing holders of temporary entry permit to remain in Norfolk Island in reduced or casual employment when so many residents are struggling to obtain sufficient working hours?

**447 Mr King to ask the Chief Minister**

In April of this year the Chief Minister commissioned a former Chief Magistrate of Norfolk Island Mr Ron Cahill to independently inquire into matters relating to the conduct of one of his Ministers.

- a. Notwithstanding the Chief Minister's interim verbal report given in June, why has the final written report not been provided to members and made public?
- b. Does the Chief Minister ask the community to accept that it is appropriate that such issues remain unreported and therefore unexamined for over 5 months?

**Paper:** Mr Buffett tabled **An Interim Report from Ron Cahill**

**448 Mr King to ask the Chief Minister**

- a. To what extent did the Chief Minister influence the outcome of the recent report of the independent immigration working group and can the Chief Minister identify those matters, understood to be 2 in number, which he did not wish to have included?

- b. In the light of political or government involvement in the outcome of the report how can the report be regarded by the community as truly reflective of an independent viewpoint?

**450 Mrs Ward to ask the Chief Minister**

Would the Chief Minister outline the Norfolk Island Government's action plan for the remainder of its term in office; including a prioritized legislative program?

**451 Mrs Ward to ask the Minister for Tourism, Industry & Development –**

What action is the Norfolk Island Government taking to demonstrate its ongoing commitment to reinvigorate the island's economy?

**452 Mrs Ward to ask the Chief Minister**

The Norfolk Island Public Service Review 2011 recommends that the Public Sector Management Act 2000 and the Human Resources Policies and Procedures Manual be repealed and replaced. What action has been taken in this regard?

**453 Mrs Ward to ask the Chief Minister**

The Immigration Development Working Group delivered its report on immigration last month. What action has been taken by the Government to implement any or all of the recommendations?

**454 Mrs Ward to ask the Minister for Tourism, Industry & Development –**

The Minister stated that telecommunications competition will be addressed early in this financial year. Has this process commenced and when will Norfolk Island be in a position to declare its telecommunications infrastructure open for business

**455 Mrs Ward to ask the Minister for Community Services**

A person in receipt of the low income GST rebate is subject to a quarterly review of their income. Would the Minister explain why this benefit is subject to a quarterly review and why applicants are required to reapply quarterly?

**456 Mrs Ward to ask the Minister for Community Services**

Would the Minister explain why he has directed the Hospital Director to quarantine staff entitlements when no other area of the Administration has been guaranteed entitlement protection?

**457 Mrs Ward to ask the Chief Minister**

What revenue was raised last financial year by the Immigration Department as a result of processing both Temporary and General entry permits?

**458 Mrs Ward to ask the Minister for Community Services**

What revenue was raised last financial year by the Norfolk Island Hospital as a result of implementing health checks for Temporary, General and Resident permits?

**459 Mrs Ward to ask the Minister for Community Services**

Would the Minister detail the response the Norfolk Island Government gave the Federal Department on the Family and Child Support Review?

**460 Ms Griffiths to ask the Chief Minister**

Prime Minister Gillard has recently announced that all communities, state and local governments, and other stakeholders can now submit detailed proposals to the \$6 billion Regional Infrastructure Fund. Given the importance of the roadmap to Norfolk Island's partnership and supposed integration with the Commonwealth, can the Chief Minister advise if Norfolk Island is eligible yet to access this funding? What efforts have been made to ensure that we have access such initiatives?

**Paper:** Mr Buffett tabled the **Guidelines for the Regional Infrastructure Fund**

## **5 PRESENTATION OF PAPERS**

The following papers were tabled:

- 1) Chief Minister – **Virement of Funds Advice**
  - 2) Minister for Community Services – **NIHE Annual Report**
  - 3) Minister for Community Services – **NIHE Financial Statements**
  - 4) Minister for Tourism, Industry & Development - **Direction to the General Manager of the Norfolk Island Government Tourist Bureau September 2012**
  - 5) Minister for Community Services – **Employment Conciliation Board - Annual Report**
  - 6) Minister for Community Services – **Report on the 2012 NI Community and School Survey**
  - 7) Minister for Community Services – **Land Valuation Bill 2012 – Exposure Draft**
- Mr King moved –

**THAT the paper be noted**

Question put and agreed to on the voices

**6 STATEMENTS OF AN OFFICIAL NATURE**

1) Chief Minister, Mr Buffett gave an update on the **Government's Legislative Programme**

**Paper:** Mr Buffett tabled the **Government's Legislative Programme to Sept 2012**

2) Chief Minister, Mr Buffett gave an update on **Immigration and the new application form for a General Entry Permit**

**Paper:** Mr Buffett tabled the new **Application form for a General Entry Permit**

**7 MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 31**

The Speaker reported –

**Message No. 31** from the Administrator under section 21 of the *Norfolk Island Act 1979* advising that on 21 August 2012 he declared his assent to the Ombudsman (Amendment) Act 2012 (Act No 7 of 2012)

**SUSPENSION**

The House suspended at 1.50 pm

**RESUMPTION**

The House resumed at 2.30

**NOTICES****8 APPOINTMENT OF PERSON TO ACT AS CLERK TO THE LEGISLATIVE ASSEMBLY**

Chief Minister, Mr Buffett, pursuant to notice moved –

**THAT in accordance with section 48 of the Legislative Assembly Act 1979, this House recommends that the Speaker –**

- a. **appoint Sharyn Louise Quintal to be a person to act as Clerk to the Legislative Assembly during a vacancy in the office of Clerk or while the Clerk is absent from duty, for the period 20 September to 31 December 2012; and**
- b. **determine that the terms and conditions of appointment of Ms Quintal as are applicable in her Contract for Services to the Administration of Norfolk Island which expires on 31 December 2012**

Debate ensued

Question put and agreed on the voices – Mr King abstained

**9 MOTION BY LEAVE - EMPLOYMENT ACT 1988 - APPOINTMENT OF MEMBER TO THE EMPLOYMENT CONCILIATION BOARD**

Leave having been granted to Minister for Community Services, Mr Sheridan he moved -

**THAT for the purposes of subsection 65(2) of the Employment Act 1988, this House resolve to appoint –**

**Elizabeth Nowell**

**being a person with relevant qualifications and experience, to the Employment Conciliation Board for the period 20 September 2012 to 19 September 2015.**

Debate ensued

Question put and agreed on the voices

**10 CUSTOMS (AMENDMENT) BILL 2012**

Chief Minister, Mr Buffett, pursuant to notice, presented the Customs (Amendment) Bill 2012 and moved –

**THAT the Bill be agreed to in principle**

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

Debate ensued  
Mr Buffett moved –

**That debate be adjourned and the resumption of debate made an  
Order of the Day for a subsequent day of sitting**

Debate ensued  
Question put and agreed to on the voices

**11 STATUS OF CHILDREN BILL 2012**

Chief Minister, Mr Buffett, pursuant to notice, presented the Customs (Amendment) Bill 2012 and moved –

**THAT the Bill be agreed to in principle**

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

Debate ensued  
Mr Buffett moved –

**That debate be adjourned and the resumption of debate made an  
Order of the Day for a subsequent day of sitting**

Debate ensued  
Question put and agreed to on the voices

**ORDERS OF THE DAY**

**12 WILLS BILL 2012**

Resumption of debate (Chief Minister, Mr Buffett) from 8 August 2012 on the question – THAT the Bill be agreed to in principle

Debate ensued

Question – THAT the Bill be agreed to in principle - put and agreed to on the voices

Mr Buffett sought leave to move a detail stage amendment - Granted

**Detail stage:**

Mr Buffett sought leave to move a detail stage amendment - Granted

Mr Buffett moved –

**THAT the detail stage amendments dated 18 September 2012  
be taken as read and agreed to as a whole**

Debate ensued

Question – THAT the amendments be agreed to - put and agreed to on the voices

Question – THAT the clauses as amended be agreed to - put and agreed on the voices

Question – That the remainder of the Bill be agreed to – put and agreed on the voices

Mr Buffett moved –

**That the Bill as amended be agreed to**

Question put and agreed to on the voices

**13 TOURIST ACCOMMODATION (AMENDMENT) BILL 2012**

Resumption of debate (Minister for Tourism, Industry & Development, Mr Nobbs) from 6 June 2012 on the question – THAT the Bill be agreed to in principle

Debate ensued

Question – THAT the Bill be agreed to in principle - put and agreed to on the voices

**Detail stage:**

Mr Nobbs sought leave to move a detail stage amendment - Granted

Mr Nobbs moved –

**THAT the detail stage amendments dated 17 September 2012 #2  
be taken as read and agreed to as a whole**

Debate ensued

Question – THAT the amendments be agreed to - put

The House voted –

<b>AYES, 5</b>	<b>NOES, 4</b>	<b>ABSTENTIONS, 0</b>
<b>Ms Adams</b>	<b>Mr Sheridan</b>	
<b>Mr Snell</b>	<b>Mrs Ward</b>	
<b>Mrs Griffiths</b>	<b>Mr King</b>	
<b>Mr Buffett</b>	<b>Mr Anderson</b>	
<b>Mr Nobbs</b>		

The amendments were agreed to

Question – THAT the clauses as amended be agreed to - put

The House voted –

<b>AYES, 5</b>	<b>NOES, 4</b>	<b>ABSTENTIONS, 0</b>
<b>Ms Adams</b>	<b>Mr Sheridan</b>	
<b>Mr Snell</b>	<b>Mrs Ward</b>	
<b>Mrs Griffiths</b>	<b>Mr King</b>	
<b>Mr Buffett</b>	<b>Mr Anderson</b>	
<b>Mr Nobbs</b>		

The clauses as amended were agreed to

Question – That the remainder of the Bill be agreed to – put

The House voted –

<b>AYES, 6</b>	<b>NOES, 3</b>	<b>ABSTENTIONS, 0</b>
<b>Ms Adams</b>	<b>Mr Sheridan</b>	
<b>Mr Snell</b>	<b>Mr King</b>	
<b>Mrs Ward</b>	<b>Mr Anderson</b>	
<b>Mrs Griffiths</b>		
<b>Mr Buffett</b>		
<b>Mr Nobbs</b>		

The remainder of the Bill was agreed to

Mr Nobbs moved –

**That the Bill as amended be agreed to**

Question put

The House voted –

<b>AYES, 6</b>	<b>NOES, 3</b>	<b>ABSTENTIONS, 0</b>
<b>Ms Adams</b>	<b>Mr Sheridan</b>	
<b>Mr Snell</b>	<b>Mr King</b>	
<b>Mrs Ward</b>	<b>Mr Anderson</b>	
<b>Mrs Griffiths</b>		
<b>Mr Buffett</b>		
<b>Mr Nobbs</b>		

The Bill as amended was agreed to

**14 FIXING OF NEXT SITTING DAY**

Mrs Griffiths moved -

**THAT this House at its rising adjourn until Wednesday 17 October 2012 at 10 am**

Debate ensued

Question put and agreed to on the voices

**15 ADJOURNMENT**

Mr King moved –

**THAT the House do now adjourn**

Debate ensued

Question put and agreed to on the voices

**THEN the House at 4.12 pm adjourned until Wednesday 17 October 2012 at 10.00 am**

Gaye Evans

**Clerk to the Legislative Assembly**

**MEMBERS PRESENT:** All Members were present