

**NORFOLK ISLAND
THIRTEENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 22 SEPTEMBER 2010**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
THERTIINTH LEJESLIETEW 'SEMBLE
WEDNESDI 22 SEPTEMBER 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 MR SNELL MLA
Leave of absence was unanimously extended to Mr Snell

3 CONDOLENCES
Mr Sheridan recorded the passing of –

**Richard Harber
William Winton Sanders
Charlie Shaw
Thomas Robertson Sim**

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

4 QUESTIONS WITHOUT NOTICE

5 ANSWERS QUESTIONS ON NOTICE
Responses were provided to:

Question No 40 from Mrs Ward to Minister for Community Services (responsible for the Environment) –
Can the Minister outline the objectives of the Clean Seas legislation as it applies to Norfolk Island?
(a) How will the requirements be addressed?
(b) How will the effectiveness of government be measured in order to meet 2015 benchmarks?

Question No 41 from Mrs Ward to Minister for Community Services (responsible for the Environment) –
Will this government establish a Norfolk Island Environmental Protection Authority (EPA), similar to other states and territories, in order to set standards and report on the effects of and on, human activity including air quality and emission standards?

Question No 42 from Mr King to the Minister for Tourism, Industry & Development - Given that the six year old policy that existing tourist accommodation houses should maintain minimum standards of rain water storage, as embodied in the Development Control Plan No 2 has not been able to be implemented, what steps will the Minister take to ensure that the policy objectives are met within the term of this Assembly?

Question No 43 from Mr King to the Chief Minister –
Will the Chief Minister outline the government's policy for public sector recruitment including its policy objectives -
a) as a major employer in the island;
b) in relation to job security; and
c) in respect of providing career paths for island people.

Question No 44 from Mr King to the Minister for Community Services -
Will the Minister advise a realistic and appropriate timetable for the audit of the Water Assurance Scheme pipeline and the identification of any risk of waterways or aquifer contamination?

Question No 45 from Mr King to the Minister for Community Services –

- a) Can the Minister advise in relation to the administration of the Sale of Food Act 1950 –
- b) How many random inspections of premises licensed for the manufacture, preparation or serving of food have been conducted in each of the periods of the last six months and in each of the last three years;
- c) How many prosecutions have taken place for offences against the Act;
- d) Is a \$500 fine for maintaining unsanitary or rat and cockroach infested food premises the only penalty under the Act; and
- e) Does the facility exist for anonymous complaints of offences under the Act with the promise of appropriate follow-up action?

Question No 46 from Mr King to the Minister for Tourism, Industry & Development –
Can the Minister advise the extent of barter card dollar holdings within Norfolk Air and whether such holding is regarded and treated as a balance sheet item?

Question No 47 from Mr King to the Minister for Community Services –

At the last meeting of the Legislative Assembly the Minister advised the House categorically that the statutory income test for standard type pensions under the Social Services Act applies to a Special Benefit.

- a) Is it not a fact that there is no requirement under the law to apply an income test to a Special Benefit and that the application of the same test that applies to Aged, Widowed Persons and Invalid Benefits is simply a matter of policy;
- b) Is it not a fact that a rigid application of that policy to a Special Benefit would preclude the Minister from exercising his statutory discretion under section 26 of the Social Services Act to determine that hardship exists in a particular case irrespective of income; and
- c) That if the income test was applied as a rule is it not a fact therefore that a person earning \$522 per week could not in any circumstances and regardless of his commitments, establish that he was in hardship for the purposes of obtaining a Special Benefit?

Question No 48 from Mr King to the Minister for Tourism, Industry & Development –
Will the Minister provide a full report on the financial situation at the Tourist Bureau, including details of commitments which have been entered into for future years?

Question No 49 from Mr King to the Minister for Tourism, Industry & Development –
Will the Minister provide a full report on the true cost of the cruise ship initiative to date, including all costs incurred by the Tourist Bureau, Lighterage and the Administration generally, including details of commitments which have been entered into for future years?

Question No 50 from Mr King to the Minister for Tourism, Industry & Development and the Minister for Community Services –

At the last meeting of the House both Ministers undertook to gather data and information to enable an explanation of apparent private sector occupation of airport land and the basis on which others in the community might be able to occupy airport land. Can the Ministers now provide that information?

Question No 51 from Mr King to the Minister for Finance and The Attorney-General –
Whilst understanding that official financial data is not expected to be supplied until the completion of the first quarter of the financial year, can the Minister nevertheless provide an assessment of the extent of any improvement or deterioration in public finances in the first two months of the year?

Question No 52 from Mr King to the Minister for Community Services –

At the last meeting the Minister undertook to advise what studies have been done in relation to e-health opportunities and what obstacles if any had been identified? Can the Minister now advise?

Question No 53 from Mr King to the Minister for Community Services –

At the last meeting the Minister undertook to obtain advice on the adequacy of the visiting medical specialist program. Can the Minister now advise accordingly?

Question No 54 from Mr King to the Minister for Community Services –

At the last meeting the Minister undertook to advise what policies have been adopted to deal with the health demands of a rapidly aging population and to offer some advice on the existence if any, of studies undertaken to identify projected needs, particularly those of the infirm and those living alone. Can the Minister now advise the results of his enquiries?

Question No 55 from Mr King to the Minister for Community Services –

As a result of a question asked of the Minister at the last meeting of the House can the Minister now table the specifications and the costings for the proposed Hibiscus Drive roadworks?

Question No 56 from Mr King to the Minister for Tourism, Industry & Development –

At the last meeting of the House the Minister was called upon to table the summarised findings on risk and business assessment for Norfolk Island's participation in the cruise ship industry. The Minister replied that "there has been a large degree of work done on that analysis" but nevertheless took the question on notice. Will the Minister now table the assessments?

Deputy Speaker Sheridan took the Chair – 12.12 pm

Point of Order: Mr King on relevance

Speaker Adams took the Chair – 12.15 pm

Paper: Mr Nobbs tabled a paper detailing the response to Question No 56 – Cruise Ship Industry – Risk and Business Assessment

Question No 57 from Mrs Ward to the Chief Minister -

Will the Minister advise the number of official trips taken off-island by members of this government in the past six months and provide a breakdown per Minister of costs to the public purse including air fares, allowances and miscellaneous costs?

Will the Minister also advise what further trips are planned by his Ministry for this financial year matched against the budget allocation for 2010/2011?

Paper: Mr Buffett tabled a paper detailing the response to Question No 57 – Official Travel Costs – Airfares, allowance and miscellaneous

Question No 58 from Mrs Ward to the Minister for Tourism, Industry & Development –

Will the Minister table all final reports and any current draft report by Worley Parsons in relation to the construction of a harbour on Norfolk Island?

Question No 59 from Mrs Ward to the Minister for Tourism, Industry & Development –
Is it a fact that the previous government signed a contract with, and is committed to, the South Pacific Internet Network and if so –

- a) Will the Minister table the contract and business plan relevant to the project;
- b) Explain why the contract is now called a draft proposal; and
- c) Explain why the Minister is actively pursuing alternate internet technology?

Question No 60 from Mrs Ward to the Minister for Tourism, Industry & Development – The Minister publically referred to an initiative in renewable energy and identification of an high efficiency generator which will result in increased job opportunities, cost savings and environmental benefits.

- a) What is the established process for identifying and accepting renewable energy providers to use Norfolk Island as a pilot area;
- b) What contractual arrangements are in place to ensure the protection of publically and privately owned infrastructure;
- c) Will the Minister seek independent preliminary and ongoing advice on the proposal; and
- d) Is the Norfolk Island government committing to any present or future costs including transporting the generator to the Island and if so, is it in the budget?

6 PRESENTATION OF PAPERS

The following papers were presented:

- 1) Mr Anderson, Minister for Finance and The Attorney-General – **Virements approved by executive member since 9 July 2010;**
- 2) Mr Nobbs, Minister for Tourism, Industry & Development – **Inbound Passenger Statistics for August 2010**
- 3) Mr Sheridan, Minister for Community Services – **Employment (Amendment) Regulations 2010**
- 4) Mr Nobbs, Minister for Tourism, Industry & Development – **Airport (Amendment) Regulations 2010**
- 5) Mr Nobbs, Minister for Tourism, Industry & Development – **Norfolk Island Government Tourist Bureau (Amendment) Bill 2010 as an exposure draft together with Explanatory Memorandum** and moved -

THAT the paper be printed

Debate ensued

Question put and agreed to on the voices

The Speaker suspended the sitting at 12.40 pm until 2 pm
The House resumed at 2.05 pm, the Speaker taking the Chair

7 STATEMENTS

The following statements were made –

- 1) Mr Buffett, Chief Minister - **Norfolk Island Government Direction - A report on the first six months, and the difficult way ahead**
Paper: Graph of current and previous years
Paper: Administrative Arrangements Order
Paper: Summary of the budget for 2010/2011
 Mrs Ward moved –
THAT the House take note of the statement
 Debate ensued
 Question put and agreed to on the voices
- 2) Mr Anderson, Minister for Finance and The Attorney-General - **Financial Position of Norfolk Island** – Overview at the end of July/August 2010
- 3) Mr Sheridan, Minister for Community Services - **Whale Bird Egg Collection Season**
- 4) Mr Sheridan, Minister for Community Services - **BVDV eradication programme** which commenced on 12 August 2010
- 5) Mr Sheridan, Minister for Community Services - **Actuarial Study of Workers Compensation Scheme and Healthcare Scheme**
- 6) Mr Sheridan, Minister for Community Services - **Norfolk Island Hospital Enterprise – appointment of Counsellor Janine Perino**
- 7) Mr Sheridan, Minister for Community Services - **new appointments to Norfolk Island National Park Advisory Committee**

- 8) Mr Sheridan, Minister for Community Services – **Commonwealth Games in New Delhi, India – October 2010**
- 9) Mr Buffett, Chief Minister - **Commonwealth Games in New Delhi, India – Best wishes and safe return**

8 REPORT FROM IMPACT OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE

Mr King gave an Interim Report on the Employment (Amendment) Bill 2010 which was referred to the Impact of Bills and Subordinate Legislation Committee on 28 July 2010

Speaker advised that the following Notices had been withdrawn from the Notice Paper

Notice No. 2 - NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ACT 1980 - APPOINTMENT OF MEMBER TO THE NORFOLK ISLAND GOVERNMENT TOURIST BUREAU

Notice No. 3 - HEALTHCARE (AMENDMENT) BILL 2010 MOTION TO RESCIND

Notice No. 4 - HEALTHCARE (AMENDMENT) BILL 2010

9 TOURIST ACCOMMODATION ACT 1984 – TRANSFER OF LICENCE FROM “CUMBERLAND RESORT AND SPA” TO “THE WHITE HOUSE”

Mr Nobbs, Minister for Tourism, Industry & Development, pursuant to notice, moved -

THAT for the purposes of section 15A of the *Tourist Accommodation Act 1984* this House resolves that the registration of one tourist accommodation unit from the tourist accommodation house known as “Cumberland Resort and Spa” may be transferred from the place described in its current instrument of registration to portion Lot 49 Mountbatten Park, being the tourist accommodation house to be known as “The White House”, subject to compliance with the following conditions:

1. **Application for registration of a tourist accommodation house must be made in accordance with all applicable statutory requirements after the executive member's approval of the transfer under section 15A(2) in accordance with this resolution.**
2. **The premises to which registration is transferred must —**
 - a. **comply with statutory requirements for the ownership and operation of tourist accommodation;**
 - b. **comply with statutory planning and building requirements for the siting and construction of tourist accommodation;**
 - c. **be equivalent to a minimum 3 ½ Star standard under applicable Norfolk Island tourist accommodation grading standards; and**
 - d. **any relevant planning approval must be obtained within 12 months of the transfer approval**

Debate ensued

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

10 CUSTOMS ACT 1913 - EXEMPTION FROM PAYMENT OF CUSTOMS DUTY

Mr Anderson, Minister for Finance and The Attorney-General, 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 the first column of the Schedule imported by the person specified opposite, and on the conditions mentioned, in the second column of the Schedule be exempted from duty -

SCHEDULE

Column 1

Goods

Column 2

Importer/conditions

Playground equipment

Playground equipment

Banyan Park, Play

Centre

- amount of duty applicable \$334.96

Conditions: Nil

Uniforms, Commonwealth Games Team Norfolk Island Amateur Sports and Commonwealth Games Association
-amount of duty applicable \$420.00 Conditions: Nil

Debate ensued

Question put and agreed to on the voices – Mr Nobbs being absent from Chamber

11 MUSEUM TRUST ACT 1987 - RE-APPOINTMENT OF MEMBER

Mr Buffett, Chief Minister, pursuant to notice, moved –

THAT this House resolves for the purposes of subsection 5(2) of the *Museums Trust Act 1987* that the executive member re-appoints

Owen Edward John Walsh

as a member of the Norfolk Island Museum Trust for the period 23 September 2010 to 22 September 2012

Debate ensued

Question put and agreed to on the voices

12 MOTION TO RESCIND ORDER OF THE HOUSE TO TABLE DOCUMENT

Mr King pursuant to notice, moved –

THAT this House rescinds its order made on 28 July 2010 ordering the tabling of a document by M King MLA, such order as reflected as item 4 of the Minutes of Proceedings of the House dated 28 July 2010

Debate ensued

Paper: Mr Nobbs tabled an email from Kevin Power advising that no invoice has been issued

Mr Buffett, Chief Minister, moved –

THAT the question be put

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

Question – THAT the motion be agreed to – put and agreed to on the voices – Mr Sheridan dissenting

13 PUBLIC SECTOR MANAGEMENT ACT 2000 - DETERMINATION OF ORGANISATIONAL STRUCTURE

Mr Buffett, Chief Minister, pursuant to notice, moved -

THAT this house, having considered the draft Determination in respect of the Organisational Structure tabled on 28 July 2010 and the written comments of the Public Service Board dated 27 July 2010 in accordance with and pursuant to sections 26 and 27 of the *Public Sector Management Act 2000*, hereby pursuant to paragraph 26(1)(d) –

- (a) revoke any previous determination of Organisational Structure of the Public Service; and**
- (b) make the draft determination in respect of the Organisational Structure dated November 2009 produced by the Chief Executive Officer; and**
- (c) declare that the gazette notification of the making of the determination, signed by the executive member and appearing in the Gazette, shall be the instrument in writing of the Legislative Assembly for the purposes of paragraph 26(1)(d) of the said Act**

Debate ensued

Question put and agreed to on the voices – Mrs Griffiths dissenting

14 LETTER DATED 15 JULY 2010 FROM MINISTER ANDERSON TO HON BRENDON O'CONNOR MP RE NORFOLK ISLAND GOVERNMENT BUDGET 2010-2011

Debate resumed (Mr King) from 28 July 2010 on the question – THAT the House take note of the paper and the paper be endorsed

Mr Buffett, Chief Minister, moved –

THAT all words following “THAT” be deleted and the following words inserted “the House take note of the paper, the paper be endorsed and note its major content is incorporated in the Norfolk and government’s direction paper

Debate ensued

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

15 FIXING OF NEXT SITTING DAY

Mr Buffett, Chief Minister, pursuant to notice, moved -

THAT this House resolves –

- 1) to next meet at 11.00 am on Wednesday 27 October 2010 at a Ceremonial Sitting to mark the 50th Anniversary of the Supreme Court of Norfolk Island; and the proceedings of the day be as ordered by the Speaker to observe the dignity of the occasion; and**
- 2) to sit on Wednesday 3 November 2010 at 10 am for the purpose of conducting its usual business**

Mr King moved –

THAT “next” be deleted in paragraph (1) and the date “3 November 2010” in paragraph (2) be deleted and the date “13 October 2010” be inserted

Debate ensued

Mrs Griffiths, moved –

THAT “the date “13 October 2010” be deleted and the following date be inserted “20 October 2010”

Debate ensued

Mr Sheridan moved –

THAT the question be put

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

Question – THAT the amendment to the amendment be agreed to– put

The House voted –

Ayes 4

Mr Sheridan

Mrs Griffiths

Mr Buffett

Mr King

Noes 4

Ms Adams

Mr Nobbs

Mrs Ward

Mr Anderson

Motion negatived

Question – That the amendment be agreed to – put

Motion negatived on the voices – Mr King and Mrs Griffiths voting in favour

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

16 ADJOURNMENT

Mr King moved –

THAT the House do now adjourn

Question put and agreed to on the voices

AND THEN the House at 4.27pm adjourned until Wednesday 27 October 2010 at 11.00 am for a Ceremonial Sitting to mark the 50th Anniversary of the Supreme Court of Norfolk Island

Gaye Evans JP
Acting Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present except Mr Snell by leave