

**NORFOLK ISLAND
THIRTEENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 19 DECEMBER 2012**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
THERTIINTH LEJESLIETEW 'SEMBLE
WENSDI 19 DESEMBA 2012**

1 The Legislative Assembly met at 10.04 am. The Clerk took the Chair and read Prayers

2 **ELECTION OF SPEAKER**

A vacancy having occurred in the office of Speaker, due to the resignation of Speaker Adams, the Chief Minister, Mr Buffett moved –

**THAT Lisle Denis Snell be elected Speaker of the Norfolk Island
Legislative Assembly and do now take the Chair as Speaker**

Question put and agreed to on the voices

3 **ELECTION OF DEPUTY SPEAKER**

A vacancy having occurred in the office of Deputy Speaker, due to the resignation of Mr Snell, Mrs Ward moved –

**THAT Rhonda Evelyn Griffiths be elected Deputy Speaker of
the Norfolk Island Legislative Assembly**

Question put and agreed to on the voices

4 **QUESTIONS WITHOUT NOTICE (10.08 AM – 10.39 AM)**

5 **ANSWERS TO QUESTIONS ON NOTICE**

Responses were provided to:

507 **Ms Griffiths asked the Chief Minister**

Can the Chief Minister describe what is sustainable about giving a small amount of money to the Commonwealth of Australia and expecting more in return?

508 **Ms Griffiths asked the Chief Minister**

Can the Chief Minister describe what is sustainable in handing over our right to govern and tax ourselves?

509 **Ms Adams asked the Chief Minister**

Is it a fact that the 2011/2012 Funding Agreement between the Commonwealth of Australia and the Administration of Norfolk Island signed on 22 September 2011 required Norfolk Island to remove immigration restrictions on Australian citizens arriving and remaining on Norfolk Island by 30 June 2012 to facilitate the extension of the Commonwealth Migration Act 1958 and that that this condition is subject to the Commonwealth outlining an implementation plan for access to Commonwealth benefits schemes, including Social Security and Medicare:

If so –

- a) why is the Commonwealth now requiring Norfolk Island to amend its legislation if the Commonwealth is going to extend the Migration Act; and
- b) why is it that you have introduced legislation to remove the immigration restrictions without Norfolk Island first receiving from the Commonwealth of Australia the implementation plan for the benefit schemes, including Social Security and Medicare as agreed?

510 Ms Adams asked the Chief Minister

1. Has the Norfolk Government taken steps to ensure that New Zealand Citizens (of Pitcairn descent or otherwise) who live and work in Norfolk Island, and who either enjoy at present, or would ordinarily be entitled to, welfare benefits under Norfolk Island legislation, will continue to receive such benefits or entitlement if and when the Australian Social Security system is applied to Norfolk Island as part of the Roadmap; and
2. If not, will the Minister give the people his assurance that immediate discussions will be undertaken to ensure that any potential discrimination is avoided; and
3. Will the Minister give his assurance that those New Zealand Citizens living and working in Norfolk Island, whether of Pitcairn descent or otherwise, are kept well informed of progress with these discussions; and
4. The Social Security Fact Sheet indicates to be eligible for any welfare support, a New Zealand citizen must first have a “Special Category Visa”, such that is issued automatically on arrival in Australia. Will “Special Category Visas” be deemed to have been issued when New Zealand citizens first arrive in Norfolk Island, other than as a tourist; and
5. Is it a fact that the Australian Social Security rules requires a New Zealand Citizen entering Australia to hold a “Protected” Special Category Visa before being entitled to the full range of Social Security payments, and, given that a “Protected” Special Category Visa is generally available only if one has lived in, or, is currently living in Australia and has been since 2001, if so, what steps have been, or will be taken to ensure that Norfolk Islanders with New Zealand Citizenship who retain the entitlement to return and reside in Norfolk Island, get access to benefits as they would at present, when the Australian Social Security system is extended in full to Norfolk Island; and
6. Will the Minister advise if the same criteria for determining whether a New Zealand Citizen can be characterised as a “Protected” Special Category Visa holder, will apply to New Zealand Citizens living on Norfolk Island who do not have residency status; and
7. Is it intended that social security and other Australian benefits be available to those persons resident in Norfolk Island who are citizens of other countries?

6 PRESENTATION OF PAPERS

The following papers were tabled:

Minister for Tourism, Industry & Development, Mr Nobbs – **Gaming Authority Report**

7 STATEMENTS OF AN OFFICIAL NATURE

- 1) Minister for Community Services – **Employment**
- 2) Chief Minister – **Appropriation Bill 2012-2013 and Funding Agreement**

NOTICES**8 BUILDING AN INNOVATIVE PARTNERSHIP BETWEEN THE COMMONWEALTH OF AUSTRALIA, NORFOLK ISLAND, THE PACIFIC AND THE WORLD**

Ms Adams pursuant to notice, moved –

That this House:

- 1) **Acknowledges the Commonwealth of Australia’s commitment to the Commonwealth Principle it reaffirmed in the Harare Commonwealth Declaration, 1991, namely that –**
“we believe in the liberty of the individual under the law, in equal rights for all citizens regardless of gender, race, colour, creed or political belief, in the individual’s inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives”;

And therefore –

- 2) **This House, seeking to achieve long-term constitutional certainty, together with economic and environmental sustainability for Norfolk Island, supports the development in consultation with the Commonwealth of Australia of a broader blueprint for Norfolk Island’s future than the current road map offers. A blue print that –**

- 1) Gives greater certainty to Norfolk's constitutional status vis a vis Australia;
- 2) Provides a clear legal framework for Norfolk Island, such as a constitution similar to that enacted by the United Kingdom for the Falkland Islands;
- 3) Acknowledges and confirms the Preamble to the *Norfolk Island Act 1979* that: *"the residents of Norfolk Island include descendants of the settlers from Pitcairn Island"; and that "...the Parliament recognises the special relationship of the said descendents with Norfolk Island and their desire to preserve their traditions and culture"* with the intention that a clear definition of "Norfolk Islander" is enshrined in legislation;
- 4) Gives Norfolk "ownership" of the 200 mile EEZ around it and the ability to earn income from this resource;
- 5) Endorses Norfolk Island becoming a commercial hub for the Pacific including being an offshore banking unit similar to that proposed in the Labour Party commissioned 2009 "Johnson Report" - *Australia as a Financial Centre: Building on our Strengths*;
- 6) Acknowledges the need for Norfolk Island to access as a priority high speed broad band via fibre-optic cable connectivity rather than via satellite to enable mobile access to 4G+ and beyond; E learning for school and training including remote learning and connection with offshore universities; E-administration; Telemedicine; and such other support technologies needed to enhance Norfolk's capabilities as a commercial hub for the Pacific and the world; and
- 7) Supports Norfolk Island being able to access capital funding including grant and sponsorship funding from sources both from within and from outside of the Commonwealth of Australia, for infrastructure, in particular, a harbour and a fibre optic cable that joins Norfolk Island to overseas destinations thereby enhancing Norfolk Island becoming a commercial hub both for the Commonwealth of Australia, the Pacific and for the world.

Debate ensued

Paper tabled: Ms Adams granted leave of the House to table **The Falkland Island's Constitution**

Paper tabled: Ms Adams granted leave of the House to table **The Johnson Report**

Mr Anderson moved –

THAT the question be put

The House voted –

AYES, 6

Mr Sheridan

Mr Buffett

Mr Nobbs

Mrs Ward

Mr King

Mr Anderson

Motion agreed

NOES, 3

Mr Snell

Ms Adams

Mrs Griffiths

Question – THAT the motion be agreed – put

The House voted –

AYES, 3

Mr Snell

Ms Adams

Mrs Griffiths

NOES, 6

Mr Sheridan

Mr Buffett

Mr Nobbs

Mrs Ward

Mr King

Mr Anderson

Motion negatived

9 CROWN LANDS (AMENDMENT) BILL 2012

Minister for Community Services, Mr Sheridan, sought leave to present the Crown Lands (Amendment) Bill 2012.

Leave granted

Minister for Community Services, presented Bill and moved –

THAT the Bill be agreed to in principle**Paper Tabled:** Mr Sheridan tabled the Explanatory Memorandum to the Bill

Debate ensued

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

10 LAND VALUATION (AMENDMENT) BILL 2012

Resumption of debate (Minister for Community Services, Mr Sheridan) from 17 October 2012 on the question – That the Bill be agreed to in principle

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

Ms Adams moved –

THAT the Land Valuation Bill 2012 be referred to the Impact of Bills and Subordinate Legislation Committee

Question put

The House voted -

AYES, 3**Mr Snell****Ms Adams****Mrs Griffiths****NOES, 6****Mr Sheridan****Mr Buffett****Mr Nobbs****Mrs Ward****Mr King****Mr Anderson**

Motion negatived

Detail stage**Paper Tabled:** Mr Sheridan tabled the detail stage amendments to the Bill

Ms Adams moved –

THAT the debate be adjourned and the resumption of debate made for a later hour in this Sitting

Question put

The House voted -

AYES, 4**Mr Snell****Ms Adams****Mrs Griffiths****Mr Nobbs****NOES, 5****Mr Sheridan****Mr Buffett****Mrs Ward****Mr King****Mr Anderson**

Motion negatived

Mr Sheridan moved –

That the detail stage amendments dated 17 October 2012 be taken as read and agreed to as a whole

Debate ensued

Question put

The House voted -

NOES, 3**Mr Snell****Mrs Griffiths****Mr Nobbs****AYES, 5****Mr Sheridan****Mr Buffett****Mrs Ward****Mr King****Mr Anderson****ABSTAIN, 1****Ms Adams**

Motion agreed

Question - That the amendments be agreed to - put

The House voted -

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

ABSTAIN, 3
Mr Snell
Ms Adams
Mr Nobbs

Motion agreed

Question - That the clauses as amended be agreed to - put

The House voted -

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

ABSTAIN, 3
Mr Snell
Ms Adams
Mr Nobbs

Motion agreed

Question - That the remainder of the Bill be agreed to – put

The House voted -

NOES, 3
Mr Snell
Ms Adams
Mrs Griffiths

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

Motion agreed

Mr Sheridan moved -

That the Bill as amended be agreed to

Debate ensued

Question put and agreed on the voices

Bill as amended agreed to

11 **TOURIST ACCOMMODATION (AMENDMENT NO. 2) BILL 2012**

Resumption of debate (Minister for Tourism, Industry & Development, Mr Nobbs) from 21 November 2012 on the question – That the Bill be agreed to in principle

Question put

The House voted –

AYES, 5
Mr Sheridan
Mr Buffett
Mr Nobbs
Mrs Ward
Mr Anderson

NOES, 3
Mr Snell
Ms Adams
Mrs Griffiths

ABSTAIN, 1
Mr King

Motion agreed

Ms Adams moved –

THAT the Tourist Accommodation (Amendment No. 2) Bill 2012 be referred to the Impact of Bills and Subordinate Legislation Committee

Question – THAT the motion be agreed – put

The House voted -

AYES, 3
Mr Snell
Ms Adams
Mrs Griffiths

NOES, 6
Mr Sheridan
Mr Buffett
Mr Nobbs
Mrs Ward
Mr King
Mr Anderson

Detail stage dispensed with
Mr Nobbs moved -

That the Bill be agreed to

Debate ensued

Question put

The House voted -

AYES, 5

Mr Sheridan

Mr Buffett

Mr Nobbs

Mrs Ward

Mr Anderson

Bill agreed to

NOES, 3

Mr Snell

Ms Adams

Mrs Griffiths

ABSTAIN, 1

Mr King

12 IMMIGRATION (AMENDMENT NO. 2) BILL 2012

Resumption of debate (Chief Minister, Mr Buffett) from 21 November 2012 on the question –

That the Bill be agreed to in principle

Paper Tabled: Mr Buffett tabled the revised explanatory memorandum to the Bill

Paper Tabled: Ms Adams, by leave, tabled a document signed by 270 members of NI community

Question put

The House voted –

AYES, 5

Mr Sheridan

Mr Buffett

Mrs Ward

Mr King

Mr Anderson

Motion agreed

Ms Adams moved –

NOES, 4

Mr Snell

Ms Adams

Mr Nobbs

Mrs Griffiths

THAT the Tourist Accommodation (Amendment No. 2) Bill 2012 be referred to the Impact of Bills and Subordinate Legislation Committee

Question – THAT the motion be agreed – put

The House voted -

AYES, 4

Mr Snell

Ms Adams

Mrs Griffiths

Mr Nobbs

NOES, 5

Mr Sheridan

Mr Buffett

Mrs Ward

Mr King

Mr Anderson

Motion negated

Detail stage

Paper Tabled: Mr Buffett tabled the detail stage amendments dated 18 December 2012 and moved –

THAT they be taken as read and agreed to and as a whole

Debate ensued

Question put and agreed on the voices

Question - THAT the amendments be agreed to - put and agreed on the voices

Question - THAT the Clauses as amended be agreed to - put and agreed on the voices

Question - THAT the remainder of the Bill be agreed to - put

The House voted –

AYES, 5

Mr Sheridan

Mr Buffett

Mrs Ward

Mr King

Mr Anderson

Motion agreed

NOES, 4

Mr Snell

Ms Adams

Mr Nobbs

Mrs Griffiths

Mr Buffett moved -

That the Bill as amended be agreed to

Debate ensued

Question put

The House voted -

AYES, 5

Mr Sheridan

Mr Buffett

Mrs Ward

Mr King

Mr Anderson

Bill as amended agreed to

NOES, 4

Mr Snell

Ms Adams

Mr Nobbs

Mrs Griffiths

SUSPENSION OF SITTING FROM 19 DECEMBER 2012

Mr Buffett moved –

**THAT this House stand suspended until a time to
be determined by the Speaker**

Debate ensued

Question put and agreed on the voices

The House suspended at 12.05 pm

RESUMPTION OF SITTING – 21 DECEMBER 2012

Sitting resumed on Friday 21 December at 10 am and continued at Orders of the Day.

13 REGISTRATION OF BULLS (REPEAL) BILL 2012

Resumption of debate (Minister for Community Services, Mr Sheridan) from 12 December 2012 on the question – That the Bill be agreed to in principle

Question - Bill agreed to in principle – put and agreed on the voices – Ms Adams abstained, Mr King and Mr Anderson absent from Chamber

Detail stage dispensed with

Mr Sheridan moved -

That the Bill be agreed to

Debate ensued

Question - Bill agreed to in principle – put and agreed on the voices – Ms Adams abstained, Mr King and Mr Anderson absent from Chamber

14 NORFOLK ISLAND HOSPITAL (AMENDMENT) BILL 2012

Resumption of debate (Minister for Community Services, Mr Sheridan) from 12 December 2012 on the question – That the Bill be agreed to in principle

Question - Bill agreed to in principle – put and agreed on the voices – Mr King and Mr Anderson absent from Chamber

Detail stage dispensed with

Ms Griffiths moved –

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

Question – THAT the motion be agreed – put

The House voted -

AYES, 4

Mr Snell

Ms Adams

Mrs Griffiths

NOES, 5

Mr Sheridan

Mr Buffett

Mr Nobbs

Mrs Ward

Mr King

Mr Anderson

Motion negatived

Debate ensued

Mr Sheridan moved -

That the Bill be agreed to

Debate ensued

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

15 APPROPRIATION BILL 2012 – 2013

Chief Minister, Mr Buffett, made a statement that funding details had not been received and that debate on the Bill may need to suspend

16 PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL 2012

Resumption of debate (Chief Minister, Mr Buffett) from 12 December 2012 on the question – That the Bill be agreed to in principle

Question - Bill agreed to in principle – put and agreed on the voices –Mr King and Mr Anderson absent from Chamber

Detail stage dispensed with

Mr Buffett moved -

That the Bill be agreed to

Debate ensued

Question - Bill agreed – put and agreed on the voices –Mr King and Mr Anderson absent from Chamber

Paper Tabled: Mr Buffett tabled an instrument under the Public Sector Management Act 2000 to exclude two positions from the Public Service

SUSPENSION OF SITTING - 21 DECEMBER 2012

Mr Buffett moved –

THAT this House stand suspended until a time to be determined by the Speaker

Debate ensued

Question put and agreed on the voices

The House suspended at 12.05 pm

RESUMPTION OF SITTING – 21 DECEMBER 2012

Sitting resumed at 1.55 pm

17 APPROPRIATION BILL 2012-2013

Resumption of debate (Chief Minister, Mr Buffett) from 12 December 2012 on the question – That the Bill be agreed to in principle

Paper Tabled: Mr Buffett tabled the Funding Agreement for the Norfolk Island Territory for the year 2012-2013, and moved –

THAT the document be noted

Debate ensued

Question – THAT the document be noted - put and agreed on the voices –Mr King and Mr Anderson absent from Chamber

Question - Bill agreed to in principle – put and agreed on the voices –Mr King and Mr Anderson absent from Chamber

Detail stage

Papers Tabled: Ms Adams, by leave – **Chief Minister's Press Release dated 23 October 2012**

Ms Adams, by leave – **Letter from Ms Adams to Minister Crean dated 26 October 2012**

Ms Adams, by leave – **Letter from Minister Crean to Ms Adams dated 26 November 2012**

Mr Buffett – **2012-2013 Budget Papers**

Debate ensued

Ms Adams moved –

THAT the word "ACT" in the long title of the Bill be deleted and the word "Bill" inserted

Debate ensued

Question put and agreed on the voices

Mr Buffett moved -

THAT the Bill be agreed to

Debate ensued

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

18 FIXING OF NEXT SITTING DAY

Mrs Ward moved –

THAT this House at its rising adjourn until Wednesday 23 January 2013 at 10.00 am

Debate ensued

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

19 ADJOURNMENT

Ms Griffiths moved –

THAT the House do now adjourn

Debate ensued –

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

THEN the House at 2.05 pm adjourned until Wednesday 23 January 2013 at 10.00am

Gaye Evans

Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present