

**NORFOLK ISLAND
MINUTES OF PROCEEDINGS
NINTH LEGISLATIVE ASSEMBLY
18 OCTOBER 2000**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
NAINTH LEJESLIETEW 'SEMBLE
18 OKTOEBA 2000**

1 The Legislative Assembly met at 10.02 am. The Speaker (Hon D.E. Buffett MLA) took the Chair and read the Prayer

2 CONDOLENCES

Mr McCoy recorded the passing of –

**Spencer Steele Saunders
Katheryn Gertrude Frances Duvall
Avis Dunning**

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

3 PUBLIC GALLERY

The Speaker welcomed former Administrator Mr Alan Kerr and Mrs Kerr to the public gallery. A welcome was also extended to former Assembly Member, Ms Chloe Nicholas

4 QUESTIONS WITHOUT NOTICE

5 ANSWERS TO QUESTIONS ON NOTICE

Answers were provided to the following questions:

- No. 10 (Mr Walker to the Minister for Finance) re. outstanding debt to the Administration
- No. 14 (Mr McCoy to Minister for Health and Environment) re. rehabilitation of portion 48c

6 PRESENTATION OF PAPERS

1) Mr Smith (Minister for Tourism and Commerce) tabled –

a) the Inbound Passenger Statistics for September 2000 and moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices;

b) Tourist Accommodation Amendment (No. 2) Regulations 2000 and moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices;

- c) Independent Audit Report of the financial statements of the Norfolk Island Tourist Bureau for the year ended 30 June 2000
- 2) Mr Cook QC (Minister for Immigration and Community Services) tabled the Firearms Amendment (No. 4) Regulations 2000 and moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

- 3) Mr Gardner (Minister for Health and Environment) tabled the Independent Audit Report of the financial statements of the Norfolk Island Hospital Enterprise for the year ended 30 June 2000
- 4) Mr Nobbs (Chief Minister) tabled –

- a) Road Traffic (Fees) Amendment Regulations 2000 and moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

- b) Financial Statements for the Norfolk Island Administration for the year ended 30 June 2000 and moved –

THAT the House take note of the Paper

Debate ensued

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

- c) Detail of travel expenditure funded by the Revenue Fund for the period 1 July 2000 to 30 September 2000;
- d) Financial Indicators for 3 months ended 30 September 2000 and moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices;

- e) Annual Report of the Administration of Norfolk Island for the 1998/99 financial year and moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices;

- 5) Mr Gardner (Minister for Health and Environment) tabled the Licence for Jupiters.com Pty Ltd to conduct Interactive Home Gaming and moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

- 6) The Speaker tabled the report to him from the Norfolk Island Government Auditor for the year ended 30 June 2000 in respect of the Administration of Norfolk Island

7 STATEMENTS

1) Mr Cook QC (Minister for Immigration and Community Services) –

- a) gave formal recognition to the many years of service to the Norfolk Island Community by Mrs Elaine Sanders who recently retired as the Librarian of the Public Library. He further acknowledged the voluntary services rendered to the Public Library by the late Mrs Kit Duvall;
 - b) provided Members with an update on progress with the Immigration Review
- Mr Brown moved –

THAT the House take note of the Statement

Debate ensued

Question put and agreed to on the voices

- 2) Mr Walker reported to the House on his recent attendance as the Norfolk Island delegate at the Annual Commonwealth Parliamentary Association (CPA) Conference and at the Annual Conference of Commonwealth Small Countries which this year were held in various parts of the United Kingdom;

At 12.26 pm the Deputy Speaker took the Chair

- 3) Mr Buffett AM reported on his participation at the CPA Conferences in the United Kingdom which he attended in his capacity of Regional Representative on the Executive Committee of the CPA

At 12.32 pm the Speaker resumed the Chair

8 LICENSING OF REAL ESTATE AGENTS AND TRAVEL AGENTS IN NORFOLK ISLAND

Mr Brown, pursuant to notice, moved -

THAT this House requests the responsible executive member to arrange, at the earliest convenient date, for the preparation and introduction of a Bill to provide for licensing of Real Estate Agents and Travel Agents in Norfolk Island

Debate ensued

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

9 IMMIGRATION ACT 1980 – GUIDELINES FOR MEDICAL EXAMINATIONS OF APPLICANTS FOR TEMPORARY ENTRY PERMITS AND GENERAL ENTRY PERMITS

Mr Brown, pursuant to notice, moved -

THAT this House requests the responsible executive member to prepare and implement guidelines for medical examinations of applicants for Temporary Entry Permits and General Entry Permits under the Immigration Act 1980

Debate ensued
Question put and agreed to on the voices

**The Speaker at 1.09 pm suspended the sitting until 2.15 pm
The House resumed at 2.15 pm, the Speaker taking the Chair**

10 IMMIGRATION ACT 1980 – CERTAIN DISEASES TO BE PRESCRIBED UNDER SECTION 43(1)(c)

Mr Brown, pursuant to notice, moved -

THAT this House requests the responsible executive member to take action at an early date to prescribe the following diseases under section 43(1)(c) of the Immigration Act 1980:

**Aids
HIV
Hepatitis B and C**

Debate ensued
Question put and agreed to on the voices

11 COMPENSATION FOR PERSONAL INJURIES SUFFERED BY VICTIMS OF CRIME

Mr Brown, pursuant to notice, moved –

THAT this House requests the responsible executive member to prepare and introduce a Bill at an early date to provide or compensate for personal injuries suffered by victims of crime

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

12 RESUMPTION FOR PUBLIC PURPOSES OF PORTION 38B16

Mr Brown, pursuant to notice, moved -

THAT this House requests the responsible executive member to take such action as may be required in order to resume for public purposes, subject to payment of reasonable compensation, portion 38b16 in Taylors Road, Norfolk Island

Debate ensued

Paper

Mr Brown tabled the Minutes of Order in Supreme Court Action SC 2 of 1989
Mr Brown 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 – Mr Cook QC abstaining

13 PRIVATE ROADS ON NORFOLK ISLAND

Mr Brown, pursuant to notice, moved –

THAT this House requests the responsible executive member to report to the House at its next meeting as to –

- 1) How many private roads exist on Norfolk Island**
- 2) How many portions are serviced by each of those roads;**
- 3) What is the condition of each of those roads and what is the Government's intention as to ensuring that each of those roads will remain usable**

Debate ensued

Motion withdrawn by leave of the House in favour of it being asked as a Question on Notice at the next sitting of the House

14 NORFOLK ISLAND HOSPITAL ACT 1985 – APPOINTMENT OF MEMBER OF THE BOARD OF MANAGEMENT

Mr Gardner (Minister for Health and Environment), pursuant to notice, moved -

THAT, for the purposes of subsection 12(1) of the Norfolk Island Hospital Act 1985, this House resolves that John Hughes be re-appointed by the Executive Member as a Member of the Board of Management until 30 June 2001

Debate ensued

Question put and agreed to on the voices

15 SOCIAL SERVICES ACT 1980 – RECOMMENDATION TO APPOINT COMMUNITY MEMBERS OF THE SOCIAL SERVICES BOARD

Mr Cook QC (Minister for Immigration and Community Services), pursuant to notice, moved -

THAT, in accordance with section 8 of the Social Services Act 1980, this House resolves to recommend to His Honour the Administrator that under sections 4 and 6 of the said Act he appoint Dale Frances Hogden and re-appoint Patricia Madge Anderson and Thomas Leslie Lloyd as community members of the Social Services Board for a period of 3 years commencing on and including 15 October 2000

Debate ensued

Question put and agreed to on the voices

16 ROAD TRAFFIC ACT 1982 - REGISTRATION OF BUSES

Mr Nobbs (Chief Minister), by leave, moved –

THAT, having regard to road safety and the adverse impact of increased traffic on road conditions, this House is of the view that there is a need to –

- 1. Closely examine the effects of the number and size of vehicles being imported and registered in Norfolk Island and the capacity of the Island's road infrastructure to cope with increased vehicular traffic; and,**

- 2. Develop a comprehensive policy related to the use, operation and licencing of tourist buses.**

In order to temporarily prevent any further increase in the number of tourist buses on the roads, this House RESOLVES to introduce legislation to give effect to a moratorium on new registrations of vehicles licensed to carry more than 6 persons. Such a moratorium will be effective from 10.00 am on 18 October 2000 until 18 March 2001

Debate ensued

Mr Gardner (Minister for Health and Environment) moved the following amendment:

- 1) That the full stop at the end of paragraph 2 be replaced by a comma and the words “tourist hire cars and jet skiis; and”;**
- 2) That the last paragraph of the motion be deleted and the following inserted:**

“requests the responsible Minister to address and report on progress relating to points 1 and 2 at the November sitting”

Debate ensued

Mr Gardner moved –

THAT 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, 5

**Mr Buffett
Mr Gardner
Mr Walker
Mr Smith
Mr Brown**

NOES, 4

**Mr Nobbs
Mr Bates
Mr Cook
Mr McCoy**

Motion agreed to

17 CROWN LANDS ACT 1913

Mr Gardner (Minister for Health and Environment), by leave, moved –

THAT this House, in order to facilitate the transfer of ownership of certain Crown Lands on Norfolk Island, resolves that:

- 1. Residential leasehold and rural residential leasehold be offered to lessees as freehold title on payment of an appropriate consideration; and**
- 2. Rural leasehold be transferred to the Norfolk Island Government**

Debate ensued

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

18 ELECTRICITY TARIFF

Mr Brown, by leave, moved –

THAT this House -

1. resolves, in the first instance, that the electricity tariff increase by two cents;
2. requests the Executive Member with responsibility for finance to undertake negotiations with Mobil Australia to investigate ways in which the Administration could assist Mobil Australia to reduce the cost of diesel fuel to the Administration and failing that -
3. requests the Executive Member with responsibility for finance to investigate all possibilities for another source for the supply of diesel products for the Administration.

Debate ensued

Mr Bates, by leave, moved the following amendment:

THAT a new paragraph 4 be added to read as follows:

- “4. agrees that if necessary, the Revenue Fund provide a suitable subsidy to allow the Undertaking to meet approved projects for the remainder of this financial year.”.**

Mr Brown, by leave, added at the end of paragraph 1 the words “from 1 October 2000”

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

19 STATUTE AMENDMENT (MISCELLANEOUS PROVISIONS) BILL 2000

Mr Nobbs (Chief Minister), pursuant to notice, presented a Bill for an Act to amend the Airport Act 1991, Brands and Marks Act 1949, Customs Act 1913, Firearms Act 1997, and the Land Administration Fees Act 1996 and moved –

THAT the Bill be agreed to in principle

Debate ensued

Debate adjourned

20 BOOKMAKERS AMENDMENT BILL 2000

Mr Gardner (Minister for Health and Environment), 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

Paper:

Mr Gardner 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

21 EMPLOYMENT AMENDMENT (NO. 3) BILL 2000

Mr Smith (Minister for Tourism and Commerce), 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:

Mr Smith tabled the Explanatory Memorandum to the Bill

Debate ensued

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

22 IMMIGRATION ACT – INCREASE OF QUOTA

Debate resumed on the question – That the motion be agreed to

Question put

The House voted –

AYES, 5

Mr Buffett

Mr Gardner

Mr Walker

Mr Smith

Mr Brown

NOES, 3

Mr Nobbs

Mr Bates

Mr McCoy

ABSTENTIONS, 1

Mr Cook

Motion agreed to

23 IMMIGRATION AMENDMENT BILL 2000

Debate resumed (Mr Cook QC, Minister for Immigration and Community Services) on the question – That the Bill be agreed to in principle

Question put

The House voted –

AYES, 6

Mr Nobbs

Mr Bates

Mr Cook

Mr McCoy

Mr Gardner

Mr Smith

NOES, 3

Mr Buffett

Mr Walker

Mr Brown

Bill agreed to in principle

Detail stage:

Mr Cook QC moved –

THAT the amendments previously circulated dated 13 September 2000 be taken as read and agreed to as a whole, namely -

Mr Cook further moved, by leave, that the following additional amendments be agreed to –

1. **Clause 6, line 1, add the words “of the principal Act” after the figures “13(2)”;**
2. **Change the numbering in detail stage amendment headed “Savings” from 8 to 9**

Question – That the amendments be agreed to – put and agreed to on the voices, Mr Brown abstaining

Question – That the clauses as amended be agreed to – put and agreed to on the voices, Mr Brown abstaining

Question – That the remainder of the Bill be agreed to – put and agreed to on the voices, Mr Brown abstaining

Mr Cook QC moved –

THAT the Bill as amended be agreed to

Question put

The House voted –

<p>AYES, 6 Mr Nobbs Mr Bates Mr Cook Mr McCoy Mr Gardner Mr Smith</p>	<p>NOES, 3 Mr Buffett Mr Walker Mr Brown</p>
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Bill as amended agreed to

24 **FIXING OF NEXT SITTING DAY**

Mr McCoy moved –

THAT the House at its rising adjourn until Wednesday 15 November 2000 at 10 am

Question put and agreed to on the voices

25 **STATEMENT BY SPEAKER**

The Speaker recorded that the delegation headed by the Minister for Immigration and Community Services to attend the 8th Festival of Community Arts departed Norfolk Island on 19 October 2000 and on behalf of his colleagues, wished all participants well

26 **ADJOURNMENT**

Mr Bates moved –

THAT the House do now adjourn

Debate ensued

Paper

Mr Walker by leave tabled the report made by him in Statements on his attendance at the CPA Conference

Question put and agreed to on the voices

AND THEN the House at 6.55 pm adjourned until Wednesday 15 November 2000 at 10 am

**Robin-Eleanor Adams
Clerk to the Legislative Assembly**

Members Present: All Members were present