

**NORFOLK ISLAND  
THIRTEENTH LEGISLATIVE ASSEMBLY  
MINUTES OF PROCEEDINGS  
WEDNESDAY 19 JANUARY 2011**

**NORF'K AILEN  
DIISEM MENETS LARNEN WATHING HAEPN  
INAA  
THERTIINTH LEJESLIETEW 'SEMBLE  
WEDNESDI 19 JAENYUWERI 2011**

1 The Legislative Assembly met at 10.06 am, the Speaker, Hon Robin Adams JP, took the Chair and read Prayers

2 **CONDOLENCES**

Speaker extended condolences to the flood victims of Eastern States of Australia, particularly Queensland and Victoria, supported by the Chief Minister Mr Snell recorded the passing of –

**Alfred Hugh Sampson  
Rosina Ruth Park  
Seremaia Batirua**

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

3 **QUESTIONS WITHOUT NOTICE (10:21-11.15AM)**

**Paper Tabled:**

Minister for Tourism, Industry & Development, Mr Nobbs – **Review of Telecommunications Competition on Norfolk Island**

4 **ANSWERS TO QUESTIONS ON NOTICE**

**Responses were provided to:**

**Question No 98** Mr King asked the Minister for Tourism, Industry & Development –Can the Minister inform the House of the level of forward airline bookings for the upcoming months of February and March, expressed in numbers and as a percentage of the actual bookings for the same periods last year?

**Question No 99** Mr King asked the Chief Minister – Is it not a fact that for each of the first 8 months of the present government's term, visitor numbers fell to or were equal to all-time historical record low levels and accordingly will the Chief Minister advise whether any of his Tourism Minister's stated initiatives for improving tourism has produced any meaningful improvement?

**Question No 100** Mr King asked the Minister for Community Services – Some months ago the Minister said that he wasn't aware of any professional audit having been done on Norfolk Island's state of readiness to deal with local natural disasters although he said he believed we were in good hands. In the light of increasing extreme weather events in our region can I ask again whether the Minister has confirmed his belief that we are well prepared and whether he had after previous questioning considered it desirable that our emergency services be professionally and independently audited?

**Question No 101** Mr King asked the Minister for Tourism, Industry & Development – At the last sitting of the House the Minister expressed his understanding that modifications to the very expensive, and now almost redundant cruise ship pontoon, were being carried out with oversight by the manufacturer and that engineering certification would be unaffected. Will the Minister now confirm his understanding and table the certification?

**Question No 102** Mr King asked the Minister for Tourism, Industry & Development – At the last meeting of the House the Minister said he was happy to table the legal advice that formed the basis of his decision to continue with the year-long embargo on the leasing of the Administration's copper wire circuits. Will he now do so?

**Question No 103** Mr King asked the Minister for Community Services – In the December meeting of the House the Minister said that he “supposed” that an unemployed or underemployed person suffering hardship might qualify for a social services special benefit but that the mere fact of unemployment is only one of a number of factors taken into account. Will the Minister now advise what factors other than unemployment and having no income, would be taken into account?

**Question No 104** Mr King asked the Chief Minister – At the last meeting of the House the Chief Minister undertook to make available to Members a copy of the so-called fact book provided to the Commonwealth Government as part of the governance discussions. Will he explain why that has not been done?

**Question No 105** Mr King asked the Minister for Finance and The Attorney-General – At the last meeting of the House the Minister was unable to provide satisfactory reasons why he had been unable to implement his executive decision to ban job advertisements that are not genuine attempts to attract local labour. What promise will the Minister give that this relatively minor issue concerned with protecting job opportunities for locals, will be dealt with?

**Question No 106** Mr King asked the Minister for Tourism, Industry & Development – What progress has been made with changes to the Administration's contract with Air Nauru and therefore with securing the \$2m cost savings referred to by the Minister at the last meeting?

**Question No 107** Mr King asked the Minister for Tourism, Industry & Development – At the last meeting the Minister declined a request on notice to obtain and table legal advice in relation to his handling of the Administration's Bartercard dollars. Is it not a fact that there is no legal advice authorising or supporting the Minister's handling of Bartercard dollars?

**Question No 108** Mr King asked the Minister for Tourism, Industry & Development – What is the Government's wholesale price mark-up on landed cost for fuel and to what extent has that mark up changed since the Government began importing and purchasing fuel?

**Question No 109** Mr King asked the Chief Minister – What progress has the Chief Minister made with his undertaking at the last sitting to prepare guidelines in relation to the tabling of documents at the request of and for the information of the House?

**Question No 110** Mr King asked the Minister for Tourism, Industry & Development – At the last sitting of the House the Minister advised the House, in support of his decision to exclude private operators from the Administration's copper wire network, that the unaudited net profit for the telecom business, after depreciation for the 09/10 financial year was \$231,353.00. Is it not a fact that this figure is significantly wrong and that the Minister has therefore misled the House in a material manner?

**Question No 111** Mr King asked the Chief Minister – What is the justification for and the economic consequences of, the Government's recent policy decision to not accommodate self-funded retirement entry into the Island? If it was considered in the formulation of this policy that this category of entrant might represent a potential burden on our social security and health systems, was this weighed against the immediate economic benefits of allowing such entry?

**Paper Tabled:**

Chief Minister, Mr Buffett – **Statement of Intention – Self Funded Retirees**

**Question No 112** Mrs Griffiths asked the Minister for Tourism, Industry & Development – At the last meeting, the Minister for Tourism undertook to provide the House with data on the success of his initiative with regard to the promotion of Norfolk Island through the Westpac Bank. Will the Minister now provide that information?

**Question No 113** Mrs Griffiths asked the Minister for Tourism, Industry & Development – At the last three sittings of this House I have asked a number of questions relating to fuel handling, delivery and management.

- a) Will the Minister now advise whether the Expressions of Interest/tender process, which was initiated in July, has been permanently resolved?
- b) Will the Minister explain the delay?
- c) How many tenders were lodged? and
- d) Has any operator been informed whether their tender is successful or not?

**Question No 114** Mrs Griffiths asked the Minister for Tourism, Industry & Development – Has the Minister progressed, as he undertook to do in November last year, the introduction of medical airfares?

**Question No 115** Mrs Griffiths asked the Minister for Community Services – Can the Minister explain to this House and those who are on the water assurance scheme why, in October of last year, subscribers found an additional charge for "Effluent Disposal" in their monthly invoices in addition to a rise in price on their accounts? What is this charge for and why wasn't it gazetted prior to being applied?

## 5 PRESENTATION OF PAPERS

The following papers were presented:

- 1) Chief Minister, Mr Buffett – **Funding Agreement for the Territory of Norfolk Island**
- 2) Minister for Tourism, Industry & Development, Mr Nobbs – **Inbound Passenger Statistics for December 2010**
- 3) Mr Anderson, Minister for Finance and The Attorney-General – **Public Moneys Act 1979 – Virements approved by executive member**
- 4) Mr Anderson, Minister for Finance and The Attorney-General – **Revenue Fund – Financial Indicators as at November 2010**
- 5) Mr Anderson, Minister for Finance and The Attorney-General – **Instrument of Appointment of Chief Magistrate Warren Donald**

## 6 STATEMENTS

The following statements were made –

- 1) Minister for Community Services, Mr Sheridan – **Activities of the Emergency Services during tropical cyclone warning**
- 2) Minister for Community Services, Mr Sheridan – **BVDV (Bovine Viral Diarrhoea Virus) Programme on the Norfolk Island Herd**

## 7 REPORTS OF STANDING COMMITTEES

Mr King presented the Report of the Impact of Bills and Subordinate Legislation Committee on the Employment (Amendment) Bill 2010 and moved –

**THAT the Report be printed and that consideration of the Report be made an order of the day for a subsequent day of sitting**

Debate ensued

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

**The Speaker suspended the sitting at 12.30 pm until 2 pm  
The House resumed at 2.05 pm, the Speaker taking the Chair**

**8 PLANNING ACT 2002 – VARIATION TO OUTDOOR SPORT AND RECREATION FACILITIES**

Minister for Community Services, Mr Sheridan, pursuant to notice, moved -

**THAT** in accordance with subsection 12(4) of the *Planning Act 2002*, this House resolve that the draft plan laid before this House being a proposed amendment of the map legend for Notation No. 4, from “Public building & Park” to “Public building, Park & Outdoor Sport & Recreation Facilities”, as shown on the Zoning Map which forms part of the Norfolk Island Plan (as amended), be approved; and that for the purposes of subsection 13(1) of the *Planning Act 2002* that the date of commencement of the approved plan be 28 January 2011

**Paper:** Mr Sheridan tabled the **Report on Public Consultation for Proposed Variation to the Norfolk Island Plan** (to allow outdoor sport and recreation facilities at the Bicentennial complex Rawson Oval) and **The Norfolk Island Zoning Map with “& Outdoor Recreation facilities” included**

Debate ensued

Question put and agreed to on the voices

**9 CUSTOMS ACT 1913 - EXEMPTION FROM PAYMENT OF CUSTOMS DUTY**

Minister for Finance and The Attorney-General, Mr Anderson, 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**

**Christmas Cakes**  
**- amount of duty applicable \$246.09**

**Column 2**  
**Importer/conditions**

**Lions Club of Norfolk Island**  
**Conditions: Nil**

Debate ensued

Question put and agreed to on the voices

**10 GOVERNMENT POLICY IN RESPECT OF PRIVATE SECTOR COMMERCIAL ACTIVITIES**

Mr King, pursuant to notice, moved -

**THAT** this House instructs the relevant Minister to return to the House by the March 2011 sitting following consultation with relevant industry groups, with a detailed written report on the desirability or otherwise of maintaining government policy which allows intrusion by government-owned business on private sector commercial activities

Mr King, by leave, moved –

**THAT** the words “the relevant Minister” be deleted and  
the words “the government” be inserted

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

Chief Minister, Mr Buffett, by leave, moved –

**THAT the word “instructs” be deleted and the word “requests” be inserted, and the words “March 2011 sitting” be deleted and the words “May 2011 sitting” be inserted**

Question – THAT the amendments 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

**11 SOCIAL SERVICES ACT 1980 – LUMP SUM PAYMENTS**

Mr King, pursuant to notice, moved -

**THAT for the purposes of considering applications for a benefit under the Social Services Act 1980 or for entitlements available under published social security measures; or for the purposes of reviewing those benefits or entitlements, the treatment under any income test of any lump sum amount received will depend on the nature of that lump sum. Generally the amount is to be treated consistent with (and where applicable with) the policy guidelines published by the Australian government organisation Centrelink**

Debate ensued

Mr King 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

**12 TOURIST ACCOMMODATION ACT 1984 – TRANSFER OF REGISTRATION LICENCE OF ONE UNIT FROM “CASTAWAY HOTEL AND APARTMENTS” TO “AHSTYK”**

Debate resumed (Minister for Tourism, Industry & Development, Mr Nobbs) from 1 December 2010 on the question – That the motion be agreed to

Debate ensued

Question put and agreed to on the voices

**13 TOURIST ACCOMMODATION ACT 1984 – TRANSFER OF REGISTRATION LICENCE OF ONE UNIT FROM “CASTAWAY HOTEL AND APARTMENTS” TO “ROCKY POINT LODGE”**

Debate resumed (Minister for Tourism, Industry & Development, Mr Nobbs) from 1 December 2010 on the question – That the motion be agreed to

Debate ensued

Question put and agreed to on the voices

**14 DEREGULATION OF TELECOMMUNICATIONS**

Debate resumed (Mrs Ward) from 1 December 2010 on the question – That the motion be agreed to

Debate ensued

Mr Sheridan moved –

**THAT Mr King be not further heard**

Question put

The House voted –

**Ayes 4**  
**Mr Snell**  
**Mr Sheridan**  
**Mr Nobbs**  
**Mr Anderson**

**Noes 5**  
**Ms Adams**  
**Mrs Griffiths**  
**Mr Buffett**  
**Mrs Ward**  
**Mr King**

Motion negatived  
 Mrs Griffiths 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

The House voted –

**Ayes 2**  
**Mrs Griffiths**  
**Mr King**

**Noes 5**  
**Mr Snell**  
**Mr Sheridan**  
**Mr Buffett**  
**Mr Nobbs**  
**Mr Anderson**

**Abstentions 2**  
**Ms Adams**  
**Mrs Ward**

Motion negatived

**15 PROVIDENT ACCOUNT (AMENDMENT) BILL 2010**

Resumption of debate (Chief Minister, Mr Buffett) from 3 November 2010 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**

Question put and agreed to on the voices

**16 FIXING OF NEXT SITTING DAY**

Chief Minister, Mr Buffett, moved -

**THAT the House at its rising adjourn until Wednesday the 2<sup>nd</sup> March 2011  
 at 10 o'clock and thereafter at six weekly intervals**

Debate ensued

Mrs Griffiths, by leave, moved –

**THAT all words after THAT be deleted and the following substituted –**

**this House at its rising adjourn until  
 Wednesday 16th February 2011 at 10 am**

Question – That the amendment be agreed to - put

The House voted –

**Ayes 2**  
**Mrs Griffiths**  
**Mr King**

**Noes 5**  
**Mr Snell**  
**Mr Sheridan**  
**Mr Buffett**

**Abstentions 1**  
**Ms Adams**

**Mr Nobbs  
Mrs Ward  
Mr Anderson**

Motion negatived  
Mrs Griffiths, moved –

**THAT all words after THAT be deleted and the following substituted –**

**this House at its rising adjourn until  
Wednesday 2<sup>nd</sup> March 2011 at 10 am**

Question put - That the motion be amended  
The House voted –

**Ayes 3  
Ms Adams  
Mrs Griffiths  
Mr King**

**Noes 6  
Mr Snell  
Mr Sheridan  
Mr Buffett  
Mr Nobbs  
Mrs Ward  
Mr Anderson**

Motion negatived  
Question put - THAT the House at its rising adjourn until Wednesday the 2<sup>nd</sup> March 2011  
at 10 o'clock and thereafter at six weekly intervals  
The House voted –

**Ayes 2  
Mr Snell  
Mr Sheridan  
Mr Buffett  
Mr Nobbs  
Mrs Ward  
Mr Anderson**

**Noes 6  
Mrs Griffiths  
Mr King**

**Abstentions 1  
Ms Adams**

Motion agreed to

**17 ADJOURNMENT**  
Mrs Griffiths moved –

**THAT the House do now adjourn**

Question put and agreed to on the voices

**AND THEN the House at 4.48 pm adjourned until Wednesday 2 March 2011 at 10.00 am**

Gaye Evans  
**Clerk to the Legislative Assembly**

**MEMBERS PRESENT:** All Members were present