

Note: These were 17 November 1999 which I forgot to save

**NORFOLK ISLAND
MINUTES OF PROCEEDINGS
OF THE
EIGHTH LEGISLATIVE ASSEMBLY
15, 22 AND 23 DECEMBER 1999**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
IETH LEJESLIETEW 'SEMBLE
15, 22 AND 23 DISEMBA 1999**

- 1** The Legislative Assembly met at 10.05 am on 15 December 1999 The Deputy Speaker (Mr Buffett) took the Chair and read the Prayer

SUSPENSION OF SITTING

As a mark of respect to the Speaker, the Hon George Smith MLA, whose mother, Mrs Annie Smith, had passed away the previous evening, the sitting was suspended at 10.08 am until Wednesday 22 December 1999 at 10 am

RESUMPTION OF SITTING

The House resumed its sitting at 10.05 am on 22 December 1999 at 10.05 am, the Deputy Speaker (Mr Buffett AM) taking the Chair and reading the Prayer

2 **CONDOLENCES**

Mr Bates recorded the death of –

**Kim Elizabeth Jane Venables
Annie Mary Smith
Myles Stanley Hassen**

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

3 **GIVING OF NOTICES**

Mr Gardner (Minister for Health) foreshadowed his intention to move, by leave, later in the sitting a motion in the following terms –

THAT –

- 1. A Select Committee be appointed to inquire into and report upon –**
 - a) Whether the alleged political interference by an Executive Member in the selection process for the position of Cultural Affairs Adviser has any foundation in fact.**
 - b) Whether intimidatory conduct by an Executive Member, towards a public servant employed by the Administration of Norfolk Island, alleged to have occurred on Friday, 10 December 1999, has any foundation in fact; and**

2. **The Members of the Committee consist of –**

- **Geoffrey Robert Gardner;**
- **James Gary Robertson; and**
- **Brian George Bates**

3. **The Committee report within 14 days of the appointment;**

4. **The Committee is empowered to send for persons, papers and records; and**

5. **The Committee is empowered under standing order 214 to exclude Members, not being members of the committee, from its meetings**

4 **QUESTIONS WITHOUT NOTICE**

Time for questions without notice having expired –

Mr McCoy moved –

THAT time for questions without notice be extended by 30 minutes

Mr Brown moved an amendment to the motion –

THAT the extension be for 15 minutes

Question – That the amendment be agreed to – put and agreed to on the voices

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

5 **PRESENTATION OF PAPERS**

The following papers were presented to the House:

- 1) Mr Ion-Robinson (Minister for Immigration and Resource Management) – section 41 Interpretation Act 1979 - Firearms Amendment Regulations 1999
- 2) Mr Gardner (Minister for Health) – Customs Act 1913 – exemptions from customs duty approved by the executive member under section 2B(2)
- 3) The Deputy Speaker (Mr Buffett) – Norfolk Island Act 1979 – Report from the Norfolk Island Government Auditor to the Speaker of the Legislative Assembly of Norfolk Island in respect of the financial statements of the Territory for the year ended 30 June 1999
- 4) Mr Robertson (Minister for Tourism and Commerce) –
 - a) Independent Audit Report of the financial statements of The Norfolk Island Tourist Bureau Enterprise for the year ended 30 June 1999;
 - b) Under section 41 Interpretation Act 1979 – Employment (Green Corps Traineeship) Regulations 1999;
 - c) Inbound passenger statistics November 1999
 Mr Robertson moved –

THAT the House take note of the Statement

Debate ensued

Question put and agreed to on the voices

6 STATEMENTS

Statements were made in respect of the following matters:

- 1) Mr Robertson (Minister for Tourism and Commerce) on his attendance as an observer with the Australian delegation at the First Pacific Community Conference held in Tahiti earlier this month;
Mr Robertson moved –

THAT the House take note of the statement

Debate ensued

Question put and agreed to on the voices

- 2) Mr Gardner (Minister for Health) on the broadcasting of Channel 7
- 3) Mr Robertson (Minister for Tourism and Commerce) on the recent trip to Perth, Western Australia by the Electricity Manager Mr John Christian, accompanied by Mr Basil Randall, to inspect second hand generators

7 MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR

The Deputy Speaker reported **Message 154** from the Administrator advising that on 30 November 1999 he declared his assent to the Gaming Supervision Amendment (No. 2) Act 1999

8 INTERPRETATION ACT 1979 – DISALLOWANCE OF DETERMINATION NO. 1 OF 1999 OF THE PUBLIC SECTOR REMUNERATION TRIBUNAL DATED 2 NOVEMBER 1999

Mr Brown, pursuant to notice, moved -

THAT, under section 41A of the *Interpretation Act 1979* and with reference to sections 34 and 41 of that Act, this House resolves to disallow Determination No. 1 of

Debate ensued

The Chief Minister (Hon George Smith) joined the meeting at 12 noon

Mr Robertson moved –

THAT so much of standing orders be suspended as would prevent Mr Buffett and Mr Bates from participating in the debate on the motion

Question – That standing orders be suspended - put and agreed to, Mr Brown abstaining
Debate continued

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

SUSPENSION OF SITTING

The Deputy Speaker suspended the sitting at 1.48 pm until 2.15 pm

RESUMPTION OF SITTING

9 DESIGNATION OF BOUNTY SQUARE

Mr Buffett, pursuant to notice, moved –

THAT this House resolves that the area in Burnt Pine, bounded by the Post Office and Customs Office to the north, the Bond Store to the east, the Tourist Bureau to the West and Taylors Road to the south, be designated Bounty Square, and be so named from 1st January of the year 2000

Debate ensued

Question put and agreed to on the voices, Mr Smith being absent from the Chamber

10 MOTION BY LEAVE – RENAMING OF HARNISH’S LANE TO GEORGE HUNN NOBBS ROAD

Mr Robertson (Minister for Tourism and Commerce), by leave, moved –

THAT the land locally known as Harnish’s Lane be formally named “George Hunn Nobbs Road”

Debate ensued

Question put and agreed to on the voices, Mr Smith being absent from the Chamber

11 MOTION BY LEAVE – RENAMING OF DEAD RAT LAND TO MITCHELL’S LANE

Mr Robertson (Minister for Tourism and Commerce), by leave, moved –

THAT the land locally known as Dead Rat Lane be formally named “Mitchell’s Lane”

Debate ensued

Question put and agreed to on the voices, Mr Smith being absent from the Chamber

Deputy Speaker took the Chair**12 MOTION BY LEAVE – APPOINTMENT OF SELECT COMMITTEE TO INQUIRE INTO CERTAIN ALLEGATIONS**

Mr Gardner (Minister for Health), pursuant to notice, moved –

THAT –

1. A Select Committee be appointed to inquire into and report upon –

- a) Whether the alleged political interference by an Executive Member in the selection process for the position of Cultural Affairs Adviser has any foundation in fact.**
- b) Whether intimidatory conduct by an Executive Member, towards a public servant employed by the Administration of Norfolk Island, alleged to have occurred on Friday, 10 December 1999, has any foundation in fact; and**

2. **The Members of the Committee consist of –**

- **Geoffrey Robert Gardner;**
- **James Gary Robertson; and**
- **Brian George Bates**

3. **The Committee report within 14 days of the appointment;**

4. **The Committee is empowered to send for persons, papers and records; and**

5. **The Committee is empowered under standing order 214 to exclude Members, not being members of the committee, from its meetings**

Debate ensued

Mr Brown moved the following amendment:

THAT paragraph (1) of the motion be amended by the addition of the following new paragraph after paragraph b) –

“c) whether any other influence (whether political, administrative or otherwise) in the selection process for the position of Cultural Adviser, has occurred; and”

Debate ensued

Mr Brown moved –

THAT debate be adjourned and the resumption of debate made an Order of the Day for a later time in this sitting

The House voted –

AYES, 5

Mr Bates

Mr Robertson

Mr Gardner

Mr Ion-Robinson

Mr Brown

NOES, 2

Mr McCoy

Mr Nobbs

ABSTENTIONS, 1

Mr Buffett

Debate so adjourned

12 MOTION BY LEAVE -

13 APPLICATION FROM KEVIN JOHN GLASSOP TO THE LEGISLATION ASSEMBLY FOR ITS DIRECTION UNDER SUBSECTION 8(3) OF THAT ACT

Mr Robertson (Minister for Tourism and Commerce), pursuant to notice, moved -

THAT this House, in accordance with section 8(3) of the *Tourist Accommodation (Ownership) Act 1989*, being not satisfied that the granting of the application of Mr Glassop would be contrary to the public interest, resolves to direct the executive member to give a ruling that the application will be dealt with in accordance with section 7 of the *Tourist Accommodation Act 1984*

And tabled the following documents:

- Explanatory statement
- Correspondence to Mrs Clarke as Agent for Mr Glassop
- Representations received from Mr Glassop and his representatives

Debate ensued

Paper: Mr Nobbs tabled a letter to Members from Mr Brown dated 9 December 1999 on Assembly letterhead on the subject matter of Colony Lodge

Mr Robertson moved –

THAT the question be put

Question – that the question be put – put and agreed to on the voices

Question put

The House voted –

AYES, 3

Mr Robertson

Mr Ion-Robinson

Mr Brown

NOES, 5

Mr Buffett

Mr Bates

Mr Gardner

Mr McCoy

Mr Nobbs

Motion negatived (Mr Smith was absent from the Chamber)

14 BROADCASTING OF RADIO TRIPLE J BY VL2NI

Mr Brown, pursuant to notice, moved –

THAT this House requests the Chief Minister to ensure that Radio Triple J is not relayed or rebroadcast by Norfolk Island's Radio Station VL2NI

Papers:

Mr Brown tabled the following:

- **A letter dated 13.12.99 to all Ministers in support of Triple J from Suzanne and Gerald Evans**
- **A letter dated 13.12.99 to all Assembly Members in support of Triple J from George Plant**

Debate ensued

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

15 CUSTOMS ACT 1913 - EXEMPTION FROM PAYMENT OF CUSTOMS DUTY – APPLICATION OF SEVENTH DAY ADVENTIST CHURCH AND OF NORFOLK ISLAND LIONS CLUB

Mr Smith (Minister for Finance and Strategic Planning, 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 in the second column of the Schedule be exempted from duty

Schedule

<u>Goods</u>	<u>Importer</u>
Video equipment and consumables And satellite receiver valued for duty At \$2,020.00	Seventh Day Adventist Church
Lions Christmas cakes valued for duty At \$3,774.00	Norfolk Island Lions Club

Debate ensued

Question put and agreed to on the voices, Mr Nobbs abstaining

16 IMMIGRATION AMENDMENT BILL 1999

Mr Ion-Robinson (Minister for Immigration and Resource Management), 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

Debate ensued

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

17 SUSPENSION OF SITTING

Mr Brown moved –

THAT the House suspend its sitting until 10 am on 23 December 1999

Question put

The House voted –

AYES, 4	NOES, 5
Mr Smith	Mr Bates
Mr Buffett	Mr Robertson
Mr Ion-Robinson	Mr Gardner
Mr Brown	Mr McCoy
	Mr Nobbs

Motion negatived

Acting Deputy Speaker Bates took the Chair at 4.35 pm

18 LEGISLATIVE ASSEMBLY AMENDMENT BILL 1999

Mr Buffett, pursuant to notice, presented a Bill for an Act to amend the Legislative Assembly Act 1979 and moved -

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 for a subsequent day of sitting

19 BOOKMAKERS AMENDMENT (NO. 3) BILL 1999 - DECLARATION OF URGENCY

Acting Deputy Speaker Bates reported that the Business Committee had met and declared the Bookmakers Amendment (No. 3) Bill 1999 to be an urgent Bill under standing order 158

20 BOOKMAKERS AMENDMENT (NO. 3) BILL 1999

Mr Gardner (Minister for Health), pursuant to notice, presented a Bill for an Act to amend the Bookmakers Act 1998 and moved -

THAT the Bill be agreed to in principle

Debate ensued

Question put

Bill agreed to in principle on the voices, Mr Nobbs abstaining

Leave granted to dispense with the detail stage

Mr Gardner moved –

THAT the Bill be agreed to

Question put

Bill agreed to on the voices, Mr Nobbs abstaining and Mr Smith and Mr Ion-Robinson being absent from the Chamber

21 PROPOSED CHANGE TO THE ELECTORAL SYSTEM

Debate resumed (Mr Nobbs) on the question – That the motion be agreed to
Mr Smith moved –

THAT all words after “House” be deleted and the following inserted:

“recommends to the Speaker , under the provisions of the Referendum Act 1964, that he direct a referendum on the following question:

‘Do you want to change the present voting system back to that known on Norfolk Island as “first-past-the-post” where an elector shall give no more than one vote to any candidate?’.”

Debate ensued

Question – That the amendment be agreed to – put

The House voted –

AYES, 3

NOES, 6

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Amendment negatived

Debate continued

Mr Brown moved –

THAT the House suspend its sitting until 10 am on 23 December 1999

Question put

The House voted –

AYES, 4

NOES, 4

ABSTENTIONS, 1

Mr Smith

Mr Buffett

Mr Nobbs

Mr Ion-Robinson

Mr Bates

Mr McCoy

Mr Robertson

Mr Brown

Mr Gardner

Motion negatived

Mr Brown moved –

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

Question put

The House voted –

AYES, 7

NOES, 2

Mr Buffett

Mr Smith

Mr Bates

Mr Nobbs

Mr Robertson

Mr Gardner

Mr Ion-Robinson

Mr McCoy

Mr Brown

Debate so adjourned

22 TELECOMMUNICATIONS AMENDMENT BILL 1999

Debate resumed (Mr. Smith, Chief Minister) 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 Smith moved –

THAT the Bill be agreed to

Question put
Bill agreed to on the voices

- 23 CUSTOMS AMENDMENT (NO. 3) BILL 1999**
Resumption of debate (Mr Smith, Chief Minister) on the question – That the Bill be agreed to in principle
- 24 COMPANIES AMENDMENT BILL 1999**
Resumption of debate (Mr Brown) on the question – That the Bill be agreed to in principle
- 25 MOTION BY LEAVE – APPOINTMENT OF SELECT COMMITTEE TO INQUIRE INTO CERTAIN ALLEGATIONS**
Debate resumed (Mr Gardner, Minister for Health) on the question – That the amendment proposed by Mr Brown be agreed
Debate ensued
Mr Gardner moved –

THAT in accordance with standing order 72A strangers be excluded and broadcasting be suspended

Question put and agreed to on the voices
Strangers were so excluded and broadcasting so suspended; recording continued in camera
Debate continued
Question – That the amendment be agreed to – put
The House voted –

AYES, 2
Mr Ion-Robinson
Mr Brown

NOES, 5
Mr Bates
Mr Robertson
Mr Gardner
Mr McCoy
Mr Nobbs

ABSTENTIONS, 2
Mr Smith
Mr Buffett

Amendment negatived
Mr Bates moved –

THAT his name be deleted from paragraph 2 and the name of Alan John Mccoy be inserted

Question put
Motion agreed to on the voices, Mr Brown dissenting and Mr McCoy abstaining
Question – That the motion as amended be agreed to – put
The House voted –

AYES, 6
Mr Smith
Mr Bates
Mr Robertson
Mr Gardner
Mr McCoy
Mr Nobbs

NOES, 2
Mr Ion-Robinson
Mr Brown

ABSTENTIONS, 1
Mr Buffett

Motion as amended agreed to
Strangers were readmitted and broadcasting resumed
For the listening public, Mr Gardner reported the decision of the House

5 PUBLIC SECTOR MANAGEMENT BILL 1999

Resumption of debate (Mr Smith, Chief Minister) on the question - That the detail stage amendments proposed by Mr Smith at the sitting on 17 November 1999 be taken as read and agreed to as a whole

Mr Buffett and Mr Nobbs to move detail stage amendments standing in their names dated 17 November 1999

Mr Brown to move detail stage amendments standing in his name dated 16 November 1999

23 FIXING OF NEXT SITTING DAY

Mr McCoy moved -

THAT the House at its rising adjourn until Wednesday 15 December 1999 at 10 am

Debate ensued

Question put and agreed to on the voices

24 ADJOURNMENT

Mr Brown moved -

THAT the House do now adjourn

Question put and agreed to on the voices

AND THEN the House 4.04 pm adjourned until Wednesday 15 December 1999 at 10 am

Robin-Eleanor Adams
Clerk to the Legislative Assembly

Members Present: All Members were present