

**NORFOLK ISLAND
FOURTEENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 18 MARCH 2015**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
FORTIINTH LEJESLIETEW 'SEMBLE
WEDNESDAY 18 MAACH 2015**

1 The Legislative Assembly met at 10.07 am, and the Speaker, Hon David Buffett AM MLA, took the Chair and read Prayers.

2 **PETITIONS**

Mr Evans presented additional pages to the petition presented at the February sitting signed by 79 members of the community of Norfolk Island which read –

“This Petition of certain residents of Norfolk Island draws to the attention of the House the serious and deep concerns within this small Island community that there is an obvious inability for the majority of the Norfolk Island community to pay the proposed levy of rates and charges on land, as clearly demonstrated by the Household and Business Income and Expenditure Surveys 2014. Introduction of any form of levy of rates and charges on land in the present economic climate will result in the likely loss of people’s land and homes. Without retention and ownership of our land, we do not have a future or a way forward. Your petitioners therefore pray that the House will not pass the **Land Rates Bill 2014** / Riet Fe Laen Bil 2014 into law.”

1) **Paper tabled:** Mr Evans – **Petition – additional signatures**

3 **QUESTIONS WITHOUT NOTICE (10.11 to 10.54 AM)**

4 **ANSWERS TO QUESTIONS ON NOTICE**

Responses were provided to:

60 Mrs Ward asked the Minister for Cultural Heritage and Community Services –

Did the Norfolk Island Government make submission to the draft R&S Muller Health Services Survey Report and Response to the Draft Health Services Plan Report and if not why, and; when will the final R&S Muller reports be released to the Norfolk Island Government?

2) **Paper tabled:** Ms Adam: **Health Report**

3) **Paper tabled:** Ms Adam: **Response to the Draft Health Services Plan**

61 Mrs Ward asked the Minister for Cultural Heritage and Community Services –

Will the Minister provide a definitive timeframe in relation to the development of a five year health services plan for the Norfolk Island community and; will the Minister confirm that both the Norfolk Island Hospital Enterprise Advisory Board and Director have provided written advice in response to the draft Nexus and R&S Muller reports?

62 Mrs Ward asked the Minister for Cultural Heritage and Community Services –

Will the Minister explain how the five year health services plan fits into the Norfolk Island Government’s Preferred Territory model of Government; which health services have been identified by the Norfolk Island Government as essential; how will these services be delivered and how will they be funded?

63 Mrs Ward asked the Minister for Cultural Heritage and Community Services –

Given that the Norfolk Island Hospital Enterprise operating theatre has been closed because it does not meet Australian Council on Health Standards (ACHS) standards for elective surgery; what is the Norfolk Island Government’s policy position in relation to the ongoing provision of elective surgical procedures at the local hospital and if the policy is to re-open the theatre; how will the policy be funded?

75 Mrs Ward asked the Chief Minister and Minister for Tourism -

Will the Chief Minister table in tabular form the number of visitors who come to the Island annually as a result of marketing and promotion from the following areas:

1. The annual Norfolk Island Government Tourist Bureau funding grant;

2. Sporting clubs;
3. Music events;
4. Art and craft events; and
5. Other areas not listed above?

76 Mr Nobbs asked the Minister for Finance

Is “NORFOLK POST” or the Norfolk Island Post Office a body for which the Administration of Norfolk Island is responsible for, and -

1. If it is, why is it necessary for Postal Charges to New Zealand to “change in accordance with changes made by Australia Post” when Australia Post plays no part in the receipt or despatch of Norfolk Island’s mail to New Zealand?
2. If “NORFOLK POST” or the Norfolk Island Post Office is a body for which the Administration of Norfolk Island is no longer responsible, and it is now simply an outpost of Australia Post, can the residents of Norfolk Island soon expect the local or on-Island rate to also be brought into line with that of Australia Post, which is soon expected to rise to \$1.00?
3. Are we also to expect the cessation of issues of Norfolk Island stamps?
4. If the Administration of Norfolk Island still retains responsibility for “NORFOLK POST” or the Norfolk Island Post Office, is Norfolk Island’s Postal Service still part of the Universal Postal Union (UPU), or has this ‘linkage’ been removed? and
5. If “NORFOLK POST” or the Norfolk Island Post Office is no longer ‘linked’, on what basis then is the differentiation payments for the imbalance of inward to outward mail arranged with Australia Post?

77 Mrs Ward asked the Chief Minister and Minister for Tourism -

Given that in February 2014 the Infrastructure and Business Development Committee provided 24 recommendations to the Norfolk Island Government supporting economic development and equality; will the Chief Minister list which recommendations have been actioned by his Government and provide a brief progress report on each item?

78 Mrs Ward asked the Chief Minister and Minister for Tourism -

Given that the Norfolk Island Government Fact Sheets dated January 2015, state that the Norfolk Island community could be exempt from all GST and customs duty; will the Chief Minister explain how this will affect the delivery and funding of National and State level services including who will be responsible for funding and delivery of these services?

79 Mrs Ward asked the Chief Minister and Minister for Tourism -

What has the Chief Minister done to ensure that a roll-out of the taxation and social security system will be handled in a way that takes into account the damage that has already occurred to the economy and the concerns of the community?

80 Mrs Ward asked the Chief Minister and Minister for Tourism -

Given that the Australian Government made an election commitment in 2013 to integrate Norfolk Island into the mainland taxation and social security system and given that ongoing uncertainty is causing distress within the community; what is the Chief Minister doing to ensure that the Australia Government keeps its election promise?

81 Mrs Ward asked the Minister for the Environment -

Will the Minister table the ‘Dawson the Dog’ customs and quarantine project plan including all additional infrastructure plans and funding requirements, and where the expenditure of funds is allocated?

4) **Paper tabled:** Mr Ward: ‘Detector dog for NI – Quarantine Service Business Case’

82 Mrs Ward asked the Minister for the Environment -

In relation to the recent public health incident at the Waste Management Centre; will the Minister outline exactly what “particular things” were overlooked, how they were dealt with and what measures have been put in place to ensure that they will not occur again?

83 Mrs Ward asked the Minister for the Environment -

Is it a fact that reduced staffing at the Waste Management Centre is the cause of the recent public health incident, and if so; what has the Minister done to ensure that the Administration has adequate funds to manage the Centre efficiently and effectively?

84 Mrs Ward asked the Minister for Cultural Heritage and Community Services –

Will the Minister explain who the Norfolk Island Central School Principal is ultimately responsible to here on the Island and within the NSW Department of Education and Communities?

85 Mrs Ward asked the Minister for Cultural Heritage and Community Services –

Is it a fact that NSW Department of Education and Communities (DEC) teachers employed at the Norfolk Island Central School are not allowed to engage directly with the responsible Norfolk Island Government Minister in relation to their seconded role, and if so; will the Minister explain the reasoning behind the policy?

86 Mrs Ward asked the Minister for Cultural Heritage and Community Services –

Will the Minister table the formal complaint procedure available to both NSW DEC seconded teachers and locally recruited teachers who wish to make a complaint in relation to the conduct of either the Principal or another member of the teaching staff?

5) **Paper tabled:** Ms Adam: **NSW DEC Complaints Procedure**

6) **Paper tabled:** Ms Adam: **Complaint Handling Policy Guidelines**

87 Mrs Ward asked the Minister for Cultural Heritage and Community Services –

Will the Minister outline the complaint process that can be used by parents of students at the Norfolk Island Central School in relation to the conduct and performance of teachers?

5 PRESENTATION OF PAPERS

The following papers were presented:

- 7) Mr Sheridan – **NI Gaming Authority Licences**
- 8) Mr Sheridan – **NI Gaming Authority Quarterly Report**
- 9) Mr Sheridan – **NI Gaming Authority Director's Report**
- 10) Mr Sheridan – **Customs Duty Exemptions**
- 11) Mr Sheridan – **Virement Summary February and March 2015**
- 12) Mr Sheridan – **NIA Financial Indicators to January 2015**
- 13) Mr Sheridan – **NIHE Financial Statements**
- 14) Mr Sheridan – **NIGTB Financial Statements**

6 STATEMENTS OF AN OFFICIAL NATURE

The following statements were made –

- 1) Minister for Cultural Heritage and Community Services, Ms Adams – **Immigration Act Declarations of Residency**
- 2) Minister for Cultural Heritage and Community Services, Ms Adams – **NI Central School**
- 3) Minister for Cultural Heritage and Community Services, Ms Adams – **NI Museum – 225th Anniversary of sinking of Flagship HMS Sirius**

Deputy Speaker Nobbs took the Chair 11.55 am

7 REPORTS OF STANDING COMMITTEES

Speaker Buffett, Chairman of the Impact of Bills and Subordinate Legislation Committee, tabled the Report of the Committee dated March 2015 in respect of its review of the Traffic (Amendment) Bill 2014 (random breath testing and blood alcohol level to 0.05)

15) **Paper tabled:** Mr Buffett – **Report of IBC March 2015**
and moved –

THAT the Paper be noted

Debate ensued

Mr Buffett moved –

THAT debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting

Question put and agreed to on the voices

Speaker Buffett took the Chair 12.14 pm

NOTICES

8 CUSTOMS ACT 1913 - EXEMPTION FROM PAYMENT OF CUSTOMS DUTY

Minister for Finance, Mr Sheridan, pursuant to notice, moved -

THAT, under subsection 2B(4) of the Customs Act 1913, this House recommends to the Administrator that the goods specified in column 1 of the Schedule imported by the person specified in column 2, and on the conditions mentioned in column 2 of the Schedule, be exempted from duty.

SCHEDULE

Column 1
Goods**Column 2**
Importer/conditions

Emergency Locator Beacons
- amount of duty applicable \$1,404.30

Norfolk Island Fishing Association
Conditions: Nil

Life Vests
- amount of duty applicable \$916.20

Lions Club of Norfolk Island
Conditions: Community Use – Norfolk Island Wa'a Outrigger Club Inc

Christmas Cakes
- amount of duty applicable \$215.56

Lions Club of Norfolk Island
Conditions: Nil

Coffee Machines
- amount of duty applicable \$544.00

Lions Club of Norfolk Island
Conditions: Nil

Debate ensued
Question put and agreed to on the voices

9 NORFOLK ISLAND HOSPITAL ACT 1985

Minister for Cultural Heritage and Community Services, Ms Adams, pursuant to notice, moved -

THAT this House, in accordance with sections 12 and 13 of the *Norfolk Island Hospital Act 1985*, resolve that —

Brett John Sanderson

who is not the Director, an Employee of the Enterprise or a Minister, be appointed by the Minister as a member of the Norfolk Island Hospital Advisory Board for a term of 12 months commencing on the date of gazettal of his appointment.

Debate ensued
Question put and agreed to on the voices

10 IMMIGRATION ACT 1980**AUTHORISATION OF APPLICATION FOR GENERAL ENTRY PERMIT**

Minister for Cultural Heritage and Community Services, Ms Adams, pursuant to notice, moved

THAT for the purpose of paragraph 17A(1)(e) of the *Immigration Act 1980*, this Legislative Assembly resolve that —

**Deirdre Margaret Cristofaro; and
Lynne Catherine Duncanson**

be authorised to make an application for a general entry permit under the Act.

Debate ensued
Question put and agreed to on the voices

11 NORFOLK ISLAND BROADCASTING ACT 2001

Minister for Finance, Mr Sheridan, pursuant to notice, moved -

THAT in accordance with the provisions of subsection 10(6) of the *Norfolk Island Broadcasting Act 2001*, I give notice of my intention to issue a broadcasting licence as follows—

The proposed licensee is Seventh-day Adventist Church (Greater Sydney Conference) Ltd. The reason for issuing the licence is to permit the licensee to conduct a Television Broadcasting facility called TVNI from premises at New Cascade Road. The proposed licence will present a service providing, inter alia, documentary programs, public

benefit advertising and movies to residents of, and visitors to, Norfolk Island as well as making available to audiences in Norfolk Island television programs offering entertainment, education and information in accordance with the objects of the Act. The terms and conditions of the licence in addition to the statutory conditions applicable to all licensees will include a requirement that the broadcast be confined to the immediate Norfolk Island community at a strength sufficient for reception only by residents of Norfolk Island and that it must not interfere with the reception of any radio or television or telecommunications signals from other sources;

and –

THAT the Legislative Assembly resolve to approve the issue by the Minister for Finance of a broadcasting licence to Seventh-day Adventist Church (Greater Sydney Conference) Ltd for the purpose of conducting a television broadcasting station under the description TVNI station for the benefit of residents of, and visitors to, Norfolk Island; and subject to the conditions that the broadcast be only within the specified VHF Channel 10 broadcast frequency of 212.5 MHz at a strength sufficient for reception only within the territorial boundaries of Norfolk Island and that it must not interfere with the reception of any radio or television or telecommunication signals from other sources.

Debate ensued

Question put and agreed to on the voices

12 REFERENDUM ACT 1964 – REQUEST TO SPEAKER TO DIRECT A REFERENDUM

Chief Minister and Minister for Tourism, Mr Snell, pursuant to notice, moved -

THAT this House, pursuant to section 5 of the Referendum Act 1964:

1. RESOLVES to ascertain the opinion of the electors on the following specified question relating to the peace, order and good government of Norfolk Island, namely:

Should the people of Norfolk Island have the right to freely determine their political status, their economic, social and cultural development and be consulted at referendum or plebiscite on the future model of governance for Norfolk Island before such changes are acted on by the Australian Parliament?

YES †

NO †

2. REQUESTS the Speaker to direct a referendum on the above question

Debate ensued

Question put

The House voted –

AYES, 8

NOES, 1

ABSTENTIONS, 0

Mr Buffett

Mrs Ward

Mr Porter

Mr Ward

Ms Adams

Mr Snell

Mr Nobbs

Mr Evans

Mr Sheridan

Motion agreed to

SUSPENSION OF SITTING

The Speaker suspended the sitting of the House at 1.08 pm

RESUMPTION OF SITTING

The Speaker took the Chair and resumed the sitting at 2.02 pm

**13 STANDARD TIME BILL 2015
STAENDAD TAIM BIL 2015**

Minister for Finance, Mr Sheridan, pursuant to notice presented a Bill for an Act to change standard time for Norfolk Island and moved –

THAT the Bill be agreed to in principle

Debate ensued

- 16) **Paper tabled:** Mr Sheridan tabled the Explanatory Memorandum to the Bill
Mr Sheridan moved –

THAT debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting

Question put and agreed to on the voices

ORDERS OF THE DAY

**14 COMMUNITY TITLE BILL 2015
KOMYUUNETI TAITL BIL 2015**

Resumption of debate (Minister for the Environment, Mr Ward) from 11 February 2015 on the question – THAT the Bill be agreed to in principle

Debate ensued

Question – THAT the Bill be agreed to in principle – put and agreed on the voices – Ms

Adams abstaining

Detail stage

Mr Ward sought leave to move an amendment

Leave granted

Mr Ward moved –

1. In subclause 5(1), for subparagraph (b)(i) of the definition of “special resolution” substitute—

“(i) of which at least 14 days notice setting out the text of the proposed resolution and any other information of a kind prescribed by regulation has been served on all the owners of the community lots; and”.

2. In clause 15 for “subsection 3(1)” substitute—

“ subsection 5(1)”.

3. In subclause 17(2) for “paragraph 15(1)(a)” substitute—

“paragraph (1)(a)”.

4. In paragraph 21(2)(a) for “section 18” substitute—

“section 20”.

5. In subclause 28(2), for “subsection (4)” substitute—

“subsection (3)”.

6. In paragraphs 52(1)(a) and 52(1)(b), for “section 48” substitute—

“section 50”.

- 17) **Paper Tabled:** Mr Ward tabled the DSA and Explanatory Memorandum
Mr Ward moved -

THAT the detail stage amendments be taken as read and agreed to as a whole

Debate ensued

Question – That the amendments be agreed to – put and agreed on the voices – Ms Adams abstaining

Question – That the clauses as amended be agreed to – put and agreed on the voices – Ms Adams abstaining

Question – That the remainder of the Bill be agreed to – put and agreed on the voices – Ms Adams abstaining

Mr Ward moved –

THAT the Bill as amended be agreed to

Question put and agreed to on the voices – Ms Adams abstaining

**15 COMMUNITY TITLE (CONSEQUENTIAL PROVISIONS) BILL 2015
KOMYUUNETI TAITL (KONSEKWENCHL CHIENJ) BIL 2015**

Resumption of debate (Minister for the Environment, Mr Ward) from 11 February 2015 on the question – THAT the Bill be agreed to in principle

Debate ensued

Question put and agreed on the voices – Ms Adams abstaining

Leave granted to dispense with the detail stage

Mr Ward moved –

THAT the Bill be agreed to

Question put and agreed to on the voices – Ms Adams Abstaining

**16 MUNICIPAL RATES BILL 2015
MYUUNESIPL RIET BIL 2015**

Resumption of debate (Minister for Finance, Mr Sheridan) from 11 February 2015 on the question – THAT the Bill be agreed to in principle

Debate ensued

Question put

The House voted -

Ayes 4

Mr Porter

Mrs Ward

Mr Sheridan

Noes 5

Mr Buffett

Mr Nobbs

Ms Adams

Mr Snell

Mr Ward

Mr Evans

Abstain 0

Motion negatived

17 FIXING OF NEXT SITTING DAY

Mr Porter moved –

THAT the House at its rising adjourn until Wednesday 15 April 2015 at 10 am

Question put and agreed to on the voices

10 ADJOURNMENT

Mr Evans moved –

THAT the House do now adjourn

Debate ensued with Ms Adams (Response from the Prime Minister), Mrs Ward (Harmony Day – Quota), Chief Minister (1. ABC Radio announcement 2. 225th Anniversary of wrecking of HMS Sirius)

Question put and agreed to on the voices

AND THEN the House at 4.54 pm adjourned until Wednesday 15 April 2015 at 10.00 am

Gaye Evans
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present