

**NORFOLK ISLAND
THIRTEENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 3 AUGUST 2011**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
THERTIINTH LEJESLIETEW 'SEMBLE
WENSDI 3 ORGAS 2011**

1 The Legislative Assembly met at 10.04 am, the Speaker, MS Robin Adams JP MLA, took the Chair and read Prayers

2 **WELCOME TO PUBLIC GALLERY**

Speaker Adams welcomed Dr Cheryl Davenport and Mr William Menzies

3 **QUESTIONS WITHOUT NOTICE (10.07 AM)**

4 **ANSWERS TO QUESTIONS ON NOTICE**

Responses were provided to:

219 Mr Anderson to the Minister for Tourism, Industry and Development

At the 1 June sitting of the House the Minister was asked about services Norfolk Island Data Services proposed to introduce but had been precluded from doing so by Government policy on access. He was asked which of the services proposed by NIDS is going to be introduced by Norfolk Telecom? When would they be rolled out? If there were any that will not be introduced, why not and whether in the interests of providing the best possible service to the Norfolk community if there are any services proposed by NIDS that Norfolk Telecom cannot or will not introduce. The Minister replied "I have requested a listing of the services that Mr Anderson refers to and will provide a detailed answer to that one at the next Sitting". The listing having been supplied and several sittings having passed, can the Minister now provide the detailed answer?

220 Mr Anderson to the Minister for Tourism, Industry and Development

Can the Minister please explain the line of authority within the Norfolk Island Gaming Authority and the role and responsibility of the Director within the Authority. Does the Minister have a "hands on" role in his dealings with the Authority and does that potentially interfere with the independence of the Authority and with its relationship with the Director? Have all members of the Authority been paid in full their expense claims for 2010/11 as approved by the Director?

221 Mr Anderson to the Minister for Tourism, Industry and Development

Can the Minister confirm that the digital television bandwidth used on Norfolk is bandwidth 8 while it is bandwidth 7 in mainland Australia? When the broadcast of all services on the island goes digital is it correct that a 'set top box' of 'digital terrestrial television receiver' will be required, at additional expense to households, for most TV's and recorders purchased from the mainland? Is any consideration being given to standardising with the Australian system rather than continuing to go it alone?

222 Mr Anderson to the Minister for Tourism, Industry and Development

Can the Minister update the Community in relation to the introduction of the free-sale code share arrangements with Qantas? What additional benefits will the new arrangements immediately provide to Norfolk Air?

223 Mr Anderson to the Minister for Tourism, Industry and Development

A recent delay with Norfolk Air reportedly resulted in Qantas passengers not being informed of changes in flight arrangements. What action is being taken to protect Norfolk Air's reputation by ensuring that Qantas passengers receive timely notification of changes and if this is a recurring problem has it been raised with Qantas senior management?

224 Mr Anderson to the Minister for Community Services

Some establishments that include private rental cars with their accommodation and possibly some private rental car companies are apparently charging an "insurance" premium to their customers when the only insurance they have over their vehicles is the "compulsory third party" cover that must be paid in order to register the vehicles. Does the Minister know if this is correct? Given the impending introduction of the Trade Practices Act and the existing Fair Trading Act have offences relating to misleading and deceptive conduct what does the Government intend doing about this practice given visitors would expect that they are purchasing full comprehensive cover and also probably a reduction in any excess applicable?

225 Mrs Griffiths to the Chief Minister

As Norfolk Island is currently a territory 'under the Authority of the Commonwealth' will the Chief Minister advise whether this Government, by endorsing its preferred model of governance, is proposing that Norfolk Island become an 'integral part of Australia' and will the Chief Minister explain the difference and the possible implications?

226 Mrs Griffiths to the Chief Minister

Given that many in this community felt incapable of commenting on the draft of the roadmap because it had little substance, and that this road map if used properly will remain in place for many years, does this government intend to incorporate those comments it did receive and publish again a 2nd draft of the roadmap for further community comment?

227 Mr King to the Minister for Tourism, Industry and Development

Since the Norfolk Island Govt Tourist Bureau Act in its present form makes no provision for the Minister to participate in Bureau or Board meetings and in fact contemplates quite the opposite, under what authority has the Minister been participating in Board meetings as disclosed during the last meeting of the House?

228 Mr King to the Minister for Tourism, Industry and Development

Will the Minister –

(a) clarify for the record, that the performance review of the tourism strategy dated June 2011, is the first formal review of the 4-year old strategy that has been done; and

(b) If this is the case and since regular review was an essential ingredient of the strategy, what was the point of a strategy in the first place?

229 Mr King to the Minister for Tourism, Industry and Development

Will the Minister table sufficient documentation to demonstrate that ongoing internet problems are not associated with declining commercial arrangements with New Zealand Telecom caused by Norfolk Island's failure to meet contract terms?

Paper tabled: Mr Nobbs: Internet Service disruption Resolved – Media Release

Deputy Speaker Snell took the chair – 11.20 AM

Speaker Adams resumed the chair – 11.35 AM

230 Mr King to the Minister for Tourism, Industry and Development

For the purposes of clarifying the Minister's previous answer to this question, precisely what special interest activities have been developed by Norfolk Tourism as part of satisfying the particular strategic objective set in 2006?

231 Mr King to the Chief Minister

Can the Chief Minister advise whether it is intended to fully and properly consider the pros and cons of both the Federal and Norfolk Island GST schemes before opting for one system ahead of another as part of future financial arrangements?

232 Mr King to the Minister for Tourism, Industry and Development

At the last meeting of the House the Minister undertook to model the impact, fairness and equity in the Administration's free internet download period. Will the Minister now provide the results of this modelling to the House?

33 Mr King to the Minister for Tourism, Industry and Development

Is it a fact that the only recommendation of the economic telecommunications consulting group adopted by the government was to exclude competition from the Administrations copper network and how does the government justify adopting this one recommendation in isolation from others?

234 Mr King to the Minister for Tourism, Industry and Development

At the last meeting of the House the Minister undertook to examine the particular recommendation of the telecommunications consulting group, that financial guidelines be set to determine desirable profit levels and that an innovative pricing structure be set to ensure that consumers still benefit in the absence of competition, and to offer advice to the Assembly on what in fact the Government's profit objectives in relation to the operation of Telecom might be. Can he now provide appropriate advice to the House?

235 Mr King to the Minister for Tourism, Industry and Development

Can the Minister table the professional engineering advice he has received which supports the apparent proposition that a post and rail fence is sufficient barrier against the collapse of the southern end of the airport runway?

236 Mr King to the Minister for Community Services

How do the fines established for the failure to wear seat belts stack up against the level of fines in other Australian jurisdictions and as a proportion of average weekly wages?

237 Mr King to the Minister for Community Services

What progress has been made with the recruitment of suitable health professional for the Norfolk island hospital?

238 Mr King to the Minister for Community Services

At the last meeting of the House the Minister advised that he will keep the House informed of his efforts to determine the source of ecoli contamination in island aquifers. Can the Minister now do so and -

- (a) inform the House if he has been fully advised on the availability of appropriate microbial source tracking analysis and whether this service is to be used; and
- (b) advise whether ongoing monitoring is being carried out on groundwater in the cemetery region in the wake of 2008 tests which determined high risk levels of ecoli contamination?

239 Mr King to the Chief Minister

Is the Chief Minister able to advise if there has been a notable variation in the aging of Administration debtors?

240 Mr King to the Minister for Tourism, Industry and Development

Is it not a fact that there is and never was, a requirement by the Civil Aviation Authority that Norfolk Island meet a category 6 Rescue and Fire Fighting standard for fire vehicles and that at all times during the expenditure of millions of taxpayer dollars on two hugely expensive fire engines and massive garage facilities, it was only ever necessary to maintain a category 5 standard requiring only one fire vehicle?

241 Mr King to the Minister for Tourism, Industry and Development

Is it not a fact that the decision to conduct a category 6 service requiring 2 fire vehicles was a voluntary decision by the Norfolk Island government and in no way was influenced by the requirements of the Civil Aviation Safety Authority?

242 Mr King to the Minister for Tourism, Industry and Development

On what basis and with what justification did the last Norfolk Island Government, in which the current Minister was Chief Minister, decide to opt for a category 6 service which involved expenditure of millions of dollars, when a more modest and much less expensive category 5 service was all that was necessary, and where was this explained clearly to the community?

Mrs Griffiths moved –

THAT the documents held and referred to by Mr King be tabled in the House

Question put and agreed to on the voices

Paper tabled: Mr King: Letter from CASA dated 6 July 2011 re Fire Vehicles Norfolk Island

5 PRESENTATION OF PAPERS

The following papers were presented:

- 1) Chief Minister, Mr Buffett – **Census and Statistics Regulations 2011**
- 2) Chief Minister, Mr Buffett – **Norfolk Island Annual Report 2009-2010**
- 3) Minister for Community Services, Mr Sheridan - **Traffic (Amendment) Regulations 2011**
- 4) Minister for Community Services, Mr Sheridan - **Planning (Amendment) Regulations 2011**
- 5) Minister for Tourism, Industry and Development, Mr Nobbs - **Direction from the Minister to the NI Government Tourist Bureau**
- 6) Minister for Community Services, Mr Sheridan - **Report from the Employment Conciliation Board 2010-2011**
- 7) Chief Minister, Mr Buffett – **Virement of Funds 6 Jul – 3 August 2011**

6 STATEMENTS

The following statements were made –

1. Chief Minister, Mr Buffett – **Commonwealth Funding**
2. Chief Minister, Mr Buffett – **Census – 9th August 2011**
3. Speaker Adams – **Visit to Isle of Man and the signing of a Cultural Agreement – Visit to the United Kingdom to attend the CPA Centennial in London**

Paper tabled: Speaker Adams - Cultural Agreement between Norfolk Island and Isle of Man

4. Speaker Adams – **CPA Report on attendance at the Centennial Conference, London**

7 LEAVE TO RETURN TO EARLIER DEBATE

Mr King sought leave to return to the earlier debate held during Question on Notice wherein he tabled a paper

Leave was granted

Mr King moved –

THAT the paper which referred to Fire Vehicles earlier tabled by himself be referred to the Public Accounts and Estimates committee for enquiry and report under Standing Order 199(c)

Debate ensued

Mr King withdrew his motion

8 MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 16

The Speaker reported –

Message No. 16 from the Administrator under section 21 of the *Norfolk Island Act 1979* advising that on 19 July 2011 he declared his assent to the Healthcare (amendment No 2) Act 2011 (Act No 7 of 2011) and the Road Traffic (Amendment) Act 2011 (Act No 8 of 2011)

Sitting suspended at 12.30 PM until 2.00 PM

The House resumed at 2.04 PM, Speaker Adams taking the Chair

9 PLANNING ACT 2002 – DEVELOPMENT APPLICATION 19/11 – M CHRISTIAN-BAILEY SUBDIVISION

Minister for Community Services, Mr Sheridan, pursuant to notice, moved the motion on the Notice Paper in the following amended form:

THAT in accordance with subsection 12(4) of the *Planning Act 2002*, this House resolve to make a determination to approve the draft plan laid before this House being a proposed amendment to Schedule 2 of the Norfolk Island Plan (as amended), and that, if the decision is to approve the draft plan, for the purposes of subsection 13(1) of the *Planning Act 2002*, the date of commencement of the approved plan be 12 August 2011.

The aim and intent of this Plan is to allow for a subdivision of Portion 34j1 Martins Road into two portions, being the two parts of this portion separated by the road reserve. The inclusion of this subdivision in Schedule 2 of the Norfolk Island Plan would have the effect of allowing for the creation of a portion smaller than the standard minimum area required under clause 16(1)(a) of the Norfolk Island Plan, in accordance with Development Application (DA) 0019/11, which may be determined subject to approval of

Paper tabled: Mr Sheridan: Report on Public consultation for proposed variation to the NI Plan 2002

Deputy Speaker Snell took the chair – 2.31 PM

Speaker Adams resumed the chair – 2.38 PM

Debate ensued

Question put

The House voted –

Ayes 7

Ms Adams

Mr Snell

Mrs Griffiths

Mr Nobbs

Mrs Ward

Mr King

Mr Anderson

Motion agreed to

Noes 2

Mr Sheridan

Mr Buffett

Abstentions 0

10 SUPREME COURT ACT 1960 – REVOCATION AND APPOINTMENT OF OFFICER

Chief Minister, Mr Buffett pursuant to notice, moved -

THAT for the purposes of section 23 of the *Supreme Court Act 1960*, the Legislative Assembly resolve to revoke the appointment of —

Ronald James Holdsworth

and to appoint —

Geoffrey James Atkinson

as a person who may file an information for an indictable offence triable before the Supreme Court

Debate ensued

Question put and agreed to on the voices

11 COURT OF PETTY SESSIONS ACT 1960 – REVOCATION AND APPOINTMENT OF OFFICER

Chief Minister, Mr Buffett pursuant to notice, moved -

THAT for the purposes of section 73 of the *Court of Petty Sessions Act 1960*, the Legislative Assembly resolve to revoke the appointment of —

Ronald James Holdsworth

and appoint

Geoffrey James Atkinson

for the purposes of section 73 of the Act, as a person to whom will be transmitted all information, examinations, depositions, statements, recognisances and other documents sworn, taken or acknowledged in a case.

Debate ensued

Question put and agreed to on the voices

12 EMPLOYMENT ACT 1988 - APPOINTMENT OF MEMBER TO THE EMPLOYMENT CONCILIATION BOARD

Minister for Community Services, Mr Sheridan pursuant to notice, moved -

THAT for the purposes of subsection 65(2) of the *Employment Act 1988*, this House resolve to appoint –

Jennifer May Goulding

being a person with relevant qualifications and experience, to the Employment Conciliation Board for the period 4 August 2011 to 3 August 2014.

Debate ensued

The House voted –

Ayes 7

Mr Snell

Mr Sheridan

Mr Buffett

Mr Nobbs

Mrs Ward

Mr King

Mr Anderson

Noes 2

Ms Adams

Mrs Griffiths

Abstentions 0

Motion agreed to

13 PREFERRED MODEL FOR TERRITORY SELF-GOVERNANCE

Chief Minister, Mr Buffett, pursuant to notice in the amended form, moved -

THAT this House recognising the need to give direction and momentum to the policy expressed in the governance “road map” and acknowledging that the processes of examination and assessment prescribed by the “road map” are yet to add definition to a future governance model, this House endorses, in principle, the Norfolk Island Government’s broad preference for a “territory-type” model of future governance

Debate ensued

Mr Snell requested that the paper be taken as read into hansard

Paper tabled: Mr Snell by leave - An **Alternative Roadmap**

Deputy Speaker Snell took the chair – 3.10 PM

Speaker Adams resumed the chair – 3.42 PM

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

14 CUSTOMS (AMENDMENT NO 3) BILL 2011

Chief Minister, Mr Buffett, pursuant to notice, presented a Bill for an Act to amend the *Customs Act 1913* and moved –

THAT the Bill be agreed to in principle

Paper tabled: Mr Buffett tabled the Explanatory Memorandum to the Bill

Debate ensued

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

15 IMMIGRATION ACT 1980 - IMMIGRATION POLICY AND GUIDELINES

Resumption of debate (Mr King) from 6 July 2011 on the question – That the motion be agreed to

Deputy Speaker Snell took the chair – 4.16 PM

Speaker Adams resumed the chair – 4.32 PM

Debate ensued

Question put and agreed to on the voices

16 SOCIAL SERVICES (AMENDMENT) BILL 2011

Resumption of debate (Minister for Community Services, Mr Sheridan) from 6 July 2011 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle on the voices

Leave granted to dispense with the detail stage

Mr Sheridan moved –

THAT the Bill be agreed to

Debate ensued

Question put and agreed to on the voices

17 FIXING OF NEXT SITTING DAY

Mrs Griffiths moved –

THAT the House at its rising adjourn until Wednesday 7th September 2011 at 10 am

Question put and agreed to on the voices

18 ADJOURNMENT

Mr Snell moved –

THAT the House do now adjourn

Debate ensued

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

AND THEN the House at 4.48pm adjourned until Wednesday 7th September 2011 at 10.00 am

Gaye Evans

Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present