

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

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

1 The Legislative Assembly met at 10.04 am, the Speaker, Ms Robin Adams JP MLA, took the Chair and read Prayers

2 **CONGRATULATIONS**

The Speaker extended birthday wishes to Minister Sheridan from Members and Staff

3 **WELCOME**

Professor Richard Herr who is visiting the island via his accompanying Dr William Shija, Secretary General of the Commonwealth Parliamentary Association to Samoa for the parliamentary induction of Samoa's small National Parliament.

4 **CONDOLENCE**

Mr Snell recorded the passing of –

**Shelley Joy Hall
Maisie Joy Nobbs
Michella Jane Reynolds**

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

5 **QUESTIONS WITHOUT NOTICE (10.16 AM)**

House suspended at 10.21 AM due to equipment failure

House resumed at 10.55 AM, Speaker Adams taking the Chair

Cont. Questions without notice ((11.50 AM)

Mrs Griffiths moved –

THAT the paper held and referred to by Mr King be tabled in the House

Question put and agreed to on the voices

Paper tabled: Mr King: Extract from House of Representatives Hansard dated Thursday 24 November 2011 page 1

6 **ANSWERS TO QUESTIONS ON NOTICE**

Responses were provided to:

275 **Mrs Ward to ask the Chief Minister**

Will the Chief Minister explain in detail how the Administration's procurement procedures will satisfy the Commonwealth Finance Minister's Orders principles of:

- a) value for money;
- b) open and effective competition;
- c) fairness and equity in dealing; and, whether tenders will be called on all existing contracts and agreements on a regular basis?

300 **Mr King to ask the Chief Minister**

What assessments were made before deciding to discontinue bulk fuel sales and what were the determinant factors?

- 301 Mr Anderson to ask the Minister for Tourism, Industry and Development**
As Carnival Cruises have indicated they would be prepared to consider reinstating Norfolk Island to their cruise program if infrastructure improvements are made to enhance the certainty of disembarkation of their passengers, can the Minister outline the suggested upgrades that Carnival Cruises have requested and what action he has taken to address their requirements?
- 302 Mr Anderson to ask the Chief Minister**
Does the Government have a program to ensure that all accommodation providers that supply their own cars for visitor use as part of their package, have those vehicles properly registered and insured as rental cars? If there is no such compliance program will the Government initiate a review and when will it commence?
- 303 Mr Anderson to ask Minister for Community Services**
Could the Minister please update the House on the progress of the "4 day week" for green waste deliveries to the Waste Management Centre and advise whether the remaining three days are proving sufficient to control the build up of green product? Is there any consideration being given to disposal of green waste elsewhere, without it having to be chipped?
- 304 Mrs Griffiths to ask the Minister for Tourism, Industry and Development**
At the last meeting you referred to a Marine Bill. What areas within this Bill are the subjects of policy consideration? What are the policy objectives of this Bill? Was a policy paper developed prior to developing this Bill and if so, will the Minister table it?

Paper tabled: Mr Nobbs: NI Fishery Management Policy 2009

- 306 Mr King to ask the Chief Minister**
Can the Chief Minister explain why members of his government are prone to dismiss questions which are "operational" in nature and can he assure the community that his ministers fully understand that executive responsibility extends to all areas of public sector activity whether operational or not?
- 307 Mr King to ask the Minister for Community Services**
At the last meeting Minister Nobbs said in response to a question about the promotion and support of primary industry investment, that the "relevant minister has commenced the process already to amend the Norfolk island Plan to assist our primary producers". Can the Minister explain in clear terms what exactly it is that he has commenced; what his policy is and what are his objectives?
- 308 Mr King to ask the Chief Minister**
Can the Chief Minister advise, in the absence of whistle-blower legislation in Norfolk island if he is satisfied that any existing ad hoc arrangements are adequate in terms of ensuring proper investigation and of providing appropriate levels of protection for whistle blowers or, for that matter, informants who wish to remain anonymous?
- 309 Mr King to ask the Chief Minister**
What is the government's drug and alcohol strategy and is it being adequately managed in terms of police activity, health services and government policy development?
- 310 Mrs. Ward to ask the Minister for Tourism, Industry and Development:**
What barriers remain in place to prohibit Norfolk Island joining Tourism Australia and what action is being taken to remove such barriers?
- 311 Mrs Ward to ask the Minister for Community Services**
As a measure of quantifying financial stress within the community, would the Minister provide the following information in relation to the Norfolk Island Healthcare Scheme:
a) How many individuals owe levies that have been outstanding for 90 days or more and what is the average amount outstanding;
b) Is the total amount outstanding trending upwards or downwards in the last six months and if so what is the percentage movement each month;
c) What is the total debt owing to the Healthcare fund for each of the six months;
d) How many people have been referred for legal action to recover outstanding debt in the last 2 years and what was the average amount they owed?

Paper tabled: Mr Sheridan – Response to Question on Notice No. 311 – Debts Healthcare System

- 312 Mrs. Ward to ask the Minister for Community Services –**
Would the Minister provide the following information in relation to the Norfolk Island Hospital Enterprise:
a) How many individuals owe debt that has been outstanding for 90 days or more and how has that figure varied over the past 12 months;
b) How many of those individuals are visitors;
c) What amount is owed on medical procedures;
d) What amount is owed on pharmaceuticals?

- 313 Mrs. Ward to ask the Minister for Community Services –**
Would the Minister provide the following in relation to Norfolk Island Hospital Enterprise debt collection procedures:
- What is the process for debt collection;
 - In 2010/11 how much money was spent on legal services to recoup bad debt;
 - How many default summons were issued in each of the past 3 years;
 - What amount was collected as a result of court action in 2010/11;
 - What amount has been written off as bad debt in each of the past 5 years;
 - What constitutes a payment agreement?

- 314 Mrs. Ward to ask the Minister for Community Services –**
Would the Minister outline the Norfolk Island Government's long term strategy for catering to an aging population, including, but not limited to, the provision of aged care facilities at the Hospital?

- 315 Mrs. Ward to ask the Minister for Community Services –**
Does the Government recognize that the principle of the Norfolk Island Hospital Enterprise to provide health services at true economic cost is not being adhered to and is practically impossible? Does the new partnership arrangement with the Federal Government include ways to address our financially unsustainable method of health service delivery?

7 PRESENTATION OF PAPERS

The following papers were presented:

- Minister for Tourism, Industry & Development, Mr Nobbs – **Papers on Bookmakers and Betting Exchange Act 1998**
- Minister for Community Services, Mr Sheridan – **Traffic (Amendment No. 4) Regulations 2011**
- Minister for Community Services, Mr Sheridan – **Traffic (Amendment No. 5) Regulations 2011**
- Speaker Adams – **Letter from Administrator dated 25 November 2011 conveying Hon Simon Crean MP's response to motion passed at October sitting**

8 STATEMENTS OF AN OFFICIAL NATURE

The following statements were made –

- Chief Minister, Mr Buffett – Update on the Road Map

Paper tabled: Mr Buffett – **Norfolk Island Census 2011**

Paper tabled: Mr Buffett – **Update of the Financial Capacity of Norfolk Island 2011**

- Minister for Community Services, Mr Sheridan, requested road users in the community to drive safely and exercise caution during the Festive Season
- Minister for Community Services, Mr Sheridan, advised community of the present Fire Danger period
- Chief Minister, Mr Buffett – Extended to Bruce Baskerville, KAVHA Site Manager, thanks and good wishes at the close of his term of contract
- Minister for Community Services, Mr Sheridan, advised community of the drug and alcohol services which are currently available

9 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR – NO 25

The Speaker reported –

Message No. 25 from the Administrator under section 21 of the *Norfolk Island Act 1979* advising that on 22 November 2011 he declared his assent to the Married Persons (Equality of Status) Act 2011 (Act No 17 of 2011)

10 CUSTOMS ACT 1913 - EXEMPTION FROM PAYMENT OF CUSTOMS DUTY

Chief Minister, Mr Buffett 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

Safety Equipment
- amount of duty applicable \$257.40

Norfolk Island Fishing Club
Conditions: Nil

Defibrillators
- amount of duty applicable \$467.04

St John Ambulance Norfolk Island
Conditions: Nil

Two Extreme MotoX motorcycles
- amount of duty applicable \$1,930.20
exported at conclusion of event

Norfolk Island Junior Rugby League
Conditions: Motorcycles to be

Debate ensued
Question put and agreed to on the voices

11 Paper tabled: Mr Buffett – Customs Act 1913 – Approved exemptions

12 MOTION TO RESCIND ITEM 10 AND ITEM 13
Mr King pursuant to notice moved -

THAT the vote of the House on the motion recorded as item 10 in the Minutes of Proceedings of this House dated 5 October 2011 be rescinded

Mr King sought leave for the motions at Notice 2 and Notice 3 be debated together on the understanding that each motion will be voted on separately when debate is concluded.

Leave of the House granted
Mr King pursuant to notice moved -

THAT the vote of the House on the motion recorded as item 13 in the Minutes of Proceedings of this House dated 5 October 2011 be rescinded

Acting Deputy Speaker Sheridan took the chair

Debate ensued on both motions

Question - the rescission of item 10 - put

The House voted –

Ayes 2
Mr King
Mr Anderson

Noes 7
Ms Adams
Mr Snell
Mr Sheridan
Mrs Griffiths
Mr Buffett
Mr Nobbs
Mrs Ward

Motion negatived

Question - the rescission of item 13 – put and agreed to on the voices

Speaker Adams resumed the chair – 11.50 AM

13 PUBLIC SECTOR MANAGEMENT ACT 2000 - APPOINTMENT OF MEMBER OF THE PUBLIC SERVICE BOARD

Chief Minister, Mr Buffett, sought leave to move motion standing in his name on the Programme

Leave granted

Mr Buffett moved –

THAT for the purposes of sections 4 and 4A(1)(a) of the *Provident Account Act 1958*, the Legislative Assembly recommend that the Minister with responsibility for the *Provident Account Act 1958*, revoke any previous appointment of the Official Trustee, and appoint —

Kim Narelle Edward

being a public service employee, to be the Official Trustee of the Provident Account.

Debate ensued

Question put and agreed to on the voices

14 IMMIGRATION (AMENDMENT) BILL 2011

Chief Minister, Mr Buffett, pursuant to notice, presented a Bill for an Act to amend the Immigration 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 for a subsequent day of sitting

15 OFFICIAL SURVEY (AMENDMENT) BILL 2011

Resumption of debate (Minister for Minister for Community Services, Mr Sheridan) from 9 November 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 Sheridan moved –

THAT the Bill be agreed to

Debate ensued

Question put and agreed to on the voices

16 EMPLOYMENT (AMENDMENT NO 2) BILL 2011

Resumption of debate (Minister for Community Services, Mr Sheridan) from 9 November 2011 on the question – That the detail stage amendments be agreed to

Mr Sheridan sought leave to withdraw the amendments currently before the House and replace them with detail stage amendments dated 2 December 2011

Leave of the House granted - detail stage amendments withdrawn

Mr Sheridan moved -

That for Item 2 there be substituted—

“2. Section 108 – Regulations repealed and amended

(1) Repeal paragraph (2)(e).

(2) Insert—

- (3) Regulations for the purpose of section 14 may provide—**
- (a) that the minimum rate be determined as an amount payable as an hourly rate or in respect of a working week, or both.**
- (b) that the minimum rate remain unchanged or be increased (but not reduced) annually in accordance with—**
- (i) the determination of an independent authority; or**
- (ii) a prescribed methodology having reference to matters other than only the RPI.**
- (c) that if a determination of the minimum rate is to be effected by an independent authority, the authority must conduct an annual review and determination having regard to—**
- (i) variations in the RPI;**
- (ii) a prescribed methodology; and**
- (iii) submissions from interested parties; and**
- (iv) the prevailing social and economic circumstances of Norfolk Island; and**
- (v) such other relevant matters as may be prescribed.’”.**

Debate ensued

Mr Anderson moved –

That “and” be inserted after the word “RPI” in 108(2)(3ci)

Question – That the clauses as amended be agreed to – put and agreed on the voices

Question – That the remainder of the Bill be agreed to – put and agreed on the voices

Mr Sheridan moved –

That the Bill as amended be agreed to

Question put and agreed to on the voices

17 FIXING OF NEXT SITTING DAY

Mrs Ward moved -

THAT the House at its rising adjourn until Wednesday 1st February 2012 at 10 am

Debate ensued

Question put and agreed to on the voices

18 ADJOURNMENT

Mr Snell moved –

THAT the House do now adjourn

Question put and agreed to on the voices

AND THEN the House at 4.08 pm adjourned until Wednesday 1st February 2012 at 10.00 am

Gaye Evans

Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present