

**NORFOLK ISLAND  
THIRTEENTH LEGISLATIVE ASSEMBLY  
MINUTES OF PROCEEDINGS  
WEDNESDAY 23 JANUARY 2013**

**NORF'K AILEN  
DIISEM MENETS LARNEN WATHING HAEPN  
INAA  
THERTIINTH LEJESLIETEW 'SEMBLE  
WENSDI 23 JAENUWERI 2013**

1 The Legislative Assembly met at 10.09 am and Speaker Snell took the Chair and read Prayers

2 **CONDOLENCES**

MS Griffiths recorded the passing of –

**June Mary Ryves  
Janet Morgan Docherty Semple  
Gwen Stanton  
Shannon Macrae  
David Richard Quintal  
Valerie Christian-Bailey  
Dale Francis Hogden**

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

3 **QUESTIONS WITHOUT NOTICE (10.22 AM – 11.22 AM)**

4 **ANSWERS TO QUESTIONS ON NOTICE**

Responses were provided to:

**511 Mr King asked the Chief Minister**

Given the significant interest to the community of obtaining the best price for the supply of fuel to Norfolk Island;

1. What is the extent to which the government considered whether those interests are better served by fuel importation being in private hands as opposed to the Administration being the importer;
2. What is the extent to which this factor has been, or is required to be, discussed with the Commonwealth;
3. If no policy position has been adopted can the Chief Minister advise why not;
4. If no policy position has been adopted can the Chief Minister undertake to have the Administration be asked to prepare a paper canvassing the merits of both options; and
5. If a procurement option involving the private sector is favoured can the Minister advise the house what progress has been made on the development of a Request for Tender for Fuel supplies and if the matter has not been progressed, can the Administration be asked to establish some time lines for this process?

**512 Mr King asked the Minister for Tourism, Industry and Development**

In attempting in October to have the Minister shed some light on his published plans to conduct some kind of examination of the business sector, the Minister variously referred to his endeavour as a business case, a business study, a business plan, a business analysis and finally as a SWOT analysis. Can the Minister now take this opportunity to clarify:

1. What, precisely and unambiguously he is attempting to do;
2. what expertise he has brought to the exercise in making himself part of the examination;
3. what has been the outcome; and finally,
4. what benefits can a beleaguered business sector expect to gain?

**513 Mr King asked the Chief Minister**

Is it a fact that it is the government's normal practice to facilitate meetings between all Assembly Members and any person wishing to undertake business activities in Norfolk Island, without first having that person's credentials and bona fides established; and  
Is it a fact that proper and due diligence was not observed in relation to the Hawaiki Fibre Optic Group prior to Minister Nobbs' invitation to the group to meet with all members?

**514 Mr King asked the Minister for Tourism, Industry and Development**

1. Given that the Minister 3 years ago informed this House and the community of the government's collaboration in and support for revolutionary perpetual motion power generation technology promoted by the company Redemptech Ltd and given also that 2 years ago the Chief Minister advised the community that its involvement was one of the government's main achievements in its first 12 months, and that given that neither the technology nor the promised benefits for Norfolk Island have materialised, isn't it a fact that the Minister and the government generally acted without full and proper assessment and in a misunderstanding that Norfolk will be showcased to the world; and
2. Has the Minister and the government behaved in a similar way in relation to the compressed air technology reported by the Chief Minister in his 6-month report 2 ½ years ago as a government supported "cutting edge invention" which was to be installed in Norfolk Island and provide benefits to this community?

**515 Mr King asked the Chief Minister**

1. Can the Chief Minister explain why the government and the Administration persist in their failure to properly describe Norfolk Island in its official websites as a self-governing Territory of Australia; and
2. Can the Chief Minister explain what is expected to be gained, particularly in current circumstances where sensitive negotiations are underway with the Commonwealth, from continuing to hold Norfolk Island out as being separate from Australia?

**Paper tabled:** Mr Buffett tabled a **print out off the Government website**

**516 Mr King asked the Chief Minister**

At the November sitting the Chief Minister undertook to report to the House after undertaking research and examination on the use by the council of elders of the Norfolk Island coat of arms and an official email address. Can the Chief Minister now report advising specifically?

6. Who authorised the use of the coat of arms and with what authority?
7. What is the legal and political status of the council?
8. Who authorised the use by the council of an official government email address, on what basis, with what authority?
9. Will the authorisations implicit in the use by the council of both the coat of arms and the email address be continued?
10. Is it a matter of concern for the Government that an unelected and informal organisation in Norfolk Island might hold itself out as an officially sanctioned organisation through its use of the coat of arms and an official email address?
11. Is it a fact that purported authorisation for the use of the official coat of arms and an official email address came from an officer Member of this Legislative Assembly, a person who shares the same political views as those espoused by the Council of Elders, views which are directly opposed to those of the Government in the most crucial of policy areas and is this not a concern to the Chief Minister?
12. Would the government continue in its support for a Member of this House holding office if that Member was found to have improperly authorised the use of the coat of arms and the official email address?

**517 Ms Adams asked the Chief Minister**

1. What effort has the Norfolk Island Government, in partnership with the Commonwealth Government, made to create a stimulus package for Norfolk Island similar to the Australian Government's targeted bonus payments that were made to assist households and support economic growth in 2008-09 under their Nation Building-Economic Stimulus Plan? and
2. Has the Norfolk Island Government done everything in its power to convince the Commonwealth Government of the strong need to replicate such payments to help our private sector and households survive the economic downturn the Island continues to experience?

**518 Ms Griffiths asked the Chief Minister**

Who comprises the Tender Committee for the RESA Project?

**519 Ms Griffiths asked the Chief Minister**

Is it a fact that Expressions of Interest on completing the RESA Project were extended to the private sector; and

Is it a fact that the Administration will now complete the work on the RESA project?

**520 Ms Adams asked the Chief Minister**

Can the Chief Minister provide facts in respect of the following:

1. If Norfolk Island joins the Australian GST system, who will collect GST, tariffs, and duties on imports into Norfolk Island;
2. What investigation has been undertaken on the possible price rises for Norfolk Island importers on goods imported into Norfolk Island from outside of Australia;
3. Norfolk Island currently has no import duties on goods intended for resale. Australia has a myriad of tariffs and import duties, as well as GST on imports. What studies and cost benefit analyses have been undertaken on whether or not there will be a net benefit to the Norfolk Island community on Norfolk Island joining the Australian GST system; and finally,
4. In the event that entry by Norfolk Island into the Australian GST system is not able to be achieved, what back up plan does the Norfolk Island Government and the Commonwealth Government have in place to achieve the same financial outcome for Norfolk Island that the Australian GST equalisation payment scheme would have achieved were Norfolk Island part of the Australian GST system?

**5 PRESENTATION OF PAPERS**

The following papers were tabled:

Minister for Tourism, Industry & Development, Mr Nobbs – **Final Draft of the Norfolk Island Strategic Plan for Tourism 2012-2022**

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

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

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

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

**6 STATEMENTS OF AN OFFICIAL NATURE**

1) Chief Minister – **Council of Elders – Payment to secretariat**

2) Chief Minister – **Property taxes**

Ms Adams moved –

**THAT the statement be noted**

Debate ensued

Question put and agreed on the voices

3) Minister for Tourism, Industry & Development, Mr Nobbs – **Radio station survey**

Mrs Ward moved –

**THAT the statement be noted**

Debate ensued

Question put and agreed on the voices

4) Chief Minister – **School Principal and Det. Sergeant Pannell – End of term of Contract – address of appreciation and Welcome to School Principal Michelle Nicholson and Det Sgt Craig Marriott and Const Pine**

**7 MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 35 & NO 36**

The Speaker reported –

**Message No. 35a** from the Administrator under section 21 of the *Norfolk Island Act 1979*, advising that on 27 December 2012 he declared his assent to the Appropriation Act 2012 (Act No 13 of 2012), the Interpretation (Amendment) Act 2012 (Act No 14 of 2012), and the Traffic (Amendment) Act 2012 (Act No 15 of 2012)

**Message No. 36** from the Administrator under section 21 of the *Norfolk Island Act 1979*, advising that on 15 January 2013 he declared his assent to the Public Sector Management (Amendment) Act 2012 (Act No 1 of 2013), the Norfolk Island Hospital (Amendment) Act 2012 (Act No 2 of 2013), and the Registration of Bulls (Repeal) Act 2012 (Act No 3 of 2013); he referred the Immigration (Amendment No 2) Bill 2012 to the Minister for Regional Australia, Regional Development and Local Government and he reserved for the pleasure of the Governor-General the Tourist Accommodation (Amendment No 2) Bill 2012 and the Land Valuation Bill 2012

**SUSPENSION OF SITTING**

The House suspended at 1.00 pm

**RESUMPTION OF SITTING**

Sitting resumed at 2.37 pm and continued at Notices

**NOTICES****8 QUARRYING AND RELATED PUBLIC WORKS ACT 2004**

Minister for Community Services (Mr Sheridan) pursuant to notice, moved –

**THAT in accordance with paragraph 4(2) of the *Quarrying and related Public Works Act 2004* (the Act), this House does approve the form of approval (attached) now before this House insofar as the Minister and this House in accordance with paragraph 4(3)(a) of the Act are of the opinion that the work required to be done (pursuant to an application for approval now before the Minister) is required in the public interest and where the Minister proposes to grant approval in accordance with paragraph 4(1) of the Act subject to conditions imposed by the Act and by the form of approval to Norfolk Industries.**

Debate ensued

**Paper tabled:** Mr Sheridan tabled **The Form of Approval for Quarrying**

Question – THAT the motion be agreed – put

The House voted –

**AYES, 2**

**Mr Sheridan**

**Mr Buffett**

**NOES, 5**

**Ms Adams**

**Mrs Griffiths**

**Mrs Ward**

**Mr King**

**Mr Anderson**

**ABSTAIN, 1**

**Mr Snell**

**Mr Nobbs**

Motion negatived

**9 NORFOLK ISLAND HOSPITAL ACT 1985 – APPOINTMENT TO BOARD**

Minister for Community Services (Mr Sheridan) sought leave of the House to amend the motion standing in his name on the notice paper “**by inserting the words “Miss Robin Fleming,” before the words “a representative from the relevant Commonwealth Department”**”

Leave granted

Mr Sheridan moved -

**THAT this House, in accordance with sections 12 and 13 of the *Norfolk Island Hospital Act 1985*, resolve that —**

- Terry Clout from the South Eastern Sydney Local Health District; and
- Miss Robin Fleming, a representative from the relevant Commonwealth Department

be appointed by the Minister as members of the Norfolk Island Hospital Advisory Board for a term of twelve months commencing 23 January 2013.

Debate ensued

Question put and agreed on the voices

**10 MOTION BY LEAVE - PLANNING ACT 2002 – LIGHTERAGE TANALITH REZONE**

Minister for Community Services (Mr Sheridan) sought leave of the House to move a motion to amend the Norfolk Island Plan 2002

Leave granted

Mr Sheridan moved -

**THAT this House resolves –**

- in accordance with subsection 12(4) of the *Planning Act 2002*, to approve the draft plan laid by the Minister before this House being a proposed amendment to the Norfolk Island Plan 2002 (as amended); and
- for the purposes of subsection 13(1) of the *Planning Act 2002*, to declare that the date of commencement of the approved plan be 1 February 2013.

Debate ensued

**Paper tabled:** Mr Sheridan tabled **The Statement of Reasons and Plan Variation**

Question put and agreed on the voices – **MR KING AND MR ANDERSON ABSTAINED**

**11 DECLARATION OF URGENCY - WILLS (AMENDMENT) BILL 2013**

Speaker declared that in accordance with standing order 158 the Business Committee had declared that the Wills (Amendment) Bill 2013 would pass through all stages at this sitting.

**12 WILLS (AMENDMENT) BILL 2013**

Mr Buffett, pursuant to notice, presented the Wills (Amendment) Bill 2013 and moved -

**THAT the Bill be agreed to in principle**

**Paper Tabled:** Mr Buffett tabled the Explanatory Memorandum to the Bill

Debate ensued

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

Detail stage dispensed with

Mr Buffett moved -

**That the Bill be agreed to**

Debate ensued

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

**13 DECLARATION OF URGENCY - HEALTHCARE (AMENDMENT) BILL 2013**

Speaker declared that in accordance with standing order 158 the Business Committee had declared that the Healthcare (Amendment) Bill 2013 would pass through all stages at this sitting.

**14 HEALTHCARE (AMENDMENT) BILL 2013**

Mr Sheridan, pursuant to notice, presented the Healthcare (Amendment) Bill 2013 and moved -

**THAT the Bill be agreed to in principle**

**Paper Tabled:** Mr Sheridan tabled the Explanatory Memorandum to the Bill

Debate ensued

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

Detail stage dispensed with

Mr Sheridan moved -

**That the Bill be agreed to**

Debate ensued

Question - Bill agreed to— put and agreed on the voices

## **ORDERS OF THE DAY**

### **15 MARINE SAFETY BILL 2012**

Resumption of debate (Minister for Tourism, Industry & Development, Mr Nobbs) from 12 December 2012 on the question – That the Bill be agreed to in principle

Debate ensued

Question put and agreed to on the voices

#### **Detail stage**

**Paper Tabled:** Mr Nobbs tabled the detail stage amendments to the Bill \*\*\*

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

1. Rename the Bill “Marine Safety Bill 2013” in the heading and clause 1.
2. Amend the definition “Crown Counsel” in clause 4 by—
  - (a) deleting the words, “Legal Services Unit” and substituting “service”; and
  - (b) substituting for “the Deputy Crown Counsel”—  
“a legal practitioner holding the position of deputy or assistant to the Crown Counsel or who is the delegate of the Crown Counsel or is acting in his or her stead.”
3. Delete clause 88 and leave other clause numbers unchanged.
4. Amend clause 104 as follows—
  - (a) in paragraph (1)(h), for “or”, substitute “and”; and
  - (b) delete subclause (4).

16 January 2013 #2

Mr Nobbs moved –

**That the detail stage amendments dated 16 January 2013  
be taken as read and agreed to as a whole**

Question put and agreed to on the voices

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

Question – THAT the clauses as amended 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 Nobbs moved -

**That the Bill as amended be agreed to**

Debate ensued

Question put and agreed on the voices – **MR SNELL ABSTAINED**

### **16 CROWN LANDS (AMENDMENT) BILL 2012**

Resumption of debate (Minister for Community Services, Mr Sheridan) from 19 December 2012 on the question – That the Bill be agreed to in principle

Debate ensued

Question put and agreed to on the voices

#### **Detail stage dispensed with**

Mr Sheridan moved -

**That the Bill be agreed to**

Debate ensued

Question put and agreed on the voices – **MS ADAMS ABSTAINED**

### **18 FIXING OF NEXT SITTING DAY**

Mr Buffett moved –

**THAT this House resolves –**

- 1) **at its rising to adjourn until Wednesday 20 February 2013 at 10 am; and**
- 2) **that so much of standing orders be suspended as would prevent only those matters appearing on the programme from being dealt with**

Debate ensued  
Mr Buffett moved –

**THAT the motion of fixing the next sitting day be suspended to allow a motion to be brought forward by leave**

Question put and agreed to on the voices

**19 MOTION BY LEAVE – APPOINTMENT OF ACTING CLERK**

Chief Minister (Mr Buffett) sought leave of the House to move a motion to appoint a person to act as Clerk during the period of election of the 14<sup>th</sup> Legislative Assembly  
Leave granted  
Mr Buffett moved -

**THAT Sharyn Louise Quintal be appointed as Acting Clerk of the Norfolk Island Legislative Assembly for the period from the date of this motion until 30<sup>th</sup> of April 2013 and that her remuneration be as is in her substantive position within the Administration at this moment.**

Question put and agreed to on the voices

**20 RESUMPTION OF DEBATE – FIXING OF NEXT SITTING DAY**

Mr Sheridan moved –

**THAT the motion be amended by deleting the date “20 February 2013” and inserting the date “13 February 2013”**

Question – THAT the motion be agreed – put  
The House voted –

<b>AYES, 6</b>	<b>NOES, 3</b>
<b>Mr Snell</b>	<b>Mrs Ward</b>
<b>Ms Adams</b>	<b>Mr King</b>
<b>Mr Sheridan</b>	<b>Mr Anderson</b>
<b>Mrs Griffiths</b>	
<b>Mr Buffett</b>	
<b>Mr Nobbs</b>	

Motion agreed

Question – THAT the motion as amended be agreed to – put  
The House voted –

<b>AYES, 6</b>	<b>NOES, 3</b>	<b>ABSTAIN, 1</b>
<b>Mr Snell</b>	<b>Mr King</b>	<b>Mrs Griffiths</b>
<b>Ms Adams</b>	<b>Mr Anderson</b>	
<b>Mr Sheridan</b>		
<b>Mr Buffett</b>		
<b>Mr Nobbs</b>		
<b>Mrs Ward</b>		

Motion agreed

**21 ADJOURNMENT**

Ms Adams moved –

**THAT the House do now adjourn**

Debate ensued –  
Question put and agreed to on the voices

**THEN the House at 6.24 pm adjourned until Wednesday 13 February 2013 at 10.00am**

Gaye Evans

**Clerk to the Legislative Assembly**

**MEMBERS PRESENT:** All Members were present