

**NORFOLK ISLAND
THIRTEENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 28 JULY 2010**

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THERTIINTH LEJESLIETEW 'SEMBLE
WEDNESDI 28 JULAI 2010**

- 1 The Legislative Assembly met at 10.05 am, the Speaker, Hon Robin Adams JP, took the Chair and read Prayers
- 2 **LEAVE OF ABSENCE FOR MRS GRIFFITHS MLA**
Leave of absence was unanimously extended to Mrs Griffiths
- 3 **CONDOLENCES**
Mr Sheridan recorded the passing of –

**Albert Frank Summerscales
Keith Leslie Snell
Jill Helena Steven**

and Mr Snell recorded the passing of –

**Charles Ephraim Adams
Phyllis Mary McTavish (nee Quintal)
Christina Jean Vincent**

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

- 4 **QUESTIONS WITHOUT NOTICE**
Time for questions without notice having expired, on motion of Mr King, time for questions without notice was extended by 30 minutes
Mr Nobbs, Minister for Tourism, Industry & Development, moved –

That the document referred to by Mr King (a document with invoice number indicating that the Norfolk Air entity had been invoiced to an amount around \$600,000) be tabled in the House

Question put and agreed to on the voices

- 5 **ANSWERS QUESTIONS ON NOTICE**
Responses were provided to:

Question No 28 from Mr King to Minister for Tourism, Industry & Development –
Will the Minister table a return showing, in tabular form, the performance of each major item of Norfolk Telecom revenue over the past 5 years together with a narrative outlining his future plans for improving revenues and profit margins?

Paper: Mr Nobbs tabled a paper titled "*Future Plans for Improving Revenue and Profit*"

Point of Order: Mr King on relevance – not upheld

Question No 30 from Mr King to Minister for Tourism, Industry & Development –
Will the Minister table a written reply detailing -
a) if negotiations with Carnival Cruises for the payment of port fees and charges have been completed and,

- b) how much port fees and charges are collected on average for each visit and,
- c) whether there is any cost recovery at all when disembarkation cannot take place?

Paper: Mr Nobbs tabled a paper detailing the response to Question No 30

Question No 31 from Mr King to Minister for Community Services –

Will the Minister advise what Plans of Management for public reserves have been targeted for implementation in this coming financial year?

Question No 32 from Mr King to Chief Minister –

To what extent are community Members of statutory or ad hoc Boards or committees indemnified against any personal loss or damage arising from their official duties?

Paper: Mr Buffett tabled a paper entitled “*Indemnity for persons acting in an official capacity*”

Question No 33 from Mr King to Mr Sheridan, Minister for Community Services –

Can the Minister table in the House a copy of the advice recently given to the Commonwealth Games Federation by the Norfolk Island Administration in relation to Norfolk Island residency and citizenship and their implications for eligibility to compete in the Commonwealth games.

Question No 34 from Mr King to Minister for Community Services –

Will the Minister absolutely guarantee;

- a) That pensions are and will continue to be, paid promptly on their due date, and
- b) That all healthcare claims and payments are being dealt with without delay, and
- c) That workers compensation payments are made on their due date and in a manner that allows beneficiaries immediate access to funds, and
- d) That a shortfall in public funds does not and will not affect prompt payment of these entitlements?

Question No 35 from Mr King to Mr Nobbs, Minister for Tourism, Industry & Development –

Can the Minister confirm that the working group established by the Minister to recommend a pricing schedule for Telecom leased circuits has convened within the 3-week timeline advised to private operators on 2 July and that a recommendation has been received from the group?

Paper: Mr Nobbs tabled a copy of the Working Group Recommendation on Leased Circuit Pricing

Question No 36 from Mrs Ward to Chief Minister –

Will the Chief Minister –

- a) advise the Norfolk Island Government's position on the findings of the KAVHA Governance Review document tabled by him at the 16 June sitting of this House;
- b) give advice on how the Commonwealth and Norfolk Island governments will work together to consider the recommendations made and any proposed change to the governance arrangements within KAVHA; and
- c) is the Chief Minister satisfied that the current intergovernmental arrangements through the KAVHA Management Board provides the Norfolk Island Government equal representation in determining any actions to be taken following the recommendations of the KAVHA Governance Review?

Question No 37 from Mrs Ward to Chief Minister –

Will the Chief Minister advise why Norfolk Island Government representatives on the KAVHA Management Board are Executive Members whereas Commonwealth representatives are senior public servants and will this configuration be altered to reflect modern and transparent management principles?

Question No 38 from Mrs Ward to Minister for Tourism, Industry & Development –

The Minister stated in this House that the Airport Manager had put together a technical specification that enabled the budget review committee to consider correct engineering

processes for the RESA RW29 project. Will the Minister table that document and CASA correspondence that states the technical specifications are acceptable?

Paper: Mr Nobbs tabled from the Manager of the NI Airport a paper entitled "*Budget Review Committee Submission on the Runway end safety area (RESA) at the Norfolk Island Airport*"

Paper: Mr Nobbs tabled a letter from the Australian Government Civil Aviation Safety Authority dated 6 July 2010 and titled "Non-compliance RESA runway 29 end Norfolk Island Airport"

Question No 39 from Mrs Ward to Minister for Community Services –

Would the Minister outline legislative based requirements for handling compensation cases under the worker's compensation scheme and how mental health or stress related cases are processed? Will the Minister table all correspondence from the regulatory authority CASA in relation to dispensations and exemptions from the requirements of runway end safety measures?

The Speaker suspended the sitting at 12.40 pm until 2 pm

The House resumed at 2 pm, the Speaker taking the Chair

6 PRESENTATION OF PAPERS

The following papers were presented:

- 1) Mr Anderson, Minister for Finance and The Attorney-General – ***Postal Services (Amendment) Regulations 2010***
- 2) Mr Nobbs, Minister for Tourism, Industry & Development – ***Norfolk Island Government Tourist Bureau (Amendment) Regulations 2010***
- 3) Mr Sheridan, Minister for Community Services - ***Road Traffic (General) (Amendment No 2) Regulations 2010***
- 4) Mr Buffett, Chief Minister – Public Sector Management Act 2000 – **Letter from Chief Minister dated 16 July 2010 to Chairperson of the Public Service Board re draft determination from Chief Executive Officer re an organisational change to his office**
- 5) Mr Sheridan, Minister for Community Services – **Employment Conciliation Board Annual Report 2009/2010**
- 6) Mr Anderson, Minister for Finance and The Attorney-General – **Financial Indicators for June 2010**

Mr King moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- 7) Mr Anderson, Minister for Finance and The Attorney-General – **Directions given by him under the Public Moneys Act 1979 re commitments to Revenue Fund 2010/2011 of unpaid liabilities incurred in 2009/2010 financial year**
- 8) Mr Anderson, Minister for Finance and The Attorney-General – **Virements under the Public Moneys Act 1979**
- 9) Mr Anderson, Minister for Finance and The Attorney-General – **Letter dated 15 July 2010 from Minister Anderson to Hon Brendon O'Connor MP re Norfolk Island Government Budget (2010-2011)**

Mr King moved –

THAT the House take note of the paper and the paper be endorsed

Deputy Speaker took the Chair
Speaker took Chair

Debate ensued

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

7 STATEMENTS

The following statements were made –

- 1) Mr Buffett, Chief Minister, reported on a recent visit by Julian Yates, Alison Green and Richard Glenn, Officers from the Attorney-General's Department
- 2) Mr Sheridan, Minister for Community Services, reported on BVDV eradication programme to commence on 12 August 2010

8 MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR

The Speaker reported –

Message No. 6 from the Administrator advising that on 29 June 2010 he declared his assent to the Appropriation Act 2010-2011 (Act No. 6 of 2010)

Message No. 7 from the Administrator advising that on 13 July 2010 he declared his assent to the Child Welfare (Amendment No. 2) Act 2010 (Act No. 7 of 2010) and the Road Traffic (Amendment) Act 2010 (Act No. 8 of 2010)

9 IMMIGRATION ACT 1980 - APPLICATION FOR A GENERAL ENTRY PERMIT

Mr Anderson, Minister for Finance and The Attorney-General, pursuant to notice, moved -

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

Rauni and Nalani Lange

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

Debate ensued

Question put and agreed to on the voices – Mr Snell dissenting

10 MOTION BY LEAVE - PUBLIC SECTOR MANAGEMENT ACT 2000 -

- a. **APPOINTMENT OF MEMBER OF THE PUBLIC SERVICE BOARD**
- b. **APPOINTMENT OF A DEPUTY OF A MEMBER OF THE PUBLIC SERVICE BOARD**

Leave having been granted to Mr Buffett, Chief Minister, to introduce and for the House to debate and vote on two motions together, Mr Buffett moved —

- 1) **THAT this House in accordance with subsection 10(1)(a) of the Public Sector Management Act 2000, recommends that the responsible executive member appoint Frederick John Grose as a Member of the Public Service Board for the period of 28 July 2010 to 27 July 2011**
- 2) **THAT this House in accordance with subsection 11(1) of the Public Sector Management Act 2000, recommends that the responsible executive member appoint David Sinclair South as a deputy of a Board Member of the Public Service Board referred to in section 10(1)(a) for the period of 28 July 2010 to 27 July 2011**

Debate ensued

Question put and agreed to on the voices

11 EMPLOYMENT (AMENDMENT) BILL 2010

Mr Sheridan, Minister for Community Services, pursuant to notice, presented the Employment (Amendment) Bill 2010 and moved –

THAT the Bill be agreed to in principle

Paper: Mr Sheridan tabled the Explanatory Memorandum to the Bill

Debate ensued

Deputy Speaker took the Chair

Paper: Ms Adams, by leave, tabled comments she had provided on the bill to the Minister and to Members of the Legislative Assembly

Speaker resumed the Chair

Mr King moved –

THAT the Employment (Amendment) Bill be referred to the Impact of Bills and Subordinate Legislation Committee

Debate ensued

Question put and agreed to on the voices

12 TOURIST ACCOMMODATION ACT 1984 – TRANSFER OF ONE UNIT FROM “THE BOUNTY LODGE” TO “BUCK’S POINT HOUSE”

Debate resumed (Mr Nobbs, Minister for Tourism, Industry & Development) from 23 June 2010 on the question – That the motion be agreed to

Debate ensued

Leave granted for Mr Nobbs to move –

THAT the words “and maintained at” in paragraph 2(c) be deleted

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

Question – THAT the motion as amended be agreed to – put and agreed to on the voices - Mr Snell dissenting

13 TOURIST ACCOMMODATION ACT 1984 - TRANSFER OF ONE UNIT FROM “CASTAWAY HOTEL AND APARTMENTS” TO “HIDEAWAY RETREAT”

Resumption of debate (Mr Nobbs, Minister for Tourism, Industry & Development) from 23 June 2010 on the question – That the motion be agreed to

Debate ensued

Leave granted for Mr Nobbs to move –

THAT the words “and maintained at” in paragraph 2(c) be deleted

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

Question – THAT the motion as amended be agreed to – put and agreed to on the voices

14 TOURIST ACCOMMODATION ACT 1984 - TRANSFER OF ONE UNIT FROM “THE BOUNTY LODGE” TO “BALL BAY HOUSE”

Resumption of debate (Mr Nobbs, Minister for Tourism, Industry & Development) from 23 June 2010 on the question – That the motion be agreed to

Debate ensued

Leave granted for Mr Nobbs to move –

THAT the words “and maintained at” in paragraph 2(c) be deleted

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

Question – THAT the motion as amended be agreed to – put and agreed to on the voices -
Mr Snell dissenting

15 FIXING OF NEXT SITTING DAY

Mr Nobbs, Minister for Tourism Industry and Development, to move –

THAT this House at its rising adjourn until Wednesday 22 September 2010 at 10 am

Question put and agreed to on the voices

16 ADJOURNMENT

Mr Snell moved –

THAT the House do now adjourn

Debate ensued

Question put and agreed to on the voices

AND THEN the House at 4.33 pm adjourned until Wednesday 22 September 2010 at 10.00 am

Gaye Evans JP

Acting Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present except Mrs Griffiths by leave