

**NORFOLK ISLAND
THIRTEENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 11 APRIL 2012**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
THERTIINTH LEJESLIETEW 'SEMBLE
WENSDI 11 IEPRL 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 –

**Jennifer Joy Cook
Shirley June Fox**

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

3 **QUESTIONS WITHOUT NOTICE (10.08 AM)**

4 **ANSWERS TO QUESTIONS ON NOTICE**

Responses were provided to:

362 **Mrs Ward asked the Minister for Tourism, Industry & Development**

Is it a fact that Norfolk Island Gaming duty rate was adjusted downward in January this year; if so, what was the decision based on and is the new rate increasing or decreasing budget income?

363 **Mrs Ward asked the Minister for Tourism, Industry & Development**

Does the projected revenue figure within the 2012/13 draft budget for gaming, take into account the now reduced gaming duty rate; and, if so what is the revised figure?

364 **Mrs Ward asked the Chief Minister**

How many authorized virements have been made over the previous three financial years, including 2011/12, and to what value in each given year?

365 **Mrs Griffiths asked the Minister for Community Services**

How much is the Administration paying (personnel, equipment and materials) to maintain the area set aside for Landcare at Cockpit?

Deputy Speaker Snell took the chair (10.58)

366 **Mr Anderson asked the Chief Minister**

Does the Government intend to develop a program to promote the opportunities for self funded retirees to settle in Norfolk Island and if so when is it anticipated that it will be ready? Has there been any promotion at all outside Norfolk Island since the change of policy to allow self funded retirees to settle here?

367 **Mr Anderson asked the Chief Minister**

- a) Can the Chief Minister report on the outcome of his six month trial of the lower customs duty threshold for small personal packages that was commenced in August 2011.
- b) At the last sitting the Chief Minister agreed to make some checks to determine whether the interpretation of the lower customs duty threshold for small personal packages was mistakenly being applied to other packages where each item on an invoice was under the \$100 threshold, irrespective of the total value of the invoice. Could the Chief Minister advise the outcome of his enquiries.

368 Mr King asked the Chief Minister

Will the Chief Minister provide detail to the House as to the profitability of the REO Café?

Paper tabled: Mr Buffett: **REO Café, Kingston**

Speaker Adams resumed the chair (11.10)**369 Mr King asked the Minister for Tourism, Industry & Development**

- a) Is the Minister aware of any ongoing mechanical problems with one of the million dollar plus Rosenbauer fire engines which are perhaps not covered by a warranty and are the problems capable of being addressed?
- b) Is it a fact that warranty on the vehicles has been voided or capable of being voided by the fact that there is too little use of the vehicles and if so was that caveat identified and understood at the time of purchase?

370 Mr King asked the Minister for Tourism, Industry & Development

When is the Minister to report to Members on the result of his inquiry into the recent fuel shortage in the island and will the report be made public?

371 Mr King asked the Chief Minister

- a) Would the Chief Minister confirm to the House that Bartercard dollars held by the Administration form part of the public account as community assets?
- b) Is it a fact that some \$900 worth of public assets were recently expended by the Minister for Tourism on a dinner for the departing general manager of the now defunct Norfolk Air and can the Chief Minister advise if those assets were Bartercard dollars?
- c) Can the Chief Minister advise the House where legislative authority existed for the payment of public moneys for this purpose; whether a requisition for funds under section 25 of the Public Moneys Act 1979 was raised before the expenditure occurred and whether an expenditure order was issued under section 26 of the Public Moneys Act 1979 before the expenditure occurred?

Paper tabled: Mr Buffett: **Barter Card**

372 Mr King asked the Chief Minister

- a) Can the Chief Minister advise the House of the cost to the public account of the recent planned farewell dinner for staff of the now defunct Norfolk Air and whether that cost was settled with Bartercard dollars?
- b) Can the Chief Minister advise the House where legislative authority existed for the payment of public moneys for this purpose; whether a requisition for funds under section 25 of the Public Moneys Act 1979 was raised before the expenditure occurred and whether an expenditure order was issued under section 26 of the Public Moneys Act 1979 before the expenditure occurred?

373 Mr King asked the Minister for Tourism, Industry & Development

- a) Is it a fact that the current fuel importer Natjola Pty Ltd enjoys a contract term that ensures an automatic rollover of existing arrangements if the Administration fails to take steps to attract wider interest in fuel supply and what is the latest date by which such steps should be taken?
- b) What processes are proposed to be followed in an effort to ensure continuity of fuel supply to the community at the lowest possible price?
- c) Given the Minister's recent report to an informal meeting of MLAs that contract arrangements for fuel supply are currently being discussed with the Commonwealth; can the Minister advise the basis of such discussions and whether tardiness in finalising those discussions might contribute to the Government and the community losing its opportunity to source cheaper fuel supplies?
- d) Can the Minister indicate any reason or reasons for not immediately advising the current supplier of the intention to end the contract for fuel supply with that company and proceed to an open tender process in order to provide the fairest and best outcome for the people of Norfolk Island.
- e) Who within the Norfolk Island Government or the Administration will determine the future of this contract and on what criteria will such a determination be made.

374 Mr King asked the Chief Minister

Can the Chief Minister advise the House if the redundancy packages recently granted to former staff of Norfolk Air were based on contractual obligations or whether they were unplanned ex gratia payments; if the latter can the Chief Minister advise where the statutory authority existed for these redundancy payments?

375 Mr King asked the Chief Minister

The Chief Minister has advised Members that he has sought an independent examination of ministerial conduct raised at the last meeting of the House. Can he now inform the House -

- a) The name of the independent investigator,
- b) The defined nature of his task,
- c) The reporting date, and
- d) Whether the report will be made public?

5 PRESENTATION OF PAPERS

The following papers were presented:

- 1) Chief Minister, Mr Buffett - **Report of the Legal Aid Advisory Committee**
- 2) Chief Minister, Mr Buffett - **Virement of Funds Advice**
- 3) Minister for Tourism, Industry & Development, Mr Nobbs - **Gaming Directors Report**
- 4) Chief Minister, Mr Buffett - **NI Development Report – Final Report on the ACIL Tasman – Dr James Fogarty**

Mrs Griffiths moved –

THAT the Paper be noted

Debate ensued

Deputy Speaker Snell took the chair (11.40)

Speaker Adams resumed the chair (11.48)

Deputy Speaker took the chair (12.45)

Chief Minister moved –

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

Question put and agreed to on the voices

Deputy Speaker suspended the sitting at 1.18 pm. The House resumed at 2.30 pm, the Speaker taking the Chair

- 5) Minister for Community Services, Mr Sheridan - **Strata Title White Paper** and moved –

That the House take note of the Paper and that the Paper be printed

Debate ensued

Question put and agreed to on the voices

6 STATEMENTS OF AN OFFICIAL NATURE

The following statements were made –

- 1) Chief Minister, Mr Buffett extended a warm welcome to His Honour the Administrator Mr Neil Pope and to Mrs Jennifer Pope;
- 2) Chief Minister, Mr Buffett reported that an independent inquiry had commenced into the allegation of misconduct by a Minister and a Member of the Public Service
- 3) Minister for Community Services, Mr Sheridan advised of the engagement of Mr Anthony Gallagher as the community Counsellor

7 MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 26

The Speaker reported **Message No.26 from** the Administrator Mr Owen Walsh dated 29 March 2012 advising that on 29 March 2012 under section 21 of the *Norfolk Island Act 1979* he declared his assent to the Goods and Services Tax (Amendment) Act 2012 (Act No 1 of 2012) and to the Employment (Amendment No 2) Act 2012 (Act No 2 of 2012).

8 MOTION OF APPRECIATION TO THE OUTGOING ADMINISTRATOR

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

THAT this House respectively expresses and records its appreciation of the service rendered to Norfolk Island by Owen Edward John Walsh, accompanied by Mrs Walsh, in his role as Official Secretary to the Administrator, Deputy Administrator, Acting Administrator, and over the last three and a half years as Administrator of Norfolk Island.

Mr Walsh enhanced the wellbeing of Norfolk Island in the performance of his statutory roles, in his Australian Government representative duties, and accompanied by Mrs Walsh, supporting and encouraging the Island's considerable range of community activities.

Mr Walsh concluded his term on the 31st of March 2012. This House wishes them both success and happiness as he continues his career.

Debate ensued

Question put and agreed to unanimously

9 PUBLIC SECTOR MANAGEMENT ACT 2000 - APPOINTMENT OF CHIEF EXECUTIVE OFFICER

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

THAT for the purpose of section 38 of the *Public Sector Management Act 2000*, this Legislative Assembly recommend that Mr Graeme Faulkner be appointed Chief Executive Officer of the Public Service for a term not exceeding 5 years to be determined under the conditions of appointment specified in a written agreement made in accordance with section 40 of the *Public Sector Management Act 2000*.

Debate ensued

Question put and agreed to on the voices

10 EMPLOYMENT ACT 1988 - APPOINTMENT OF MEMBER TO THE EMPLOYMENT CONCILIATION BOARD

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

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

Carolyn Mignone O'Doherty

being a person with relevant qualifications and experience, to the Employment Conciliation Board for the period 12 April 2012 to 11 April 2015.

Debate ensued

Question put and agreed to on the voices

11 MUSEUM TRUST ACT 1987 - APPOINTMENT OF TRUSTEE

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

THAT, for the purposes of subsection 5(1) of the *Museum Trust Act 1987*, this House resolve that –

Brian Thomas McGrath

be appointed as a trustee under the Act for the period 20 April 2012 to 19 April 2014.

Debate ensued

Question put and agreed to on the voices – Mr King absent from Chamber

12 IMMIGRATION ACT 1980 - RE-APPOINTMENT OF MEMBER OF THE LEGISLATIVE ASSEMBLY TO THE IMMIGRATION COMMITTEE

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

THAT for the purposes of subsections 6(2), (4) and (5) of the *Immigration Act 1980*, this House recommends to the Minister responsible for Immigration, that —

Melissa Ward

being a member of the Legislative Assembly and a resident, be re-appointed as a member of the Immigration Committee for the period commencing 14 April 2012.

Debate ensued

Question put and agreed to on the voices – Mr King absent from Chamber

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

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

THAT this House in accordance with sections 4 and 6 of the *Norfolk Island Government Tourist Bureau Act 1980* resolve that, as a result of the resignation of Duncan Harvey Evans as a member of the Norfolk Island Government Tourist Bureau Advisory Board, the Minister with responsibility for the Norfolk Island Government Tourist Bureau Advisory Board appoint —

Alistair John Unicomb

to be a member of the Norfolk Island Government Tourist Bureau Advisory Board for the remainder of the term of the member replaced.

Debate ensued

Question put and agreed to on the voices

14 PROVIDENT ACCOUNT ACT 1958 – APPOINTMENT OF TRUSTEES

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

THAT, following on the resignation of Kim Narelle Edward as the Official Trustee, for the purposes of section 4A(1) of the *Provident Account Act 1958*, the Legislative Assembly recommend that the Minister with responsibility for the *Provident Account Act 1958*, revoke the appointment of Gary Dowling as the Deputy Official Trustee, and appoint —

Gary Dowling

being a public service employee, to be the Official Trustee of the Provident Account and appoint —

Janis Keeping

being a public service employee, to be the Deputy Official Trustee of the Provident Account.

Debate ensued

Question put and agreed to on the voices

15 SENTENCING (AMENDMENT) BILL 2012

Chief Minister, Mr Buffett to present a Bill for an Act to amend the *Sentencing Act 2007* to provide for sentencing of young offenders and related purposes and moved –

THAT the Bill be agreed to in principle

Paper tabled: Chief Minister tabled the Explanatory Memorandum

Debate ensued

Chief Minister moved –

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

Question put and agreed to on the voices

ORDERS OF THE DAY**16 IMMIGRATION (AMENDMENT) BILL 2012**

Resumption of debate from 7 March 2012 (Chief Minister, Mr Buffett) on the question – That the Bill be agreed to in principle

Debate ensued

Chief Minister moved –

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

Question put and agreed to on the voices – Mr Snell dissenting

17 FIXING OF NEXT SITTING DAY

Mrs Ward moved -

THAT the House at its rising adjourn until Wednesday 9th May 2012 at 10 am

Debate ensued

Question put and agreed to on the voices

Speaker advised that she was unable to attend on that date and sought leave

18 ADJOURNMENT

Mrs Griffiths moved –

THAT the House do now adjourn

Debate ensued

Question put and agreed to on the voices

AND THEN the House at 4.13 pm adjourned until Wednesday 9th May 2012 at 10.00 am

Gaye Evans

Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present