

**NORFOLK ISLAND
THIRTEENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 17 OCTOBER 2012**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
THERTIINTH LEJESLIETEW 'SEMBLE
WENSDI 17 OKTOEBA 2012**

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

2 **LEAVE OF ABSENCE FOR MR ANDERSON MLA**
Leave of absence unanimously extended to Mr Craig M Anderson MLA

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

**George Roslyn Quintal
Moyna Irene Craig**

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

4 **QUESTIONS WITHOUT NOTICE (10.12 AM – 11.10 AM)**

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

449 **Mr King asked the Chief Minister**

- a. Is it a fact that the supply contract for the island's fuel has been rolled over for 2 years without undertaking a tendering process as set down in the public procurement guidelines?
- b. Is it a fact that unless the government had agreed to roll over the contract it was faced with a significant contingent debt arising under penalty provisions of the supply contract?
- c. What was the extent of the contingent debt?
- d. Is it a fact that the primary consideration in rolling over the contract was not to achieve the best outcome for the community but to avoid the payment of the contingent debt?
- e. Why, when the Minister had the opportunity to do so, was the community and this House not advised of the existence of the penalty clause in the existing contract and its possible impact on the procurement process?

461 **Mrs Ward asked the Chief Minister**

Will the Chief Minister provide to the House accurate information on the Island's current budgetary position given that the 2012/13 interim Supply Bill is based on an estimated annual figure of 25,500 visitors and to date, visitor numbers are below expectation?

462 **Mrs Ward asked the Minister for Community Services**

Ball Bay Reserve contains remnant native coastal forest and has Planning objectives to control the impacts of grazing and promote natural regeneration. Is it a fact that the Minister has directed the Conservator not to comply with the objectives of the plans of management until a review of the Reserves is complete; and if so, how does this approach support conservation objectives agreed to by this House, or rehabilitation programs which have been funded by the Commonwealth?

463 **Mrs Ward asked the Chief Minister**

The recently published ACIL Tasman Economic Development Report made various recommendations in relation to the island's ability to sustain itself. Which of the proposals does the Norfolk Island Government plan to implement and within what timeframe?

464 Mrs Ward asked the Minister for Community Services

In response to a question on notice last month, the Minister stated that the Hospital employee entitlements are budgeted for each and every year but the funds are not necessarily put aside for this purpose. If in fact no funds are set aside for their intended purpose, what are they spent on and what guarantee can the Minister give that funds will be quarantined in future as he has directed?

465 Mrs Ward asked the Chief Minister

Does the external audit report 2010/11 recommend that staff entitlements for the Norfolk Island Administration be quarantined and if so, how has this occurred and what is the current liability?

466 Ms Adams asked the Chief Minister

What is the urgency to open our borders to any Australian or New Zealand citizen when the Commonwealth has yet to provide instructions to assent to the Immigration (Amendment) Bill 2012 passed earlier this year by the House, to extend the visitor permit to 120 days

467 Ms Adams asked the Chief Minister

Has the Chief Minister sought legal advice on whether the current Norfolk Island Government immigration proposal to open Norfolk Island's borders to Australian and New Zealand citizens to move to Norfolk Island to live, work, start new businesses and reside as of right, requires an environmental impact assessment under Norfolk Island and/or Commonwealth legislation; and if not, will he undertake to do so

468 Ms Adams asked the Chief Minister

Will the Chief Minister advise what measures will be in place to ensure that Norfolk Island residents currently operating local businesses are not displaced from their Island homeland as a direct result of the government's proposed immigration policy, which permits any Australian or New Zealand citizen wishing to stay on Norfolk Island to start a new business without first demonstrating that the business is not already substantially catered for by a Norfolk Island resident; and how, and when, is the net benefit from the proposed immigration policy to be assessed and made publicly available.

469 Ms Adams asked the Chief Minister

Given the potential under the Norfolk Island Government's new immigration policy for the resident population of the Island to grow exponentially and given the limited amount of natural resources available on Norfolk Island, will the government be developing new resource management and infrastructure development plans to accommodate the proposed changes before implementation of the new policy.

470 Ms Adams asked the Chief Minister

Is it a fact that under the Norfolk Island Government's proposed immigration policy Australian and New Zealand citizens from anywhere in the world may move to Norfolk Island and live here indefinitely as visitors, without requiring a police character check or being required to join the Healthcare Scheme. If so what measures will be put in place before the policy is implemented, to ensure that the current feeling of living in a safe and protected community is not compromised, and in particular ensures that the children and the elderly of this community, are not put at risk by persons who might otherwise be identified through a police check as being undesirable persons to live in a small and isolated community for an indefinite period

480 Mr King asked the Minister for Community Services

What steps has the Minister taken to satisfy himself that all persons seeking assistance because of financial hardship for whatever reasons are advised of their right to apply for a special benefit under the Social Services Act 1980?

481 Mr King asked the Chief Minister

Has the Chief Minister ascertained the basis on which information relating to the amount of public money paid to contracted staff is withheld from elected representatives of this Assembly and how can such treatment of Members be possibly justified?

482 Mr King asked the Chief Minister

What has been the outcome of the Chief Minister's examination of the arrangements under which the Administration has been providing staff and supporting services to the private organisation CIRCA?

483 Mr King asked the Chief Minister

What audit arrangements are in place regarding the expenditure and acquittal of public monies paid to the local branch of the Commonwealth Parliamentary Association each year?

484 Mr King asked the Chief Minister

Is it not a fact that arrangements for letting of contracts in and around the Legislative Assembly are inconsistent with the general guidelines for public procurement used elsewhere in the public sector and is it not a fact that at least one supply contract is simply rolled over each year in favour of the same beneficiaries without any regard for the guidelines?

485 Mr King asked the Chief Minister

Why has the government not published the guidelines under which it proposes to select particular photovoltaic arrays for disconnection?

486 Mr King asked the Minister Tourism Industry Development

Given that the Tourist Bureau can only spend its moneys in the in “discharge of expenses, obligations and liabilities of the Bureau arising out of the carrying out of its functions or the exercise of its powers” under the governing statute (s 16) how is it that, according to the Minister, the Bureau supplied funding for the recent travel expenses of the Economic Development Australia team to undertake a task unrelated to tourism?

Is the community expected to believe that of its own accord the Tourist Bureau volunteered to undertake this extraordinary expenditure or is this case of the Minister having exceeded his authority?

487 Mr King asked the Minister Tourism Industry Development

To what extent were difficulties with the infiltration of solar generation considered before the Government announced its policy position and plans in relation to supporting solar power generation? To what extent did planning take account of a future need to shed power to prevent outages?

488 Mr King asked the Chief Minister

Will the Chief Minister be introducing legislation to remedy the unforeseen consequences that have arisen for those who have left our shores through economic circumstances to take up temporary work elsewhere, namely unforeseen liability for absentee landowner’s tax and possibly enrolment entitlements and any other unintended adverse consequence that may have arisen from those same circumstances?

6 LEAVE TO MOVE MOTION ~ QUESTION ON NOTICE NO 499

Mr King sought leave to move motion

Leave granted

Mr King moved –

**THAT the House take note of the Chief Minister’s response to
Question On Notice No 449**

Debate ensued

Mr King moved –

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

Question put and agreed on the voices

7 PRESENTATION OF PAPERS

The following papers were tabled:

- 1) Speaker – **Report under Legislative Assembly (Register of members’ Interest) Act 2004**
- 2) Minister for Tourism, Industry & Development - **Gaming Licence**
- 3) Minister for Tourism, Industry & Development - **Gaming Licence**
- 4) Chief Minister - **Report under Legal Aid Act 1995**

Mr King moved –

THAT the paper be noted and debate adjourned to a subsequent day of sitting

Question put and agreed to on the voices

- 5) Chief Minister - **Annual Report of the NI Public Service Board**

Mr King moved –

THAT the paper be noted and debate adjourned to a subsequent day of sitting

Question put and agreed to on the voices

- 6) Chief Minister - **Policy paper – Policies to improve Immigration in NI**

Mrs Ward moved –

THAT the paper be noted

Question put and agreed to on the voices

Mrs Griffiths moved –

THAT the debate be adjourned to a subsequent day of sitting

Question put and agreed to on the voices

- 7) Minister for Tourism, Industry & Development - **Exposure Draft – Marine Safety Bill**
8) 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

8 STATEMENTS OF AN OFFICIAL NATURE

- 1) Chief Minister, Mr Buffett advised that Officers from the **Australian National Audit Office** were to visit NI next week to conduct the 2011/12 audit
- 2) Chief Minister, Mr Buffett advised of the **Public Service current Financial Position**
- 3) Mrs Griffiths gave an update on the **Commonwealth Women Parliamentarians funding success for a mentoring project for Pacific Women Parliamentarians**

9 MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 32

The Speaker reported –

Message No. 32 from the Administrator under section 21 of the *Norfolk Island Act 1979* advising that on 9 October 2012 he declared his assent to the *Wills Act 2012* (Act No 8 of 2012) and the *Tourist Accommodation (Amendment) Act 2012* (Act No 9 of 2012)

SUSPENSION

The House suspended at 1.55 pm

RESUMPTION

The House resumed at 2.34

NOTICES

10 INTERIM REPORT – CODES OF CONDUCT

Mr King pursuant to notice, moved -

THAT the House take note of the interim report, Codes of Conduct Inquiry compiled by Mr R J Cahill dated 31 May 2012 and tabled by the Chief Minister on 19 September 2012.

Debate ensued

Question put and agreed on the voices – Mr King abstained

11 LAND VALUATION BILL 2012

Minister for Community Services, Mr Sheridan, pursuant to notice, presented the Land Valuation Bill 2012 and moved –

THAT the Bill be agreed to in principle and that the Explanatory Memorandum be noted and taken as read and printed into Hansard

Paper: Mr Sheridan tabled the Explanatory Memorandum to the Bill
Leave sought to have Explanatory Memorandum printed into Hansard
Leave granted
Debate ensued
Mr Sheridan 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

12 GOODS AND SERVICES TAX (AMENDMENT NO. 2) BILL 2012

Chief Minister, Mr Buffett, pursuant to notice, presented the Goods and Services Tax (Amendment No. 2) 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 CUSTOMS (AMENDMENT) BILL 2012

Resumption of debate (Chief Minister, Mr Buffett) from 19 September 2012 on the question – THAT the Bill be agreed to in principle

Debate ensued
Question – THAT the Bill be agreed to in principle - put
The House voted -

Ayes 5

MS ADAMS
MRS GRIFFITHS
MR BUFFETT
MR NOBBS
MR KING

Noes

MR SNELL
MR SHERIDAN
MS WARD

Abstain

Motion agreed

Mr Buffett moved –

THAT the Bill be agreed

Debate ensued
Question – THAT the Bill be agreed to - put
The House voted -

Ayes 5

MS ADAMS
MRS GRIFFITHS

Noes

MR SNELL
MR SHERIDAN

Abstain

MR BUFFETT
MR NOBBS
MR KING

MS WARD

Bill agreed to

13 FIXING OF NEXT SITTING DAY

Mr King Griffiths moved -

THAT this House at its rising adjourn until Wednesday 21 November 2012 at 10 am

Debate ensued

Question put and agreed to on the voices

15 ADJOURNMENT

Mrs Ward –

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 21 November 2012 at 10.00 am

Gaye Evans

Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present except Mr Anderson by leave