

**NORFOLK ISLAND
THIRTEENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 2 AND WEDNESDAY 9 MARCH 2011**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
THERTIINTH LEJESLIETEW 'SEMBLE
WENSDI 2 EN WENSDI 9 MAACH 2011**

1 The Speaker, Hon Robin Adams JP having taken the Chair at the appointed time on 2 March 2011, and a quorum of Members not being present within the time prescribed under standing order 35, the Speaker adjourned the House until Wednesday 9 March 2011 at 10 am.

2 The Legislative Assembly met at 10.04 am, Speaker Adams, took the Chair and read Prayers

3 **SUSPENSION OF SITTING**

Speaker moved –

THAT due to technical difficulties being experienced with the recording equipment, the House do now suspend for one hour until 11 am

Question put and agreed to on the voices

4 **RESUMPTION OF SITTING**

The House resumed at 11.00 am, the Speaker taking the Chair

5 **CONDOLENCES**

Mr Snell recorded the passing of –

**Pieter Dirk Johannes Swynenburg
Laurence Pinney Parker
Juliete Quintal
Ernest Francis Quintal**

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

6 **RESIGNATION OF THE HON CRAIG ANDERSON MLA AS MINISTER FOR FINANCE AND THE ATTORNEY-GENERAL**

Chief Minister, Mr Buffett, advised that the Administrator had received the resignation in writing of the Hon Craig Anderson MLA, as Minister for Finance and The Attorney-General. The Chief Minister read the letter and gave tribute to Mr Anderson as Minister

7 **LEAVE OF ABSENCE – MR CRAIG ANDERSON AND MRS RHONDA GRIFFITHS**

Leave of absence was unanimously extended to Mr Craig Anderson and Mrs Rhonda Griffiths

8 **MATTER OF PUBLIC IMPORTANCE**

Chief Minister, Mr Buffett, raised a matter of public importance. The subject was a briefing to the House on discussions with the Federal Minister, the Hon Simon Crean, MP, Minister for Regional Australia, Regional Development and Local Government about short term funding for Norfolk Island ie, until the conclusion of the financial year, 30 June 2011, and presentation of a Norfolk Island road map developed in partnership between the Norfolk Island and Commonwealth Governments.

Paper Tabled:

Chief Minister, Mr Buffett, – **Norfolk Island Road Map for change** and moved -

THAT the House take note of the paper and the paper be printed

Debate ensued

Deputy Speaker Snell took the chair – 12.30 PM

Speaker Adams took the chair – 12.40 PM

Point of Order raised by Mr Nobbs on Mr King. Speaker ruled no point of order

Question put and agreed to on the voices

9 QUESTIONS WITHOUT NOTICE (2.03 PM)

Deputy Speaker Snell took the chair – 2.33 PM

Speaker Adams took the chair – 2.38 PM

10 ANSWERS QUESTIONS ON NOTICE

Responses were provided to:

116 Mr King to ask the Chief Minister – On 03 Nov 2010 the Chief Minister advised that the Norfolk Island government had agreed with the Commonwealth government that it is “necessary to urgently achieve short term solutions as well as working co-operatively to ensure long term sustainability of the Norfolk Island economy through structural reforms to the Island’s Governments arrangements and participation in the Australian Taxation and Social Security Systems”. Given the urgency expressed in this statement made four months ago and the fact that the economy continues to slide without any promise of short-term economic solutions or long-term certainty, can the Chief Minister explain precisely what the 3 November statement meant, with some emphasis on what he meant by “participation in the Australian taxation and social security systems”?

117 Mr King to ask the Chief Minister – At the last meeting the Chief Minister gave extensive credit to his Tourism Minister for his tourism initiatives and made mention of “measurable outcomes”, the achievement of benefits and the improved judgment of his Tourism Minister, all without being specific. Given that the Chief Minister provided not one single example of a positive outcome from the Tourism Minister’s initiatives, what specifically is his support of the Tourism Minister based upon?

118 Mr King to ask the Minister for Tourism, Industry & Development – At the last meeting, the Minister said he would seek a report on discussions that were taking place at officer level with Tourism Australia on cooperative marketing. Can the Minister advise why in the 6 weeks that has since passed, he has not been able to provide that report?

Paper Tabled:

Minister for Tourism, Industry & Development, Mr Nobbs – **NIGTB General Manager and Tourism Australia discussions update**

119 Mr King to ask the Minister for Tourism, Industry & Development – Can the Minister offer the community some promise of a greater future likelihood of cruise ship disembarkation than the current unloading rate of 33% and if not, why was the likelihood of an extremely low disembarkation rate not identified and advised to the Norfolk Island community at the outset?

120 Mr King to ask the Chief Minister – How does the Chief Minister justify and support the statement by one of his minister’s to an industry organisation questioning that organisation’s support of the Territories Law Reform Act, when the Norfolk Island Government itself committed through its funding agreement with the Commonwealth, to public support of the reforms, objects and purposes reflected in the Act?

121 Mr King to ask the Minister for Tourism, Industry & Development –

Will the Minister provide an update on the airport runway emergency safety areas project, including;

- a) Budgeted costs, expenditure to date and expected overall costs, treating each end of the runway separately,
- b) CASA approvals and engineering certification.
- c) Expected completion dates?

122 King to ask the Minister for Community Services –

Will the Minister provide an update on progress with an independent and professional assessment of the integrity of the water assurance scheme pipeline?

124 Mrs Ward to ask the Minister for Tourism, Industry & Development –

In the September 2010 sitting of the House, questions were asked about the outstanding debt to New Zealand Telecom and repayment of that debt. The Minister stated “it’s in an early stage of discussion with the executive of Telecom New Zealand and that an installment program would seem to be within our means”. What is the current outstanding amount owed to NZ Telecom by Norfolk Island and isn’t it a fact that repayment of the debt is beyond our means?

125 Mrs Ward to ask the Minister for Tourism, Industry & Development – In relation to the Norfolk Air 2010/11 budget:

- a) is it a fact that the Airline CEO under estimated Airline losses for the year by \$4.5M and if so, what are the consequences?
- b) other than passenger numbers and average fares what additional incorrect assumptions were the projections based on?
- c) what are the performance based indicators for the Board of Norfolk Air and similarly, for the Airline CEO, to ensure accountability to this community?

126 Mrs Ward to ask the Chief Minister – Will the Chief Minister inform the community of observations and recommendations made in the Independent Commonwealth consultant’s report into the running of Norfolk Air and was it within the consultant’s scope to provide a projected revenue loss for the coming financial year?

127 Mrs Ward to ask the Chief Minister – Given the normal consequences of breaching a commercial contract, can the Chief Minister advise whether adequate insurance is held against claims for private business losses caused by the termination of satellite services by New Zealand Telecom?

128 Mr King to ask the Minister for Tourism, Industry & Development – What contingency plans are in place should New Zealand Telecom decide to terminate Norfolk Telecoms satellite services as a result of a breach of contract?

- 1) Is it technically possible, as part of a contingency plan, for Norfolk Telecom to redirect their services into and out of Norfolk Island via any other on-island satellite service provider in the event of termination by New Zealand Telecom and has any other provider been approached to provide this contingency?

11 PRESENTATION OF PAPERS

The following papers were presented:

- 1) Chief Minister, Mr Buffett – **Customs Act 1913 – Approved Exemptions**
- 2) Chief Minister, Mr Buffett – **Virements authorised by executive member under Public Moneys Act 1979**
- 3) Chief Minister, Mr Buffett – **Immigration Act 1980 Declaration of Residency during the year end 31 December 2010**
- 4) Minister for Tourism, Industry & Development, Mr Nobbs – **Inbound passenger statistics for January 2010**
- 5) Chief Minister, Mr Buffett – **Public Moneys Act 1979 Instrument creating a head of the Trust Fund**
- 6) Minister for Tourism, Industry & Development, Mr Nobbs – **Review of Telecommunications Competition on Norfolk Island**
- 7) Minister for Community Services, Mr Sheridan – **Policy on Dental Treatment – Children and Pregnant Women**
- 8) Minister for Tourism, Industry & Development, Mr Nobbs – **Review of Renewable Energy Technologies for use on Norfolk Island**

12 STATEMENTS

The following statements were made –

- 1) Chief Minister, Mr Buffett – **SCAG meeting – Brief on Hon Craig Anderson’s attendance**

- 2) Chief Minister, Mr Buffett – **Immigration Act 1980 – Open GEP Quota for 2011**
- 3) Mr King – **Public Accounts and Estimates Committee – Statement by chairman – Under Standing Order 20B the Committee to deliberate on i) Bartercard ii) Telecommunications iii) NZ Telecom and the report to Norfolk Island Legislative Assembly**

13 MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR

The Speaker reported –

Message No. 8 from the Administrator under section 21 of the *Norfolk Island Act 1979* advising that on 25 January 2011 he declared his assent to the *Provident Account (Amendment) Act 2011 (Act No 1 of 2011)*

14 PUBLIC SECTOR MANAGEMENT ACT 2000 - RECOMMENDATION OF ASSEMBLY FOR APPOINTMENT OF EXECUTIVE DIRECTOR BY CHIEF EXECUTIVE OFFICER

Chief Minister, Mr Buffett, pursuant to notice, moved -

THAT for the purpose of subsection 39(1) of the *Public Sector Management Act 2000*, this Legislative Assembly recommends that Mr Bruce Taylor be appointed by the Chief Executive Officer in accordance with the provisions of the organisational structure and employment standards as an Executive Director with the title or designation of Deputy Chief Executive Officer

Debate ensued

Question put and agreed to on the voices – Mrs Ward abstaining

15 TOURIST ACCOMMODATION ACT 1984 – TRANSFER OF REGISTRATION LICENCE OF ONE UNIT FROM “VIEW REST INN” TO “CUMBERLAND RESORT AND SPA”

Minister for Tourism, Industry & Development, Mr Nobbs, pursuant to notice, moved -

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 “View Rest Inn” may be transferred from the place described in its current instrument of registration to portion 38d1 Taylors Road, known as “Cumberland Resort and Spa”, subject to compliance with the following conditions:

1. **Application for Approval of Change of Ownership of the Tourist Accommodation Unit must be made in accordance with all applicable statutory requirements after the Minister's approval of the transfer under section 15A(2) in accordance with this resolution.**
2. **The premises to which registration is transferred must —**
 - 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

Question put and agreed to on the voices

16 ANSWER TO QUESTION ON NOTICE NO. 107 RELATING TO BARTERCARD DOLLARS

Mr King, pursuant to notice, moved -

THAT the House take note of Minister Nobbs' answer to a question on notice (number 107) asked at the 19 January 2011 sitting of the House relating to the handling of Administration's Bartercard dollars

Debate ensued

Question put and agreed to on the voices

17 APPOINTMENT OF NORFOLK ISLAND GOVERNMENT AUDITOR

Chief Minister, Mr Buffett, pursuant to notice, moved -

THAT the Legislative Assembly recommend to the Administrator that under section 51 of the *Norfolk Island Act 1979* he —

- (a) **appoint CST/Nexia, Chartered Accountants of New Zealand, a firm in which at least one of its members is a registered auditor within the meaning of section 51A of the Act, to be the Norfolk Island Government Auditor in relation to the inspection and audit under section 51C of the Act that relates to the financial year ending 30 June 2011; and**
- (b) **determine that the terms and conditions of appointment of the Norfolk Island Government Auditor be —**
 - (i) **a base fee of \$61,150 for the financial year ending 30 June 2011;**
 - (ii) **the reimbursement at their actual costs of out of pocket expenses incurred in relation to the appointment up to a maximum of \$11,000.**

Debate ensued

Question put and agreed to on the voices

18 APPOINTMENT OF AUDITOR FOR NORFOLK ISLAND GOVERNMENT TOURIST BUREAU –

Minister for Tourism, Industry & Development, Mr Nobbs, pursuant to notice, moved -

THAT for the purposes of subsection 18(1) of the *Norfolk Island Government Tourist Bureau Act 1980*, the Legislative Assembly resolves that CST/Nexia Chartered Accountants of New Zealand, appointed as the Norfolk Island Government Auditor under section 51A of the *Norfolk Island Act 1979*, be the Auditor of the Norfolk Island Government Tourist Bureau for the financial year ending 30 June 2011

Debate ensued

Question put and agreed to on the voices

19 COURT OF PETTY SESSIONS (AMENDMENT) BILL 2011

Chief Minister, Mr Buffett, pursuant to notice, presented Bill and moved –

THAT the Bill be agreed to in principle

Paper Tabled:

Chief Minister tabled the Explanatory Memorandum to the Bill

Chief Minister sought leave for the bill to be considered through all stages

Leave granted

Debate ensued

Question put

THAT the Bill be agreed to in principle

Leave granted to dispense with the detail stage
Chief Minister moved -

THAT the Bill be agreed to

Question put
Bill agreed to on the voices

20 AIRPORT (AMENDMENT) BILL 2011

Minister for Tourism, Industry & Development, Mr Nobbs, by leave, presented Bill and moved –

That the bill be agreed to in principle

Debate ensued
Debate adjourned (Mr Nobbs) and the resumption of debate made an Order of the Day for a subsequent day of sitting

21 NORFOLK ISLAND GOVERNMENT TOURIST BUREAU (AMENDMENT) BILL 2011

Minister for Tourism, Industry & Development, Mr Nobbs, by leave, presented Bill and moved –

That the bill be agreed to in principle

Debate ensued
Debate adjourned (Mr Nobbs) and the resumption of debate made an Order of the Day for a subsequent day of sitting

22 REPORTS OF STANDING COMMITTEES

Resumption of debate (Mr King) from 19 January 2010 on the Report of the Impact of Bills and Subordinate Legislation Committee on the Employment (Amendment) Bill 2010
Mr. King to move –

THAT recommendations numbered 1, 2 (a) through to and including (e) and 3 (a) and (b) of the Report of the Impact of Bills and Subordinate Legislation Committee on the Employment (Amendment) Bill 2011 be agreed to and the remainder of the Report be noted

Debate ensued
Question put and agreed to on the voices

23 EMPLOYMENT (AMENDMENT BILL) 2010

Resumption of debate (Mr Sheridan) from 28 July 2010 on the question – That the Bill be agreed to in principle

Paper Tabled:

Minister for Community Services, Mr Sheridan, tabled detail stage amendments to the Bill dated 8 March 2011

Debate ensued
Debate adjourned (Mr Nobbs) and the resumption of debate made an Order of the Day for a subsequent day of sitting

24 FIXING OF NEXT SITTING DAY

Chief Minister, Mr Buffett, moved -

**THAT the House at its rising adjourn until
Wednesday the 6th April 2011 at 10 am**

Debate ensued
Question put and agreed to on the voices

25 ADJOURNMENT
Mrs Ward moved –

THAT the House do now adjourn

Question put and agreed to on the voices

AND THEN the House at 5.05 pm adjourned until Wednesday 6th April 2011 at 10.00 am

Gaye Evans
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present except Mr Anderson and Mrs Griffiths by leave