

**NORFOLK ISLAND  
THIRTEENTH LEGISLATIVE ASSEMBLY  
MINUTES OF PROCEEDINGS  
WEDNESDAY 7 MARCH 2012**

**NORF'K AILEN  
DIISEM MENETS LARNEN WATHING HAEPN  
INAA  
THERTIINTH LEJESLIETEW 'SEMBLE  
WENSDI 7 MAACH 2012**

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

2 **CONDOLENCE**

Mr Snell recorded the passing of –

**Richard Clarence Hamilton-Irvine  
Penelope June Eggins**

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

3 **PRESENTATION OF PETITIONS**

Mr Sheridan presented a Petition from 236 residents of Norfolk Island which reads: "We the undersigned being residents of Norfolk Island HEREBY seek that you as the Minister responsible for Health matters on Norfolk Island, take all necessary steps and seek all possible means to retain and engage the professional services of Dr Mark Szolkowski for the benefit of the community of Norfolk Island as the Community is in urgent need for the provision of the professional services and expertise held by Dr Mark Szolkowski in the fields of:

- Psychiatry
- Emergency medicine
- General Practice
- Rural; and Remote Medicine".

**Paper tabled:** Mr Sheridan: **Petition**

Mr Sheridan made a statement thanking the convenor of the petition, Mr Donald Reynolds and advised that he had already replied to Mr Reynolds on his inability to employ Dr Mark Szolkowski at the Norfolk Island Hospital enterprise for reasons that the Minister is unable to disclose.

4 **QUESTIONS WITHOUT NOTICE (10.11 AM)**

Time for questions without notice having expired, on motion of Mr King, time for questions without notice was extended by fifteen minutes (10.24 am)

5 **ANSWERS TO QUESTIONS ON NOTICE**

**Responses were provided to:**

326 **Mr King to ask the Chief Minister**

Recognising that government policy is almost always directed to the permanent section of the community; can the government confirm that additional census data will be published to restore the capacity to follow trends in the permanent section of the community?

327 **Mr King to ask the Chief Minister**

Can the Chief Minister advise what percentage of fines imposed by the Courts and remaining unpaid in the last two years are overdue for payment? Is it a fact that administrative follow up of fines is adequate in terms of supporting judicial decisions?

**339 Mrs Griffiths to ask the Chief Minister**

In the context of the Road Map, will the Chief Minister provide this house with a list of initiatives that the Norfolk Island Government is waiting on to be undertaken by the Commonwealth?

**Paper tabled: Mr Buffett: Outstanding Commonwealth Roadmap Initiatives****340 Mrs Griffiths to ask the Chief Minister**

What is the process that is followed when a teacher determines that a student should see a Counselor?

**341 Mrs Griffiths to ask the Chief Minister**

Has there been any occasion when, a teacher making a recommendation for a student to see a Counselor, that this recommendation has been denied?

**342 Mr King to ask the Minister for Community Services**

Can the Minister advise the House of the regularity with which inspections of licensed premises take place under the Sale of Food Act and the extent to which random spot checks occur?

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

1. What was the specific nature of the advice which led to a petrol rationing arrangement which lasted less than 24 hours;
2. What was the major contributor to the February fuel crisis;
3. What faith can the community have in an island emergency plan when basic reserve stock assessments and reordering arrangements are unable to be carried out?
4. What measures will be taken to ensure that the risk of this occurring again is minimised;
5. Would the Minister provide written detail to the House for publication disclosing full costs (incurred or expected) associated with the procurement, transport and distribution of fuel supplies from New Zealand during the recent fuel crisis and the outcome of cost recovery arrangements;
6. At what point can consumers expect the fuel price to revert to normal and how is that being determined; and
7. If the Minister is proposing to conduct an enquiry into the crisis when will this be completed and will the Minister table the findings of his enquiry in this house?

**Deputy Speaker Snell took the chair****344 Mr King to ask the Minister for Tourism, Industry & Development**

1. Is it a fact that there is no agreement in place between the federal government or any of its agencies and the Norfolk Island Administration which authorises the Administration to regulate the use of facilities atop Mt Pitt;
2. If such an agreement does exist can the terms of that agreement which the Administration relies upon as authority for its control and regulation of facilities, be made publically available; and
3. If such an agreement is not in existence will the Administration refund all charges it has imposed on users?

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

Given that the major objective of the structural changes to Telstra announced by the Prime Minister on 28 February is to ensure genuine competition and a level operating landscape for telecommunications providers, how is it that –

1. the undertakings of both the Federal government and the Norfolk Island government to remove barriers to local competition in telecommunications can be so readily abandoned as foreshadowed in the language of the Chief Minister's press release dated 23 February 2012;
2. even though these undertakings were given by both governments six months ago, the Norfolk Island government is only just seeking public input on the question, four weeks before the date agreed for removal of the barriers;
3. the only other supplier of telecommunications services has not been consulted with or advised of any delay in meeting the telecommunications objectives of the September 2011 funding agreement with the Commonwealth;
4. both the Norfolk Island government and the Federal government appear to have not taken into account the reasonable expectations and aspirations of the community and investors reasonably arising from official government policy announcements and published undertakings; and
5. no interim equivalence and transparency measures have been extended to other suppliers consistent with the desired outcomes reflected both in the funding agreements and the Prime Minister's recent announcement?

**Speaker Adams resumed the chair**

**346 Mr King to ask the Chief Minister**

Can the Chief Minister explain, if necessary, why it is that the external auditor has not yet signed off on the Administration's financial statements for 2010/2011 and will the Chief Minister be meeting, if necessary, his obligations under section 48B(4) of the Norfolk Island Act to provide an explanation to the Legislative Assembly for being unable to provide the statements to the Auditor-General by the end of November 2011?

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

At the February sitting the Minister took on notice the question of freight rates and the use of volumetric measures to determine charges for bulky items. Can the Minister now advise the Community, to the extent that he is aware, of Air New Zealand's intentions with volumetric measurement of freight and whether the Government will be having any input into the Air New Zealand's three month trial of rates?

**348 Mr Anderson to ask the Chief Minister**

What is the amount owed to the Legal Aid Fund by past recipients of aid where they agreed to partially or totally repay the aid provided? What steps have been taken to collect the amounts outstanding from those individuals?

**349 Mr Anderson to ask the Minister for Community Services**

It has been reported that the MOU in relation to the provision of health services in NSW for Norfolk Island residents, that was to be signed by the NSW Governor during her recent visit was not signed because the Commonwealth had concerns. Can the Minister advise what those concerns were and why they could not be resolved? What has been done subsequently to resolve the concerns? Did the Commonwealth provide a workable alternative rather than allowing Norfolk Island to proceed with the arrangements it had made?

**350 Mr Anderson to ask the Chief Minister**

Given the Administrative Review Tribunal has criteria to substantially reduce its application fee in circumstances where an applicant might also qualify for legal aid, what steps are being taken to review and update the eligibility criteria for legal aid under the Norfolk Island Legal Aid system?

**351 Mr Anderson to ask the Chief Minister**

Can the Chief Minister advise the number of applications for permits as self funded retirees that have been received by the Immigration section since the change of criteria allowing such applications? What steps has the Government taken to promote the availability of this new category of longer term resident?

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

Is it correct that some 380 inverters installed as part of the photo voltaic systems are being replaced as they have been found to be faulty? Is this part of a product recall and if so has it been advertised on Norfolk Island? Are all installed inverters to be checked or are the manufacturers controlling the recall? If the inverters are to be replaced is the Government insisting the replacements be at no cost to the consumers and that all costs be met by the manufacturers, as would occur in a mainland recall?

**353 Mr Anderson to ask the Chief Minister**

The previous CEO engaged a local consultant to review the operations of the Customs and Immigration area with the intention of determining the desirability of a restructure. Was the report that was commissioned ever completed and if so what action has the Government taken arising from its recommendations?

**354 Mrs Ward to ask the Chief Minister**

- 1) At a recent Senate Estimates Committee hearing, senior officers from Minister Crean's department said that the lack of capability of Administration is a barrier to progression of measures in the Road Map. Would the Chief Minister inform the House which areas of Administration lack the capability to carry out reforms under the Road Map; and
- 2) At the same Estimates hearing, the same senior officers said that our inclusion in the Australian taxation system would take quite a few years and was something for the future. How do those comments fit with implementation of federal taxation under the Road Map and its timeframe?

**355 Mrs Ward to ask the Chief Minister**

There is a proposal in the Road Map to develop a model, by 30 June 2012, for Norfolk Island's full transition to Medicare and Australian Social Security from 2012-13 through to 2013-14. Will this model be developed within the stated time frame?

**356 Mrs Ward to ask the Chief Minister**

Do all proposed actions within the Road Map have the endorsement of each Commonwealth Minister responsible for a particular area in need of reform?

**357 Mrs Ward to ask the Chief Minister**

Has agreement been reached with the Commonwealth on implementation of the Public Service Review recommendations?

**358 Mrs Ward to ask the Chief Minister**

Is it a fact that the Regional Department is recruiting a team of public servants from across Commonwealth departments, focusing particularly on information technology and financial skills, human resources and legal, to work in the Norfolk Island Administration? If so; when will the team start; what is their task; how long will they be here for and who will they report to?

**359 Mrs Ward to ask the Chief Minister**

In relation to the Economic report, prepared by Dr James Fogarty:

- 1) Is it a fact that the report has been with the Regional Department for some weeks;
- 2) When will the report be released to the Norfolk Island community; and
- 3) Is the Chief Minister aware of whether the Commonwealth has made any changes to the report?

**360 Mrs Ward to ask the Chief Minister**

- 1) Have discussions taken place between the Norfolk Island Administration and the Federal Department on the Norfolk Island Government's budget for the 2012-13 financial year;
- 2) What is the amount of Commonwealth financial assistance being sought for that year; and
- 3) If funding from the Commonwealth is not to be provided, what alternative plans are in place to financially manage the islands affairs?

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

Is it a fact that the Minister is satisfied with the current level of health service provision on the island, particularly in the area of mental health? If so, does the Minister remain confident in the local professional or layperson advice he is receiving, relating to mental health issues which lead him to believe that there is no need for further outside assistance when assessing our community's mental health needs?

**6 LEAVE SOUGHT TO MOVE MOTION**

Mr King sought leave of the House to move a motion

Leave denied

Mr King moved –

**THAT so much of standing orders be suspended as to allow him to move a motion**

Debate ensued

Question put and the House voted –

**Ayes 4**

**Mrs Griffiths**

**Mrs Ward**

**Mr King**

**Mr Anderson**

**Noes 3**

**Ms Adams**

**Mr Snell**

**Mr Sheridan**

**Mr Buffett**

**Mr Nobbs**

Motion negatived

**7 STATEMENTS OF AN OFFICIAL NATURE**

The following statements were made –

- 1) Chief Minister, Mr Buffett – Statement of Reasons why the 2010/2011 Financial Statements have not been given to the Auditor General within 5 Months after the end of the Financial Year

**Paper tabled: Mr Buffett – Statement of Reasons**

Mr King moved –

**THAT the paper be noted and printed**

Debate ensued

Question put and agreed to on the voices

- 2) Chief Minister, Mr Buffett – Roadmap Progress Report

Mrs Ward moved –

**THAT the statement be noted**

Debate ensued

Question put and agreed to on the voices



Mr Sheridan moved –

**THAT the question be put**

Question put and agreed to on the voices

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

Question - THAT the House at its rising adjourn until Wednesday 11<sup>th</sup> April 2012 at 10 am – put and agreed to on the voices

**11 ADJOURNMENT**

Mr King moved –

**THAT the House do now adjourn**

Debate ensued

Mr Anderson moved –

**THAT the document quoted from by Mr King be tabled under Standing Order 198**

Debate ensued

Mr Sheridan moved –

**THAT the question be put**

Question put and agreed to on the voices

Question – THAT the House order the documents quoted from by Mr King be laid upon the Table - put and agreed to on the voices – Ms Adams voted against

**Paper tabled: Mr King: Documents from which he had quoted**

**AND THEN the House at 2.25 pm adjourned until Wednesday 11<sup>th</sup> April 2012 at 10.00 am**

Gaye Evans

**Clerk to the Legislative Assembly)**

**MEMBERS PRESENT:** All Members were present