

**NORFOLK ISLAND
THIRTEENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 8 AUGUST 2012**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
THERTIINTH LEJESLIETEW 'SEMBLE
WENSDI 8 ORGAS 2012**

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

2 **CONDOLENCES**

Mr Snell recorded the passing of –

**Glen Pedel
Pauline Adele Thomson
Stephen Michael Kennedy**

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

3 **QUESTIONS WITHOUT NOTICE (10.12 AM)**

Mr King moved –

THAT questions without notice be extended by 30 minutes

Question put

The House voted –

AYES, 8

Ms Adams

Mr Snell

Mr Sheridan

Mrs Griffiths

Mr Nobbs

Mrs Ward

Mr Anderson

NOES, 1

Mr Buffett

ABSTENTIONS, 0

Question agreed – Questions without notice extended to 11.42 am

4 **ANSWERS TO QUESTIONS ON NOTICE**

Responses were provided to:

421 **Mr King to ask the Chief Minister**

1. Is it a fact that contrary to the answer supplied by the Chief Minister at the last sitting, the Norfolk Island legal Aid system does differ significantly from the systems in other Australian jurisdictions, in particular;

a. That unlike other jurisdictions which review their income test and means test annually and/or include self-adjusting mechanisms, the Norfolk Island tests have never been reviewed in their 17 year history and have never contained self-adjusting mechanisms, and

b. That as a result a Norfolk Island resident is at a considerable disadvantage when compared to residents of other States or Territories?

2. What justification exists for the Chief Minister deciding at the last sitting not to inform the House that the legal aid system was severely damaged by a failure to review its testing mechanisms?

428 **Mr King to ask the Chief Minister**

I refer the Chief Minister to previous responses to questions regarding the activities and funding of the organisation CIRCA.

1. How is it that a Minister of government has assumed executive authority for a non-government privately funded organisation, and

2. What is the extent of involvement of Administration personnel including legal personnel in the activities of CIRCA during Administration time, and
3. How is it that no provision has been made in the Administration's budget for the use of Administration staff in manning the office of CIRCA or otherwise supporting the activities of CIRCA, and
4. Is there provision for other private organisations to access Administration resources including staff for the operation of those organisations?

429 Mr King to ask the Minister for Community Services

At the last sitting of the House the Minister indicated that a program for testing of the integrity of the Water Assurance Scheme had been developed and commenced but that the timing was unclear. Can the Minister now inform the House when the testing will commence, how long it will take and the expected reporting date?

430 Mr King to ask the Chief Minister

At the last sitting of the House the Chief Minister said that the matter of moving GBEs into the private sector is a programmed arrangement. Can the Chief Minister advise the House of the detail of that program?

431 Mr King to ask the Chief Minister

At the last sitting the Chief Minister answered questions relating to the establishment of a government-owned and operated retail outlet for philatelic products. Can the Chief Minister advise whether, consistent with the desire to divest itself of commercial activities, the government considered putting together a proposal for private sector investment in this activity rather than the government?

432 Mr King to ask the Speaker

Would Madam Speaker undertake to examine and report to the House on the appropriateness and propriety of the Office of the Speaker and the Clerk using the Government's Legal Advisors for advice in relation to complaints against Ministers of Government lodged by backbenchers?

433 Mr King to ask the Chief Minister

To what extent has the private information of private individuals been shared between departments of the Administration?

434 Mr King to ask the Chief Minister

When are the guidelines under section 14 of the Legal Aid Act 1995 to be updated?

435 Mr King to ask the Chief Minister

At the last sitting of the House the Chief Minister advised the House that in an effort to address the access to justice issue highlighted by a shortage of qualified lawyers, he has conducted discussions with the Chief Magistrate with a view to drawing legal personnel from a particular jurisdiction. Is it not a fact that under the Legal Aid Act 1995 the ACT Legal Aid Commission is an agency which is tasked with providing legal services and why has that statutory arrangement not been implemented?

436 Mr King to ask the Chief Minister

I refer the Chief Minister to the answers he supplied to the House on questions relating to the requisitioning and authorisation for the expenditure of public funds. On what basis did the Chief Minister respond that Section 33 of the Public Monies Act 1979 has no bearing on whether a contravention of sections 25 and 26 of the Public Monies Act was an offence under the law? Did the Chief Minister obtain written legal advice to this effect and if so can he please table that advice?

5 PRESENTATION OF PAPERS

The following papers were tabled:

- 1) Minister for Community Services – **Employment (Amendment) Regulations 2012**
Mr King moved –
THAT the House take note of the paper
Debate ensued
Question put and agreed to on the voices
- 2) Chief Minister – **Accounting Statement – Carry Forward of 2011-12 Appropriation to 2012-13**
- 3) Chief Minister – **Customs Act 1913 – Approved Exemptions**

- 4) Speaker – **Cultural Agreement between Isle of Man and Norfolk Island – Your Parliament Your Voice Report on Tynwald Day and letter from President, Clare Christian**

6 STATEMENTS OF AN OFFICIAL NATURE

- 1) Chief Minister, Mr Buffett read a letter from The Queen's personal secretary thanking the people of Norfolk Island for her Diamond Jubilee gift, photographs and messages
- 2) Chief Minister, Mr Buffett welcomed the Chief Executive Officer Mr Graeme Faulkner
- 3) Chief Minister, Mr Buffett thanked Mr Bruce Taylor for acting as Chief Executive Officer
- 4) Minister for Tourism, Industry & Development, Mr Nobbs read a Report by the General Manager of the Norfolk Island Government Tourist Bureau from Dec 2011 to Jun 2012
- 5) Speaker, Ms Adams gave a Report on her recent official attendance at the Presiding Officers and Clerks Conference in Honiara, Solomon Islands 23-27 July 2012

Paper: Report on Presiding Officers and Clerks Conference in Honiara, Solomon Islands

Notice of Motion

Speaker, Ms Adams gave notice that she would move a motion at the next Sitting of the House to strengthen ties between Norfolk Island and the Pacific

7 MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 30

The Speaker reported –

Message No. 30 from the Administrator under section 21 of the *Norfolk Island Act 1979* advising that on 26 July 2012 he declared his assent to the Ombudsman Act 2012 (Act No 5 of 2012) and to the Lighterage (Amendment) Act 2012 (Act No 6 of 2012)

NOTICES

8 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

Column 2 - Importer/conditions

Safety Equipment
- amount of duty applicable \$459.12

Norfolk Island Fishing Association
Conditions: Nil

Rescue Equipment and Training Manuals
- amount of duty applicable \$2,621.40

Norfolk Island Volunteer Rescue Squad
Conditions: Nil

Debate ensued

Question put and agreed on the voices

9 NORFOLK ISLAND HOSPITAL ACT 1985 – RE-APPOINTMENT OF MEMBERS OF NORFOLK ISLAND HOSPITAL ADVISORY BOARD

Leave having been granted to Minister for Community Services, Mr Sheridan he moved -

THAT for the purposes of subsection 12(1) of the Norfolk Island Hospital Act 1985, this House resolves that:

**Valerie Grace Martinez;
Candice Anne Snell; and
Shane Marshall McCoy**

be re-appointed as Members of the Norfolk Island Hospital Advisory Board for the period 20 August 2012 to 19 August 2015.

Debate ensued
Question put and agreed on the voices

10 WILLS BILL 2012

Chief Minister, Mr Buffett, pursuant to notice, presented the Wills 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

11 OMBUDSMAN (AMENDMENT) BILL 2012

Leave having been granted for the Bill to be considered through all stages to Chief Minister, Mr Buffett he presented the Ombudsman (Amendment) Bill 2012 and moved -

THAT the Bill be agreed to in principle

Paper: Mr Buffett tabled the Explanatory Memorandum to the Bill

Question – THAT the Bill be agreed to in principle – put and agreed to on the voices
Leave granted to dispense with the detail stage
Mr Buffett moved –

THAT the Bill be agreed to

Debate ensued
Question put and agreed to on the voices

12 FIXING OF NEXT SITTING DAY

Mr Anderson moved -

THAT this House at its rising adjourn until Wednesday 19 September 2012 at 10 am

Debate ensued
Question put and agreed to on the voices

13 ADJOURNMENT

Mr Snell moved –

THAT the House do now adjourn

Debate ensued
Question put and agreed to on the voices

AND THEN the House at 12.23 pm adjourned until Wednesday 19 September 2012 at 10.00 am

Gaye Evans
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present