

**NORFOLK ISLAND  
THIRTEENTH LEGISLATIVE ASSEMBLY  
MINUTES OF PROCEEDINGS  
WEDNESDAY 1 DECEMBER 2010**

**NORF'K AILEN  
DIISEM MENETS LARNEN WATHING HAEPN  
INAA  
THERTIINTH LEJESLIETEW 'SEMBLE  
WEDNESDI 1 DISEMBA 2010**

1 The Legislative Assembly met at 10.03 am, the Speaker, Hon Robin Adams JP, took the Chair and read Prayers

2 **WELCOME**

Mr Robert Patch, Director, Norfolk Island Section, Territories East Branch, Department of Regional Australia, Regional Development and Local Government; Mr Bruce Kelly, Official Secretary and Mr William Menzies were welcomed to the public gallery

3 **CONDOLENCES**

Mr Snell recorded the passing of –

**Thomas Clabby  
Jill Berenice Westwood**

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

4 **MATTER OF PUBLIC IMPORTANCE**

**Paper Tabled:**

Mr Buffett, Chief Minister – **Memorandum of Understanding - Commonwealth of Australia and Norfolk Island**

Mr King moved –

**THAT the House take note of the paper**

Debate ensued

Mr King moved –

**THAT debate on the paper be adjourned to later in the sitting presented  
and that the paper be copied for Members**

Debate ensued

Question put and agreed to on the voices

5 **QUESTIONS WITHOUT NOTICE**

6 **ANSWERS QUESTIONS ON NOTICE**

**Responses were provided to:**

**Question No 80** from Mrs Ward to ask the Minister for Tourism, Industry & Development – As the Norfolk Island Government has decided not to deregulate the Telecommunications industry beyond the services presently permitted by the Telecommunications Act 1992, will the Minister explain legal, technical and competition regulation as it currently relates to Norfolk Island telecommunications and state which services are presently permitted by law?

**Paper Tabled:**

Mr Nobbs, Minister for Tourism, Industry & Development – **Telecom charges and services**

**Question No 81** from Mrs Ward to ask the Minister for Tourism, Industry & Development – Is it the Minister's intention to table all reports that led to the Government making its informed decision not to further deregulate the Telecommunications industry on Norfolk Island?

**Question No 82** from Mrs Ward to ask the Minister for Tourism, Industry & Development – Will the Minister table all available reports and business plans relating to the following areas:

1. South Pacific Island Network fibre optic project
2. Cruise ship visitation to Norfolk Island
3. Worley Parsons harbour assessment
4. IT Power Group alternate energy report

Is the Minister prepared to inform this House whether or not Members of the 12th Legislative Assembly were made fully aware of all details relating to the areas above? What factors convinced the previous Government that the projects are in the community's best interest?

**Paper Tabled:**

Mr Nobbs, Minister for Tourism, Industry & Development – **Norfolk Island Cruise Ship Industry – risk Analysis and Risk Management Plan**

**Question No 83** from Mrs Ward to ask the Minister for Community Services –

At the September sitting of the House, Administration provided the Minister with a detailed response to a question on notice relating to the dumping of waste at Headstone including an acknowledgement by the Minister that a lack of legislation did not negate the need for firm government policy in this area. Will the Minister demonstrate there is commitment to improve Norfolk's environmental record and would the Minister explain long term waste management including recycling, as described in a dot point in the Government's current directional plan and describe how solutions will be prioritized, funded and managed?

**Question No 84** from Mr King to ask the Minister for Tourism, Industry & Development –

At the last meeting of the House the Minister advised that he had full and proper legal authority for the disposition of Administration Bartercard dollars. Will the Minister obtain and table legal advice in relation to his handling of Bartercard dollars?

**Paper tabled:**

Mr Nobbs, Minister for Tourism, Industry & Development – **Statement of Intention to establish a Cabinet Bartercard Expenditure Review Group**

**Question No 85** from Mr King to ask the Minister for Tourism, Industry & Development –

1. What is the government's pricing policy in relation to the sale of fuel?
2. Does the policy preserve the government's only stated pricing objective, that is, to price fuel so that the government receives no more revenue than previously received from the former fuel levy? and
3. Will the government now table for publication in the local press, its fuel pricing formula including all cost components contributing to landed cost and the margin of mark-up?

**Question No 86** from Mr King to ask the Minister for Community Services –

In relation to the operation of the Toon Buffett Trust Fund;

1. Can the Minister provide assurance that all grants to date have been provided in accordance with the Trust Guidelines?
2. Can the Minister provide assurance that all grants have been audited for performance, both in terms of grant outcomes and financial performance?
3. Can the Minister advise if there is a consolidated report available on the Trust at this time?
4. Can the Minister confirm that no grants allocated to date have been applied to commercial activities?
5. Can the Minister confirm that the eligibility for grants by individuals or organisations is confirmed prior to grants being allocated?

6. Can the Minister provide advice as to the balance of the Toon Trust funds at this point in time?
7. Can the Minister ensure that when grants are allocated the recipients, purpose and funding level of the grant are made public? and
8. Can the Minister explain why he was unable to agree at the last sitting to examine the preceding questions prior to approving further grants, when according to advice dated 12 November 2010 from the Trust Secretariat decisions on current applications had been delayed?

**Paper tabled:**

Mr Sheridan, Minister for Community Services – **Ivens F (Toon) Buffett Environmental Trust Fund**

**Question No 87** from Mr King to ask the Chief Minister –

Can the Chief Minister confirm in writing to the House what guidelines his Ministers are expected to follow in relation to the tabling of documents at the request of and for the information of the House, including the treatment of commercially sensitive documents, Ministerial correspondence, reports and the reasonable expectations of the House to be informed?

**Question No 88** from Mr King to ask the Minister for Tourism, Industry & Development –

At the last sitting of the House the Minister referred to having received certified trading figures for 09/10 in relation to the Telecom business. Given that the preservation of Telecom's trading position formed the basis for the government's recent decision to exclude private competitors from the copper network, can the Minister advise what the net profit of the business was for the period?

**Question No 89** from Mr King to ask the Minister for Tourism, Industry & Development –

At the last sitting of the House the Minister was unable to advise if the budget estimates for the Tourist Bureau were being achieved or whether the revenue fund subsidy has been paid in full or if regular expected instalments from the revenue fund have been received. Can he now so advise?

**Question No 90** from Mr King to ask the Minister for Tourism, Industry & Development –

Has the Minister been able to determine yet whether or not a balance sheet exists for the airline operation or does he still not know?

**Question No 91** from Mr King to ask the Minister for Tourism, Industry & Development –

What is the productivity rate for Norfolk Island's tourism promotion and marketing spend and how does it compare with competing destinations?

**Question No 92** from Mr King to ask the Minister for Tourism, Industry & Development (responsible for economic development) -

How can the government's recent policy decision to not accommodate self-funded retirees in the immigration system enhance much needed capital inflow? Were the more immediate economic advantages properly weighed against any possible long-term effects?

**Question No 93** from Mr King to ask the Chief Minister –

Can the Chief Minister table the government's policy in relation to employment, in particular within the public sector and in general, within the wider community?

**Question No 94** from Mr King to ask the Chief Minister –

Can the Chief Minister identify what economic indicators have been assessed or comparable data analyses undertaken to measure the decline in the Norfolk Island economy and to what extent has the government been able to identify sectors of the community which will require greater government consideration?

**Question No 95** from Mr King to ask the Minister for Community Services –

In light of the approaching festive season and for the interest of those employers who remain confused, will the Minister confirm the fact that workers enjoy the following entitlements -

1. A double rate of pay where work is performed on a public holiday;
2. Alternatively a day off on full pay where a public holiday falls on a normal working day;
3. A rate of pay equal to one and one half times ordinary pay rates where weekly working hours exceed 40; and
4. A right to access a conciliation and arbitration system where these basic entitlements are not given.

**Question No 96** from Mrs Griffiths to ask the Minister for Community Services –

Is it a fact that Water Assurance Scheme charges have been increased by some 24%? What is the government policy in relation to water assurance scheme charges?

**Question No 97** from Mrs Griffiths to ask the Minister for Tourism, Industry & Development –

When responding to questions at the last sitting about the Ministers proposed Economic Development Committee what exactly did the Minister mean when he said that as part of his assessment of economic proposal he would consider "incentive schemes to assist capital upgrades for commercial operators on the Island", and what capital expenses does the Minister have in mind?

## 7 PRESENTATION OF PAPERS

The following papers were presented:

- 1) Mr Sheridan, Minister for Community Services – **Child Welfare Regulations 2010**
- 2) Mr Anderson, Minister for Finance and The Attorney-General – **Customs Act 1913 – Exemption from payment of customs duty**
- 3) Mr Anderson, Minister for Finance and The Attorney-General – **Public Moneys Act 1979 – Virements approved by executive member**
- 4) Mr Anderson, Minister for Finance and The Attorney-General – **Revenue Fund – Financial Indicators as at October 2010**  
Mr King moved –

**THAT the House take note of the paper**

Debate ensued

Question put and agreed to on the voices

## 8 STATEMENTS

The following statement was made –

- 1) Mr Sheridan, Minister for Community Services – **New Hospital Proposal**

**The Speaker suspended the sitting at 12.20 pm until 2 pm**

**The House resumed at 2.05 pm, the Speaker taking the Chair**

## 9 PRESENTATION OF PAPERS – LEAVE

Leave was granted to present the following paper -

- 5) Mr Sheridan, Minister for Community Services – **Norfolk Island Hospital Enterprise – Audit Report 2010**

**10 MEMORANDUM OF UNDERSTANDING - COMMONWEALTH OF AUSTRALIA AND NORFOLK ISLAND DATED 25 NOVEMBER 2010**

Resumption of debate (Mr King) from earlier in the Sitting on the question – THAT the House take note of the paper

Debate ensued

Mr Buffett, moved –

**THAT the paper be noted and printed**

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

**11 IMMIGRATION ACT 1980 - APPLICATION FOR GENERAL ENTRY PERMIT**

Minister for Finance and The Attorney-General, Mr Anderson, to move -

**THAT for the purpose of paragraph 17A(1)(e) of the *Immigration Act 1980*, this Legislative Assembly resolve that -**

**Michael Jon Porter Jr;  
Ashley June Porter; and  
Eli Michael Porter**

**be authorised to make an application for a general entry permit under the Act**

Debate ensued

Question put and agreed to on the voices

**12 NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ACT 1980 – RE-APPOINTMENT OF MEMBERS**

Minister for Tourism, Industry & Development, Mr Nobbs, to move –

**THAT this House in accordance with section 4 of the *Norfolk Island Government Tourist Bureau Act 1980* recommends to the executive member that he re-appoint –**

**Nadia Cuthbertson  
Morgan Evans; and  
David Porter**

**to be members of the Norfolk Island Government Tourist Bureau for the period commencing 1 January 2011 to 20 April 2011**

Debate ensued

Question put and agreed to on the voices

**13 SOCIAL SERVICES ACT 1980 - APPOINTMENT OF COMMUNITY MEMBER**

Minister for Community Services, Mr Sheridan, to move:

**THAT for the purposes of paragraph 4(3)(b) and sections 6 and 8 of the *Social Services Act 1980*, this House resolves to recommend the appointment of —**

**Raewyn Florence Evans**

**as a community member of the Social Services Board for a period of 3 years commencing on the day on which the instrument of appointment is signed and recommends to His Honour the Administrator that he sign the instrument of appointment**

Debate ensued

Question put and agreed to on the voices

**14 TOURIST ACCOMMODATION ACT 1984 – TRANSFER OF REGISTRATION LICENCE OF ONE UNIT FROM “CASTAWAY HOTEL AND APARTMENTS” TO “AHSTYK”**

Minister for Tourism, Industry & Development, Mr Nobbs, to move –

**THAT for the purposes of section 15A of the *Tourist Accommodation Act 1984* this House resolves that the registration of one tourist accommodation unit from the tourist accommodation house known as “Castaway Hotel and Apartments” may be transferred from the place described in its current instrument of registration to portion Lot 21k Selwyn Pine Road, known as “Ahstyk”, subject to compliance with the following conditions:**

- 1. Application for registration of a tourist accommodation house must be made in accordance with all applicable statutory requirements after the executive member's approval of the transfer under section 15A(2) in accordance with this resolution.**
- 2. The premises to which registration is transferred must first —**
  - a comply with statutory requirements for the ownership and operation of tourist accommodation;**
  - b comply with statutory planning and building requirements for the siting and construction of tourist accommodation;**
  - c be equivalent to a minimum 3 ½ Star standard under applicable Norfolk Island tourist accommodation grading standards; and**
  - d any relevant planning approval must be obtained within 12 months of the transfer approval**

Debate ensued

Mr Nobbs moved –

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

Question put and agreed to on the voices

**15 TOURIST ACCOMMODATION ACT 1984 – TRANSFER OF REGISTRATION LICENCE OF ONE UNIT FROM “CASTAWAY HOTEL AND APARTMENTS” TO “ROCKY POINT LODGE”**

Minister for Tourism, Industry & Development, Mr Nobbs, to move –

**THAT for the purposes of section 15A of the *Tourist Accommodation Act 1984* this House resolves that the registration of one tourist accommodation unit from the tourist accommodation house known as “Castaway Hotel and Apartments” may be transferred from the place described in its current instrument of registration to portion Lot 93u New Farm Road, being the tourist accommodation house to be known as “Rocky Point Lodge”, subject to compliance with the following conditions:**

- 1 Application for registration of a tourist accommodation house must be made in accordance with all applicable statutory requirements after the executive member's approval of the transfer under section 15A(2) in accordance with this resolution.**
- 2 The premises to which registration is transferred must first —**
  - a. comply with statutory requirements for the ownership and operation of tourist accommodation;**
  - b. comply with statutory planning and building requirements for the siting and construction of tourist accommodation;**
  - c. be equivalent to a minimum 3 ½ Star standard under applicable Norfolk Island tourist accommodation grading standards; and**
  - d. any relevant planning approval must be obtained within 12 months of the transfer approval**

Debate ensued

Mr Nobbs moved –

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

Question put and agreed to on the voices

**16 DEREGULATION OF TELECOMMUNICATIONS**

Mr King to move -

**THAT in the wider and best interests of the community this House rejects the recent government decision to maintain monopolistic control of Norfolk Island's telecommunications and substitutes instead a decision to deregulate telecommunications to the extent necessary to allow private competitive use on reasonable terms of the Norfolk Island copper network infrastructure**

Debate ensued

Mr King moved –

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

Question put and agreed to on the voices

**17 ROAD TRAFFIC (AMENDMENT NO 3) BILL 2010**

Minister for Community Services, Mr Sheridan, pursuant to notice presented a Bill for an Act to amend the *Road Traffic Act 1982* and moved -

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

**Paper:** Mr Sheridan tabled the Explanatory Memorandum

**Deputy Speaker Snell took the chair – 4.38 pm**

**Speaker Adams took the chair – 4.20 pm**

Debate ensued

Mr Sheridan moved –

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

Question put and agreed to on the voices

**18 ADMINISTRATION TELECOMMUNICATIONS INFRASTRUCTURE – USE BY PRIVATE ENTITIES**

Resumption of debate (Mr King) from 3 November 2010 on the question – THAT the House take note of the statement

Mr King moved –

**THAT the motion be withdrawn from the Programme**

Question – THAT the motion be withdrawn - put and agreed to on the voices

**19 FIXING OF NEXT SITTING DAY**

Mrs Griffiths, pursuant to notice, moved -

**THAT this House at its rising adjourn until Wednesday 19 January 2011 at 10 am**

Question put and agreed to on the voices

**16 ADJOURNMENT**

Mr Snell moved –

**THAT the House do now adjourn**

Debate ensued

Mr Buffett, Australian National Flag to fly at half-mast - 2 December 2010 as a mark of respect for the National Memorial Service being held in New Zealand for the 29 men killed in the mine disaster.

Mr Sheridan, World Bowls Tournament being in Norfolk Island  
Speaker, World Bowls Tournament, congratulations to players

**Deputy Speaker Snell took the chair – 4.51 pm**

**Speaker Adams took the chair – 5.01 pm**

Mrs Adams, Territories Law Reform Bill 2010

Question put and agreed to on the voices

**AND THEN the House at 5.04 pm adjourned until Wednesday 19 January 2011 at 10.00 am**

Gaye Evans

**Clerk to the Legislative Assembly**

**MEMBERS PRESENT:** All Members were present