

**NORFOLK ISLAND
THIRTEENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 9 NOVEMBER 2011**

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

1 The Legislative Assembly met at 10.05 am, the Speaker, Ms Robin Adams JP MLA, took the Chair and read Prayers

2 **WELCOME TO THE PUBLIC GALLERY – NICS STUDENTS**

Speaker welcomed Year 5 and 6 students currently studying public speaking and debating

3 **CONDOLENCE**

Mr Snell recorded the passing of –

**John Nunn Scott
Milton John Hayes
Marli Elizabeth Ralston
Eleanor Brenda Reed
Dorothy Eunice Wolferstan**

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

4 **QUESTIONS WITHOUT NOTICE (10.12 AM)**

Deputy Speaker Snell took the chair – 10.50 AM

5 **ANSWERS TO QUESTIONS ON NOTICE**

Responses were provided to:

261 **Mr King to ask the Chief Minister.**

Will the Chief Minister detail in percentage terms, the changes that have taken place in the principal levels of police activity over the past 5 years and advise whether the government has adopted a policy position in relation to significant changes and concerns?

270 **Ms Adams to ask the Chief Minister**

Government initiated referenda were held in 1991 on two occasions, and in 1998 and 1999 when major constitutional and governance changes were being proposed for Norfolk Island. The community response at these referenda was a resounding NO. Is it the intention of the Norfolk Island Government to initiate a referendum on whether the Norfolk Island community is in agreement with the current major constitutional and governance changes being proposed for Norfolk Island as identified in the road map.

271 **Mrs Ward to ask the Minister for Community Services**

What are the processes for the determination of a development application related to Planning which involves the acquisition of part of a Road Reserve; and, would the process include gazettal and public consultation?

272 **Ms Adams to ask the Chief Minister**

Will the Chief Minister please -

- 1) Table for parliamentary records a copy of the letter he wrote to Minister Crean following the passage of the motion in the House on 5 September 2011 encouraging Minister Crean to ascertain the impact of the extension of Commonwealth legislation proposed to be extended to Norfolk Island under the road map and funding agreements;
- 2) Advise whether he has received a response from Minister Crean; and if not
- 3) Confirm his intention to personally contact Minister Crean to discuss the motion of the House with him so that this community can be assured that the wishes of its parliament are respected

Paper tabled: Chief Minister Nobbs tabled a paper entitled "Letter to Hon Simon Crean MP dated 7 October 2011 re Protection of Norfolk Island's Cultural Heritage"

273 Mr King to ask the Minister for Community Services

Can the Minister update the House on healthcare staffing arrangements at the hospital and healthcare services generally?

274 Mrs Ward to ask the Minister for Community Services

Given that the Minister publically over-rode the Conservator's objective to fence the Ball Bay Reserve until a Review of the Plans of Management for the Public Reserves is complete, will the Minister provide the House with a completion date of the Review?

276 Mrs. Ward to ask the Chief Minister

How will the Norfolk Island Government monitor both the positive and adverse effects of change to the island's immigration policy under the latest funding agreement; and, how will the Government determine what a sustainable population is on an island which is economically, environmentally and socially fragile?

277 Ms Adams to ask the Chief Minister

Can the Chief Minister clarify for the community that the signatories to the various Funding Agreements have the authority to bind the Territory of Norfolk Island to the requirements contained in these Agreements

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

Does the Minister stand by his position that the Government of the day properly assessed disembarkation risks before inviting the Community to participate and invest in a risky cruise ship industry?

279 Ms Adams to ask the Minister with responsibility for KAVHA

The recent advertisement for the KAVHA Site Manager states that KAVHA "is a Norfolk Island tourist icon and is owned by the Commonwealth". Clearly this is incorrect in view of the fact that nearly 20% of the land in KAVHA is owned by parties other than the Commonwealth, including many significant portions such as the land owned by the Church of England. Could the Minister please give landowners in KAVHA an assurance that the Norfolk Island Government will take prompt action to correct this ongoing misunderstanding by the relevant Australian Government departments so that the rights of the landowners in KAVHA are clearly understood by the prospective KAVHA Site Manager?

280 Ms Adams to ask the Minister with responsibility for the Museums

The *Sirius* wreck site was listed on the Australian National Heritage List on Tuesday 25 October 2011. Could the Minister please advise –

- a) through what channels he became aware of this important activity; and
- b) whether or not an opportunity was offered to the Norfolk Island community, and in particular to those in the community who have actively worked on the recovery of the *Sirius* artefacts from the site and their subsequent conservation and preservation, to be present at the event that marked the occasion on the Island; and
- c) can the Minister please assure the community that he shares their concern that the planning and coordination of the recent heritage listing announcement would appear to demonstrate that in areas where Norfolk Island and the Commonwealth have a joint vested interest that Norfolk Island's vested interest is not given the prominence that it deserves.

281 Mr King to ask the Chief Minister

1. What insurance arrangements exist for the protection of members of statutory boards and committees, against loss or damage arising from the performance of their duties?
2. Can the Chief Minister assure this House that community members of all boards and committees are provided with appropriate plain-English guidelines for the performance of their duties to safeguard their interests and of those of the community which they serve?

282 Ms Adams to ask the Minister with responsibility for KAVHA

Would the Minister please –

- a) report to the House on the outcome of discussions at the most recent KAVHA Board meeting in respect of future management arrangements for KAVHA and what actions have been, or will be, taken, as a consequence of Board discussion and decisions; and

(b) advise whether participation in discussion of the proposed future management arrangements in KAVHA now includes representation from the private landholders, and if so by whom?

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

Why when requested to do so has the Minister not been able to give unequivocal assurances that lighterage equipment and the operation generally were in good working order and free of any unacceptable OHS risks?

284 Mr King to ask the Chief Minister

Given the prospective relaxation in immigration laws and the new policy of expanded competition, how is it intended to protect the community against the arrival into Norfolk Island of unqualified and disreputable operators?

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

What policy position has been taken by the government in relation to the preservation of local jobs in the airline industry and how has the government attempted to implement their objectives?

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

In the light of emerging policies to attract outside investment what strategies will the government follow, if any, to promote and support local investment in primary industry?

287 Mr King to ask the Minister for Community Services

What is the government's position in relation to the use of jet-skis in Emily and Slaughter Bays and how does the government intend to regulate their use to protect other users of these areas?

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

What measures have been taken, or intend to be taken, by the government to deal with the increased costs and delays associated with the huge influx of incoming mail?

289 Mr Anderson to ask the Chief Minister

The "Norfolk Island Road Map" was intended to be a consultative document prepared by the Department of Regional Australia and accepted as a "direction" document for discussion and development. Has the Norfolk Island Government been advised that the Road Map has been accepted by the Federal Cabinet as Commonwealth Government Policy? If not what is the Norfolk Island Government doing to clarify which matters, other than supplying emergency funding and taking control of the provision of air services, are supported by any Federal Minister or by the Federal Cabinet?

290 Mr Anderson to ask the Chief Minister

Has the Department of Regional Australia advised the Norfolk Island Government of the Commonwealth departments, if any, that are currently being consulted regarding matters within their areas of responsibility that will impact on changes being proposed for Norfolk Island under the Road Map? If so which Departments are they and what matters are they being consulted over?

291 Mr Anderson to ask the Chief Minister

What has the Norfolk Island Government done to facilitate discussions between the Norfolk Island Administration and the Department of Immigration and Ethnic Affairs given the changes to immigration practices and the tight deadline of 1 January 2012 agreed in clause 11(a)(ii) of the Funding Agreement signed in September this year? What restrictions has the Norfolk Island Government identified that will require removal and have any possible detrimental impacts been identified arising from their removal?

292 Mr Anderson to ask the Chief Minister

Has the Department of Regional Australia advised the Norfolk Island Government of the Commonwealth departments, if any, that are currently being consulted regarding matters within their areas of responsibility that will impact on changes being proposed for Norfolk Island under the Road Map? If so which Departments are they and what matters are they being consulted over?

293 Mr Anderson to ask the Chief Minister

The Funding arrangements between the Commonwealth and Norfolk Island for 2012/13 will require input to the Commonwealth Government in time for the Federal Budget submissions early in 2012. What methodology will be used if no decision has been made on the appropriate Governance Model? Does the Norfolk Island have the resources to properly provide the detail required within the timeframe and what assistance is the Commonwealth providing with that preparation?

294 Mr Anderson to ask the Chief Minister

As the extension of Federal taxation is an essential ingredient of the reforms provided for under the Road Map when will the Australian Taxation Office commence the education program that will be necessary to familiarise those persons on the island who have had no prior involvement with the Australian taxation system? What support will the Commonwealth Government and/or the Norfolk Island Government provide to local business to enable them to make changes to record keeping to allow the preparation of financial reports that will satisfy the legal obligation to keep proper books and records.?

295 Mr Anderson to ask the Chief Minister

In the Chief Minister's press release of 30 September 2011 reporting the outcome of funding negotiations a "Norfolk Island Reform Taskforce" is referred to. When was the Taskforce established? What role does the Taskforce play? Who does it comprise and how is it resourced? Who has overall responsibility for the Taskforce and determining its functions and priorities? What role does Norfolk Island play if any?

296 Mr Anderson to ask the Chief Minister

Deloitte Access Economics reported in April 2011 they had identified higher measures of financial stress on Norfolk Island than elsewhere in Australia. Norfolk Island businesses are struggling and individuals are having difficulties meeting their commitments and feeding their families. Does the Norfolk Island Government consider it is sufficient to merely maintain basic Government services while not providing stimulation to the Norfolk Island economy in 2011/12? What stimulation, if any, is proposed and when will it be available? Has the Commonwealth been asked to consider bringing forward any infrastructure projects that are anticipated under the Road Map and which would provide an immediate stimulus?

297 Mr Anderson to ask the Chief Minister

At the last sitting of the House the Chief Minister when asked about the shortage of lawyers answered "it's not something that can be remedied just by a flick of a switch, there are people resources with appropriate qualifications and funding aspects. Both of those two in the context that you have described in the question are in rather short supply, there isn't a ready answer to that at this moment". Given the critical lack of access to legal practitioners on Norfolk Island and the difficulty the Community experiences getting legal advice at short notice, has the Chief Minister moved any closer to having an answer?

298 Mr Anderson to ask the Minister for Tourism, Industry & Development

Given the removal of full catering from Norfolk Air what does a Premium Economy passenger now get for the extra they pay over and above a standard Economy seat? In view of the reduced services offered, has the pricing for Premium Economy been reduced? Why does the airline persist with Premium Economy at such a price differential if the result is a perception formed by Premium Economy passengers that they are not getting value for money with a food voucher, a slightly wider seat and 7 kilograms extra luggage allowance?

299 Mr Anderson to ask the Chief Minister

Can the Minister please update the House on the progress he has made in ensuring rental car operators are supplying full comprehensive insurance coverage to renters when charging a visitor a daily insurance rate.

Speaker Adams resumed the chair – 11.50 AM

6 PRESENTATION OF PAPERS

The following papers were presented:

- 1) Chief Minister, Mr Buffett – Immigration Policy and Guidelines as at July 11, 2011
- 2) Chief Minister, Mr Buffett – NI Hospital Enterprise Budgeted Financial Statements y/e 30 June 2012
- 3) Chief Minister, Mr Buffett – Virement of Funds Advice
- 4) Mr Sheridan – NI Hospital Enterprise Budgeted Financial Statements y/e 30 June 2012 and the Annual Performance Report
- 5) Mr Sheridan – Annual Report from the Road Safety Committee
- 6) Mr Sheridan – Disaster and Emergency Plan 2011
- 7) Mr Sheridan – Employment (Amendment No. 3) Regulations 2011
- 8) Mr Sheridan – Traffic (Amendment No. 3) Regulations 2011

- 9) Ms Adams – Letter to Administrator Owen Walsh dated 13 October 2011 re Impact of Extension of Clth laws to Norfolk Island

7 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

The Speaker reported the following messages -

A letter from His Honour the Administrator addressed to the Speaker dated 31 October 2011 to notify that on 8 September 2011 he received a Petition of electors under the Referendum Act 1964 (NI) to direct that a Referendum be held on a question related to recent amendments to the Traffic laws in respect of seatbelts, “L” and “P” plates and the wearing of cycle helmets.

8 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR - NO 23

Message No. 23 from the Administrator acting under Section 24 of the Norfolk Island Act 1979, Reasons for Withholding Assent to a proposed law. I Owen Walsh Administrator of Norfolk Island furnish the following Message in accordance with Section 24 of the Norfolk Island Act 1979 with the Commonwealth. The Honourable Simon Crean MP Minister for Regional Australia, Regional Development and Local Government had instructed that assent be withheld from the proposed law of the Norfolk Island Legislative Assembly namely the Customs (Amendment) Bill 2011. The reasons why the Commonwealth Minister has instructed that assent be withheld are as follows; the Customs (Amendment) Bill 2011 involves a proposal in respect of increasing the permissible width of imported passenger buses. The Legislative Assembly passed the Bill with a drafting error in it. As the Norfolk Island Act 1979 of the Commonwealth does not provide a mechanism for withdrawing a defective proposal the Commonwealth Minister has instructed me to withhold assent to the proposed law. That Message is dated 14 October 2011 and signed by Owen Walsh Administrator.

9 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR - NO 24

Message No. 24 from the Administrator acting under Section 21 of the Norfolk Island Act 1979, advising that on 18 October 2011 he declared his assent to the Social Services (Amendment) Act 2011 (Act No 13 of 2011), the Electricity Supply (Amendment) Act 2011 (Act No 14 of 2011), the Customs (Amendment) Act 2011 (Act No 15 of 2011 and the Customs (Amendment No 2) Act 2011 (Act No 16 of 2011)

10 PUBLIC SECTOR MANAGEMENT ACT 2000 - RE-APPOINTMENT OF PRESIDING MEMBER OF THE PUBLIC SERVICE BOARD

Chief Minister, Mr Buffett moved -

THAT this House, in accordance with paragraph 10(1)(a) of the *Public Sector Management Act 2000*, recommends that the responsible minister re-appoint

Nadia Lozzi-Cuthbertson

as presiding member of the Public Service Board for the period 18 November 2011 to 17 November 2013.

Debate ensued

Question put and agreed to on the voices

11 PUBLIC SECTOR MANAGEMENT ACT 2000 - RE-APPOINTMENT OF DEPUTY PRESIDING MEMBER OF THE PUBLIC SERVICE BOARD

Chief Minister, Mr Buffett moved –

THAT this House, in accordance with section 11(1) of the *Public Sector Management Act 2000*, recommends that the responsible Minister re-appoint

Aristides Alexis Martinez

as Deputy Presiding Member of the Public Service Board for the period 20 November 2011 to 19 November 2013.

12 PLANNING ACT 2002 - INDUSTRY - NOXIOUS, HAZARDOUS OR OFFENSIVE

Minister for Community Services, Mr Sheridan, moved -

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 18 November 2011.

The aim and intent of this Plan is to allow for an “Industry - Noxious, Hazardous or Offensive” at Portion 85, specifically a proposed shed to be used for the processing of carcasses for meat and by-products as described in Development Application (DA) 0041/11, which may be determined subject to approval of this draft plan. The inclusion of the reference to DA 0041/11 in Schedule 2 of the Norfolk Island Plan would have the effect of overriding the Table of Use or Development for the Rural zone, which classifies “Industry - Noxious, Hazardous or Offensive” as a Prohibited use or development and changing it to a permissible (with consent) use or development. This variation relates solely to Portion 85, and to the processing of carcasses for meat and by-products as described in DA 0041/11 (determination pending).

Paper Tabled: Mr Sheridan tabled a paper entitled *Report on Public Consultation for Proposed Variation to the NI Plan*

Debate ensued

Question put and agreed to on the voices

13 OFFICIAL SURVEY (AMENDMENT) BILL 2011

Minister for Community Services, Mr Sheridan, pursuant to notice, presented a Bill for an Act to amend the *Official Survey Act 1978* and moved –

THAT the Bill be agreed to in principle

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

Debate ensued

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

Sitting suspended at 12.45pm until 2.00 pm

The House resumed at 2.03pm, Speaker Adams taking the Chair

14 PAPER TABLED TITLED “04/05 BUDGET ADJUSTMENT: AIRPORT FIRE SERVICE”

Resumption of debate (Mr King) from 7 September 2011 on the question - That the paper titled “04/05 Budget Adjustment: Airport Fire Service” tabled by Mr Nobbs be noted

Debate ensued

Mr Buffett moved –

THAT the question be put

Question put and agreed to on the voices

Question – That the Paper be noted – put and agreed to on the voices

15 HEALTHCARE LEVY ACT 1990 – INCREASE TO LEVY

Resumption of debate (Minister for Community Services, Mr Sheridan) from 7 September 2011 on the question – That the motion be agreed to

Debate ensued

Question put

The House voted –

Ayes 3

Ms Adams

Mr Snell

Mr Sheridan

Mr Buffett

Mr Nobbs

Motion agreed to

Noes 1

Mrs Griffiths

Mrs Ward

Mr King

Mr Anderson

Abstention 0

16 EMPLOYMENT (AMENDMENT NO 2) BILL 2011

Resumption of debate (Minister for Community Services, Mr Sheridan) from 7 September 2011 on the question – That the Bill be agreed to in principle

Question put

The House voted –

Ayes 7

Ms Adams

Mr Sheridan

Mrs Griffiths

Mr Buffett

Mr Nobbs

Mrs Ward

Mr King

Bill agreed to in principle

Detail stage

Mr Sheridan moved the following detail stage amendment dated 28 October 2011 -

That for Item 2 there be substituted—

“2. Section 108 – Regulations repealed and amended

(1) Repeal paragraph (2)(e).

(2) Insert—

“ (3) Regulations for the purpose of section 14 may provide—

(a) that the minimum rate be determined as an amount payable as an hourly rate or in respect of a working week, or both.

(b) that the minimum rate remain unchanged or be increased (but not reduced) annually in accordance with—

(i) annual variations in the RPI; or ,

(ii) the determination of an independent authority; or

(iii) a prescribed methodology having reference to matters other than only the RPI.

(c) that if a determination of the minimum rate is to be effected by an independent authority, the authority must conduct an annual review and determination having regard to—

(i) variations in the RPI; or

(ii) a prescribed methodology; and

(iii) submissions from interested parties; and

(iv) the prevailing social and economic circumstances of Norfolk Island; and

(v) such other relevant matters as may be prescribed.’.”.

Paper tabled: Mr Sheridan tabled the Explanatory Memorandum to the detail stage amendment

Debate ensued

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

17 HEALTHCARE (AMENDMENT NO. 3) BILL 2011

Resumption of debate (Minister for Community Services, Mr Sheridan) from 7 September 2011 on the question – That the Bill be agreed to in principle

Debate ensued

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

18 MARRIED PERSONS (EQUALITY OF STATUS) BILL 2011

Resumption of debate (Chief Minister) from 5 October 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 Buffett moved –

THAT the Bill be agreed to

Debate ensued

Question put and agreed to on the voices

19 FIXING OF NEXT SITTING DAY

Mrs Griffiths moved -

THAT the House at its rising adjourn until Wednesday 7 December 2011 at 10.00 am

Debate ensued

Question put and agreed to on the voices

20 ADJOURNMENT

Mr Anderson –

THAT the House do now adjourn

Question put and agreed to on the voices

AND THEN the House at 5.16 am adjourned until Wednesday 7 December 2011 at 10.00 am

Gaye Evans

Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present