

**NORFOLK ISLAND  
FOURTEENTH LEGISLATIVE ASSEMBLY  
MINUTES OF PROCEEDINGS  
WEDNESDAY 18 SEPTEMBER 2013**

**NORF'K AILEN  
DIISEM MENETS LARNEN WATHING HAEPN  
INAA  
FORTIINTH LEJESLIETEW 'SEMBLE  
WEDNESDAY 18 SEPTEMBER 2013**

1 The Legislative Assembly met at 10.01 am, the Speaker, Hon David Buffett AM MLA, took the Chair and read Prayers

2 **CONDOLENCES**

Mr Evans recorded the passing of –

**Gilbert Wallace Jackson  
Peter Peapells  
Ada Diana Amy Forsyth  
Vanda Marianna Buffett**

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

3 **QUESTIONS WITHOUT NOTICE (10.15-11.14\_ AM)**

**DEPUTY SPEAKER took the Chair at 10.40 am**

**SPEAKER resumed Chair at 11.16 am**

4 **ANSWERS TO QUESTIONS ON NOTICE**

**Responses were provided to:**

21 **Mrs Ward to ask the Minister for Cultural Heritage and Community Services -**

Is it a fact that the term 'ordinarily resident' is not defined in relation to Residency by citizenship in the Immigration Act 1980, and if so; what criteria has been set to assist the Minister in making a decision and is this information publicly available?

22 **Mrs Ward to ask the Minister for Cultural Heritage and Community Service -**

Given that General Entry Permit supporting documents are being retained by the Norfolk Island Administration; will the Minister table the policy and legal justification which supports the decision to retain personal information indefinitely?

25 **Mrs Ward to ask the Minister for Cultural Heritage and Community Service -**

Given that the education memorandum of understanding extended tenure positions have been 'frozen' and are subject to review; will the Minister answer the following?

1. Under whose authority was the memorandum frozen;
2. What is the timeframe for a review; and,
3. What community consultation will take place as part of the review process?

1) **Paper tabled:** Minister for Cultural Heritage and Community Services, Ms Adams – **MOU NSW Dept. Education and Training and the NIG on Teacher Staffing of NI Central School**

2) **Paper tabled:** Minister for Cultural Heritage and Community Services, Ms Adams – **MOU Commonwealth of Australia and the NIG on Educational Matters**

26 **Mrs Ward to ask the Minister for Cultural Heritage and Community Service -**

What action plan is to be put in place to progress the recommendations of the Commonwealth funded Child and Family Support Report of September 2012, and are there any recommendations that the Minister does not give general support to?

**27 Mrs Ward to ask the Chief Minister and Minister for Tourism -**

Given that a new Federal Government has been elected; will the Chief Minister reaffirm his Government's position in relation to the Road Map reform agenda and explain in detail what he will do to encourage a Liberal Government to appreciate the urgent need for an agreed whole of government position in relation to Norfolk Island?

**28 Mrs Ward to ask the Chief Minister and Minister for Tourism -**

Given that the 2011 Australian Continuous Improvement Group's Public Service Review made twelve recommendations for change and only one has been partially addressed so far; will the Chief Minister outline his government's plan to ensure that the other recommendations and options are prioritized and progressed?

**29 Mrs Ward to ask the Chief Minister and Minister for Tourism -**

Would the Chief Minister table the current guidelines used by panel members in the Norfolk Island Administration merit selection recruitment process?

**30 Mr Evans to ask the Minister for the Environment -**

Given that the Headstone bridge has been closed to the public, will the Minister advise –

- 1 Why the bridge is closed to the public;
- 2 When will the bridge be reopened;
- 3 What are the costs of the project; and
- 1 From what vote will funds be drawn to pay for this project?

**5 PRESENTATION OF PAPERS**

The following papers were presented:

- 3) Chief Minister and Minister for Tourism, Mr Snell – **Legislative Programme Legislative Assembly 2013**
- 4) Chief Minister and Minister for Tourism, Mr Snell – **NI Tourism Strategic Plan 2013-2023 DRAFT**
- 5) Chief Minister and Minister for Tourism, Mr Snell – **NI Public Service Board Annual Report 2012-13**
- 6) Chief Minister and Minister for Tourism, Mr Snell - **Court of Petty Sessions (Civil Procedure Rules) Regulations 2013**
- 7) Minister for Cultural Heritage and Community Services, Ms Adams – **Charter of the Commonwealth 2013**
- 8) Minister for Finance, Mr Sheridan – **Revenue Fund Financial Indicators August 2013**
- 9) Minister for Finance, Mr Sheridan – **Revenue Fund Financial Indicators July 2013**
- 10) Minister for Finance, Mr Sheridan – **Virements**

**6 STATEMENTS OF AN OFFICIAL NATURE**

The following statements were made –

- 1) Minister for the Environment, Mr Ward – **Regional Development Australia Fund (RDAF) Project**

**DEPUTY SPEAKER took the Chair at 12 noon**

- 2) Minister for the Environment, Mr Ward – **NI Quarantine Survey**
- 3) Speaker Buffett – **Report on Norfolk Island's participation in the Annual Commonwealth Parliamentary Conference in South Africa – Executive Committee Hon David Buffett AM MLA and delegate Mr Hadyn Evans MLA**
- 11) **Paper tabled: Mr Buffett – CPA Annual Report 2012**  
Chief Minister and Minister for Tourism, Mr Snell moved –

**THAT the Statement be noted**

Question put and agreed to on the voices

## 7 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

**Message No 6** On 5 August 2013, under section 22 of the *Norfolk Island Act 1979*, Her Excellency the Governor-General declared her assent to the following Act: **Tourist Accommodation** (Amendment No 2) Act 2012 (Act No 12 of 2013) and this Message from the Office of the Administrator is dated the 21st August 2013 and signed Neil Pope, Administrator.

**Message No. 7** On 27 August 2013, acting pursuant to section 21 of the *Norfolk Island Act 1979*, he declared his assent to the following proposed laws passed by the Legislative Assembly: **Marine Safety** (Amendment) Act 2013 (Act No 13 of 2013) and **Marine Safety** (Amendment No. 2) Act 2013 (Act No 14 of 2013)

## NOTICES

### 8 PUBLIC SECTOR MANAGEMENT ACT 2000 - APPOINTMENT OF CHIEF EXECUTIVE OFFICER

Chief Minister and Minister for Tourism, Mr Snell moved –

**THAT for the purpose of section 38 of the *Public Sector Management Act 2000*, this Legislative Assembly recommend that Mr JONATHAN PAUL GIBBONS be appointed Chief Executive Officer of the Public Service for a term not exceeding 5 years to be determined under the conditions of appointment specified in a written agreement made in accordance with section 40 of the *Public Sector Management Act 2000*.**

**SPEAKER resumed Chair at 12.38 pm**

Debate ensued

Question put and agreed to on the voices

### 9 NOMINATION OF ACTING DEPUTY SPEAKER

Mr Speaker advised that David Raymond Porter had been nominated as Acting Deputy Speaker

### 10 PROTECTION OF MOVABLE CULTURAL HERITAGE ACT 1987

Minister for Cultural Heritage and Community Services, Ms Adams moved -

**THAT in accordance with section 9 of the *Protection of Movable Cultural Heritage Act 1987*, this House recommends to the Minister that —**

**Eve Semple**

**be re-appointed as a member of the Norfolk Island Cultural Heritage Committee for the period 18 September 2013 to 25 August 2017.**

Debate ensued

Question put and agreed to on the voices

### 10 CUSTOMS ACT 1913 - EXEMPTION FROM PAYMENT OF CUSTOMS DUTY

Minister for Finance, Mr Sheridan moved —

**THAT, under subsection 2B(4) of the Customs Act 1913, this House recommends to the Administrator that the goods specified in column 1 of the Schedule imported by the person specified in column 2, and on the conditions mentioned in column 2 of the Schedule, be exempted from duty.**

## SCHEDULE

Column 1

Column 2

**Goods****Scratch Score Cards****- amount of duty applicable \$211.08****Importer/conditions****Norfolk Assists Those In Need Inc (NATIN Inc)****Conditions: Nil**

Debate ensued

Question put and agreed to on the voices

**ORDERS OF THE DAY****12 CUSTOMS (AMENDMENT) BILL 2013**

Resumption of debate (Minister for Finance, Mr Sheridan) from 14 August 2013 on the question – THAT the Bill be agreed to in principle

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

Detail stage

Mr Sheridan moved the detail stage amendment dated 17 September 2013 –

That clause 4 of the Bill be amended by –

1. Substituting for subclause (b)–

“(b) For Item 1 of the Schedule substitute in each column as follows —

‘1. All goods not included in any succeeding Items being –

(a) valued at less than \$100,000– 18%

(b) valued at \$100,000 or more 12%.’ ”; and

2. by adding the following subclause–

“(c) From Schedule 2 repeal all the words of Item 6 in the column headed ‘Description of goods’ and insert —

‘Any bus or other motor vehicle designed or intended to be used principally for carrying passengers which exceeds one or more of the dimensions, capacity, or weight permitted for registration under the *Traffic Act 2010* and Regulations.’ ”**12) Paper tabled: Mr Sheridan – Explanatory Memorandum to the detail stage amendment to the Customs (Amendment) Bill 2013**Question – **THAT the amendment be agreed to** – put and agreed to on the voicesQuestion – **THAT the clauses as amended be agreed to** – put and agreed to on the voicesQuestion – **THAT the remainder of the Bill be agreed to** – put and agreed to on the voices

Mr Sheridan moved -

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

Question put and agreed to on the voices

**13 REPORTS OF STANDING COMMITTEES**

Resumption of debate (Ms Adams) from 17 July 2013 on the question – THAT the Report be noted - on the quarterly Report of the Infrastructure and Business Development Committee dated 17 July 2013

Debate ensued

Mr Nobbs sought leave to move an amendment

Leave granted

Mr Nobbs moved –

**THAT the Norfolk Island Government take note of the recommendations of the Infrastructure and Business Development Report dated 17 July 2013 and progress the recommendations as thought appropriate**

Debate ensued

**ACTING DEPUTY SPEAKER took the Chair at 1.47 pm**

Mr Nobbs withdrew his motion

Mr Buffett moved an amendment –

**THAT the Report be noted and the Norfolk Island Government in consultation with the Legislative Assembly address and progress the recommendations of the Infrastructure and Business Development Report dated 17 July 2013 as thought appropriate**

Debate ensued

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

Mrs Ward voted against

Question – **THAT the motion as amended be agreed to** - put and agreed to on the voices

**SPEAKER resumed Chair at 2.36 pm**

**14 FIXING OF NEXT SITTING DAY**

Mr Nobbs moved –

**THAT the House at its rising adjourn until Wednesday 16 October 2013 at 10 am**

Question put and agreed to on the voices

**15 ADJOURNMENT**

Mr Ward moved –

**THAT the House do now adjourn**

Question put and agreed to on the voices

**AND THEN the House at 2.43 am adjourned until Wednesday 16 October 2013 at 10.00 am**

Gaye Evans

**Clerk to the Legislative Assembly**

**MEMBERS PRESENT:** All Members were present