

**NORFOLK ISLAND
THIRTEENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 1 FEBRUARY 2012**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
THERTIINTH LEJESLIETEW 'SEMBLE
WENSDI 7 1 FEBYUWERI 2012**

1 The Legislative Assembly met at 10.03 am, the Speaker, Ms Robin Adams JP MLA, took the Chair and read Prayers

2 **CONDOLENCE**

Mr Snell recorded the passing of –

**Alice Maude Buffett
Ross Evelyn Westwood**

Speaker recorded the passing of –

Frederick Cain (Clerk to Parliament of Nauru)

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

3 **QUESTIONS WITHOUT NOTICE (10.13 AM)**

4 **ANSWERS TO QUESTIONS ON NOTICE**

Responses were provided to:

305 Mr King to ask the Chief Minister

At the November meeting the Chief Minister cited an increase of some 300% in criminal activity and some 140% increase in police activity over the past 5 years.

1. Has the government formally considered these statistics and adopted a policy position?
2. What is that position and what meaningful response can the community expect?

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

In December Minister Nobbs said in relation to the proposed marine bioregional plan that within one month he should be able to provide a clear Norfolk Island Government perspective on how the plan will operate. Could the Minister clarify his December statement and can he now provide to the House, and read into Hansard, a clear statement of the Norfolk Island Government's position in relation to the plan?

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

Given the apparent government involvement in the private publication entitled Norfolk Island Community Economic Transition Plan dated Sept 2011, will the Chief Minister now outline to the House the extent of Norfolk Island Government participation, the cost of such participation, whether the publication is now an official NIG document and the extent to which the plans outlined in the publication will replace existing policy and plans?

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

In December last Minister Sheridan said that he couldn't table regulations to enable the importation of apples as they were still "in the process". Can the Minister advise if he is to table those regulations today and if not, could he explain why he has been unable to meet this undertaking?

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

Can the Chief Minister explain how the public sector procurement and tendering processes and the Commonwealth Finance Minister's requirements for open and effective competition and fairness and equity in dealing with tenders, were satisfied in relation to the procurement of services to develop a strata title white paper, when, as explained by Minister Sheridan at the December sitting, the Norfolk Island government amended the tender specifications, failed to provide those amended specifications to all tenderers, negotiated with one tenderer to the exclusion of others and ultimately awarded a contract to that tenderer?

320 Mr King to ask the Chief Minister.

At the December meeting the Chief Minister attempted to explain that the public sector recruitment freeze is not really a freeze on recruitment but an employment process which follows an evaluation by the public service itself, using some guidelines to determine whether or not the service provided by a particular position is essential to the community or not.

1. Can the Chief Minister advise how the public service is able to make that assessment without policy direction from the Government?
2. If such policy direction has been given about what service is essential and what service is not essential, can the Chief Minister provide that policy to the House?
3. If no such policy direction has been adopted can the Chief Minister endeavour again to assure the House that a public sector recruitment freeze has been a well-reasoned and serious measure to address, in the Chief Minister's words, the "economic climate and frugality that we are observing at this time"?

321 Mr King to ask the Minister for Community Services

What monitoring and assessment takes place of damage to the roadways caused by the protruding tow bars of tour buses and other vehicles, and what measures are taken to ensure the public purse is adequately compensated for this damage?

322 Mr King to ask the Minister for Community Services

What checks and balance are in place to ensure that employers are meeting their obligations to workers compensation levies for their employees and what was the result of these checks being undertaken before the Government decided on a 50 per cent increase in the levy?

323 Mr King to ask the Minister for Community Services

What number of prosecutions have taken place under the Employment Act 1988 against employers for failure to provide an annual holiday or public holiday entitlement and if the answer is 'none', does the government then conclude that all workers are receiving their lawful entitlements?

324 Mr King to ask the Minister for Community Services

What further consideration has been given by the Minister to a ban on the importation of plastic bags into Norfolk Island and will the government be placing the issue on its agenda for policy development?

325 Mr King to ask the Speaker

In light of the publicity given to Mr Harry Jenkins' speech upon his resignation as Speaker of the House of Representatives wherein he said that his participation in policy and debate would be incompatible with his continuing in the role of Speaker, do you as Speaker intend to table in this House for debate, the recently circulated paper which guides Madame Speaker in her participation in debate in this House?

326 Mr King to ask the Chief Minister

Recognising that government policy is almost always directed to the permanent section of the community; can the government confirm that additional census data will be published to restore the capacity to follow trends in the permanent section of the community?

327 Mr King to ask the Chief Minister

Can the Chief Minister advise what percentage of fines imposed by the Courts and remaining unpaid are overdue for payment. Is it a fact that administrative follow up of fines is adequate in terms of supporting judicial decisions?

330 Mrs. Ward to ask the Chief Minister –

In relation to Norfolk Island's participation in the Australian taxation system, as mutually agreed by both Governments under a Memorandum of Understanding and the Road Map:

- a) why has no community consultation taken place by either Government regarding taxation; and
- b) why was no attempt made to facilitate dry run tax returns for Norfolk Island residents in June last year?

331 Mrs Griffiths to ask the Chief Minister

What is the rate of depreciation of the fire trucks at the airport?

332 Mr Anderson to ask the Minister for Tourism, Industry & Development

What is the time frame for the completion of the task allocated to the Minister's subcommittee on ports and infrastructure as outlined at the last meeting in response to a question about freight containerisation and cruise ship disembarkation facilities? Has this committee's terms of reference been reduced to writing and are the terms available for Members to peruse? What is the priority and budget allocated to this task and is professional assistance being engaged to prepare the business case?

333 Mr Anderson to ask the Chief Minister as Minister responsible for the Police

In previous budget presentations the Norfolk Island Police proposed a fee for service regime to recover costs of services provided by the Police. Given the Commonwealth's emphasis on Norfolk Island expanding its own sources of revenue has this proposal been progressed and what stage has it reached?

334 Mr Anderson to ask the Chief Minister:

In answer to a question during the last sitting in respect of the appointment of the Commonwealth Financial Officer the Chief Minister said he had no detail on what was happening with the filling of the position. Does the Chief Minister have any advice as to whether there has been an appointment, and if so who has been appointed, where will they will be located and how soon will they arrive on Norfolk Island to assist with the Commonwealth reporting responsibilities?

335 Mr Anderson to ask the Chief Minister:

Has the Commonwealth Auditor-General been approached as yet in relation to assuming the role of the Norfolk Island auditor? Given the Commonwealth undertaking to provide the services of the Auditor-General and to pay the costs of the audit for at least the first three years will the Auditor-General be doing the audit for the 2012/13 financial year?

336 Mr Anderson to ask the Chief Minister:

Given the generational change to the law of property security that was introduced by the Personal Property Security Act 2009 (Cwth) that commenced operation on 30 January 2012 and extends to Norfolk Island has the Government received a briefing on the impact of the new law on Norfolk Island and will the briefing be made available so the community can assess its impact on them.

337 Mr Anderson to ask the Chief Minister:

At the last sitting the Chief Minister indicated that the switch over to the new accounting system that would allow consolidation of Administration accounts onto one account for individuals or families was possibly starting that day. Can the Chief Minister provide an update of how far the project has progressed and what are the timelines for its completion?

338 Mr Anderson to ask the Minister for Community Services:

In employing doctors at the hospital as either locums or on a time based contract what background checks are undertaken by the employment agencies and/or the Director of the hospital to establish the credentials of the applicants and to confirm the right to practise as a medical practitioner? Are there any specific checks conducted with registration bodies in Australia or overseas?

5 PRESENTATION OF PAPERS

The following papers were presented:

- 1) Chief Minister, Mr Buffett - **Virement of Funds Advice**
- 2) Minister for Community Services, Mr Sheridan – **Traffic (Amendment No. 6) Regulations 2011**
- 3) Minister for Tourism, Industry & Development, Mr Nobbs – **Norfolk Island Fishing and Marine Report – January 2012**

6 STATEMENTS OF AN OFFICIAL NATURE

The following statements were made –

- 1) Chief Minister, Mr Buffett – Letter from Hon Simon Crean MP regarding Protection of Norfolk Island's Cultural Heritage

Paper tabled: Mr Buffett – Letter from Hon Simon Crean MP

- 2) Chief Minister, Mr Buffett – Norfolk Island Public Service Review and its twelve recommendations

Paper tabled: Mr Buffett – Norfolk Island Public Service Review

Mr King moved –

THAT the Statement and paper be noted

Debate ensued

Question put and agreed to on the voices

- 3) Chief Minister, Mr Buffett – Administrative Appeals Tribunal (AAT) and a further visit to launch the Tribunal's jurisdiction, including officers from the Australian Information Commission, the Office of the Ombudsman and the Attorney-General's Department

Sitting suspended at 12.40pm until 2.00 pm

The House resumed at 2.02pm, Speaker Adams taking the Chair

7 NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ACT 1980 - APPOINTMENT OF MEMBER TO THE NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ADVISORY BOARD

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

THAT this House resolve for the purposes of section 4 of the *Norfolk Island Government Tourist Bureau Act 1980* that the Minister appoint —

Megan Honor Adams

as a member of the Norfolk Island Government Tourist Bureau Advisory Board for two years.

Debate ensued

Question put and agreed to on the voices

8 CITIZEN INITIATED REFEREDUM

Speaker read Notice and invited Mr Snell to move motion

Mr King called a Point of Order and raised several objections

Debate ensued

Speaker ruled – That the House would be called

Mr King called a motion of dissent against the Speaker's ruling

Speaker put question to House that it might vote on Mr King's call

Debate ensued

Mr Buffett moved –

THAT the question be put

Question put

The House voted –

Ayes 3

Mr Sheridan

Mr King

Mr Anderson

Noes 5

Mr Snell

Mrs Griffiths

Mr Buffett

Mr Nobbs

Mrs Ward

Abstention 1

Ms Adams

Motion negatived

Mr Snell, pursuant to notice moved -

THAT so much of standing orders be suspended as would prevent this House from considering the following motion:

“WHEREAS –

1. On 21 December 2011 under section 6 of the Referendum Act 1964 a citizen initiated referendum was conducted on the following question:

Do you agree with the Norfolk Island Legislative Assembly's changes to the *Road Traffic Act 1982* (now consolidated as *Traffic Act 2010*), namely –

- 1. Compulsory wearing of seatbelts**
- 2. “L” and “P” plates**
- 3. The provisions applicable to “L” and “P” plates**
- 4. Compulsory wearing of cycle helmets**
and

2. On 21 December 2011 one thousand and two electors cast a valid vote at the referendum and of those electors six hundred and thirty three electors cast a valid vote expressing their disagreement to the compulsory wearing of seatbelts,

NOW THIS HOUSE –

In acknowledgement that the electors have an expectation that the Legislative Assembly will respect the view they have expressed at the referendum on the issue of compulsory wearing of seatbelts,

RESOLVES to bring before this House at the March 2012 sitting a Bill for an Act to remove all compulsion in the Traffic Act 2010 and the Traffic Regulations for persons on Norfolk Island 5 years of age and over to wear a seat belt”

Debate on motion of suspension of Standing Orders

Question - THAT so much of standing orders be suspended as would prevent this House from considering the following motion - put

The House voted –

Ayes 6

Ms Adams

Mr Snell

Mrs Griffiths

Mr Buffett

Mr Nobbs

Mrs Ward

Noes 3

Mr Sheridan

Mr King

Mr Anderson

Motion agreed

Debate ensued

Acting Deputy Speaker Griffiths took the chair – 2.18 PM

Question – THAT the motion be agreed – put and agreed to on the voices

The House voted –

Ayes 4

Ms Adams

Mr Snell

Mrs Griffiths

Mrs Ward

Noes 5

Mr Sheridan

Mr Buffett

Mr Nobbs

Mr King

Mr Anderson

Motion negated

9 IMMIGRATION (AMENDMENT) BILL 2011

Resumption of debate (Chief Minister, Mr Buffett) from 7 December on the question – That the Bill be agreed to in principle

Debate ensued

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

10 FIXING OF NEXT SITTING DAY

Chief Minister, Mr Buffett moved -

THAT the House at its rising adjourn until Wednesday 7th March 2012 at 10 am

Debate ensued

Question put and agreed to on the voices

11 ADJOURNMENT

Mr Anderson moved –

THAT the House do now adjourn

Question put and agreed to on the voices

AND THEN the House at 3.58 pm adjourned until Wednesday 7th March 2012 at 10.00 am

Gaye Evans

Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present