

**NORFOLK ISLAND
THIRTEENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 4 MAY 2011**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
THERTIINTH LEJESLIETEW 'SEMBLE
WENSDI 4 MIEH 2011**

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

2 **NOMINATION OF ACTING DEPUTY SPEAKER**

The Speaker advised that in accordance with standing order 9 she had nominated Mrs Rhonda Griffiths to act as Deputy Speaker

Paper: Speaker tabled the Instrument of Nomination

3 **QUESTIONS WITHOUT NOTICE (10.05 AM)**

Acting Deputy Speaker Sheridan took the chair – 10.25 AM

Speaker Adams resumed the chair – 10.32 AM

4 **ANSWERS TO QUESTIONS ON NOTICE**

Responses were provided to:

154 Mrs Ward to ask the Chief Minister –

Has the Norfolk Island Government given an investment guarantee to any foreign company, Chinese or otherwise, to provide: land for a five star hotel, 100% ownership of a harbour or free passage to obtaining a casino licence?

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

If a foreign company were seeking to invest in Norfolk Island, what Norfolk Island and Commonwealth legislation is currently in place to ensure protection of the island's environment, heritage and community values?

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

In November 2009 the Norfolk Island Telecom Manager placed an embargo on further lease of the copper wire infrastructure, twelve months before the Government adopted an anti-competition policy. What facts supported the Manager's decision at the time and if the decision was based on a legal opinion, will the Minister table the relevant facts which led to the legal opinion being formed?

157 Mrs Ward to ask the Chief Minister –

There is now clear evidence that the Deloitte financial sustainability report supported the need for the Commonwealth to assist the Norfolk Island Government with a further \$1.8M even though the original bid was for \$3.242M. Which areas will not be covered by the lesser amount received and how will the cash short fall be covered?

158 Mrs Ward to ask the Chief Minister –

A Commonwealth funded Deloitte Report into air operation has now been delivered to both Governments. Is it a fact that the report has led to further negotiation taking place with Our Airline, and if so, what are the outcomes of such negotiation and when will the report and the result of the negotiation be released to the public?

159 Mrs Ward to ask the Minister for Community Services –

Is it a fact that the Norfolk Island Government's inability to deliver a strategy to address the financial viability and sustainability of the Healthcare and Workers Compensation schemes has led to the Commonwealth providing additional financial support to the schemes and requesting all drafts of the actuarial report/s as a condition of the funding agreement variation?

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

If there is no legal requirement for the Minister to cross reference and reconcile passenger statistics received by the Immigration department and the Tourist bureau, will he take action to ensure a member of the public sector be directed to carry out the task?

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

The Minister stated at the last sitting of the House that he had provided information to the Commonwealth on potential revenue streams for intergovernmental consideration in the following areas: international shipping, telephone number range leasing, offshore banking unit and foreign national tourism visitation to Norfolk Island. Will the Minister inform the House as to how these initiatives were received by the Commonwealth and what progress has been made?

162 Mrs Griffiths to ask the Chief Minister –

Will the Chief Minister table at the May meeting of the House the 2009/2010 financial accounts and the accompanying management and audit reports?

163 Mrs Griffiths to ask the Chief Minister –

At the April meeting of this House, the Chief Minister advised that the Volunteer Rescue Squad was to undertake a survey of the cliff at Anson Bay. Has this survey been undertaken and can the Chief Minister now assure our Island weavers that this site is stable?

164 Mrs Griffiths to ask the Minister for Tourism, Industry & Development –

Given that gaming has a possibility of generating much-needed revenue; can the Minister advise this House on his progress with gaming; where he is up to with the long awaited prospectus and website; what funds were appropriated for these activities and how much has been spent to date?

165 Mrs Ward to ask the Chief Minister -

The Commonwealth appeared, during Mr Crean's visit, to be keen to assist with the appointment of the Commonwealth Financial Officer to work locally and provide much needed expertise for the financial accounting and disclosure requirements imposed under the Commonwealth Finance Minister's Orders.

- 1 Are those Orders now operative and what action has been taken to commence compliance;
- 2 Has the Commonwealth Finance Officer been appointed and if so who is the appointee; and
- 3 Has a delegate of the Commonwealth Finance Officer been identified to take up the local role and when will they commence? If no action has been taken or no appointment made what is the Government doing to encourage the Commonwealth to deliver on its undertaking?

166 Mrs Ward to ask the Chief Minister -

The Variation Number 1 to the Commonwealth Funding Agreement signed recently by the Government gave commitments and time frames for matters that are still the subject of consultation with the Community. Was this acceleration of the consideration of matters such as self funded retirees and access for Australian citizens to opportunities to open new businesses given at the insistence of Minister Crean or was it pressure being exerted by the Department of Regional Services? Has the Chief Minister spoken to Minister Crean personally to express the Government's view of the Department clearly breaking away from the agreed partnership principles Minister Crean emphasised as being critical to the successful implementation of change?

167 Mr Anderson to ask the Chief Minister:

The Variation to the Funding Agreement with the Commonwealth places limitations on capital expenditure present and future. Are there any significant capital purchases that this will impact upon this financial year?

168 Mr Anderson to ask the Chief Minister -

In the Variation to the Funding Agreement with the Commonwealth emphasis has been given to assessment of the financial viability and sustainability of the Healthcare Fund. Given the Healthcare Fund is currently being underwritten by the emergency funding from the Commonwealth was consideration given to eliminating the considerable short term effort involved in investigating and supporting the existing Healthcare Fund and concentrating that effort in assessment of the possibility of introducing Medicare sooner than proposed and thereby switching the existing funding to a long term commitment?

169 Mr Anderson to ask the Chief Minister:

The Variation to the Funding Agreement with the Commonwealth commits the Government to facilitate “the full extension to Norfolk Island of the Trade Practices Act 1974 with effect from 1 January 2012, or such other date as determined by the Commonwealth”. What consideration was given to the impact of the extension of this legislation? What assistance has the Commonwealth undertaken to provide with the implementation in return for this being agreed to by the Government? If the date is “determined by the Commonwealth” to be earlier than 1 January 2012 does the Government have the capacity and resources to achieve the implementation?

170 Mr Anderson to ask the Minister for Tourism, Industry and Development:

At the last sitting the Minister agreed to take on notice to provide information in relation to the renewal of the contract for services of the Chief Executive Officer of Norfolk Air. Can the Minister now advise when the contract expires and precisely what action has been taken regarding its renewal and what stage the process has reached? Given the Chief Executive Officer is employed under contract and is not an employee will the renewal be subject to the Government procurement procedures and dealt with accordingly? If there will be no public scrutiny via the procurement process how does the Minister intend ensuring open and transparent consideration of all appropriate candidates?

171 Mr Anderson to ask the Minister for Tourism, Industry and Development:

All members of the Assembly have been provided with a resolution of the Chamber of Commerce that expresses ‘discontent and a lack of confidence in the Government’s ability to drive our one and only industry – Tourism – back into prosperity’. They also expressed concern with the unprecedented low level of forward bookings currently held by their members for June and July. What does the Minister plan to do to stimulate the accommodation, hospitality and retail sectors to avoid the possible closure of businesses and to overcome the real fear many locals now hold for their continuing employment?

Paper: Minister Nobbs tabled the Tourism Ministers Summary of Initiatives

172 Mr Anderson to ask the Minister for Tourism, Industry and Development:

The Minister has previously indicated that he would provide regular updates of the forward bookings, either in actual numbers or percentages, held by Norfolk Air. When can this information be expected to be made available and what are the current forward booking statistics for June and July 2011? Is the Minister planning any special tourism campaigns over the traditionally slow period of winter?

173 Mr Anderson to ask the Minister for Tourism, Industry and Development:

The Norfolk Island Gaming Authority was expected to provide a substantial contribution to the Government’s Finances in the current financial year. Can the Minister provide an update of the extent of income received from Gaming Authority’s activities and how far behind the original 2010/11 budget the income that has been received is, and what is the estimated outcome for the full financial year, in terms if the amount originally budgeted.

5 PRESENTATION OF PAPERS

The following papers were presented:

- 1) Chief Minister, Mr Buffett – **Virement of Funds since 6 April 2011**
- 2) Minister for Tourism, Industry & Development, Mr Nobbs – **Postal Services (Amendment) Regulations 2011**
- 3) Chief Minister, Mr Buffett – **Financial indicators for February and March 2011**
- 4) Chief Minister, Mr Buffett – **Economic Indicators December 2010 based on GST Gross Revenue**
- 5) Minister for Tourism, Industry & Development, Mr Nobbs – **Print out on Marine Bioregional Planning taken from www.environment.gov.au/coasts/east/index**

6 STATEMENTS

The following statements were made –

- 1) Speaker Adams recorded the making of history in the New South Wales Legislative Assembly with the election of its first female speaker, South Coast Liberal MP Shelley Hancock. Congratulations were extended to Ms Hancock on her election

Speaker Adams acknowledged the invitation received from the Hon John Mickel MP, Speaker of the Legislative Assembly of Queensland, for the Speaker and the Clerk to the Assembly to attend the Regional sitting of the Queensland Parliament being held later this month in Mackay. Whilst unable to attend, the Speaker extended her best wishes for a successful sitting

2) Chief Minister, Mr Buffett - Advancement of the Norfolk Island Road Map

Paper: Variation to Funding Agreement for Norfolk Island

4) Chief Minister, Mr Buffett - Visit of the JSC from 5 to 7 May 2011; meeting with Members of the Assembly and private sessions with community members and groups.

7 IMMIGRATION ACT 1980 - RE-APPOINTMENT OF MEMBER TO IMMIGRATION COMMITTEE

Chief Minister, Mr Buffett to move –

THAT for the purposes of subsection 6(4) of the *Immigration Act 1980*, this House recommends the re-appointment of –

Lorraine Carol Boudan

to be a member of the Immigration Committee for the period 21 May 2011 to 20 May 2013.

Debate ensued

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

8 MUSEUM TRUST ACT 1987 - APPOINTMENT OF MEMBERS OF THE MUSEUM TRUST

Chief Minister, Mr Buffett to move –

THAT this House resolve for the purposes of subsection 5(1) and (2) of the *Museums Trust Act 1987* that the Minister appoint the following as members of the Norfolk Island Museum Trust:

**Albert Fletcher Buffett
Jeanette Elizabeth Calder
Peter Russell Horrocks**

for the period 5 May 2011 to 4 May 2013.

Debate ensued

Question put and agreed to on the voices

9 COMMONWEALTH-FUNDED REVIEW OF THE NORFOLK ISLAND ADMINISTRATION AND ALL ITS ASSOCIATED BUSINESS ENTITIES

Mrs Griffiths to table the curriculum vitae of Professor Kenneth William Wiltshire AO, B. Econ (Hons), M.Sc. (Lon),, PhD, FIPAA., MAICD and move -

THAT this House –

- a) **agrees to a Commonwealth-funded review of the Norfolk Island Administration and all its associated business entities;**
- b) **agrees the Norfolk Island Administration to make available all information in the Administration's possession to assist with the conduct of the review; and**
- c) **recommends the appointment of Professor Kenneth Wiltshire AO as our preferred candidate to lead the review team**

Acting Deputy Speaker Sheridan took the chair – 11.25 AM

Speaker Adams resumed the chair – 10.34 AM

Mr Buffett moved –

THAT all words after “recommends” be deleted and the following words inserted “that Professor Kenneth Wiltshire AO be considered in the appropriate selection process for this task”

Debate ensued

Question put and agreed to as amended on the voices

10 CUSTOMS (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

11 OMBUDSMAN BILL 2011

Resumption of debate (Chief Minister, Mr Buffett) from 6 April 2011 on the question – That the Bill be agreed to in principle

Debate ensued

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

12 FIXING OF NEXT SITTING DAY

Mrs Ward moved -

THAT the House at its rising adjourn until Wednesday the 1st June 2011 at 10 am

Debate ensued

Paper Tabled:

Chief Minister tabled the audited Finance Statement of the Administration year ended 30 June 2011

Question put and agreed to on the voices

18 ADJOURNMENT

Mr Anderson moved –

THAT the House do now adjourn

Acting Deputy Speaker Griffiths took the chair – 11.35 am

Debate ensued

Paper Tabled:

Ms Adams tabled Open Letter to Members of the Assembly of the Norfolk Island Legislative Assembly from Island Elders Marie Bailey OAM, Bernie Christian Bailey, W.A. Blucher AM, Tom Lloyd AM, Ken Nobbs, Jim Olsson and Greg Quintal MBE.

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

AND THEN the House at 12.35 pm adjourned until Wednesday 1st June 2011 at 10.00 am

Gaye Evans

Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present