



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY  
12<sup>TH</sup> NILA HANSARD – 13 FEBRUARY 2009**

**PRAYER**

Almighty God we humbly beseech Thee to vouchsafe Thy blessing upon this House, direct and prosper our deliberations to the advancement of Thy glory and the true welfare of the people of Norfolk Island, Amen

Honourable Members if you wish to remove your coats please do so.

**LEAVE OF ABSENCE FOR MR NEVILLE CHRISTIAN MLA**

MR MAGRI  
Minister Neville Christian

Thank you Mr Speaker I seek leave today for

SPEAKER  
granted thank you

Thank you Mr Magri. Is leave granted. Leave is

Honourable Members I call on Mrs Jack

**SUSPENSION OF STANDING ORDERS**

MRS JACK  
Standing Orders be suspended as would prevent only those matters listed on the Programme from being dealt with at this Sitting

Thank you Mr Speaker I move that so much of

SPEAKER  
Honourable Members. The question is that, that question be agreed to

Thank you Mrs Jack. Any further debate

QUESTION PUT  
AGREED

That motion is agreed thank you

**MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR - NO 23**

SPEAKER  
Honourable Members, I have received the following Message from the Office of the Administrator and it is Message No 23 which reads that on the 3 February 2009, pursuant to section 21 of the Norfolk Island Act 1979, I declared my assent to the following law passed by the Legislative Assembly, the Healthcare (Amendment) Act 2009 (Act No 1 of 2009) and that message was dated the 3 February 2009 and signed Owen Walsh, Administrator

**NOTICES**

**WASTE MANAGEMENT (AMENDMENT) BILL 2009**

Honourable Members the Minister for the Environment, Education and Social Welfare will present a Bill for an Act to provide for the emergency destruction by burning of substances infested by pests or affected by disease likely to threaten the ecology of Norfolk Island and Mrs Jack, you have the call

MRS JACK Thank you Mr Speaker. I present Waste Management (Amendment) Bill 2009 and move that the bill be agreed to in principle. Mr Speaker I move that so much of Standing Orders be suspended that would prevent the Bill from being passed through all stages at this sitting

SPEAKER Thank you. I put the question that the motion be agreed to

QUESTION PUT  
AGREED

The ayes have it. Standing Orders are so suspended and I invite you to continue, Mrs Jack

MRS JACK Thank you Mr Speaker. I table the explanatory memorandum to the Bill and just read that out so that Members of the community are aware of what is inside the legislation. This Bill amends the Waste Management Act 2003 and proposes to make special provision of the eradication of a major pest that has been introduced to the island, the Argentine Ant. Although consideration work has been done to eliminate the pest by means of laying bait, there is a particularly large infestation at the Waste Management Centre where there is a considerable amount of affected material. In order to remove this infestation and prevent its spreading, the Government have been advised that burning is the only practical solution, for clearing the site of infected waste and to allow for the successful laying of bait. At present some doubts have been expressed about the ability of the Administration to carry out the burning of waste at the Waste Management Centre and while legal advice says that the matter being one of urgency to eliminate a growing threat to the environment can be legally carried out this Bill is intended to avoid any issues that may be raised in an attempt to delay it being done. This Bill therefore makes it clear that the Executive Member may by order published in the gazette authorise the destruction by burning of any substance if it is for the purpose of destroying an infestation of insects or a disease if satisfied that the infestation is an environmental danger. The Bill requires that any burning done under such an order must comply with the directive of the Chief Fire Control Officer and be supervised by the Chief Fire Control Officer and an authorised officer authorised under the Waste Management Act in order to avoid issues that might be raised about the kind of material burnt. The Bill also makes it clear that any non burnable waste that is caught up in this activity is deemed to be lawfully destroyed. This is necessary as it is clear that there is a lot of unburnable waste that cannot be separated safely and will be affected although not completely destroyed by burning. Finally, the Bill makes it clear that its provisions operate despite any other act or the conditions of any permit or approval and will expire on the 30<sup>th</sup> June next. This is intended to ensure that a vital activity can be carried out and be clearly lawful. However as it is considered that the activity is unlikely to be required again, the enactment will expire in due course and can only be revised by further action of the Legislative Assembly. Mr Speaker if I may I would just like to give some background to this amendment Bill. For some time the existence of a new and unusual ant species on Norfolk Island had been suspected but it was not until about three and a half years ago that confirmation was made that it was *Linepithema humile* – I think I've got that right Mr Speaker - better known as the Argentine Ant. Residents in the western area mapping the infestation and noting the spread of the ant over the next two years together with Administration staff identifying a second infestation site at the Waste Management Centre, brought the issue sharply into focus. As a result the Administration of Norfolk Island invited Peter Davis together with John and Vivian Van Dyke to Norfolk Island to provide advice. Peter's visit was undertaken on the basis of a private consultancy. His usual employment is as Senior Entomologist, Social Insect Research Section of the Department of Agriculture, Western Australia and his experience is in eradication strategies for tramp ants, especially Argentine Ants. John and Vivian are managers of

Flybusters, a New Zealand firm with experience in Argentine ant control and eradication. A division of Flybusters, FBA Consulting, now provides services to central government, New Zealand, for several large-scale operations, including the National Invasive Ant Surveillance programme and the Pacific Invasive Ant Surveillance programme amongst others. This visit took place from 4 to 10 May 2008 and a report on their findings was provided by Peter Davis in June of 2008. Their visit confirmed the two infestations and their own surveys confirmed the accuracy of Administration and landowner mapping and survey work. This information had been fed into Geographic Information System (GIS) software which determined the western infestation to be 63.6 hectares. The area around the Waste Management Centre was found to be smaller indicating a more recent infestation most likely the result of infested material from the original western infestation. The area infested was estimated to be 12 hectares. Mr Speaker let me highlight several points from the Executive Summary section of the report provided by Peter Davis.

#### **Executive summary**

- Argentine ants are considered one of the world's worst invasive species with impacts on urban lifestyle, commercial enterprises, agricultural production and the environment. (In fact, Mr Speaker, the Argentine Ant is listed in the top 100 worst invasive species by the Global Invasive Species Group).
- Norfolk Island provides an ideal environment for Argentine Ants and, left untreated, they will eventually spread over its entire land surface area.
- The unrestricted spread of Argentine Ants on Norfolk Island has potentially serious impacts on the environment with several rare bird species at greatest risk.
- The options available to the Norfolk Island government are to (1) do nothing and allow the Argentine ant infestation to spread unhindered, (2) contain the infestation by limiting its spread via human-assisted means and (3) attempt eradication.
- Eradication is considered practically feasible and is the recommended option.

At this point, Mr Speaker, I will quote from another section from within the report: It is worthwhile putting the Norfolk situation into perspective with another Argentine ant eradication program. Argentine ants were first detected in Western Australia in 1941 but effective eradication strategies were not developed until 1954 when an eradication program was mounted. At that time the size of the infestation was estimated to be 17,000ha in extent and included wetlands and farmland. The program was based on the use of the persistent organochlorine insecticides of dieldrin and heptachlor and was terminated in 1988 when use of these was not supported by public opinion. At that time only 1,458ha of Argentine ant infestation was known to exist of which 75% was in areas such as wetlands and farmland, which was not able to be treated. What this does demonstrate is that it is quite feasible to eradicate Argentine ant infestations and the current options of either baits or sprays containing fipronil are improved over the organochlorine sprays of the past. Norfolk Island, with its combined infestations totalling less than 100ha, is a comparatively simple situation and, therefore, eradication of Argentine ants on Norfolk Island is considered possible. Mr Speaker there were two further dot points of note in that report the first being, (1) There are two eradication strategies available for use by the Norfolk Island Government – spray application of the insecticide fipronil or use of the bait Xtinguish®. Both of the application rates were provided. (2) Use of Xtinguish® bait is the preferred option but current licensing agreements restrict its use to New Zealand. This will need to be resolved prior to its consideration for use in an eradication program on Norfolk Island. Mr Speaker, this matter was resolved and the letter giving limited authority for use of Xtinguish® is part of a package of documents which I will lay before this House. Mr Speaker, a referral was made to the Department of the Environment, Water, Heritage and the Arts, the Approvals and Wildlife Division, and the response was that the proposed action was not a controlled action because it did not pose a significant threat to the environment. That response also forms part of the package which I will table. Mr Speaker, I won't go into all the details regarding the arguments given in discussing these three action options. I will be tabling this report and so interested persons will be able to ask for a copy (perhaps place it on the [www.gov.nf](http://www.gov.nf) web site) and read the document themselves. Suffice it to say Mr Speaker the option thought most appropriate was eradication and to achieve this goal

through the laying of bait. Mr Speaker, November of last year saw the first step in the Argentine ant eradication programme commence. Over a week-long period approximately 20 people worked their way over some 64 hectares of undulating ground that varied from open grazing land to dense bush containing some not so nice flora. John and Viv Van Dyk returned along with a couple of their staff. This enabled local people to be trained in the planning and laying of bait. Several teams were formed and from early morning to late afternoon these groups could be seen walking their way through the area laying bait on a 2metre grid matrix. The area continues to be monitored and while the open pasture appears clear Argentine Ants some remain in some of the old Norfolk Pines and White Oaks of the area. Advice from Peter Davis and John and Viv Van Dyk is that monitoring of the entire western site will be required for the next two years and some further baiting will have to continue on and around trees that remain infested with the ant. It had been hoped to treat the Waste Management Centre immediately following the treatment in the western area however two factors decided against this action occurring. The first was that while amounts of bait had been calculated using information from Flybusters, it was found that more had been used in the first operation and not enough was left to do the eradication programme at the Waste Management Centre in the one treatment. Infestation at the Waste Management Centre was worse than first thought and so the bait-laying matrix needed to be halved to a one metre grid pattern. The second was that in re-examining the centre the advice from the Van Dyks was that as the bait is laid by hand it is essential that those laying bait can access the entire site for treatment. If bait was laid over the mounds of unmulched green waste and dumped builders waste it would be ineffective – that is the take up by the ants would be minimal owing to the depth of product on the ground. It was one thing laying bait in dense bush, but it is totally another to try and lay bait on an unstable mound of green waste or builders waste. To make the treatment programme work it is essential that good access is available to the infected areas. Mr Speaker, when the infestation was detected at the Waste Management Centre sales of mulch were halted and properties that had received deliveries of mulch from the Waste Management Centre in the preceding 6 months were checked for Argentine Ant infestation. To this day I am advised that no infestations have been detected however monitoring of these properties does continue and members of the community are asked to please raise any ant concerns with officers in the Health/Quarantine section. A third infestation was detected in November 2008 in the vicinity of the intersection of Grassy Road and Taylors Road. The infestation was monitored over a two-month period and found to be a very local and contained infestation. It was treated two days ago on Wednesday afternoon. Monitoring of this site will continue for two years. Recently, Mr Speaker, the community was advised of a moratorium on the acceptance of green waste and builder's waste at the Waste Management Centre and a prohibition on the removal of any items from the centre except for that general rubbish still taken for burning at Headstone. The main factors that caused this decision are simply. (1) the infestation of ants is more intense at the centre; (2) machinery breakdown – the loader or the mulcher and so it Waste Management Centre staff either cannot load the truck to take the waste and general rubbish to Headstone for burning or cannot mulch the green waste; and (3) until quite recently an inability to burn due to onshore winds at Headstone. We are running out of space at the Waste Management Centre. Builders waste, Concerns over possible dioxin contamination in the Headstone area through the burning of municipal waste. Tests to clear this concern took approx. 14months and during this time Administration only burnt when winds were offshore. This resulted in 84 days lost over the past year. The pile is now so large and been in place for such a time that it is heavily infested with Argentine Ants. The pile is impossible to treat for ants in its present form, presents OH&S issues if it were treated in its current form, and presents an extremely high risk of spreading the infestation if transported to Headstone for burning or elsewhere for recycling/reusing. Green waste. Unsure as to the extent and numbers of areas of infestation, I was reluctant to allow the mulching machine to be moved. I was concerned that in moving the machine I could move the problem, and thus increase the area of infestation. I was unsure as to how many more infestations were going to be discovered. I felt the risk too great and so had green waste continue to be accepted at the centre. Along with these

two problems was the intermittent machinery breakdowns. Each one of these three issues is, on its own, not too significant, but when all three are together the overall effect is immediate and noticeable. Delays caused by these three issues have seen the Argentine Ant problem become more established in both the green waste and builders waste. Also present at the centre in the eastern area is approx 0.5ha of old un-mulched material containing heavy limbed round timbers and stumps which are too large and unsuitable for mulch processing. This material is infested with Argentine Ants. There is also an area of approx 4ha of the slope on the southern side of the Waste Management Centre that is covered by a layer of old untreated green waste that was pushed over the edge and into the valley several years ago. This has formed an impenetrable mass of dry tree limbs, trunks and stumps some 5m deep and is heavily infested with Argentine Ants. It is impossible to treat in its current form and presents unacceptable OH&S issues if it is treated in its current form. The recommendation that has come from the CEO is that the Waste Management site cannot be treated in its current state. Work needs to be undertaken to prepare the site for baiting and this work needs to ensure that the infestation remains on site. The only reasonable course of action to undertake in order to treat the site for Argentine Ant is to undertake a progressive and controlled burn of the material in a temporary area prepared for this purpose on site. The legislation before the House today is legislation to allow that process to occur. Mr Speaker, in bringing forward this amending legislation many areas of the Administration have been involved in preparing various risk assessments, guidelines, recommendations and opinions and consideration has been given not only to Norfolk Island legislation but also to Commonwealth legislation. In particular the *Environmental Protection and Biodiversity and Conservation Act 1999*. Mr Speaker, the initial recommendation for this action came from the CEO as a Ministerial Submission and was accompanied by a memo from the Emergency Service Coordinator. That memo was detailed and covered subjects such as Site Conditions and Preparation, Valley Floor Inspection, Builders Waste Burn Area, Fire Plan and Safety Precautions. Other documents now join that submission: Environmental assessment of Emergency (one off) Burn at the Waste Management Centre prepared by the Environment Officer; Risk Assessment for the Controlled Burning of Waste at the Waste Management Centre by the Risk Management Administrative Officer; Risk Assessment for the Argentine Ant Baiting Programme at the Waste Management Centre again prepared by the Risk Management Administrative Officer; Report by Peter R Davis on Argentine Ants on Norfolk Island – An investigation into their extent and future management options: Report of visit 4<sup>th</sup> –10<sup>th</sup> May, 2008; Memorandum of Advice from Crown Counsel – Argentine ant eradication program at the waste management centre and a second Memorandum of Advice from Crown Counsel regarding Waste Management Centre & EPBC Act (Cwlth). Mr Speaker the Commonwealth's EPBC Act applies to Norfolk Island and it requires notification and approval if a proposed activity would have a 'significant impact on a matter of national environmental significance or on the environment on any Commonwealth land'. Mr Speaker I will quote directly from Crown Counsel advice: "TEST TO BE APPLIED. The decision maker, that is, the executive member responsible, must take in to consideration the following steps in forming his or her opinion: 1. Identify the area affected. 2. Whether the area is a controlled matter under the EPBC Act. 3. Identify what impact on the environment the program will have in the area. 4. What impact on the environment if the program is not carried out. 5. Having identified the adverse impacts of the program, identify to what extent the adverse impact is likely to be and whether it is significant. CONSIDERATION OF EVIDENCE the Crown Counsel stated that the primary area affected is the Waste Management Centre which is freehold property owned by the Administration and not affecting a controlled matter under the EPBC Act. The secondary areas which will be affected by smoke and air pollutants include areas of Crown land which is a controlled matter and subject to the EPBC Act. Mr Davis in his May 2008 report "Argentine Ants on Norfolk Island – an investigation into their extent and future management options" says Argentine ants are considered one of the world's worst invasive species with impacts on urban lifestyle, commercial enterprises, agricultural production and the environment. He also noted that the unrestricted spread of argentine ants on Norfolk Island has potentially serious impacts on the environment with several rare bird species at greatest risk. He

also stated that eradication is considered practically feasible and is the recommended option. Crown Counsel also noted that the Chief Executive Officer's program proposals dated 29<sup>th</sup> January 2009 make the following points: The eradication of the Argentine Ants, a declared pest, is vital and it is urgent that measures be taken at the Waste Management Centre which remains the major un-treated source for the spread of the pest. The only reasonable course of action is to undertake a progressive and controlled burn of infected materials in a temporary area prepared for this purpose on-site. The burn program will be of short duration, supervised and will take place in a manner and at times to minimise smoke and air pollutants. The Emergency Service Coordinator's report dated 24<sup>th</sup> January 2009 covers fire safety requirements and a recommendation that the burn-off only takes place when wind conditions are light (under 10kph) and favourable. He recommends a high temperature burn to reduce smoke and pollutants being emitted into the air. The Risk Management Administrative Officer's report dated 6<sup>th</sup> February 2009 identifies the risk of open burning and recommends the proper training of staff, supervision and provision of support services and machinery. Taking all these reports into account and the adoption of risk minimalisation practices in the program proposal, the Environment Officer report of 10<sup>th</sup> February 2009 says: The United Nations Environment Program Guidelines recognise that isolated island communities may have to open burn as a last resort....where sanitary disposal is required to control pests..." It was also noted that the burn-off will not increase the risk of soil and water pollution at the Waste Management Centre Air Quality Issues. "Burning at the Waste Management Centre (under appropriate wind conditions) would not pose a significant difference in risk to the burning at Headstone." Removing waste material from the site (for burning at Headstone) would pose a risk of spreading the Argentine Ant infestation. Mr Speaker the Crown Counsel's conclusion to the above was that considering the evidence of the risk minimalisation to be undertaken during the controlled burn, the limited time frame and the Environment Officer's report, it is open to the executive member to determine that the burn-off program would not present a significant impact on the environment or controlled matters under the EPBC Act and if the executive member forms this view, no notification or approval is required before the Waste Management Centre burn-off program can proceed". Mr Speaker, I have read and considered all the documents mentioned earlier. I have spoken on several occasions with Crown Counsel regarding the proposal, the legislation and his advice and I find that given the evidence of the risk minimalisation to be undertaken during the controlled burn, the limited time frame of the legislation and the Environmental Officer's report this action does not present a significant impact on the environment or controlled matters under the EPBC Act and as such needs no notification or approval. Mr Speaker, all documents mentioned are now tabled and can be made available to the public. I do this with the knowledge and agreement of the CEO of the Administration of Norfolk Island and of the Administration's Crown Counsel. Mr Speaker, before passing to my colleagues I would like to mention green waste and builders waste and where to from here. Green waste. Advice from both consultants is that the Waste Management Centre and its environs will need to be monitored and found clear of the Argentine Ant for two years before the eradication programme is deemed to have been successful and the area considered free of the pest. It is therefore necessary to find an alternate site. Several Administration properties have been proposed and at this stage only two are being actively considered. They are the portion of land beside the police station on Cascade Road and the Barkman estate property on Captain Quintal Drive. The first is in a Special Use zone area, the other in the Rural zone. Mr Speaker, further information is required before the final choice is made for example, planning requirements if any, and if there a need for public consultation over the site are some of the factors to be considered. The alternate site will not be operational on a seven day, all day basis. Advice from the CEO states that due to resourcing and cost issues the site will be open on a part time basis for example, 3 days a week. Builders waste. Builders waste presents different issues and an alternate site is not an option. Therefore the need to progress with this legislation and the controlled burning and bait laying programmes is vital. The aim is to reopen the Waste Management Centre for the receipt of builders waste at the earliest possible opportunity. I regret the inconvenience caused to the community but this will be for a limited time. I

urge all Members to support this legislation so that the Administration can implement these important measures and therefore limit the inconvenience to the public to the shortest possible time. I realise these are extraordinary measures, Mr Speaker, but we on Norfolk Island are in the fortunate position, based on expert advice, that we have the opportunity to eradicate Argentine Ants. That outcome has long been lost in Australia and assuming that we are able to succeed in the eradication of this pest we will have to remain vigilant to ensure that the ants are not reintroduced on incoming cargo. I commend the Bill to the House. Thank you Mr Speaker

MR NOBBS Thank you Mr Speaker and thank you Minister for bringing the length and breadth of information to us that you have today. There are a few aspects of the report in particular from Peter David that tweaked my antenna and they are as the Minister has pointed out, that this is one of the worlds worst invasive species and impact on the urban lifestyle, commercial enterprises, agricultural production and the environment so they are fairly destructive across the board for us. Also in the report is mention that these ants if unchecked could spread throughout the entire island however the dot point that gives us the positive outcome is the dot point that says eradication is considered practically feasible and is the recommended option. The Minister has outlined all the steps that are to be involved have been involved in reaching this point and at this stage I thoroughly support the progress of this. Thank you

MR MAGRI Mr Speaker Thank you. I just wanted to add one thing that maybe the Minister might have forgotten to explain, which is why we are in such a hurry here and that is to do with the fact that the ants are going into a dormancy period over winter so we need to get this action moving extremely quickly and every day counts so I applaud the Minister also in declaring war on these ants. They are a real potential ecological disaster for Norfolk Island. Thank you

MRS JACK Thank you Mr Speaker and thank you to my colleague Minister Magri for raising that. The ants do go into a somewhat dormant or less active period here and it is vital that when laying bait we do so to the greatest number of ants outside the nest to carry it back to the nests in order to have the best effect of take up of the bait and it's been on advise of Peter Davis and the Van Dyk's that April is getting too late and so everything is really revolving around the time frame of the ants. The bait is due to arrive by ship mid March and so working back from there it is estimated that doing the green waste and builders waste will be done separately and that is under the advise of the Emergency Services Coordinator. It is estimated that the builders waste will take three weeks. You take that back three weeks so you get to about the 23<sup>rd</sup> February, then its estimated that the green waste will take about a week and that comes back to the 16<sup>th</sup> which is next Monday so if there's a delay in the ship the bait will be airfreighted in. I've been advised that, that will happen and so its e3xpected that around he 23<sup>rd</sup> March will be the commencement date for the laying of bait and it will take about 3 days and that takes it to about the 30<sup>th</sup> March to open again for builders waste. It all hinges on the ants and we want it to be all done before April to allow for the greatest take up

MR B CHRISTIAN Thank you Mr Speaker in relation to this, I'm not so confident and complimentary about it. If the Minister could explain to me, in this report of Peter Davis, and just reading from the report ...in the western infestation, the initial infestation is eight or nine years old. The next paragraph says that the infestation of the Waste Management Centre is said to be three to four years old. What's the panic now? Just out of curiosity, we are talking about having to get it done before April, why, if three to four years ago the infestation was there and now we are panicking about getting it done before April

MRS JACK Thank you Mr Speaker they estimate the arrival of it as being that. It was actually picked up a couple of years ago and what we note in that time is the rate of spread during that intervening period. Now the emergency situation or the need for speed is the fact that if we let it go another year it can actually expand so many more metres out that in fact it can increase the area required for baiting quite substantially. We need to lay the baits to start containing it and to make that containment the eradication process. The ants won't be picked up from day one. What you find is that you find the area of infestation that's currently there. You follow it through to see how long it's taking to spread so many metres, and then you can work back to see if its so many metres out, then you can work back how many years its taken the ants to establish themselves. You don't see the infestation on day one. You only start seeing it when it starts to be a problem when it starts to spread and starts to annoy people and starts to do something to ground dwelling birds and that's the unfortunate aspect of it.

MR B CHRISTIAN Thank you Mr Speaker just following on from that. You indicated Minister that the mulch at the Waste Management Centre has been banned from leaving he centre for some twelve to eighteen months

MRS JACK Thank you Mr Speaker from April last year I think. When the report came to me that it was at the Waste Management Centre it was decided to stop movement of the mulch because the threat that that posed in spreading the Argentine Ant problem, and that was when the work was done to see which properties had received mulch in the preceding six months and then officers went out investigating those mulch piles. Now just because ants haven't been detected doesn't mean that they are not there, because we have to keep on going over the entire property. What we do is continually monitor and we ask the respective landowners of those sites where mulch has been delivered to be vigilant also. If they notice any unusual activity the guys go out and inspect and check to see if the ant problem is an Argentine Ant problem. If it is, then we can lay the bait. That is why the mulch still isn't going out because we can't be sure that there aren't any Argentine Ant infestations that have gone out. We need to use monitor to make sure

MR B CHRISTIAN Thank you Mr Speaker I just have a couple of concerns or queires tha te Minister maight be able to heklp me claify. If I could ask a few points along the way and give you the opportunity to answer them. Minister I believe the Waste Management Centre is not run in an efficient or effective manner to allow for the minimising of the risk of infestation by pests, I believe the Minister has to take the responsibility and immediately take steps to correct the problem that we have at the Waste Management Centre to minimise any further issues that we have such as this

MRS JACK Thank you Mr Speaker most certainly. I think Mr Christian is aware of works being undertaken. Also formulating programmes and methods and procedures between the CEO and the current manager of the Waste Management Centre and the issues that he speaks of, are issues that are intertwined I suppose in some ways with this Argentine Ant problem but they are issues nonetheless that are being dealt with between those parties

MR B CHRISTIAN Thank you Mr Speaker just following on. Minister in the memorandum you just addressed you said that Government have been advised that burning is the only practical solution, for clearing the site of infected waste and to allow for the successful laying of bait. Could you just clarify to me who advised that burning is the only option and how is that qualified?

MRS JACK Thank you Mr Speaker it came from the CEO in his ministerial which has been made available

MR B CHRISTIAN Thank you Mr Speaker I haven't a copy of that. Another question there Minister is you stated that the green waste machine has been broken down for some time

MRS JACK For different periods of time, over a period of time. I think just recently one of the teeth, I suppose you would call it, has needed replacing. I mean it adds. All these things add up to delays and add to the drawing out of the process of mulching the waste

MR B CHRISTIAN Another statement please if I may Mr Speaker is that Minister I find it surprising that the Environmental Officer finds that it would not have a significant impact on the environment or air quality by burning at the Waste Management Centre. Would you have a copy of that report that I may have access to

MRS JACK Thank you Mr Speaker as I stated in my address, all those reports are included within this ministerial; all the reports have been laid on the table, all have been made available to the public and therefore to my colleagues

MR B CHRISTIAN Just to finish it off Mr Speaker I've obviously got some concerns, with how this is going to be done and what's being done at the Waste Management Centre at the moment. I accept that burning on site to minimise the risk of spreading this pest is obviously of concern. I have issues of my own of how it's actually come to this state but just the last comment I have on it, Minister I believe it's outrageous that the builders waste is no longer accepted at the Waste Management Centre. I believe the public has prepaid for this service through the waste levy and so we are obliged to provide this service and would urge the Minister to provide an alternate site for the acceptance of builders waste immediately and indicate an actual time of the length of not accepting green waste at the Waste Management Centre. I just think that by not giving an alternative site, whether at Headstone or where ever we're just not providing the service that people are charged for. There are builders, commercial builders, and everyday people who generate builder's waste and we're running the risk of promoting illegal dumping for lack of a better term I guess. Where have these people got to dump their rubbish that they've paid Waste Management levy for, and I think immediately we need to provide an alternate site

MRS JACK Thank you Mr Speaker I have a slightly different view of this obviously, and as stated I realise the inconvenience of this and its certainly not promoting and I do not feel that anything I've said in this address today promotes the dumping of builders waste anywhere else than in the appropriate place, it's just that unfortunate that for a short period of time the appropriate place is going to be temporarily closed whilst conditions are made suitable for the reintroduction of acceptance of builders waste and when it is accepted no doubt further conditions and attitudes of the community will have to change until builders waste is accepted again, and I'm awaiting advise regarding that Mr Speaker but I urge the community to get on board with this, to assist us in this problem so that illegal dumping won't occur. That we will care about the island and environment and the visual aspect of it and that we will all be undertaking some inconvenience but it is temporary. Thank you

MR B CHRISTIAN Thank you Mr Speaker just one last question. Minister why is it that the Headstone tip can't be open on a one or two day per week basis until this problem is resolved

MRS JACK Thank you Mr Speaker in talking to that, it has been closed to that aspect and I'm not too sure, I'd have to seek legal advise but having the public going back there and dumping is not an option I favour. I've seen the trouble that in that matter with green waste being dumped at the Waste Management Centre in that people go and dump all sorts of matter with their green waste. For a start, staffing would be an issue and the amount of builders waste coming in would also be an issue so that in effect, you would have builders waste going all the way up to the gate as people just dump it. I mean it would need to wait to be burnt, so no, I wouldn't consider that an option. I realise the concerns voiced by Mr Christian, but opening up another site for the collection of builders waste is more than just opening a site for the alternative arrangements for the collection and mulching of green waste. They are different issues entirely and right now there are problems in his proposal. I need to discuss with Mr Christian other options if he has them and to come to my office this afternoon and to try and move forward in speeding up this option or speeding up another area or working with the Planning Officer and finding perhaps another site. It is not as easy as is expected

MR B CHRISTIAN Thank you Mr Speaker I understand your concerns Minister but maybe if you would just inform myself and the public, what are commercial builders expected to do with their builders waste that they generate on an everyday basis of their work site. Where do they put this. It is very easy for us to just sit here and say well it's going to be an inconvenient, or things aren't acceptable. But what are they to do with it. What of the builders who generate waste every day, meant to do with their rubbish

MRS JACK Thank you Mr Speaker try and house it on site unfortunately

MR SHERIDAN Thank you Mr Speaker I'll be brief in this. Whilst I see the necessity for this Bill coming forward and the action that is mandated in the Bill, that is the burning of the stockpile that has accumulated over the years to eradicate this Argentine Ant, I would just like to ask the Minister that considering as she stated, and the Chief Minister stated, this is a very serious infestation of ants, it's very bad, it's one of the worst types of pests that can get into the environment, now I understand the reason why we are burning on site, specifically the builders waste may have caused the inadvertent spreading of the Argentine Ant, if it was transported to Headstone and burnt out there as has been the practice in the past, not the immediate past as its been stockpiled, but what I now ask the Minister is that I'm aware that the infestation of the ants is in the management area itself, that is, down the bottom of the loading bay etc, the concern is that the Argentine Ant could be spread by taking the builders waste out to Headstone to be burnt. What is there to stop the infestation of the ants spreading by the public taking their household waste to the Waste Management Centre and throwing it into the chute and then departing. They may not be there for that long, but is there a risk then of the ants being transported around the island or taking into consideration the workers up there who part outside the gates, they've got all day for the ants to get inside those vehicles and then be transported around the island, so if this action or this pest is to meant to be of such a degree to necessitate burning the spreading of waste to eradicate it and there's to be a two year cooling off period to make sure that they have been eradicated I ask the Minister why hasn't the Waste Management Centre been quarantined so that nobody can enter the site and alternate arrangements be made to get rid of rubbish

MRS JACK Thank you Mr Speaker in looking at the Argentine Ant biology in any case and seeing the way they spread and the way new nests are

established, the risk in what is left of the municipal waste that is taken to the centre each day then taken out to Headstone, I believe that the risk involved in the spread of Argentine Ant is of a factor that is able to be handled, in other words the risk is minimal. The turnover now at the Waste Management Centre in getting the municipal waste out to Headstone is such that it is deemed that no new nests would be able to be established or ants getting into any of that waste and posing a problem in transportation

MR GARDNER

Thank you Mr Speaker, the Bill before us today clearly is about providing a means or a way to act in response to prevent or limit or contain the future spread of Argentine Ant and to allow for effective baiting and treatment but also, and let's face it, it's about clearing the site of significant amounts of accumulated waste. Really the transport of waste to Headstone is not an answer because it's already demonstrated that it hasn't reduced the waste amount at the centre and I'll touch on the reasons and some views on the historic accumulation at the Waste Management Centre in due course but some of the points that have been made by Members are extremely valid and Mr Christian's concerns about the alternates for some in various industries including builders and also those involved in gardening activities and the production of green waste are valid concerns because it does prevent some level of inconvenience to those businesses and I would urge the Minister to look at the alternatives as we are managing this immediate problem to see whether there is a way of accommodating those where clearly there is going to be significant inconvenience as a result of the recent announcement in recent days. Clearly on some building sites if there's an owner builder or a single builder on a long term site that might be under construction for six to eight months, or maybe even 12 months, the simple storage of waste on a site and the new construction may be not such a big an issue as somebody who is involved in the refurbishment of an existing site, in other words, has significantly more waste generated from that activity than from a new site but I would urge the Minister to maybe give some consideration as part of this process of being able to provide an alternate receiving site as an interim step, particularly for those who are severely impacted. Also the question of risk. So much of what we have been discussing today is about managing risk and that's an issue that the Minister is very much aware of in considering the other aspects of her portfolio, particularly quarantine, because that at the end of the day is all about managing risk, and the question that we have today in front of us which is inextricably linked to the content of this Bill is deciding on the best of two bad options which both of the options have potential in one way or other of having an impact on the ecology or environment of the island and that is, basically as has been outlined in the report, doing absolutely nothing or as an interim step contain it or eradicate it and the decision was made many many many months ago that we were setting ourselves on the task of eradicating ourselves of this pest from the Norfolk Island environment. This Bill today provides us with a mechanism to prepare a site for the total eradication of this pest from Norfolk Island's Waste Management Centre and if we don't eradicate it, this becomes the distribution centre for this pest island wide and so in saying that we have to give consideration to the best option out of two bad options. Both have an equal impact. One is to allow these beasties to run wild across the island and deal with that in due course. The other is to allow arguably some short term inconvenience to some people with potential contaminating effects of smoke and other things that are exhausted into the atmosphere from the burning process, which have a potential but its managing or measuring the impact or the risk of both of those operations. The report entitled "Argentine Ants on Norfolk Island and the Investigation into their Extend and Future Management Options" which the Minister has provided has done the assessment, and provides us with the options as has been explained and it indicates the risks and as I've said before, what we are on about today is managing the risks, and I support as I think the Legislative Assembly as a whole have supported the total eradication of the Argentine Ants from Norfolk Island. The Bill today provides us with a tool in that process to achieve that aim and therefore I'm in support of it. I alluded to before the accumulation of waste at the Waste Management Centre and I think even the Minister would accept this and I'm sure those around the table would also, we are struggling to get it right with waste management on Norfolk Island. That's not the

managers fault, that's not the Ministers fault, it's not necessarily the people who were before the current manager, or the current staffs fault, but we have to ensure that we make sure that we have a Waste Management Centre in place that is going to satisfy the needs of this community and provide the mechanism for the effective and efficient disposal of waste, bearing in mind the potential hazards that attach to that and we've just got to invest more, not just money, but time and resources and importantly people's thinking into how we can best address that, and I'm not suggesting that we go and get more reports done. We've just got to polish up our act and it's going to be an evolving process and I think we can achieve that, but just reflecting on why this accumulation has occurred, and it's not just because ants have turned up. We've had an accumulation of waste there, as the Minister has reminded us, it's also because of the concerns about dioxins and the need to refrain from burning whilst that was worked through to see whether there was any contamination that arose from that, and so as she's already said, we've lost 80 something days in burning time because there would have been onshore winds, but the appearance of the ants forced other steps to be taken including the prohibition on the sale of any further mulch, some movement of some materials and machinery and equipment from the site, reinforced again by the comments contained in the report, and also unfortunately because of bad decisions made in the past that have simply seen accumulated waste that for reasons of cost or practicality at the time have simply been just pushed into the valley. I think as the Minister alluded to we have a layer of five metres or so of waste and I understand that most of that is green waste and maybe some building material, I'm not sure, that has simply been bulldozed into the valley and it's further compounded the problem of the accumulation of the waste at the site and provided an absolutely ideal environment for the Argentine Ants to inhabit without any great fear on their part I would think of anybody being able to burrow down to that depth to eradicate them. So what does this Bill do. This Bill provides us with an opportunity to remove all of that accumulated waste, save for the mulch material that's there and to prepare the site in such a way that an effective bating programme can be achieved hopefully leading to the eradication of the pest from the Waste Management Centre site. I'm satisfied from the material that I've been able to view, that we have no other effective means of containing this problem. If, as I've said, we are committed to eradication and I believe that we are, there is no doubt and Members have referred to the report that these ants are a significant threat to the island environment and ecology and as I've said before, the assessment is against whether that is a greater risk than the short term inconvenience of burning within the Norfolk Island environment and I'm satisfied that the decision to attempt to eradicate the pest by using what's before us today as a tool to achieve that aim, in my mind is the least of the two problems so let's achieve that. It does raise some other interesting questions and for the fear of somebody pulling me up for relevance as far as the debate on the Bill it does raise some important questions as to the receiving of future waste at the site. If we were to be able to effectively remove or eradicate pests from the Waste Management Centre we are very much aware of the contaminated sites on the western sides of the island that were subject to the recent bating programme. Even though the initial bating has been shown to be effective, there are still colonies existing and some of those colonies unfortunately exist in large and old Norfolk Island pines and white oaks and the like and really the question is, how is the potential spread of pests from that area going to be managed. For example, when trees are going to be removed, are they going to be able to be removed from those contaminated sites and any other potentially contaminated material be able to be moved to the Waste Management Centre as part of that process which may lead to recontamination in some form or fashion. Clearly they are things that we need to understand and we need to have measures in place to manage that risk as best we can. I guess that said, I fully support the Bill. I don't want to confuse the purpose of the Bill with some of the management concerns that exist at the Waste Management Centre those are management issues and they need to be dealt with internally within the Administration. We have an immediate problem and issue and I don't believe and I've yet to be convinced that there is an alternative to what is before us today, that is not going to be bogged down in Bureaucracy in challenges and appeals and the like. We

have an immediate issue that requires immediate attention and I fully support the provisions of the Bill

MR ANDERSON

Mr Speaker firstly I would like to compliment Mrs Jack on her presentation of this whole matter. I think she presented it in a way that the public can understand that there is no alternative and I would like to compliment her on that. As other speakers have said, we have no alternative. The Argentine Ants have to be eradicated and this Bill gives us a way to do it so I obviously support the Bill. Having said that, I have to add a bit of weight to what Mr Christian said in some of the problems that are there. Okay. builders waste. Some of us have already had the effect of this and that is an everyday matter that every person has to deal with, and it must be dealt with case by case. We just hope that people will not go and dump willy nilly because they are not being true Norfolk Islanders in taking that attitude, but in some ways the whole matter could be a blessing because the Waste Management Centre has to be cleaned up. Now when you have these sort of things, let's take advantage with what's happened, and let's clearly get on, and Mr Christian has said, get that area working properly. Let's do something about the management of the place so that it doesn't happen again. That's something for the future but we must take this opportunity to stress it. Something needs to be done but our present problem has no answers except what this Bill says and I fully support it

MRS JACK

Thank you Mr Speaker just a couple of quotes I would like to comment on. Mr Gardner was talking about the movement of product from one area of infestation to the Waste Management Centre. I must applaud those properties out on the western seaboard for their vigilance, their care in taking rubbish to the Waste Management Centre has been exemplary and I know that the cutting of trees in those areas has always met with people going along to see if any of it has been contaminated by the ant and suitable treatment if required has been undertaken. The other aspect as stated by both Mr Christian and Mr Anderson is the systems that will be put in place for the future and there will be changes. There will be advice and recommendations coming forward in a matter of days I would imagine from the Chief Executive Officer regarding proposed changes to the receipt of waste at the Waste Management Centre so I look forward to some positive activity by my colleagues in pushing for those changes to come forward because change does need to occur and we are all going to have to be responsible for this incredible amount of waste that we generate from such a small community, an incredible amount of waste, but changes will have to be made and I look forward to support from my colleagues in bringing about that change. Thank you Mr Speaker

MR NOBBS

Thank you Mr Speaker just one thing in brief I notice that when Mr Christian was speaking about the time frame of perhaps the ants being in the Waste Management Centre the Report actually addresses that, and I'll just read from that, it says that it's approximately 12 hectares in cadastral size and is estimated to be three to four years old however the sentence that is relevant in this case, is that it is possible that the infestation of this site has been spread around by human activity and therefore it would be easy to overestimate the age of the population based purely on its size but the transport or the relocation of the nests in the case of Argentine Ant is generally by a reproductive female and several males tramping their way across to a new site or being relocated inadvertently when they've made a nest in some fairly substantial material and just in saying that I do point out also for community Members who perhaps take a magnifying glass to some of these little critters they might find that some of them do have wings however their method of setting up new nests is by tramping, that is on ground from area to area as Minister Gardner has pointed out, the five metre high collection of some of the waste at the Waste Management Centre will be part of this clearing proposal, really prevents the correct grid format and the correct or successful outcomes of the eradication and I think Minister Jack has also covered that in her preamble to the legislation however, I just also wanted to say that there has been a fair degree of work and Minister Jack is to be commended for the training in the local

arena with both the Public Service officers and the community Members who have been part of the fly busters and other consultants who have been on the island and I am aware that the Chief Executive Officer is working on some procedural outcomes for the Waste Management Centre that will see us getting a bit more smooth and effective operation at the Waste Management Centre. Thank you

**SPEAKER** Further debate Honourable Members. From my point of view I too support this motion this afternoon and on behalf of the Legislative Assembly I think the people of Norfolk Island would be quite appreciative that we have arranged to meet here today in such a manner to express our concerns on the serious nature of these pests and to recommend to those listening that the education of Waste Management disposal is necessary for all of us both in domestic and commercial application and if anyone is of the opinion that they are not familiar with this type of ant they should contact the Quarantine and Health officers for further advice. Thank you Honourable Members. Now if there is no further debate I put the question that the Bill be agreed to in principle

QUESTION PUT  
AGREED

I think the ayes have it. The Bill is agreed to in principle

Is it the wish of the House to dispense with the detail stage. We so dispense and I seek a final motion Mrs Jack

**MRS JACK**

Mr Speaker, I move that the Bill be agreed to

**SPEAKER**  
question

Any further debate Honourable Members. I put the question

QUESTION PUT  
AGREED

The Ayes have it. The Bill is agreed to Honourable Members

#### **FIXING OF THE NEXT SITTING DATE**

Thank you Honourable Members we move to the fixing of our next sitting day

**MR ANDERSON**

Mr Speaker I move that the House at its rising adjourn until Wednesday 18<sup>th</sup> February 2009, at 10.00 am.

**SPEAKER**

Thank you Mr Anderson. Is there any debate Honourable Members. I put that question

QUESTION PUT  
AGREED

Thank you. The ayes have it. The motion is agreed

#### **ADJOURNMENT**

**MR B CHRISTIAN**  
now adjourn

Thank you Mr Speaker I move that the House do

**SPEAKER**

Thank you Mr Christian. Is there any further participation in adjournment debate Honourable Members?

MR NOBBS Thank you Mr Speaker just in brief, I've had discussions with the Minister and Mrs Vicky Jack and myself will be at the Radio Station later this afternoon at a time that is convenient with the Radio Station Manager, to discuss this Bill for the community's benefit. Thank you

SPEAKER Is there further debate. I now put the question that the motion be agreed to that the House do now adjourn

QUESTION PUT  
AGREED

The ayes have it, the motion is agreed. Therefore Honourable Members this House stands adjourned until Wednesday 18<sup>th</sup> February 2009, at 10.00 am.

