

**NORFOLK ISLAND
THIRTEENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 22 AND 27 JUNE 2011**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
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THERTIINTH LEJESLIETEW 'SEMBLE
WENSDI 22 and 27 JUNE 2011**

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

2 LEAVE OF ABSENCE FOR MR KING MLA
Leave of absence unanimously extended to Mr King

3 QUESTIONS WITHOUT NOTICE (10.04 AM)

4 ANSWERS TO QUESTIONS ON NOTICE
Responses were provided to:

198 Mrs Griffiths to ask the Minister for Tourism, Industry and Development -

Given that we have a debt to Telecom NZ of \$1,053,430.02 and we are paying 16.15% interest per annum on a contract that expired in 2008; how much are we paying off the principle debt each month and how long does the Minister envisage it will take until the debt is paid off?

199 Mrs Griffiths to ask the Minister for Tourism, Industry and Development -

Can the Minister provide any detail on the submission in the areas of commerce and industry that the tourism Industry and Development Consultative Group provided on the road map? How many times has this group met?

200 Mrs Griffiths to ask the Minister for Tourism, Industry and Development -

At the last meeting, in response to how the Norfolk Island Language (Norf'k) Act 2004 protects Norfolk's environment heritage and community values in the context of Chinese tourism, you stated that this law provides 'recognition' for the language. Can the Minister explain how such recognition protects heritage and community values?

201 Mrs Ward to ask the Minister for Tourism, Industry & Development -

What quantity of material is downloaded free of charge on the internet during Telecom's midnight to 5.00am free download period; what is this as a percentage of daily traffic; how much revenue is foregone by this policy; is the facility being used to facilitate time programmed downloads and does the system reach capacity or flat-line during this period?

Deputy Speaker Snell took the chair – 10.50 AM

Speaker Adams resumed the chair – 10.53 AM

202 Mrs Ward to ask the Chief Minister –

The Commonwealth and this community have called for improved governance and financial management. How many significant reforms have the Norfolk Island Government supported, implemented and commenced, and what are they?

203 Mrs Ward to the Minister for Community Services –

What future does the Minister see for the local workers compensation scheme and what plans does he have for enhanced administration of occupational health and safety provisions of the existing legislation?

204 Mrs Ward to ask the Minister for Tourism, Industry & Development –

At the last sitting of the House the Minister stated that the philanthropic Airline policy was "very much a continuation of what has happened in the past". As the airline is a business owned by the people of Norfolk Island will the Minister advise whether continuation of the existing policy is acceptable considering this years \$6M loss; and, given that the airline is a publicly owned business, will the government re assess the policy and table and print the revised document?

Paper tabled: Minister Nobbs tabled a paper entitled *Norfolk Air Sponsorship and Support Policy*

205 Mrs Ward to ask the Minister for Tourism, Industry & Development –

Would the Minister advise what percentage of current gaming taxes are received from existing local gaming operators and what percentage can be attributed to new or existing overseas operations and to what extent are these contributions forecast to change in the coming financial year?

206 Mr King to ask the Minister for Tourism, Industry and Development -

Will the Minister advise the House whether or not he made a personal approach to either the tourist bureau or the government airline or both, on behalf of or at the behest of a Member of this Legislative Assembly, to secure assistance with that Member's travel to or attendance at a mainland exposition?

207 Mr King to ask the Minister for Tourism, Industry and Development -

In the light of unsatisfactory answers to recent questions in this House about the safety of the lighterage operation, can the Minister table any reports he has received dealing with safety issues and advise the House whether a shortage of funds has prevented proper maintenance of equipment or has not enabled proper mitigation of known OHS risks?

208 Mr King to ask the Minister for Community Services -

At the last meeting of the Assembly the Minister undertook to table in this House at the next meeting, a list of commercial businesses which have been provided grants by the Toon Buffett Trust, whether those applications for the grants included any claim that the applicant or organisation was a not for profit organisation and whether any Member of this House was a beneficiary of the funds. Will the Minister now table this list?

Paper tabled: Minister Sheridan tabled a paper entitled *Toon Buffett Trust – List of Grants*

209 Mr King to ask the Minister for Community Services -

1. What is the Minister's response to claims made by a correspondent in the Norfolk Islander dated 11 June 2011, concerning water quality -
 - (a) That ground water contamination presents unacceptable health risks as evidenced by ecoli readings 10 times higher than recommended for drinking water;
 - (b) That given such readings were taken in areas free of livestock, it is reasonable to conclude that the source of contamination is human;
 - (c) That the average ecoli reading of 715 counts per 100 ml of sample for the surface water tested by the Administration is well above Australian standards including the ZERO requirement for drinking water and the 10 to 100 maximum allowable count for irrigation; and
 - (d) That ecoli contamination of surface and ground water is a longstanding problem.
2. Is it a fact that ecoli levels recorded in the 1970s and 1980s were similar to those taken in more recent times and lead to a conclusion that the source of contamination was human which in turn lead to the construction of the Water Assurance Scheme; and
3. Is it a fact that contrary to the Minister's advice to the House, tests are available to determine whether the source of ecoli contamination is human or animal?

210 Mr King to ask the Chief Minister –

At the last meeting the Chief Minister undertook to provide advice on the relationship between the government and the project known as NICHE (Norfolk Island Carbon Health), in particular;

- (a) Whether the NICHE website reflects an allocation of \$120,000 to the island Administration about which the Administration is unaware, and
- (b) Whether suitable separation between NICHE and the government is served by a requirement that applicants for employment with NICHE lodge applications with the Legislative Assembly.

211 Mr King to ask the Chief Minister -

- (a) Is it a fact that smaller islands without their own 'immigration' systems have been successful in controlling and regulating population levels through proper planning systems such as land-use and town planning, and
- (b) What steps has the government taken to consider alternative controls for Norfolk Island as part of the integration process set out in the road map?

Paper tabled: Chief Minister Buffett tabled a paper entitled *Report on Population and Planning for Norfolk Island*

5 PRESENTATION OF PAPERS

The following papers were presented:

- 1) Chief Minister, Mr Buffett – **Virement of Funds**
- 2) Chief Minister, Mr Buffett – **Financial indicators for May 2011**
- 3) Minister for Community Services, Mr Sheridan – **NIHE Medical Contracts**
- 4) Minister for Community Services, Mr Sheridan – **Social Services Policy and Guidelines dated 2 June 2011**
- 5) Minister for Community Services, Mr Sheridan – **Revised DCP's Nos 1,2,3 dated 24 June 2011 - a. New Subdivision Roads; b. Water Resources; c. Multi Units**

6 STATEMENTS

The following statements were made –

1. Chief Minister, Mr Buffett gave a report on his recent visit to Canberra with Minister Sheridan and the CEO to meet with Minister Crean
2. Chief Minister, Mr Buffett spoke of the recognition given to Franklin Randall at the Queen's Birthday Honours List

7 NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ACT 1980 - RE-APPOINTMENT OF MEMBERS

Minister for Tourism, Industry and Development, Mr Nobbs, moved –

THAT this House resolve for the purposes of subsection 4(5) of the *Norfolk Island Government Tourist Bureau Act 1980*, that the Minister re-appoint –

**Morgan Borry Evans;
Duncan Harvey Evans;
David Bell;
Glen Albert Buffett; and
Charisse Clarke**

to be members of the Norfolk Island Government Tourist Bureau for the period 1 July 2011 to 30 September 2011.

Debate ensued

Question put and agreed to on the voices

8 PUBLIC SECTOR MANAGEMENT ACT 2000 – DETERMINATION TO AMEND THE HUMAN RESOURCES POLICIES AND PROCEDURES MANUAL — CHAPTER 8 — WORKING ARRANGEMENTS (BANDWIDTH AND HOURS PER FORTNIGHT)

Chief Minister, Mr David Buffett, moved —

THAT this House, having considered —

- the draft determination, as produced by the Chief Executive Officer and approved by the Chief Minister on 12 May 2011 to amend Chapter 8 “Working Arrangements” and “Schedule of Conditions” of the Human Resources policy previously determined for the purpose of section 28 of the *Public Sector Management Act 2000* and as previously amended on 4 October 2006; and
 - any written comments of the Public Service Board and the Norfolk Island Public Service Association on the draft determination,
- resolve to amend the human resources policy by making the draft determination and declare that —**

- a copy of the determination signed by the Speaker of the Legislative Assembly shall be the instrument in writing for the purposes of paragraph 26(1)(d) of the *Public Sector Management Act 2000*; and
- the determination shall operate from the date on which notice of its making is published in the Gazette.

Debate ensued

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

Deputy Speaker Snell took the chair – 11.53 AM

Speaker Adams resumed the chair – 11.55 AM

9 DEPARTURE FEE (AMENDMENT) BILL 2011

Chief Minister, Mr Buffett, pursuant to notice, presented a Bill for an Act to amend the *Departure Fee Act 1980* and moved –

THAT the Bill be agreed to in principle

Paper tabled: Mr Buffett tabled the Explanatory Memorandum to the Bill

Debate ensued

Debate adjourned (Mr Buffett) and the resumption of debate made an Order of the Day to a later hour of the sitting

10 HEALTHCARE (AMENDMENT NO 2) BILL 2011

Minister for Community Services, Mr Sheridan, pursuant to notice, presented a Bill for an Act to amend the *Healthcare Act 1980* and moved –

THAT the Bill be agreed to in principle

Paper tabled: Mr Sheridan tabled the Explanatory Memorandum to the Bill

Debate ensued

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

11 FISCAL CHARGES AND IMPOSITIONS BILL 2011

Chief Minister, Mr Buffett, presented a Bill for an Act to increase duties and charges under the *Land Administration Fees Act 1996* and the *Business Transactions (Levy Imposition) Act 2006* and related purposes and moved –

THAT the Bill be agreed to in principle

Paper tabled: Mr Buffett tabled the Explanatory Memorandum to the Bill

Debate ensued

Debate adjourned (Mr Buffett) and the resumption of debate made an Order of the Day to a later hour of the sitting

12 CUSTOMS (AMENDMENT NO. 2) BILL 2011

Chief Minister, Mr Buffett presented a Bill for an Act to amend the *Customs Act 1913* by amending the rates of some duties and moved –

THAT the Bill be agreed to in principle

Paper tabled: Mr Buffett tabled the Explanatory Memorandum to the Bill

Debate ensued

Debate adjourned (Mr Buffett) and the resumption of debate made an Order of the Day to a later hour of the sitting

Sitting suspended at 12.45pm until 2.00 pm

The House resumed at 2.03pm, Speaker Adams taking the Chair**13 MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 14**

The Speaker reported –

Message No. 14 from the Administrator advising that on 20 June 2011 he recommended to the Legislative Assembly the enactment of the Appropriation Bill 2011-2012 as amended by the detail stage amendments listed in the Schedule to the message

14 APPROPRIATION BILL 2010-2011

Resumption of debate (Chief Minister, Mr Buffett), on the question - THAT the Bill be agreed to in principle

Paper tabled: Mr Buffett tabled the Budget Strategic Priorities

Paper tabled: Mr Buffett tabled the amended Schedule to the Bill

Debate ensued

Debate adjourned (Mr Buffett) and the resumption of debate made an Order of the Day to a later hour of the sitting

15 OMBUDSMAN BILL 2011

Resumption of debate (Chief Minister, Mr Buffett) from 1 June 2011 on the question – That the Bill be agreed to in principle

Debate ensued

Debate adjourned (Mr Buffett) and the resumption of debate made an Order of the Day to a later hour of the sitting

16 ROAD TRAFFIC (AMENDMENT NO 3) BILL 2010

Resumption of debate (Minister for Community Services, Mr Sheridan) from 1 June 2011

Detail stage

Question put – THAT detail stage amendment No 1 be agreed - agreed to on the voices

Question put – THAT detail stage amendment No 2 be agreed

Debate ensued

Paper tabled: Mrs Griffiths tabled a Petition type document

Debate adjourned (Mr Sheridan) on the detail stage amendment and the resumption of debate made an Order of the Day for a subsequent day of sitting

17 SUSPENSION OF THE SITTING

Chief Minister, Mr Buffett moved -

THAT the House suspend until Monday the 27th June 2011 at 10 am

Debate ensued

Question put and agreed to on the voices

AND THEN the House at 4.04 pm suspended until Monday the 27th June 2011 at 10 am

18 RESUMPTION OF SITTING

The House resumed at 10.00 am on Monday, 27th June 2011, the Speaker taking the Chair

19 (APPROPRIATION BILL 2010-2011) – SUPPLY BILL 2011

Resumption of debate (Chief Minister, Mr Buffett), on the question - THAT the Bill be agreed to in principle

Debate ensued

Paper tabled: Mrs Griffiths tabled the SPC budget for the year 2005.

Paper tabled: Mr Anderson tabled an email – Meeting with Simon Crean in Canberra

Debate ensued

Mr Buffett moved detail stage amendment

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

Question put – THAT the clauses as amended be agreed - agreed to on the voices

Question put – THAT the remainder of the Bill be agreed - agreed to on the voices

Mr Buffett moved –

THAT the Bill as amended be agreed

Question put and agreed to on the voices

20 DEPARTURE FEE (AMENDMENT) BILL 2011

Resumption of debate (Chief Minister, Mr Buffett) on the question – That the Bill be agreed to in principle

Debate ensued

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

Leave granted to dispense with the detail stage

Mr Buffett moved –

THAT the Bill be agreed to

Debate ensued

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

21 FISCAL CHARGES AND IMPOSITIONS BILL 2011

Resumption of debate (Chief Minister, Mr Buffett) on the question – That the Bill be agreed to in principle

Debate ensued

Question put

The House voted -

Ayes 5

Mr Snell

Mr Sheridan

Mrs Griffiths

Mr Buffett

Mr Nobbs

Motion agreed

Detail stage

Mr Buffett, by leave, moved -

Noes

Mr King

Mr Anderson

Abstain

Ms Adams

Mrs Ward

**THAT the detail stage amendment dated 24 June 2011 be taken
as read and agreed to as a whole**

Question put - THAT the amendment be agreed - agreed to on the voices – Ms Adams abstaining

Question put – THAT the clauses as amended be agreed

The House voted -

Ayes 5

Mr Snell

Mr Sheridan

Mrs Griffiths

Mr Buffett

Mr Nobbs

Motion agreed

Question put – THAT the remainder of the Bill be agreed - agreed to on the voices – Mr King and Mr Anderson dissenting – Ms Adams and Mrs Ward abstaining

Noes

Mr King

Mr Anderson

Abstain

Ms Adams

Mrs Ward

Mr Buffett moved –

THAT the Bill as amended be agreed

Question put and agreed to on the voices– Mr King and Mr Anderson dissenting – Ms Adams and Mrs Ward abstaining

22 CUSTOMS (AMENDMENT NO. 2) BILL 2011

Resumption of debate (Chief Minister, Mr Buffett) on the question – That the Bill be agreed to in principle

Debate ensued

Question put and agreed to on the voices

Detail stage

Ms Adams moved –

THAT paragraphs (b) and (c) in the Schedule in the Bill be deleted

Debate ensued

Question – THAT the amendment be agreed to– put

The House voted –

Ayes 5

Ms Adams

Mrs Griffiths

Mr King

Noes 2

Mr Snell

Mr Sheridan

Mr Buffett

Mr Nobbs

Mrs Ward

Mr Anderson

Motion negatived

Mr Buffett moved –

THAT the Bill be agreed to

Debate ensued

Question put

The House voted –

Ayes 5

Mr Snell

Ms Adams

Mrs Griffiths

Mr King

Noes 2

Mr Sheridan

Mr Buffett

Mr Nobbs

Mrs Ward

Mr Anderson

Motion agreed to

23 OMBUDSMAN BILL 2011

Resumption of debate (Chief Minister, Mr Buffett) on the question – That the Bill be agreed to in principle

Debate ensued

Question put and agreed to on the voices

Mr Buffett moved –

THAT the amendment now circulated be taken as read and agreed to as a whole

Debate adjourned (Mr Buffett) on the detail stage amendment and the resumption of debate made an Order of the Day for a subsequent day of sitting

12 FIXING OF NEXT SITTING DAY

Mrs Ward moved –

THAT the House at its rising adjourn until Wednesday the 6th July 2011 at 10 am

Question put and agreed to on the voices

18 ADJOURNMENT

Mr Sheridan moved –

THAT the House do now adjourn

Debate ensued

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

AND THEN the House at 12.19 pm adjourned until Wednesday 6th July 2011 at 10.00 am

Gaye Evans

Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present except Mr King by leave on the 22nd June