

**NORFOLK ISLAND
THIRTEENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 6 JUNE 2012**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
THERTIINTH LEJESLIETEW 'SEMBLE
WENSDI 6 JUUN 2012**

**CEREMONIAL SITTING
SEREMOENYEL SETEN**

**To celebrate The Diamond Jubilee of Her Majesty Queen Elizabeth II
F' selebriet De Daiman Juubelii' Her Maejesti Kwiin Elisabeth II**

- 1 Members and Guests arrive at the Legislative Assembly and take their seats in the Chamber
- 2 Preceded by the Clerk, The Chief Minister, Mrs Pope and Rev Bassett are escorted to their seats in the Chamber
- 3 Preceded by the Clerk, The Speaker, Hon Robin Adams JP MLA enters the Chamber and takes the Chair at 10.02 am
- 4 Preceded by the Clerk, The Administrator is welcomed into the Chamber
- 5 Speaker invites Rev Philip Bassett to say Prayers
- 6 Speaker welcomes The Administrator, dignitaries, guests and Members
- 7 Speaker calls upon The Administrator to address the Assembly
- 8 Speaker calls upon the Chief Minister to address the Assembly
- 9 Speaker calls upon the Minister for Community Services and Deputy Speaker Mr Snell to speak
- 10 The Ceremonial Sitting to mark Her Majesty The Queen's Diamond Jubilee is suspended at 10.28 am
- 11 The formal sitting of the Legislative Assembly is resumed at 11.03 am for the purpose of conducting its usual business
- 12 **CONDOLENCES**
Mr Sheridan recorded the passing of –

**Dianne Snell
Garry Robert Clarke
Enid Mary Weslake**

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

13 QUESTIONS WITHOUT NOTICE (10.13 – 11.53 AM)

14 ANSWERS TO QUESTIONS ON NOTICE
Responses were provided to:

376 Mr King to ask the Chief Minister

1. Is it a fact that at the last sitting of the House and in response to questions about the expenditure of barter card dollars you revealed that on two occasions in recent times a commitment of Administration assets, a cash commitment of \$965.50 and a commitment of some 500 barter card dollars, was made in direct contravention of sections 25 and 26 of the Public Moneys Act 1979, that is, without first having requisitioned funds and without receiving proper authorisation;
2. Is it a fact that on both occasions the expenditures related to functions in portfolio areas of the Minister for Tourism and that the Minister was in official attendance on both occasions;

3. Is it a fact that both functions were either planned by, or held at the behest of the Minister for Tourism;
4. What aspects of Ministerial responsibility and accountability arise from these circumstances;
5. If the government as a whole accepts responsibility was there not an expectation that the portfolio Minister observe the requirements of the law in carrying out the government's wishes; and,
6. Will the Chief Minister be considering any disciplinary action of his Ministers in relation to conduct surrounding these circumstances?

377 Mr King to ask the Chief Minister

The Chief Minister announced at the last sitting of the House that he had issued a directive to the Acting CEO to ensure compliance with all sections of the Public Moneys Act 1979 particularly sections 25 and of 26. Was such directive in writing, when was it issued and was it issued in between the Chief Minister's first attempt at answering a question about contravention of those sections and his second attempt later in the sitting during which he made his announcement?

382 Mr King to ask the Chief Minister

Can the Chief Minister advise the House of the success or otherwise of the Government's so called staff recruitment freeze imposed from memory in 2010, expressed in terms of staff numbers and dollars saved?

Paper tabled: Mr Buffett: **Schedule of resignations from Administration since June 2010 (Paper not to be made public SO 72A – available to Members only)**

384 King to ask the Chief Minister and the Speaker

Will the Chief Minister and Speaker provide to the House a report detailing contractual arrangements for the provision of all services to the Legislative Assembly and the Norfolk Island Government within the Old Military Barracks, including the name of each contractor, the agreed consideration, the term of each contract and the last date of which each contract went out to open tender?

Paper tabled: Mr Buffett: **Contractual arrangements for services to Legislative Assembly and government (Paper not to be made public SO 72A – available to Members only)**

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

(3) Can he advise the House of the total cost to the public purse of government and/or Administration involvement in what is essentially a private sector initiative, including the estimated costs of 'in-house' legal work and other time costs?

401 Mrs Ward to ask the Minister for Tourism, Industry & Development

Would the Minister provide to Members, a list of each licence that has been granted, tabled and is currently active under each prescribed Act relating to Gaming in Norfolk Island?

402 Mrs Ward to ask the Minister for Community Services

What is the reason for the Commonwealth funded pest and disease survey and how does it fit into Norfolk Island's Immigration, Customs, Quarantine and Trade requirements for the future?

403 Mrs Ward to ask the Chief Minister

To what extent has the Norfolk Island Government examined local revenue raising measures which are more closely aligned with those of mainland Australia?

404 Mr King to ask the Chief Minister

- (a) In what way does the Norfolk Island legal aid system differ from mainland jurisdictions insofar as requiring assisted persons to repay all or part of the amount of assistance that has been provided?
- (b) In particular do mainland jurisdictions require in most cases, the repayment of the full amount of the assistance that has been provided? and
- (a) What are the established guidelines in relation to the exercise of the ministerial discretion contained in section 21 of the Legal Aid Act, that is the discretion to require repayments of part or all of the legal aid provided, and where can the community find a publication containing the guidelines?

405 Mr King to ask the Minister for Community Services

What conclusions have been drawn by the Minister from his consideration of the wasp situation in Norfolk Island; specifically is there a conclusion that activity is increasing or decreasing; if activity is considered to be increasing what level of increase can be expected if the issue is not addressed?

406 Mr King to ask the Chief Minister

To what extent can the Retail Price Index be relied upon as a measure of inflation in the absence of adequate review and loss of integrity?

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

Can the Minister update the House on the processes undertaken in ensuring ongoing fuel supply to the island at best possible outcome for the community?

408 Mr King to ask the Chief Minister

- (a) What is the current policy regarding the wearing of firearms by Norfolk Island Police and what changes, if any, have occurred in recent times?
- (b) If it is the case that firearms are worn, how can such practice possibly be warranted in Norfolk Island, save for special operational circumstances?

- (c) If it is the case that firearms are worn by locally recruited police who have not undergone the full range of training in the use and control of firearms, how could such practice possibly meet OHS and community safety standards?
- (d) Is it a fact that a locally recruited police officer was recently stood down for questioning the necessity for wearing an accoutrement belt and a firearm and if so, does the government consider this a reasonable response to soundly-based concerns?

409 Mr King to ask the Chief Minister

- (a) Are locally engaged police officers employees of the Administration and if not can the Chief Minister advise who is the actual employer?
- (b) Is the principle of 'equal pay for work of equal value' applied in the Norfolk Island Police force?
- (c) What recourse do locally engaged officers have to air grievances about their terms and conditions of employment?

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

What arrangements have been finalised for the supply of visitor statistics to the community and for that matter to MLAs?

411 Mr King to ask the Minister for Community Services

What level of monitoring is undertaken to prevent contamination of the Ball Bay environs through hydrocarbon leach?

412 Mr King to ask the Chief Minister

What level of discussion and examination has taken place concerning deterioration in historic gravestones in the KAVHA cemetery following concerns raised in the House at its last sitting?

413 Mr King to ask the Chief Minister

What is the result of the Chief Minister's examination of concerns raised at the last sitting regarding the use of roundup in and around the KAVHA waterways and the possible implications for the eco systems and swimming waters?

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

What conclusions have been reached about the mail carriage and delivery arrangements following concerns of apparent detrimental changes?

415 Mr King to ask the Chief Minister

Why has there been a 19 year delay in commencing Section 16 (2) of the Legal Profession Act which if commenced would adopt the ACT standards for professional conduct?

416 Mr King to ask the Chief Minister

What action has the Chief Minister taken to communicate to the Federal Minister the concerns expressed at the last sitting that the failure to implement the intergovernmental policy to remove barriers to telecommunications competition has denied the community competitive and better services and brought private operators close to financial ruin?

15 PRESENTATION OF PAPERS

The following papers were tabled:

- 1) Minister for Tourism, Industry & Development, Mr Nobbs – **Gaming Directors Report**
- 2) Chief Minister, Mr Buffett – **Virement of Funds Advice**
- 3) Chief Minister, Mr Buffett – **Administration's Audited Financial Statements – CST Nexia's final accounts – acknowledgement of their service**

16 STATEMENTS OF AN OFFICIAL NATURE

- 1) Mrs Griffiths – Steering Committee of the Commonwealth Women's Parliamentary Committee (CWP)
Mr Snell moved –

THAT the Statement be noted

Debate ensued

Question put and agreed to on the voices

- 2) Chief Minister, Mr Buffett – Appointment of new CEO – Graeme Faulkner
- 3) Minister for Community Services, Mr Sheridan – Maritime incident earlier this week – yacht in distress brought in to Norfolk Island
- 4) Speaker, Hon Robin Adams - Legislative Assembly Team for support

17 MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 27

The Speaker reported **Message No. 27** from the Administrator Mr Neil Pope dated 22 May 2012 advising that on 22 May 2012 under section 21 of the *Norfolk Island Act 1979* he declared his assent to the Sentencing (Amendment) Act 2012 (Act No 3 of 2012)

Suspension of Sitting at 1 pm

Resumption of sitting at 2.30 pm

NOTICES

18 MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 28

The Speaker reported **Message No. 28** from the Administrator Mr Neil Pope dated 5 June 2012 advising that on 5 June 2012 under section 25 of the *Norfolk Island Act 1979* he recommended to the late enactment of the proposed law entitled “An Act to authorise expenditure from the Public Account for the period ending on 31 December 2012”

19 SUPPLY BILL 2012

Chief Minister, Mr Buffett pursuant to notice, presented a Bill for an Act to authorise expenditure from the Public Account for the period 1 July 2012 to 31 December 2012 and moved –

THAT the Bill be agreed to in principle

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

Question put and agreed to on the voices

20 CUSTOMS ACT 1913 - EXEMPTION FROM PAYMENT OF CUSTOMS DUTY

Chief Minister Mr Buffett, pursuant to notice, moved -

THAT, under subsection 2B(4) of the Customs Act 1913, this House recommends to the Administrator that the goods specified in the first column of the Schedule imported by the person specified opposite, and on the conditions mentioned, in the second column of the Schedule be exempted from duty -

SCHEDULE**Column 1****Goods****Uniforms**

- amount of duty applicable \$204.57

Christmas Cakes

- amount of duty applicable \$201.50

Column 2**Importer/conditions**

St John Ambulance Norfolk Island

Conditions: Nil

Lions Club of Norfolk Island

Conditions: Nil

Debate ensued

Question put and agreed to on the voices

21 IMMIGRATION ACT 1980 - APPOINTMENT OF MEMBERS TO IMMIGRATION COMMITTEE

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

THAT for the purposes of subsection 6(4) of the *Immigration Act 1980*, this House recommends the appointment of –

Dean Laurent Burrell

as a member of the Immigration Committee for the period 7 June 2012 to 6 June 2014.

Debate ensued

Question put and agreed to on the voices

22 TOURIST ACCOMMODATION (AMENDMENT) BILL 2012

Minister for Tourism, Industry & Development, Mr Nobbs pursuant to notice, presented a Bill for an Act to amend the *Tourist Accommodation (Amendment) Act 1984*, repeal the *Tourist Accommodation (Ownership) Act 1989* and amend the *Planning Act 2002* and for related purposes and moved –

THAT the Bill be agreed to in principle

Paper tabled: Minister for Tourism, Industry & Development tabled the Explanatory Memorandum

Debate ensued
Ms Adams moved –

THAT the Tourist Accommodation (Amendment) Bill 2012 be referred to the Impact of Bills and Subordinate Legislation Committee for it to consider the concerns and issues raised in the communication to the Chief Minister and Members of the Assembly dated 24 May 2012 from the ATA and report back to the House on its deliberations and considerations and the conclusions drawn from those deliberations and considerations at its sitting on 11 July 2012. The Committee to also consider and report on the following in its deliberations and considerations. 1. Whether the range of amendments proposed in the Bill are in the short and long term in the best interests of Norfolk Island and 2. Whether the principal aim of the Norfolk Island Plan at Clause 2.1 will continue to be met if the amendments and the Bill are passed by the House. The Committee is further empowered to consider any other matter relevant to this enquiry shall have the power to send persons, papers and records, include expert witnesses and legal advisors as may be needed to ensure that the Committee is adequately equipped in its deliberations in the preparation of its report.

Debate ensued

Mr Buffett moved an amendment –

THAT after ATA the following words be inserted “...along with other submissions on this proposed legislative measure...”

Debate ensued

Mr Nobbs moved – **THAT the question be put** - Mr Nobbs withdrew the motion

Deputy Speaker sought an indication from Members as to whether they wished the Bill agreed to in principle – Members indicated Aye

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

Question – THAT the amended motion to refer Bill be agreed to – put

The House voted –

Ayes 4

Ms Adams

Mr Snell

Mrs Griffiths

Mr Nobbs

Noes 5

Mr Sheridan

Mr Buffett

Mrs Ward

Mr King

Mr Anderson

Abstention 0

Mr Nobbs 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

23 LIGHTERAGE (AMENDMENT) BILL 2012

Minister for Tourism, Industry & Development, Mr Nobbs pursuant to notice, presented a Bill for an Act to amend the *Lighthouse Act 1961* and moved –

THAT the Bill be agreed to in principle

Paper tabled: Minister for Tourism, Industry & Development tabled the Explanatory Memorandum

Debate ensued

Mr Nobbs 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

24 STRATA TITLE ON NORFOLK ISLAND

Resumption of debate (Minister for Community Services, Mr Sheridan) from 9 May 2012 on the question – That the motion be agreed to

Debate ensued

Mr Sheridan moved –

**THAT all words after “THAT” first occurring be deleted and the following words substituted –
“this House –**

1. **supports the concept of Strata Title on Norfolk Island contained in the White Paper dated 26 March 2012 entitled “Strata title on Norfolk Island” prepared by Ms Cathy Sherry and Professor Peter Butt; and**
2. **resolve that the responsible Minister prepare:**
 - (a) **amendments to the planning package of legislation to accommodate strata title in Norfolk Island; and**
 - (b) **a draft Bill to enable strata title on Norfolk Island**

Debate ensued

Question – That the amendment be agreed to – put

The House voted –

AYES, 7

Mr Sheridan

Mrs Griffiths

Mr Buffett

Mr Nobbs

Mrs Ward

Mr King

Mr Anderson

NOES, 2

Ms Adams

Mr Snell

Amendment agreed to

Question – That the motion as amended be agreed to – put and agreed to, Ms Adams and Mr Snell dissenting

25 OMBUDSMAN BILL 2011

Resumption of debate (Chief Minister, Mr Buffett) from 6 July 2011 on the question – That detail stage amendments dated 27 June 2011 and circulated, be taken as read and agreed to as a whole

Mr Buffett sought leave of the House to withdraw the detail stage amendments dated 27 June 2011 - Leave granted

Mr Buffett sought leave of the Chair to move detail stage amendments dated 5 June 2012 -

Leave granted

Mr Buffett moved –

THAT the detail stage amendments dated 5 June 2012 be agreed to

Paper tabled: Chief Minister tabled the detail stage amendments dated 5 June 2012 and the Explanatory Memorandum

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**

Question put and agreed to on the voices

26 FIXING OF NEXT SITTING DAY

Mr King moved –

THAT the House at its rising adjourn until Wednesday 20 June 2012 at 10.00 am

Question put and agreed to on the voices

27 ADJOURNMENT

Mrs Ward moved –

THAT the House do now adjourn

Question put and agreed to on the voices

AND THEN the House at 5.31 pm adjourned until Wednesday 20 June 2012 at 10.00 am

Gaye Evans

Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present