

**NORFOLK ISLAND
THIRTEENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 7 SEPTEMBER 2011**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
THERTIINTH LEJESLIETEW 'SEMBLE
WENSDI 7 SEPTEMBER 2011**

1 The Legislative Assembly met at 10.02 am, the Speaker, Ms Robin Adams JP MLA, took the Chair and read Prayers

2 CONDOLENCE

Mr Snell recorded the passing of –

**Ellen Margaret Tanner
Albert Richard Mack**

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

3 QUESTIONS WITHOUT NOTICE (10.12 AM)

Time for questions without notice having expired, on motion of Mr King, time for questions without notice was extended by five minutes (10.17 am)

4 ANSWERS TO QUESTIONS ON NOTICE

Responses were provided to:

239 Mr King to the Chief Minister

Is the Chief Minister able to advise if there has been a notable variation in the aging of Administration debtors?

243 Ms Adams to the Chief Minister

Will the Chief Minister please –

- 1) In acknowledgement –
 - a. that an advertisement was published recently for the position of Director (EL2) Norfolk Island Section Dept. Regional Australia, Regional Development and Local Government; and
 - b. that one of the duties to be performed by the successful applicant for this position is providing policy advice and managing the secretariat role for the Kingston and Arthur's Vale Historic Area (KAVHA) which is a World Heritage listed area, make inquiries and report on whether the role in the ad in respect of KAVHA has changed in any way from that which applied to the previous incumbent of this position?
- 2) In acknowledgement that the March 2011 Road Map proposes in 2011-12 to "implement an appropriate structure for the operation of the Kingston and Arthur's Vale Historic Area", confirm that the Norfolk Island Government is satisfied that the current management and partnership arrangements within KAVHA are appropriate?
- 3) Advise steps that have been, or are being taken, by the Norfolk Island Government to ensure that the partnership and management roles played by Norfolk Island and the Board of Management under the Intergovernment Agreement known as the KAVHA MOU are strengthened, and not eroded, under the proposed structural reforms to be implemented under the Road Map?
- 4) Provide a comprehensive update on future management arrangements for KAVHA that may be under consideration by the KAVHA Board at its next meeting.
- 5) Give an assurance that ALL private landowners who own nearly 20% of the land within the defined KAVHA boundary, have participated in the discussions and decisions to date related to future management of the asset called KAVHA, and if not, why not.
- 6) Advise how and where ownership of KAVHA is defined and documented for the purpose of –
 - a. the World Heritage Listing,
 - b. the March 2011 Road Map; and
 - c. all current and future management arrangements in KAVHA.

- 7) Table the above questions and his responses in the House at the next KAVHA Board Meeting for the Boards information, and comment to the Assembly if they wish to do so.

244 Mrs Griffiths to the Minister for Community Services

At the public meeting held on Wednesday 10th August 2011 regarding the fencing off of the Ball Bay area, the Minister advised that nothing would be done until the Ball Bay Plans of Management had been reviewed. At the same meeting, many attendees requested that rather than only written submissions being accepted, alternate means of making contribution to the review be established.

Can the Minister now advise -

- a. the time-line for the review; and
- b. what alternate methods have been devised for the cattle owners to make submissions and contributions on management of the reserve ?

245 Mrs Ward to ask the Minister for Community Services

Is it a fact that the development of an air curtain incinerator to dispose of waste at the waste management centre has been stopped due to an independent assessment of public submissions made within the development application process? What was the primary reason behind the recommendation to halt the project and what options remain available to the Minister in relation to the burning and disposal of waste?

246 Mrs Ward to ask the Chief Minister

Now that the Norfolk Island Government has amended immigration guidelines to allow self-funded retirees and business investors to come and live on Norfolk Island, what steps, if any, have been taken to promote Norfolk Island on the mainland to prospective new residents?

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

What was the budgeted average Norfolk Air fare per sector and what was the actual average fare per sector for the month of July with the 50% sale?

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

If the past Tourism general manager was unsuccessful in gaining access to Tourism Australia promotional arrangements for Norfolk Island would the Minister describe the barriers to Norfolk Island participating in Tourism Australia programs?

249 Mr King to ask the Speaker:

Can the Speaker advise the House how and on whose authority the document entitled 'An Alternative Roadmap' was accorded the status of incorporation into the Hansard of the Assembly without the document having been read into Hansard or authorised by the House to be incorporated into Hansard?

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

At the last meeting of the House the Minister undertook to identify the reports published by the Tourist Bureau to meet the key objective of the 2006 Tourism Strategy to monitor and report on visitor expenditure patterns and occupancy levels? Can the Minister now do so?

Paper tabled: Mr Nobbs: Inbound Passenger Statistics July 2011

251 Mr King to ask the Chief Minister

Can the Chief Minister give the community an assurance that firearms are not worn by the local police force in the course of their normal day-to-day activities?

252 Mr King to ask the Minister for Community Services

At the August meeting of this House the Minister advised that regular monitoring and recording was carried out in relation to water contamination. Can he now give the assurance that was sought at that time, that he is confident that the overall level of monitoring is satisfactory and that findings are being properly recorded and analysed?

Why has the Minister not been able to supply to members a short paper detailing monitoring by site, by regularity and by results over some representative period, as he undertook to do?

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

What progress has been made in developing a plan for the monitoring of e coli contaminants in island aquifers?

NOTICE OF MOTION

Mr King gave notice that at the next sitting of the House he would move –

**THAT the answers to Questions on Notice Number 252 and Number 258
by Mr Sheridan relating to water contamination be noted**

252 King to ask the Minister for Community Services

At the August meeting of this House the Minister advised that regular monitoring and recording was carried out in relation to water contamination. Can he now give the assurance that was sought at that time, that he is confident that the overall level of monitoring is satisfactory and that findings are being properly recorded and analysed?

Why has the Minister not been able to supply to members a short paper detailing monitoring by site, by regularity and by results over some representative period, as he undertook to do?

253 King to ask the Minister for Tourism, Industry & Development

At the last meeting of the House the Minister indicated that the community was properly informed through media releases and parliamentary discussion, of the reasons why his government under the 12 Assembly chose to spend millions of dollars of taxpayers' money on upgrading airport fire fighting equipment instead of opting for a modest less expensive category 5 service. Will the Minister now direct the House to the media release and the discussion where this disclosure took place?

Paper tabled: Mr Nobbs: Media Releases**254 Mr King to ask the Minister for Tourism, Industry & Development**

Can the Minister advise what, if any, professional advice has been sought in recent time in relation to the earth works comprising the runway end safety area works presently under way, and table such advice in an effort to allay community concerns?

255 Mr King to ask the Minister for Tourism, Industry & Development

What are the costs to date, including internal costs, of the current RESA works and what is the expected completion cost?

256 Mr King to ask the Chief Minister

Given the current practice of calculating import duty on the Commonwealth GST component of an imported item, can the Chief Minister confirm that it is a considered government policy that double taxation occur or will the Chief Minister take appropriate steps to that where clearly identifiable as Commonwealth GST, that component is ignored in the calculation of import duty?

257 King to ask the Minister for Tourism, Industry & Development

- a. How and to what extent was the Minister involved in the approval of a final payment of \$20,000 to the retiring General manager of the Tourist Bureau?
- b. Can the Minister confirm that all or a majority of members of the Tourist Bureau board were involved in the consideration and authorisation of the payment?
- c. Can the Minister advise who authorised the payment if in fact it was not authorised by a majority of the Bureau's board, and where the legal authority for authorising payment can be found?

Can the Minister advise if the payment was a discretionary payment requiring the consideration of Key Performance Indicators and whether he was personally involved in the assessment of KPI's.

259 Mr King to ask the Minister for Tourism, Industry & Development

At the last sitting the Minister advised that on 24th of May 2006 the regulatory authority CASA advised that a category 6 RFFS service for Norfolk Island was required from 1st of January 2005. Why has the Minister not supplied this advising to members as he undertook at the sitting?

Paper tabled: Mr Nobbs: 04/05 Budget Adjustment: Airport Fire Service

Mr King moved –

**THAT the paper tabled by Mr Nobbs be noted and that debated be adjourned to
a later hour in this sitting**

Question put and agreed to on the voices

Deputy Speaker Snell took the chair – 11.20 AM

Speaker Adams resumed the chair – 11.35 AM

5 PRESENTATION OF PAPERS

The following papers were presented:

- 1) Chief Minister, Mr Buffett – **Sentencing Regulations 2011**
- 2) Chief Minister, Mr Buffett – **Public Service Board Report 2010-2011**
- 3) Chief Minister, Mr Buffett – **Virement of Funds 6 Jul – 3 August 2011**
- 4) Chief Minister, Mr Buffett – **Financial Indicators - July 2011**
- 5) Minister for Community Services, Mr Sheridan - **Traffic (Amendment No 2) Regulations 2011**

6 STATEMENTS

The following statements were made –

1. Chief Minister, Mr Buffett – **Suspension of two Public Service officers**
2. Chief Minister, Mr Buffett – **Circulation of email**
3. Minister for Community Services, Mr Sheridan – **BVDV Eradication Program: Final Report**
Paper tabled: Minister for Community Services, Mr Sheridan – **BVDV Eradication Program: Final Report**
4. Chief Minister, Mr Buffett – **Extension of thanks to volunteer gravediggers and those who assist with funerary arrangements**

7 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

The Speaker reported –

Message No. 17 from the Administrator under section 21 of the *Norfolk Island Act 1979* advising that on 16 August 2011 he declared his assent to the Employment (Amendment) Act 2011 (Act No 9 of 2011) and the Norfolk Island Government Tourist Bureau (Amendment) Act 2011 (Act No 10 of 2011)

Message No. 18 from the Administrator under section 21 of the *Norfolk Island Act 1979* advising that on 16 August 2011 he referred for instructions of the Commonwealth Minister Social Services (Amendment) Bill 2011

Message No. 19 from the Administrator advising that on 1 September 2011, pursuant to subsection 22(1) of the *Norfolk Island Act 1979*, Her Excellency the Governor-General declared in respect of the *Healthcare (Amendment) Bill 2010*, a proposed law passed by the Legislative Assembly, her assent to part of, namely clauses 1, 2, 3, and 4, and that assent was withheld with respect to the remainder of the Bill

Sitting suspended at 12.30 PM until 2.00 PM

The House resumed at 2.04 PM, Speaker Adams taking the Chair

8 NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ACT 1980 - REVOCATION AND APPOINTMENT OF MEMBERS

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

THAT this House resolve for the purposes of section 4 of the *Norfolk Island Government Tourist Bureau Act 1980* that the Minister revoke current appointments under the Act; and appoint —

David Bell;
Duncan Harvey Evans; and
Morgan Borry Evans;

as members of the Norfolk Island Government Tourist Bureau for 18 months; and appoint —

Michael Perkins;
Glen Albert Buffett; and
Alexis Louise Tavener

as members of the Norfolk Island Government Tourist Bureau for two years.

Debate ensued

Question put and agreed to on the voices

9 HEALTHCARE LEVY ACT 1990 – INCREASE TO LEVY

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

THAT this House, in accordance with subsection 6(3) of the *Healthcare Levy Act 1990*, on the recommendation of the Minister for Community Services, resolve that the healthcare levy payable under paragraph 6(1)(a) of that Act be increased to \$162.50 with effect from 1 December 2011.

Debate ensued

Deputy Speaker Snell took the chair – 2.24 PM

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

Speaker Adams resumed the chair – 2.28 PM

10 DIRECTION TABLED RELATING TO NORFOLK ISLAND GOVERNMENT TOURIST BUREAU

Mr King pursuant to notice, moved -

THAT this House take note of the instrument tabled by Minister Nobbs at the August 2011 sitting purporting to be a direction issued under section 15 of the Norfolk Island Government Tourist Bureau Act 1980.

Deputy Speaker Snell took the chair – 2.46 PM

Speaker Adams resumed the chair – 2.49 PM

Debate ensued

Mrs Ward moved –

THAT Mr King table the document from which he quoted

Paper tabled: Mr King: “Advice on Norfolk Island Government Tourist Bureau Act 1980”

Question put and agreed to on the voices

12 PAPER TABLED TITLED “AN ALTERNATIVE ROADMAP”

Mr Snell pursuant to notice, moved -

THAT this House take note of the paper titled “An Alternative Roadmap” tabled at the August 2011 sitting

Debate ensued

Acting Deputy Speaker Sheridan took the chair – 3.18 PM

Question put and agreed to on the voices

Speaker Adams resumed the chair – 3.40 PM

13 EMPLOYMENT (AMENDMENT NO 2) BILL 2011

Minister for Community Services, Mr Sheridan, pursuant to notice, presented a Bill for an Act to amend the *Employment Act 1988* 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

14 ELECTRICITY SUPPLY (AMENDMENT) BILL 2011

Minister for Tourism, Industry & Development, Mr Nobbs, , pursuant to notice, presented a Bill for an Act to amend the *Electricity Supply Act 1985* and moved –

THAT the Bill be agreed to in principle

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

Debate ensued

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

15 HEALTHCARE (AMENDMENT NO. 3) BILL 2011

Minister for Community Services, Mr Sheridan, pursuant to notice, presented a Bill for an Act to amend the *Healthcare Act 1989* 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

16 CUSTOMS (AMENDMENT NO. 3) BILL 2011

Resumption of debate (Chief Minister, Mr Buffett) from 3 August 2011 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

Debate ensued

Question put and agreed to on the voices

SUSPENSION OF SITTING

Mr Buffett to move –

**THAT this House suspend until Wednesday 14 September 2011 at 10 am
or alternatively at the speaker's bidding**

Debate ensued

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

**AND THEN the House at 4.38pm suspended until Wednesday 14 September 2011 at 10 am
or alternatively at the speaker's bidding**

Gaye Evans

Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present