

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

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
THERTIINTH LEJESLIETEW 'SEMBLE
WENSDI 11 JULAI 2012**

1 The Legislative Assembly met at 10.05 am, the Speaker, Ms Robin Adams JP MLA, took the Chair and read Prayers

2 **CONDOLENCES**

Mr Snell recorded the passing of –

Noel Joseph May

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

5 **QUESTIONS WITHOUT NOTICE (10.09 AM)**

6 **ANSWERS TO QUESTIONS ON NOTICE**

Responses were provided to:

378 **King to ask the Chief Minister**

To what extent has the private information of individuals been shared between departments of the Administration and to what extent is the practice now prohibited by the Commonwealth Privacy Act?

383 **King to ask the Chief Minister**

What is the result of the on-going discussions about community difficulties in accessing legal representation as referred to by the Chief Minister at the last sitting?

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

A number of recommendations were made in the recent Public Sector Review; what steps has the Norfolk Island Government taken to implement them?

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

Would the Minister explain why changes to the Tourist Accommodation Act have been prioritized by this Government?

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

What timeframe has been set for a program of divestment of Government business enterprises?

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

What moves is the Norfolk Island Government making to examine the introduction of land tax and municipal rates?

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

At the May sitting the Minister foreshadowed receiving and making public a report then being compiled on the testing of various waterways for determining sources of contamination. Has the final report yet been received and if not, given the preliminary findings revealed by the Minister at the May sitting that contamination by humans was evident, what immediate steps will he take to advise the community of the full implications for public health?

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

Will the Minister table in the House the most recent documents from the Regulatory Authority purporting to grant approval and extensions of time for the Airport runway 29 RESA project which remains incomplete, unattended and stalled?

424 Mr King to ask the Chief Minister

- (a) Is the Chief Minister able yet to explain to the House how and why the eligibility criteria for the advertised position of Senior Government Adviser (or Road Map Adviser) changed significantly after questions were raised in the House about the genuineness of attempts to attract suitable applicants?
- (b) Have applications for the position now closed, how many were received, who assessed them and what was the outcome?
- (c) Why did the Chief Minister decline at the last sitting to provide information to the House concerning the amount paid to the current occupant of the position?

425 Mr King to ask the Chief Minister

At the last sitting of the House you intimated in a response to a question, that a failure to comply with the provisions of sections 25 and 26 of the Public Moneys Act 1979 relating to the requisitioning and authorisation for the expenditure of public funds would not be a difficulty provided the requirements of section 31 were observed. Did the Chief Minister's response to the House take account of the provisions of section 33 which create an offence punishable by imprisonment for up to 5 years for using public moneys other than in accordance with the Public Moneys Act 1979?

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

In the light of the Minister's previous response to questions about contracted fuel supplies for the island, can he now provide an update on measures taken to ensure best outcomes for Norfolk Island, including procurement processes to be followed?

427 Mr King to ask the Chief Minister

At the last sitting the Chief Minister informed the House that the Government was moving forward with a plan to enable interim access by private sector operators to the Administration's copper wire network. Can the Chief Minister inform the House why his Government has been unable to implement access and therefore has failed to meet the extended deadline of 01 July by which barriers to telecommunications competition were to be removed?

7 PRESENTATION OF PAPERS

The following papers were tabled:

- 1) Chief Minister – **Australian Information Commissioner – Privacy fact sheet**
- 2) Minister for Tourism, Development and Industry – **Civil Aviation Safety Authority – Exemption**
- 3) Minister for Community Services – **Traffic (General) (Amendment) Regulations 2012**
- 4) Minister for Community Services – **Waste Management (Amendment) Regulations 2012**
- 5) Minister for Community Services – **Ministerial Direction to the Norfolk Island Hospital Enterprise**
- 6) Chief Minister – **Criminal Code Regulations 2012**
- 7) Chief Minister - **Postal Services (Amendment) Regulations 2012**
- 8) Chief Minister - **Virement of Funds Advice**
- 9) Chief Minister - **Norfolk Island Museum Trust Annual Accounts 2012**
- 10) Chief Minister – **Customs Act 1913 – Approved Exemptions**
- 11) Minister for Tourism, Development and Industry – Norfolk Island **Gaming Authority licence Bookmaker.com.au Pty Ltd**
- 12) Minister for Tourism, Development and Industry – Norfolk Island **Gaming Authority licence Worldwide Wagering Pty Ltd**
- 13) Minister for Tourism, Development and Industry – **Gaming Act 1998 – Report**
- 14) Minister for Tourism, Development and Industry – **Bookmakers and Betting Exchange Act 1998 – Reports**
- 15) Speaker – **Cultural Agreement between Isle of Man and Norfolk Island – Your Parliament Your Voice Report on Tynwald Day and letter from President, Clare Christian**

8 STATEMENTS OF AN OFFICIAL NATURE

- 1) Chief Minister, Mr Buffett gave an update on the on the Immigration Development Working Group

Mr King moved –

THAT the Statement be noted

Debate ensued

Question put and agreed to on the voices

- 2) Speaker, Ms Adams gave an update on the assessment of the Norfolk Island Legislative Assembly's Hansard and IT requirements as assessed by Greg Ransley, IT Specialists of the Tasmanian Parliament
- 3) Speaker, Ms Adams made a Statement of the Cultural Agreement made between the Isle of Man and Norfolk Island, recording in Hansard the activities undertaken on Tynwald Day, 5 July 2012

Paper tabled: *Your Parliament Your Voice*

9 MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 29

The Speaker reported –

Message No. 29 from the Administrator under section 21 of the *Norfolk Island Act 1979* advising that on 26 June 2012 he declared his assent to the Supply Act 2012 (Act No 4 of 2012)

NOTICES

10 PREFERRED MODEL OF SELF GOVERNANCE AND TAXATION FOR NORFOLK ISLAND

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

THAT consequent upon the following examinations, studies and other measures undertaken in accordance with the Roadmap and respective inter-governmental agreements:-

- a) the Deloitte Access Economics *Wellbeing Report –Norfolk Island* dated 27th April 2011
- b) the Commonwealth Grants Commission *Update of the Financial Capacity of Norfolk Island 2011*, dated 2nd December 2011
- c) the Australian Continuous Improvement Group *Norfolk Island Public Service Review*
- d) the ACIL-Tasman *Norfolk Island Economic Development Report*
- e) the *Revenue Measure Options for the Norfolk Island Government* discussion paper
- f) the *Policies to Promote Competition and Investment in Norfolk Island* policy paper
- g) the *Norfolk Island Government's Preferred Model for Territory Self Governance*

And having regard to their respective outcomes, this House resolves to;

- a) Endorse the Norfolk Island Government's commitment to participation in the Australian taxation and social security systems to deliver a net benefit to its community and to express a preference for the earliest introduction of those systems, and
- b) Affirms the inclusion of the island into the Australian GST and transfer payment system
- c) Reaffirm a preferred model for future self-governance as set out in the motion of the Legislative Assembly dated 3rd August 2011, and
- d) Commit to return core functions of Government through staged divestment of commercial enterprises using the *Competition Principles Agreement 1995* as a policy framework
- e) Prepare and commit to an itemised timetable for the reduction and/or removal of barriers to investment and competition, reflecting a reasonable and balanced approach to individual areas, and

- f) **Commit to supporting amendments to the *Norfolk Island Act 1979* necessary to achieve the outcomes set out in this motion.**

Debate ensued

Deputy Speaker Snell took the chair

Ms Adams 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 negatived on the voices

Question – THAT the motion be agreed to – put and agreed on the voices – Mr Snell and Mrs Griffiths voting no and Ms Adams abstaining

Speaker Adams resumed the chair

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

Minister for Tourism, Industry and Development, Mr Nobbs, pursuant to notice moved —

THAT this House in accordance with section 4 of the *Norfolk Island Government Tourist Bureau Act 1980* resolve that, as a result of the resignation of Alistair John Unicomb as a member of the Norfolk Island Government Tourist Bureau Advisory Board, the Minister with responsibility for the *Norfolk Island Government Tourist Bureau Act 1980*, appoint —

Rael Donde

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

Debate ensued

Question put and agreed on the voices

- 12 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

**Wire cable for fishing boat cranes
- amount of duty applicable \$335.28**

**Electronic Scoreboard
- amount of duty applicable \$632.28**

Column 2
Importer/conditions

**Norfolk Island Fishing Association
Conditions: Nil**

**Norfolk Island Junior Rugby League
Conditions: Nil**

Debate ensued

Question put and agreed on the voices

13 FINANCIAL ACCOUNTS AND AUDIT REPORT FOR THE YEAR 2010/11

Mr King, pursuant to notice, moved —

THAT the House take note of the financial accounts and audit report for the year 2010/11 tabled by the Chief Minister at the 6 June meeting of the House.

Debate ensued

Question put and agreed on the voices – Mrs Griffiths absent from Chamber

ORDERS OF THE DAY

14 OMBUDSMAN BILL 2012

Resumption of debate (Chief Minister, Mr Buffett) from 6 June 2012 on the question – That detail stage amendments dated 5 June 2012 be agreed to

Detail stage:

Mr Buffett moved –

THAT the detail stage amendments, dated 5 June 2012, tabled at the 6 June 2012 sitting of the House 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 – Mr Snell abstaining

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

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

Mr Buffett moved –

That the Bill as amended be agreed to

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

15 LIGHTERAGE 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

The House voted –

AYES, 6

Mr Sheridan

Mrs Griffiths

Mr Buffett

Mr Nobbs

Mrs Ward

Mr Anderson

NOES, 2

Ms Adams

Mr Snell

ABSTENTIONS, 0

Mr King was absent from the Chamber during the vote

Bill agreed to in principle

Leave granted to dispense with the detail stage

Mr Nobbs moved –

THAT the Bill be agreed to

Debate ensued

Question – That the Bill be agreed to – put

The House voted –

AYES, 6
Mr Sheridan
Mrs Griffiths
Mr Buffett
Mr Nobbs
Mrs Ward
Mr Anderson

NOES, 2
Ms Adams
Mr Snell

ABSTENTIONS, 0

Mr King was absent from the Chamber during the vote
Bill agreed to

16 FIXING OF NEXT SITTING DAY

Mr Anderson moved -

THAT this House at its rising adjourn until Wednesday 8 August 2012 at 10 am

Debate ensued
Question put and agreed to on the voices

17 ADJOURNMENT

Mrs Ward moved –

THAT the House do now adjourn

Debate ensued
Question put and agreed to on the voices

AND THEN the House at 2.30 pm adjourned until Wednesday 8 August 2012 at 10.00 am

Gaye Evans
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present