

**NORFOLK ISLAND
THIRTEENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 9 MAY 2012**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
THERTIINTH LEJESLIETEW 'SEMBLE
WENSDI 9 MIEH 2012**

1 The Legislative Assembly met at 10.06 am, the Deputy Speaker, Mr Lisle Snell MLA, took the Chair and read Prayers

2 **LEAVE OF ABSENCE – MS ROBIN ADAMS JP MLA AND MRS RHONDA GRIFFITH MLA**
Leave of absence was unanimously extended to Ms Adams and Mrs Griffith

3 **WELCOME TO PUBLIC GALLERY – MR IAN SILK**
Mr Ian Silk, a personal guest at Government House, Chief Executive of Australian Super, Director of ASFA and Chair of ASFA's Policy Committee; a member of the Financial Services Advisory Council to the Federal Treasurer; a Member of the Federal Government's Financial Literacy Advisory Board; a director of Yooralla and a friend of the Administrator to whom he was adviser when His Honour was a Cabinet Minister, was welcomed to the public gallery

4 **CONDOLENCE**
Mr Sheridan recorded the passing of –

**Leslie Quick Brown
Phyllis Trickey
Kenneth Ricky Quintal**

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

5 **QUESTIONS WITHOUT NOTICE (10.18 AM)**
Mr King moved –

THAT time for Questions without Notice be extended by 10 minutes (10.28 am)

Question put and agreed to on the voices

6 **ANSWERS TO QUESTIONS ON NOTICE**
Responses were provided to:

379 **Mr King asked the Chief Minister**

At the last meeting the Chief Minister said that the onward travel requirements for entry permit holders other than Australians or New Zealanders was an area of contention and was being further examined. Isn't it a fact that published policy only requires such a person to guarantee means of travel to a place where entry will be allowed and not necessarily means of travel to their country of citizenship? Where and how does the stated contention arise?

380 **Mr King asked the Minister for Tourism, Industry & Development**

In light of the limited responses to questions at the last sitting will the Minister table in the House:

1. The most recent documents from the regulatory authority purporting to grant approval and extensions of time for the airport runway 29 RESA project which remains incomplete, unattended and stalled, and
2. A short report detailing the original cost estimates, including the expected cost of 'in-house' resources, budget allocations and related expenditures over the term of the project?

381 **Mr King asked the Minister for Tourism, Industry & Development**

1. Why has the Minister been unable to provide to Members, as he undertook at the last meeting, an indicative profit and loss statement for the radio station covering a period of 2 years and will he be doing so at this sitting?

2. If the Minister is unable to extract such data can he provide 2 years data of known costs versus known revenue?

385 Mr King asked the Minister for Tourism, Industry & Development

Can the Minister advise the House and the community whether he will be conducting talk-back community consultation on the radio station in relation to his marine safety legislation, and if not, why not?

386 Mr King asked the Minister for Tourism, Industry & Development

At the last meeting the Minister referred to legal work being undertaken in relation to his alternative energy initiative.

1. Can the Minister confirm that the initiative he is referring to is the much acclaimed alternative low-friction power generation plant which the Minister and Chief Minister have claimed as a notable government achievement?
2. Can he explain to the House the nature of and reason for the legal documentation to which he has referred?
3. Can he advise the House of the total cost to the public purse of government and/or Administration involvement in what is essentially a private sector initiative, including the estimated costs of 'in-house' legal work and other time costs?

387 Mr King asked the Chief Minister

What time line has been established for identifying options for alternative legislative drafting services?

388 Mrs Ward asked the Minister for Tourism, Industry & Development

Has the Minister used his power under Section 18 of the Gaming Act 1998 to direct the Authority on any matter in the past six months?

389 Mrs Ward asked the Minister for Tourism, Industry & Development

1. Would the Minister agree that significant matters being considered by the Gaming Authority that impact the approved and appropriated Government budget fall within his Ministerial responsibility?
2. Is it normal practice for the Gaming Authority to make decisions and take action which has the power to adversely affect an already appropriated Government budget, without communication with the relevant Minister?
3. Would the Minister provide to Members, an accurate set of minutes from the Gaming Authority meeting where a resolution was moved to reduce the duty rate on gaming?

390 Mrs Ward asked the Minister for Tourism, Industry & Development

Would the Minister provide to Members, the Gaming Authority's budget bid, as presented, for the financial years 2012/13 to 2015/16?

391 Mrs Ward asked the Minister for Tourism, Industry & Development

1. Under Section 14 of the Bookmaker and Betting Exchange Act 1998, the Authority must promptly provide the relevant Minister with a copy of each licence, or variation of a licence and the Minister must table a copy in the House; why was there a 15 month delay in either process up to 7 December 2011?
2. Under Section 48 of the Bookmakers and Betting Exchange Act 1998, the Authority must provide six monthly reports to the Minister and he in turn must table those reports; why has that not occurred?

392 Mrs Ward asked the Minister for Tourism, Industry & Development

How many interactive home gaming, lottery and bookmaker licences have been granted by the Norfolk Island Gaming Authority; and, how many in each category are active and generating revenue for the island?

393 Mrs Ward asked the Minister for Tourism, Industry & Development

Would the Minister explain why the Worley Parson report has not been tabled and why the design concept within the report will not be used to progress an improved sea-landing facility, in conjunction with the Commonwealth?

394 Mrs Ward asked the Minister for Tourism, Industry & Development

Is the delay in availability or tabling of the Worley Parson port design report, due to fees not having been paid by this government?

395 Mr Anderson asked the Minister for Tourism, Industry & Development

At the last sitting the Minister agreed to provide details of the Norfolk Air liabilities which remain outstanding. In particular he was asked whether the lease of the premises in Burnt Pine continues to be paid or has it been terminated by negotiation. Can the Minister now provide details of what remains to be wound up or finalised and the estimated cost for any remaining issues. If the lease of the premises has been terminated how much was paid to the Lessor for the release of the Administration from the lease obligations?

396 Mr Anderson asked the Chief Minister

Can the Chief Minister update the House of the availability of the audited financial statements of the Administration for the 10/11 financial year? When will they be tabled and what issues do the auditors have that have caused such a lengthy delay?

397 Mr Anderson asked the Chief Minister

Can the Chief Minister advise whether the "user pays" charges for the provision of Police services, as a cost recovery exercise and in the spirit of Norfolk Island raising its own revenues, have progressed

any further from when the Chief Minister previously advised they were being considered along with other measures.

398 Mr Anderson asked the Chief Minister

How many warnings and how many infringement notices have been issued by the Police for failure to wear seat belts?

399 Mr Anderson asked the Minister for Tourism, Industry & Development

Some time back the Administration sought expressions of interest to more commercially use the available space at the airport. Were any proposals received and what has happened since that time to encourage commercial private sector activities at the airport?

400 Mr Anderson asked the Minister for Tourism, Industry & Development

Does each operator that supplies alcohol of any kind at commercial fish fries and progressive dinners hold individual liquor licences? Does any tour operator hold a liquor license for such sales? What checks are undertaken in these circumstances to ensure compliance and how often are the checks carried out?

7 PRESENTATION OF PAPERS

The following papers were presented:

- 1) Minister for Tourism, Industry & Development, Mr Nobbs – **Norfolk Energy – Fuel Shortage**
- 2) Minister for Tourism, Industry & Development, Mr Nobbs – **Report on RESA 29 – As at 3rd October 2011**
- 3) Minister for Tourism, Industry & Development, Mr Nobbs – **Radio Station – Known Costs versus Known Revenue**
- 4) Minister for Tourism, Industry & Development, Mr Nobbs – **NI Gaming Authority – Gaming Licence Fees and Charges**
- 5) Minister for Tourism, Industry & Development, Mr Nobbs – **NI Gaming Authority – Minutes of formal sitting held 4 November 2011**
- 6) Deputy Speaker, Mr Snell – **Legislative Assembly (Register of Members' Interests) Act 2004 – Report**
- 7) Minister for Community Services, Mr Sheridan – **Healthcare (Amendment) Regulations 2012**

Mr King moved –

THAT the Paper be noted

Debate ensued

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

- 8) Minister for Community Services, Mr Sheridan – **Healthcare Levy Regulations 2012**
- 9) Chief Minister, Mr Buffett – **Pro-forma performance based conditions of appointment of the Chief Executive Officer**
- 10) Chief Minister, Mr Buffett – **Immigration (Amendment) Bill 2011 – detail stage amendment**
- 11) Chief Minister, Mr Buffett – **Immigration (Amendment) Bill 2011 – detail stage amendment explanatory memorandum**

8 STATEMENTS OF AN OFFICIAL NATURE

Chief Minister, Mr Buffett gave an update on the progression of the Roadmap

Mrs Ward moved –

THAT the Statement be noted

Debate ensued

Question put and agreed to on the voices

Suspension of Sitting at 12 pm

Resumption of sitting at 1.45 pm

NOTICES

9 STRATA TITLE ON NORFOLK ISLAND

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

THAT this House –

1. agree to the recommendations contained in the White Paper dated 26 March 2012 entitled “Strata title on Norfolk Island” prepared by Ms Cathy Sherry and Professor Peter Butt; and
2. resolve that the responsible Minister prepare a draft Bill to enable Strata title on Norfolk Island.

Debate ensued

Mr Sheridan moved –

THAT debate be adjourned and the resumption of debate be made an Order of the Day for a subsequent day of sitting

Question put and agreed to unanimously

10 PUBLIC SECTOR MANAGEMENT ACT 2000 – CONDITIONS OF APPOINTMENT OF CHIEF EXECUTIVE OFFICER

Chief Minister, Mr Buffett, pursuant to notice, **tabled the pro-forma performance based conditions of appointment of the Chief Executive Officer**, and moved —

THAT, for the purpose of section 40 of the *Public Sector Management Act 2000*, this Legislative Assembly recommend that the Chief Minister execute a written agreement in the form tabled before the Legislative Assembly at this meeting, as the conditions of appointment of the person recommended by the Legislative Assembly at the meeting of 11 April 2012 to be appointed Chief Executive Officer of the Public Service.

Debate ensued

Question put and agreed to unanimously

ORDERS OF THE DAY

11 NI DEVELOPMENT REPORT – FINAL REPORT ON THE ACIL TASMAN – DR JAMES FOGARTY

Resumption of debate from 11 April 2012 (Chief Minister, Mr Buffett) on the question – That the Paper be noted

Debate ensued

Question put and agreed to on the voices

Suspension of Sitting at 3.10 pm

Resumption of sitting at 5.43 pm

12 IMMIGRATION (AMENDMENT) BILL 2012

Resumption of debate from 11 April 2012 (Chief Minister, Mr Buffett) on the question – That the Bill be agreed to in principle

Debate ensued

Question – THAT the Bill be agreed to in principle – put and agreed to on the voices

Mr Buffett moved –

1. **That the Bill be re-named by changing the year from “2011” to “2012” in the heading and clause 1.**
2. **That Item 1 of the Schedule to the Bill be deleted.**
3. **That Item 2 of the Schedule be renumbered as “Item 1” and amended as follows—**
 - (a) **for the expressions “45 days” wherever appearing in proposed section 15, substitute “120 days”;**
 - (b) **delete proposed subclause 15(5);**
 - (c) **re-number subclause 15(6) as 15(5);**
 - (d) **re-number subclause 15(7) as 15(6); and**

(e) in re-numbered subclause 15(6) for the expression “Subsection (6)”, substitute “Subsection (5)”; and

THAT the detail stage amendments dated 7 May 2012 be taken as read and agreed to as a whole

Debate ensued

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

Question – That the heading, clause 1 and schedule 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 Buffett moved –

That the Bill as amended be agreed to

Question put and agreed to on the voices

13 SENTENCING (AMENDMENT) BILL 2012

Resumption of debate from 11 April 2012 (Chief Minister, Mr Buffett) 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

14 FIXING OF NEXT SITTING DAY

Mr Buffett moved -

THAT this House resolves to next meet –

- 1) at 10.00 am on Wednesday 6 June 2012 at a Ceremonial Sitting to mark Her Majesty The Queen’s Diamond Jubilee; and the proceedings of the day be as ordered by the Speaker to observe the dignity of the occasion; and**
- 2) at 11 am on 6 June 2012 for the purpose of conducting its usual business**

Debate ensued

Question put and agreed to on the voices

15 ADJOURNMENT

Mr Anderson moved –

THAT the House do now adjourn

Debate ensued

Question put and agreed to on the voices

AND THEN the House at 6.04 pm adjourned until Wednesday 6th June 2012 at 10.00 am

Gaye Evans

Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present except Ms Adams and Mrs Griffiths by leave