

NORFOLK ISLAND
FOURTEENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 11 FEBRUARY 2015 ~~7 DECEMBER 2014~~

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DIISEM MENETS LARNEN WATHING HAEPN
INAA
FORTIINTH LEJESLIETEW 'SEMBLE
WEDNESDAY 11 FEBRU ~~7 DESEMBA~~ 2015 ~~4~~

1 The Legislative Assembly met at 10.04~~2~~ am, and the Speaker, Hon David Buffett AM MLA, took the Chair and read Prayers.

2 CONDOLENCES

~~Speaker Buffett recorded condolence for the hostage victims Tori Johnson and Katrina Dawson, who tragically lost their lives during the armed siege in Sydney, NSW on Monday 15 December 2014.~~

Mr Evans recorded the passing of –

- ~~CDr Colleen McCullough Robinson AO~~
- ~~William Robertson Lillico~~
- ~~Kerri Elizabeth Hamilton-Irvine~~
- ~~Patricia Jean Buffett~~
- ~~Douglas Ross Clark~~
- ~~hloe Barbara Nicholas~~
- ~~Michael Alexander Jack~~

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

3 PETITIONS

~~Mr Evans presented a petition signed by 275 members of the community of Norfolk Island which read –~~

~~“This Petition of certain residents of Norfolk Island draws to the attention of the House the serious and deep concerns within this small Island community that there is an obvious inability for the majority of the Norfolk Island community to pay the proposed levy of rates and charges on land, as clearly demonstrated by the Household and Business Income and Expenditure Surveys 2014. Introduction of any form of levy of rates and charges on land in the present economic climate will result in the likely loss of people’s land and homes. Without retention and ownership of our land, we do not have a future or a way forward. Your petitioners therefore pray that the House will not pass the Land Rates Bill 2014 / Riet Fe Laen Bil 2014 into law.”~~

~~1) Paper tabled: Mr Evans – Petition~~

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4 QUESTIONS WITHOUT NOTICE (10.20~~14~~ to 11.030.38 AM)

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54 ANSWERS TO QUESTIONS ON NOTICE

Responses were provided to:

~~43 Mrs Ward asked the Chief Minister and Minister for Tourism –~~

~~Given the Chief Minister’s response to Question on Notice 38; will the Chief Minister confirm his stated position that he and his Government are reliant on Federal Government action to encourage business development, improve the economy and deliver on a sustainable long term future for the Island?~~

~~1) Paper tabled: Mr Snell – Letter to Assistant Minister Jamie Briggs~~

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~~2) Paper tabled: Mr Snell – Letter from Assistant Minister Jamie Briggs~~

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~~54 Mrs Ward to ask the Minister For Finance –~~

Will the Minister provide details on the Norfolk Island Government's overall policy approach to fuel and electricity supply and the extent to which the policy has been or is proposed to be implemented?

55 Mrs Ward to ask the Minister for Finance –

Given that the Ball Bay bulk storage facility is proposed to be outsourced along with the other aspects of the fuel supply operation; will the Minister answer the following:

1. What is the current condition status of the bulk storage facility,
2. What are the current and ongoing costs associated with running and maintaining the storage facility,
3. Is it a fact that the Norfolk Island Government builds into the wholesale price of fuel a component for the upkeep and operation of the bulk storage facility, and;
4. Is the land owned by the Commonwealth and if so; what are the ongoing associated costs?

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56 Mrs Ward to ask the Minister for Finance –

Given the Minister's previous statement that the Norfolk Island Administration only seeks to break even in its fuel supply role; will the Minister explain how the outsourcing of the bulk storage facility will have a positive effect on the price of fuel to the local consumer and if it has the reverse effect; will the Minister reject a new arrangement in relation to the storage facility?

57 Mrs Ward to ask the Minister for Finance –

What is the current cost per litre of diesel fuel used for electricity generation as reflected in the Norfolk Electricity budget and what is the methodology used to lower or raise the KW hour tariff in line with movements in the price of diesel?

58 Mrs Ward to ask the Minister for Finance –

What is the Norfolk Island Government's plan for electricity generation; short, medium and long-term and what are the expected outcomes for house-holds and business including government business enterprise?

59 Mrs Ward to ask the Minister for Finance –

Will the Minister list the agreed recommendations arising from the Deloitte review of Government Business Enterprises and explain the agreed deliverables and expected outcomes from the current stage of the reform process?

64 Mrs Ward to ask the Minister for Cultural Heritage and Community Services –

Given that the development of consolidated health legislation as set out in the Nexus and Smyth Reports form part of the agreed joint funding agreement 2014-15; will the Minister inform the House which Government officer or department has been charged with undertaking the task and will the Minister provide a progress report that will give Members confidence that the June 2015 milestone deadline will be met?

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65 Mrs Ward to ask the Minister for the Environment –

Given the Minister's words in the House last December that he had asked the Chief Executive Officer to meet with the Department of Infrastructure and Regional Development to find an agreeable way forward in relation to the Cascade and Kingston Pier upgrade project; will the Minister confirm that this meeting took place and brief Members on the outcome of the meeting and let the community know whether or not they should hold out hope that an economic development project will commence in 2015?

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66 Mrs Ward to ask the Minister for the Environment –

Isn't it a fact that the original Federal Grant funding for the pier upgrade project was approved with the understanding that the Norfolk Island Government was not a going concern and that future obligations in relation to the purchase of a crane and barges were unfunded and if so; what has caused the Norfolk Island Government to no longer trust the Commonwealth to remain committed to economic infrastructure development on the Island?

67 Mrs Ward to ask the Minister for the Environment –

Given the Norfolk Island Government's new policy in relation to future rock supply; when will essential exploratory drilling work at Cascade, Headstone and Jacob's Rock commence and how much has been allowed for in the budget review process to undertake this work?

68 Mrs Ward to ask the Minister for Finance –

Will the Minister outline the Government's plan to repay the \$11.4 million airport runway re-seal loan; fund the next re-seal and fund currently unfunded depreciation worth approximately \$44 million and; what timeframe is attached to the action plan?

69 Mrs Ward to ask the Minister for Environment –

Given the Minister's unilateral policy position on land rates stated at the last Sitting of the House; will he outline the alternate local revenue streams that have been examined by him and will he indicate whether or not sufficient revenue will be raised to deliver services in a way that upholds National standards particularly in the area of health, education, policing and community welfare?

70 Mrs Ward to ask the Minister for Finance –

Will the Minister provide answers in relation to the proposed municipal rates levy system:

1. Provide the reasons behind the development of the special rate levy system,
2. Describe how the benefit principle will be applied, and;
3. Explain why rural and agricultural land has been aggregated but residential land has not?

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71 Mrs Ward to ask the Minister for Finance –

Given that the Australian Government is not willing to fund the Norfolk Island Government's preferred Territory model of government and given the Norfolk Island Government's insistence to date that it is the best way forward; is the Norfolk Island Government proposing to fund its preferred model without Australian Government support?

72 Mrs Ward to ask the Minister for Cultural Heritage and Community Services –

Given the Norfolk Island Education Report 2014 recommendation that the Norfolk Island Government negotiate the extension and implementation of relevant Commonwealth and NSW legislation to support the provision of education to the Island and given the general support of Members; what has the Minister done to pursue the matter?

73 Mrs Ward to ask the Minister for Cultural Heritage and Community Services –

In relation to child protection and safe guards for local children attending the two pre-schools and Norfolk Island Central School; has the Minister developed a policy in relation to employees and volunteers who come into contact with children and young people and if so; what has the Minister done to assure herself that the policy has been implemented and is working effectively?

74 Mrs Ward to ask the Chief Minister –

What has the Norfolk Island Government done since March 2013 to convince the Commonwealth that the Island has the political will and capacity to legislate, administer, manage and partially fund efficient, equitable, effective and transparent State level services now and into the future?

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44 Mrs Ward asked the Minister for Cultural Heritage and Community Services –

Will the Minister inform the House who is ultimately responsible for the public release of the Norfolk Island World Heritage Listed Area – Heritage Management Plan, draft or otherwise?

45 Mrs Ward asked the Minister for Environment –

Will the Minister inform the House who is ultimately responsible for the public release of the Norfolk Island Public Reserve Management Plan, draft or otherwise?

46 Mrs Ward asked the Minister for Environment –

Will the Minister table the Norfolk Island Government's current policy on future rock supply?

47 Mrs Ward asked the Minister for Environment –

In relation to the Cascade Pier upgrade project will the Minister answer the following;

1. Given the Minister's assertion in the last Sitting of the House that the risk analysis in relation to design and rock supply, carried out by the Administration of Norfolk Island, was deficient; will the Minister table all relevant documentation to support his claim
2. Will the Minister table the contingency document that he shared with the Administrator prior to the last Sitting
3. Is it a fact that the Norfolk Island Government supports the JSC recommendation that the Commonwealth Government assume responsibility for the Cascade and Kingston Pier upgrades and if so; will the Minister explain why, and
4. Is it a fact that the Norfolk Island Government is refusing to sign the Cascade Pier funding agreement and if so; will the Minister list the reasons?

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48 Mrs Ward asked the Minister for Cultural Heritage and Community Services—

—What has the Norfolk Island Government done to identify gaps between Norfolk Island and relevant Australian legislation and funding mechanisms in relation to health and education?

3) Paper tabled: Ms Adams—NIG Media Release—Social Services and Tax**49 Mrs Ward asked the Minister for Cultural Heritage and Community Services—**

—Given the recommendations of the Norfolk Island Education Report 2014; is there an ambition on the part of the Norfolk Island Government to review the current provision of education arrangements in partnership with the Australian Government and if so; what timeframe has been set to achieve this?

50 Mrs Ward asked the Chief Minister and Minister for Tourism—

—Will the Chief Minister table the current Legislative Program and confirm that this is the same priority document that both the Norfolk Island Government and the Administration of Norfolk Island are working from?

4) Paper tabled: Mr Snell—NILA Legislative Program as at 9 December 2014**51 Mrs Ward asked the Chief Minister and Minister for Tourism—**

—Given the Chief Minister's statement regarding the veracity of the ACIL TASMAN Economic Development Report during tabling debate in April 2012; why is the Chief Minister now promoting utilization of the services of the same author?

52 Mrs Ward asked the Chief Minister and Minister for Tourism—

—Given that the number of unrestricted entry permits holders who have been granted an exemption from payment of the Healthcare Levy on the grounds of income has now been quantified as less than five (5), and given that the seemingly relevant funding agreement milestone has \$200,000 attached to it; has the Norfolk Island Government changed its non-compliant position?

53 Mrs Ward asked the Minister for Cultural Heritage and Community Services—

—Given that in 2010 the Norfolk Island Government requested and agreed a reform path, and given that the community at large have been given ample opportunity over many years to directly influence and shape their future; will the Minister explain her statement in the article 'Norfolk Islanders deserve respect in governance talks' that she is disappointed in the apparent lack of understanding that Norfolk Island is the homeland of the descendants of the original settlers who relocated to Norfolk Island from Pitcairn Island in June 1856?

Further response from Mr Sheridan on QON 31 and 30 from November Sitting—**30 Mr Nobbs asked the Minister for Finance—**

Will the Minister for Finance provide, for the public record, a simple table for each financial year since 1979 that lists

1. year;
2. average number for resident population for the year;
3. total dollar value of expenditure from the NIG Public Account for the year;
4. total dollar value of expenditure at (3) funded by Australian Government; and
5. total dollar value of expenditure at (3) used to fund works on Commonwealth assets e.g. Roads, Reserves, Piers etc.?

31 Mr Nobbs asked the Minister for Finance—

Will the Minister for Finance provide, for the public record, an itemised list detailing the specific works the Norfolk Island Government has been required to do in exchange for annual payments received from the Australian Government under Funding Agreements?

5) Paper tabled: Mr Sheridan—Funding Agreement Milestone Requirement**65 PRESENTATION OF PAPERS**

The following papers were presented:

6) Speaker Buffett—Letter from Speaker Bronwyn Bishop (Reps) on Matter of Public Importance**7) Mr Ward—Community Title Bill 2014 (Exposure Draft) and Explanatory Memorandum and moved—**

THAT the Paper be noted

Debate ensued

Question put and agreed to on the voices

8) Mr Sheridan—Airport (Amendment) Regulations 2014

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- 92) Mr Sheridan – ~~Virements~~ **DecNov 2014 to Feb 2015**
- 3) Mr Sheridan – **GST Quarterly Report Oct to Dec 2014**
- 440) Mr Sheridan –
 - a. **Commonwealth Finance Ministers Orders – Admin Statement Dec 2014**
 - b. **Admin Mid Year Budget Review**~~Bookmakers Licences: Raximus; Moneyball Aust; Bet HQ and Madbookie~~
 - 11) Mr Sheridan – ~~Revenue Fund Financial Indicators Nov 2014 and Material Departures~~
- 12) Mr Sheridan – ~~c. NIGTB Dec Statement~~
- 13) Mr Sheridan – ~~d. NIHE DecNov Statement~~
- 13) Mr Sheridan – ~~NIGTB Nov Statement~~
- 5) Mr Ward – **Letter to Assistant Minister Jamie Briggs re Cascade Pier upgrade**
- 14) Mr Sheridan – ~~NIHE Quarterly Report~~
- 15) Mr Sheridan – ~~NIGTB Quarterly Report~~
- 16) Mr Ward – ~~Rock Supply documentation~~

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76 STATEMENTS OF AN OFFICIAL NATURE

The following statements were made –

- 1) ~~Chief Minister and Minister for Cultural Heritage and Community Services~~ **Tourism**, Mr Snells-Adams – ~~“The Best Way Forward for NI” Public Meeting~~
- 6) **Paper tabled: Mr Snell – Letter from Assistant Minister Jamie Briggs dated 17 November 2014**
- 7) **Paper tabled: Mr Snell – Letter from Deputy Administrator Robin McKenzie dated 2 February 2015**
- NICS YEAR 7/8 Debating Team – successfully competed in Australia**
- 2) Minister for Cultural Heritage and Community Services, Ms Adams – **KAVHA Heritage Management Plan Update**
- Mr Nobbs moved –

THAT the Statement be noted
~~Debate ensued NICS Awards Nova Bates drawing chosen for Beyond Borders Calendar Oct 2015~~

Question put and agreed to on the voices

- 3) Minister for Cultural Heritage and Community Services, Ms Adams – **NICS Visiting History Teachers**
- 4) Minister for Cultural Heritage and Community Services, Ms Adams – **NICS Rotary Funding to improve Student Learning Outcomes**
- 5) Minister for Cultural Heritage and Community Services, Ms Adams – **Sirius**
- 6) Minister for Cultural Heritage and Community Services, Ms Adams – **Dr Colleen McCullough Robinson AO**
- 3) Minister for the Environment, Mr Ward – ~~Submission to JSC – Response to NI Governance Consultation Process~~
- 17) **Paper tabled: Mr Ward – Response to NI Governance Consultation Process**
- 47) Minister for Finance, Mr Sheridan – **Rationing of Fuel/Airline operations to Island over Christmas period**
- 8) Minister for Finance, Mr Sheridan – **Electricity Expressions of Interest**

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8 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

Message No. 23 from the Deputy Administrator advising that on 19 December 2014 the Administrator acting pursuant to section 21 of the *Norfolk Island Act 1979*, declared his assent to the following proposed law passed by the Legislative Assembly: **Public Service Act 2014 – commencement of remainder of provisions (Act No 11 of 2014)**

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9 PRESENTATION OF REGULATIONS

The following Paper was presented:

- 8) **Paper tabled: Mr Snell – Public Service Regulations 2014**

10 REPORTS OF STANDING COMMITTEES

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Speaker Buffett, Chairman of the Impact of Bills and Subordinate Legislation Committee, tabled the Interim Report of the Committee dated February 2015 in respect of its review of the Traffic (Amendment) Bill 2014 (random breath testing and blood alcohol level to 0.05)

9) Paper tabled: Mr Buffett – Interim Report of IBC Feb 2015

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SUSPENSION OF SITTING

The Speaker suspended the sitting of the House at 1.45 pm

RESUMPTION OF SITTING

The Speaker took the Chair and resumed the sitting at 1.45 pm

5) Minister for Cultural Heritage and Community Services, Ms Adams – Attendance at Medicinal Cannabis Conference, Tamworth, NSW in Nov 2014

6) Minister for Cultural Heritage and Community Services, Ms Adams – NIHE accreditation update

18) Paper tabled: Ms Adams – Australian Bureau of Statistics – Patient Experiences in Australia

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NOTICES

117) NORFOLK ISLAND HOSPITAL ACT 1985

Minister for Cultural Heritage and Community Services, Ms Adams, to moved -

THAT this House, in accordance with sections 12(1) and 13 of the Norfolk Island Hospital Act 1985, resolve that —

Candice Anne Snell

not being the Director, an employee of the Enterprise or a Minister be re-appointed by the Minister as a member of the Norfolk Island Hospital Advisory Board for a term of 3 years commencing on the date the notice of appointment is published in the Gazette.

Debate ensued

Question put and agreed to on the voices

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12) NORFOLK ISLAND HOSPITAL ACT 1985

Minister for Cultural Heritage and Community Services, Ms Adams, to moved -

THAT this House, in accordance with section 12(1) of the Norfolk Island Hospital Act 1985, resolve that —

Rhonda Evelyn Griffiths

not being the Director, an employee of the Enterprise or a Minister be appointed by the Minister as a member of the Norfolk Island Hospital Advisory Board for a term of 12 months commencing on the date the notice of appointment is published in the Gazette.

Debate ensued

Question put and agreed to on the voices

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13) NORFOLK ISLAND HOSPITAL ACT 1985

Minister for Cultural Heritage and Community Services, Ms Adams, to moved -

THAT this House, in accordance with section 12(1) of the Norfolk Island Hospital Act 1985, resolve that —

Gerard Marr, Chief Executive of the South Eastern Sydney Local Health District

not being the Director, an employee of the Enterprise or a Minister be appointed by the Minister as a member of the Norfolk Island Hospital Advisory Board for a term of 12 months commencing on the date the notice of appointment is published in the Gazette.

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Debate ensued
Question put and agreed to on the voices

14 IMMIGRATION ACT 1980 - APPLICATION FOR GENERAL ENTRY PERMIT
Minister for Cultural Heritage and Community Services, Ms Adams, to moved -

THAT for the purpose of paragraph 17A(1)(e) of the Immigration Act 1980, this Legislative Assembly resolve that -

Charlene Abria

be authorised to make an application for a general entry permit under the Act.

Debate ensued
Question put and agreed to on the voices

15 COMMUNITY TITLE BILL 2015
KOMYUUNETI TAITL BIL 2015

Minister for the Environment, Mr Ward, pursuant to notice presented a Bill for an Act to provide for the establishment, registration and administration of community title schemes, and for other purposes, and moved -

THAT the Bill be agreed to in principle

Debate ensued

10) **Paper tabled:** Mr Ward tabled the Explanatory Memorandum to the Bill and moved -

THAT the Explanatory Memorandum be noted as read and printed into Hansard,

Mr Ward 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

IMMIGRATION ACT 1980 - FUNDING AGREEMENT COMPLIANCE TO THE GRANTING OF RESIDENCY

Mrs Ward pursuant to notice moved -

THAT this House requests the responsible Minister to take such action as may be required in order to comply with the Norfolk Island Funding Agreement 2014/15 milestone 9a which seeks to remove unrestricted entry permit requirements for Australian citizens and permanent residents and ensure that Australians are considered resident of Norfolk Island on arrival

Debate ensued

Question put Question

The House voted -

Ayes 5 **Noes 3** **Abstention 1**

Mr Buffett **Mr Ward** **Ms Adams**

Mr Porter **Mr Snell**

Mrs Ward **Mr Nobbs**

Mr Evans

Mr Sheridan

Motion agreed to

16 COMMUNITY TITLE (CONSEQUENTIAL PROVISIONS) BILL 2015
KOMYUUNETI TAITL (KONSEKWENCHL CHIENJ) BIL 2015

Minister for the Environment, Mr Ward pursuant to notice presented a Bill for an Act consequential upon the making of the *Community Title Act 2015*, and for related purposes and moved -

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THAT the Bill be agreed to in principle

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Debate ensued

11) Paper tabled: Mr Ward tabled the Explanatory Memorandum to the Bill

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Mr Ward moved –

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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 – Mrs Ward Abstaining

ORDER OF THE DAY NO 2

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17 LAND RATES BILL 2014

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RIET FE LAEN BIL 2014

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Minister for Finance, Mr Sheridan ~~8~~ **TRAFFIC (AMENDMENT) BILL 2014 / TRAEFIK (CHIENJEN) BIL 2014**

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sought leave to withdraw the Land Rates Bill 2014 / Riet Fe Laen Bil 2014 and present a new Bill the Munciple Rates Bill 2015 / Myuunesipl Riets Bil 2015

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Question put – THAT Leave be granted to withdraw the Land Rates Bill 2014 - and agreed to on the voices

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Resumption of debate (Minister for the Environment, Mr Ward) from 15 October 2014 on the question

– That the Bill be agreed to in principle

Debate ensued

NOTICES CONTINUED

18 MUNICIPAL RATES BILL 2015

MYUUNESIPL RIET BIL 2015

Minister for Finance, Mr Sheridan, pursuant to notice presented a Bill for an Act to provide for the levy of rates and charges on land and for related purposes and moved -

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THAT the Bill be agreed to in principle

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Mr ~~Sheridan~~ ~~Nobbs~~ moved –

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THAT the Bill be referred to the Impact of Bills Committee passed through all stages at this sitting

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Question put and negatived on the voices – Mrs Ward Abstaining

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(Speaker noted SO 159: After the bill has been agreed to in principle it may be moved "That the bill be referred to a select or standing committee")

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Mr ~~Sheridan~~ ~~Adams~~ moved –

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THAT so much of Standing Order be suspended as to allow the Bill to be referred to the Impact of Bills Committee be passed through all stages at this sitting

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Question put
The House voted -

Ayes 4

Noes 5

Abstain 0

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Mr Porters Adams

Mr Buffett

Mr Snell Ward

Ms Adams Porter

Mr Nobbs

Mr Ward Snell

Mr Evans Sheridan

Mrs Ward

Mr Sheridan Evans

Motion negatived

~~Mr Sheridan moved~~

~~12) Paper tabled: Mr Sheridan tabled the Explanatory Memorandum to the Bill and moved –~~

~~THAT the Paper be noted and taken as read into Hansard~~

~~Debate ensued~~

~~Mr Sheridan moved –~~

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

~~THAT the Bill be agreed to in principle~~

~~Question put and agreed to on the voices~~

~~Mr Sheridan dissenting and Mr Nobbs abstaining~~

~~Detail stage~~

~~Mr Ward moved~~

~~THAT the detail stage amendment dated 16 December 2014 be taken as read and agreed to as a whole~~

~~Debate ensued~~

~~Mr Nobbs moved –~~

~~THAT the Bill be referred to the Impact of Bills Committee~~

~~Question put~~

~~The House voted –~~

~~Ayes 5~~

~~Noes 4~~

~~Abstain 0~~

~~Mr Buffett~~

~~Mr Porter~~

~~Ms Adams~~

~~Mr Ward~~

~~Mr Snell~~

~~Mrs Ward~~

~~Mr Evans~~

~~Mr Sheridan~~

~~Mr Nobbs~~

~~Motion agreed – Bill referred to the Impact of Bills Committee~~

199 FIXING OF NEXT SITTING DAY

Mrs ~~Ward-Evans~~ moved –

THAT the House at its rising adjourn until Wednesday 18 ~~March~~ February 2015 at 10 am

Question put and agreed to on the voices

10 ADJOURNMENT

Mr Nobbs moved –

THAT the House do now adjourn

Debate ensued with ~~Mr Nobbs (1. Support Minister Ward in his attendance in Australia of Marine Conference 2. Thank you to Jon Stanhope for his media assistance to NI) and Mr Evans (Congratulations to Mr and Mrs William Clow on 60th Wedding Anniversary)~~ all Members participating in extending Christmas and New Year 2015 greetings

Question put and agreed to on the voices

AND THEN the House at 3.53 ~~2.36~~ pm adjourned until Wednesday 18 ~~March~~ February 2015 at 10.00 am

Gaye Evans
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present

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