

**NORFOLK ISLAND
THIRTEENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 21 NOVEMBER 2012**

**NORF'K AILEN
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THERTIINTH LEJESLIETEW 'SEMBLE
WENSDI 21 NOEWEMBA 2012**

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

2 **QUESTIONS WITHOUT NOTICE (10.05 AM – 10.35 AM)**

3 **ANSWERS TO QUESTIONS ON NOTICE**

Responses were provided to:

489 **Mr King asked the Chief Minister**

What meaningful progress has been made towards updating the guidelines under which persons in the community might access legal aid?

490 **Mr King asked the Chief Minister**

What steps have been taken to activate cooperative arrangements with the ACT Legal Aid Commission as contemplated in the Norfolk Island legislation and as previously undertaken by the Chief Minister?

491 **Mr King asked the Chief Minister**

Is it not a fact that the government can produce no official summarised data on economic conditions in the island which might, one way or another, indicate clearly to the community whether the economy is in continuing decline or on the improve?

Paper: Mr Buffett tabled a Gross Island Revenue April 2007 – September 2012 Graph

492 **Mr King asked the Chief Minister**

How much public monies have been given to the local branch of the Commonwealth Parliamentary Association over each of the last 5 financial years? and Who controls those funds, how are they spent and what report is provided to the government on their expenditure?

Paper: Mr Buffett tabled CPA Costs

493 **Mr King asked the Chief Minister**

Has the government considered the desirability or otherwise of conducting an environmental impact assessment in relation to Norfolk Island's regular participation in the cruise ship industry? and

If no consideration has been given or a decision taken not to assess environmental impact, can the Minister advise the basis for such government position?

494 **Mr King asked the Minister for Community Services**

Have all appropriate statutory requirements been met in relation to the Ball Bay road project and in particular the earthworks involved in the project?

495 **Mr King asked the Minister for Tourism Industry & Development**

Why has the government still not published the guidelines under which it selects particular photovoltaic arrays for disconnection despite having informed the House in October that it is working on the guidelines?

496 **Mr King asked the Minister for Tourism Industry & Development**

Is it not a fact that the Minister approached the Tourist Bureau to provide funding for the recent visit to Norfolk Island of Economic Development Australia?

Is it not a fact that the Tourist Bureau did not volunteer the funding but considered it only because the Minister had requested?

Is it not a fact that the Minister made the approach because funding was not available from normal Administration sources? and

Is it not a fact that an approach by the Minister to the Tourist Bureau in this fashion constitutes an intrusion on the independent operation of the Bureau?

497 Mr King asked the Chief Minister

Does the Norfolk Island government's commitment in the latest funding agreement with the Commonwealth, to provide immediate and open access to telecommunications infrastructure on the island, mean just that....."immediate and open access"?

4 PRESENTATION OF PAPERS

The following papers were tabled:

- 1) Speaker – Appointment of person to act as the Clerk to the Legislative Assembly
- 2) Chief Minister - Virement of Funds Advice
- 3) Minister for Tourism, Industry & Development - Draft NIGTB Strategic Plan for period

5 STATEMENTS OF AN OFFICIAL NATURE

- 1) Speaker provided a report on –
 - a) The visit to Norfolk Island 13 to 18 November 2012 of Commonwealth Parliamentary Association (CPA) Secretary-General Dr. William Shija and his Executive Assistant Mrs Luseane Chesham;
 - b) Attendance (fully funded by CPA Headquarters) of Ms Chelsea Evans at the 5th Commonwealth Youth Parliament in London in December; and
 - c) The visit of the Hon Clare Christian MLA, President of Tynwald, Isle of Man, on Norfolk's National Day (Anniversary Day) on 8 June 2013.

SUSPENSION/RESUMPTION

The House suspended at 11.27 am and resumed at 1.06 pm

NOTICES

6 PLANNING ACT 2002 – DA 27/12 CDANI CULTURAL CENTRE

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

THAT in accordance with subsection 12(4) of the *Planning Act 2002*, this House resolve to make a determination in relation to the draft plan laid before this House being a proposed amendment to Schedule 2 of the Norfolk Island Plan (as amended), and that, if the decision is to approve the draft plan, for the purposes of subsection 13(1) of the *Planning Act 2002*, the date of commencement of the approved plan be 30 November 2012.

The aim and intent of this Plan is to allow for the use and development of Portions 54c5, 54c6, 54c7 and 54c8 Middlegate Road as a cultural centre, incorporating the uses of "educational establishment" and "shop", as described in Development Application (DA) 0027/12, which may be determined subject to approval of this draft plan. The inclusion of the reference to DA 0027/12 in Schedule 2 of the Norfolk Island Plan would have the effect of overriding the Table of Use or Development for the Open Space zone, which classifies "educational establishment" and "shop" as a Prohibited use or development. This variation relates solely to Portions 54c5, 54c6, 54c7 and 54c8, and to the use and development as described in DA 0027/12 (determination pending).

Debate ensued

Question put and agreed on the voices

7 TRAFFIC (AMENDMENT) BILL 2012

Minister for Community Services, Mr Sheridan, pursuant to notice, presented the Traffic (Amendment) 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

8 IMMIGRATION (AMENDMENT NO 2) BILL 2012

Chief Minister, Mr Buffett, pursuant to notice, presented the Immigration (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

9 INTERPRETATION (AMENDMENT) BILL 2012

Chief Minister, Mr Buffett, pursuant to notice, presented the Interpretation (Amendment) 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 – Mrs Ward absent from Chamber

10 TOURIST ACCOMMODATION (AMENDMENT NO 2) BILL 2012

Minister for Tourism, Industry & Development, Mr Nobbs, pursuant to notice, presented the Tourist Accommodation (Amendment No 2) Bill 2012 and moved –

THAT the Bill be agreed to in principle

Paper: Mr Nobbs 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 – Ms Adams abstained

ORDERS OF THE DAY

11 QUESTION ON NOTICE 449 - SUPPLY CONTRACT FOR FUEL

Resumption of debate (Mr King) from 17 October 2012 on the question – THAT the House take note of the paper

Debate ensued

Question put and agreed on the voices

12 ANNUAL REPORT OF THE LEGAL AID ADVISORY COMMITTEE

Resumption of debate (Mr King) from 17 October 2012 on the question – THAT the House take note of the paper

Debate ensued

Question put and agreed on the voices

13 ANNUAL REPORT OF THE NORFOLK ISLAND PUBLIC SERVICE BOARD

Resumption of debate (Mr King) from 17 October 2012 on the question – THAT the House take note of the paper

Debate ensued

Question put and agreed on the voices

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

Resumption of debate (Chief Minister, Mr Buffett) from 17 October 2012 on the question – THAT the Bill be agreed to in principle

Debate ensued

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

Debate ensued

Mr Buffett moved –

THAT the Bill be agreed to

Debate ensued

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

15 STATUS OF CHILDREN BILL 2012

Resumption of debate (Chief Minister, Mr Buffett) from 17 October 2012 on the question – THAT the Bill be agreed to in principle

Debate ensued

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

Detail stage:

Mr Buffett moved –

THAT Clause 13 of the Bill be amended

Debate ensued

Question – That Clause 13 be agreed to – put and agreed to on the voices

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

Mr Buffett moved –

THAT the Bill be agreed to

Question put and agreed to on the voices

16 FIXING OF NEXT SITTING DAY

Ms Griffiths moved -

THAT this House at its rising adjourn until Wednesday 12 December 2012 at 10 am

Debate ensued

Question put and agreed to on the voices

17 ADJOURNMENT

Mr Anderson –

THAT the House do now adjourn

Debate ensued

Mrs Griffiths moved –

THAT the Petition referred to by Mrs Ward be noted and tabled

Question put and agreed to on the voices

Paper: Mrs Ward tabled the Petition

Debate ensued

Ms Adams sought leave to include into Hansard a letter to Minister Simon Crean MP

Question put - Leave denied on Mrs Griffiths' dissenting voice

Mr Buffett moved –

THAT so much of Standing Orders be set aside so that letter may be inserted

Question put and agreed to on the voices

Question – **THAT the House stand adjourned until Wednesday 12 December 2012 at 10.00 am – put and agreed to on the voices**

THEN the House at 4.38 pm adjourned until Wednesday 12 December 2012 at 10.00 am

Gaye Evans

Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present