

**NORFOLK ISLAND
MINUTES OF PROCEEDINGS
NINTH LEGISLATIVE ASSEMBLY
15 NOVEMBER 2000**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
NAINTH LEJESLIETEW 'SEMBLE
15 NOWEMBA 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 –

**Felix Robert Gondon
Moya Alice Jackson**

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

3 **GIVING OF NOTICES**

Mr Smith (Minister for Tourism and Commerce) gave notice of his intention at the next sitting of the House to move to rescind the Immigration Amendment Bill 2000

4 **QUESTIONS WITHOUT NOTICE**

The Deputy Speaker took the Chair at 10.35 am during time for Questions without Notice

The Speaker resumed the Chair at 10.52 am

5 **ANSWERS TO QUESTIONS ON NOTICE**

Answers were provided to the following questions on notice:

- No. 15 (Mr Brown to the Minister for Tourism and Commerce) re. private roads on Norfolk Island
- No. 16 (Mr Brown to Chief Minister) re. insurance claim for damage to Millennium Marquee
- No. 17 (Mr Brown to Chief Minister) re. Government's vision for the future of Norfolk Island

Paper:

Mr Nobbs tabled a paper entitled "Our Vision for the Future" adopted by the Legislative Assembly on 5 October 1998

- No. 18 (Mr Brown to the Chief Minister) re. Plan of Management for the Norfolk Island Airport
- No. 19 (Mr Brown to Chief Minister) re. Construction of Roads Maintenance Depot at the Norfolk Island Airport
- No. 20 (Mr Brown to the Chief Minister) re. Minister's economic plans for Island for next 5 years
- No. 21 (Mr Brown to Minister for Immigration and Community Services) re. employment of Temporary Entry Permit holders by businesses less than 5 years old

- No. 22 (Mr Brown to Chief Minister) re. current status of Howard Report
- No. 23 (Mr Brown to the Minister for Immigration and Community Services) re. current status of Paddick report
- No. 24 (Mr Brown to Minister for Tourism and Commerce) re. NIG policy to support commercial sector in the Norfolk Island Community
- No. 25 (Mr Brown to Chief Minister) re. introduction of superannuation or retirement savings scheme for the Island
- No. 26 (Mr Brown to Chief Minister) re. implementation of Public Sector Management Plan
- No. 27 (Mr Brown to Chief Minister) re. progress with revision of structure of Public Service
- No. 28 (Mr Brown to Chief Minister)) re. infrastructure fund
- No. 29 (Mr Brown to Chief Minister) re. documentation of Governments' policies
- No. 30 (Mr Brown to Chief Minister) re. review of telephone communications in Norfolk Island
- No. 31 (Mr Brown to Minister for Health and Environment) re. development of primary industry policy for Norfolk Island
- No. 32 (Mr Brown to Chief Minister) re. development of Plan of Management for Norfolk Island Airport
- No. 33 (Mr Brown to Chief Minister) re. reform of Financial Institutions Levy
- No. 34 (Mr Brown to Minister for Tourism and Commerce) re. review of education in Norfolk Island
- No. 35 (Mr Brown to Minister for Health and Environment) re. Fisheries policy for Norfolk Island
- No. 36 (Mr Brown to Minister for Immigration and Community Services) re. review of Emergency Services in Norfolk Island
- No. 37 (Mr Brown to Chief Minister) re. palms seed picked from Norfolk Island Airport in each of the last 5 years
- No. 38 (Mr Brown to Chief Minister) re. theft of payroll from Administration Finance Branch
- No. 39 (Mr Brown to Chief Minister) re. overtime paid by the Administration and Government Business Enterprises in last 3 months
- No. 40 (Mr Walker to Minister for Immigration and Community Services) re. Workers Compensation Scheme
- No. 41 (Mr McCoy to Minister for Health and Environment) re. portion 48c
- No. 42 (Mr McCoy to Chief Minister) re. Housing for seconded officers

Paper:

Mr Nobbs tabled the memorandum of 15 November to him from Programme Manager Corporate Services headed Rental Subsidy – Officers Recruited Off-Island

- No. 43 (Mr McCoy to Minister for Immigration and Community Services) re. operation of offshore companies on Norfolk Island in competition to local companies

6 PRESENTATION OF PAPERS

- 1) Mr Nobbs (Chief Minister) – Electricity Supply Amendment Regulations 2000 and moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

- 2) Mr Gardner (Minister for Health and Environment) – Norfolk Island Health Study – Preliminary Results and Analysis September 2000 – Report prepared by School of Health Science Griffith University;
- 3) Mr Nobbs (Chief Minister) – Human Resources Policy Version 4 and moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

- 4) Mr Cook QC (Minister for Immigration and Community Services) – Disaster and Emergency Management Bill 2000 (draft dated 14.11.00);
- 5) Mr Nobbs (Chief Minister) – Financial Indicators for October 2000 and moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

- 6) Mr Smith (Minister for Tourism and Commerce) – Report by Roger Newman dated October 2000 entitled “Review of Norfolk Radio” and moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

7 STATEMENTS

- 1) Mr Gardner (Minister for Health and Environment) –
- a) Reported on progress with the purchase of a can crusher;
- b) Provided an answer asked earlier in the sitting by Mr McCoy re the Governor’s Lodge Development and tabled –

Paper:

Approval of Planning Application No. 119/1997 relating to Governor’s Lodge together with copy of approved site plans

- 2) Mr Nobbs (Chief Minister) provided a response to a question on notice asked at an earlier sitting re. increases in fuel prices and their effect on the Administration’s running costs
- Mr Bates moved –

THAT the House take note of the Statement

Debate ensued

Question put and agreed to on the voices

- 3) Mr Cook QC (Minister for Immigration and Community Services) reported on the evacuation from the Captain Martin which was to take place that evening of two seaman seriously injured as a result of an explosion at sea on the Malaysian container ship *Kota Wirawan* last Monday;

- 4) Mr Nobbs (Chief Minister) -
- a) advised that Norfolk Island had received a grant from Networking the Nation of \$750,000 for upgrading of the Islands telecommunications infrastructure. Tenders have been called for the provision of the upgraded services;
- b) foreshadowed an increase in lighterage charges

Mr Bates moved –

THAT the House take note of the Statement

Debate ensued

Question put and agreed to on the voices

- c) responded to a question without notice asked earlier by Mr Bates whether the cost of transfer of the fire service was cost neutral;
- 5) Mr Gardner (Minister for Health and Environment) provided a progress report on the Land Task Force;
- 6) Mr Nobbs (Chief Minister) tabled –
Paper:
Instrument dated 3 November 2000 executed under the Public Moneys Act 1979 declaring a head of the Trust Fund to be known as “Norfolk Island Waste Management and Disposal Strategy”
- 7) Mr Gardner (Minister for Health and Environment) advised of the intention to recruit a third local doctor

**The Speaker at 1.17 pm suspended the sitting until 2.15 pm
 The House resumed at 2.20 pm, the Speaker taking the Chair**

8 INSURANCE RISK TO REMAIN WITH THE VENDOR OF REAL ESTATE

Mr Brown, pursuant to notice, moved -

THAT this House recommends to the responsible Executive Member that a Bill be drafted and introduced into the House at the earliest convenient date in order to amend the Conveyancing Act by providing –

Where –

- 1. A person (in this section called “the purchaser”) agrees to purchase, or to take an assignment of, property and in consequence the purchaser has, or will have, a right to occupy or use a building;**
- 2. The building is the subject matter of a contract of general insurance to which the vendor or assignor under the agreement is a party; and**
- 3. The risk in respect of loss of or damage to the building has passed to the purchaser,**

the purchaser shall be deemed to be an insured under the contract of insurance, so far as the contract provides insurance cover in respect of loss of or damage to the building and such of the contents of the building as are being sold or assigned to the purchaser at the same time, during the period commencing on the day on which the risk so passed and ending at whichever of the following times is the earliest:

- 4. The time when the sale or assignment is completed;**
- 5. The time when the purchaser enters into possession of the building;**
- 6. The time when insurance cover under a contract of insurance effected by the purchaser in respect of the building commences;**
- 7. The time when the sale or assignment is terminated**

A reference in this section to a building includes a reference to a part of a building and also includes a reference to a structure

Debate ensued

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

9 ROAD TRAFFIC ACT – INSURANCE POLICIES NOT TO BE INVALIDATED IN CERTAIN CIRCUMSTANCES

Mr Brown, pursuant to notice, moved -

THAT this House requests the responsible executive member to take such action as may be necessary to amend the Road Traffic Act and/or such other legislation as may be appropriate so as to provide that a conviction in Norfolk Island for driving under the influence of intoxicating liquor shall not invalidate an insurance policy in relation to damage caused to property other than the property of the driver and/or injuries to the persons other than the driver in so far as it concerns any claim arising from the same occasion which led to the conviction

Debate ensued

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

10 CONFLICT OF INTEREST

Mr Brown, pursuant to notice, moved –

THAT this House is concerned about the conflict of interest which may arise if a Member is at the same time both a Member of this House and the recipient of a pension or superannuation entitlement from another government

The Chief Minister and the Minister for Immigration and Community Services withdrew from the meeting until the matter was concluded

The Deputy Speaker took the Chair at 2.53 pm

Debate ensued

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

The Speaker resumed the Chair at 3.10 pm

11 MOTION BY LEAVE – MORATORIUM ON ACCEPTANCE, CONSIDERATION OR PROCESSING OF ANY PLANNING APPLICATION UNDER THE PLANNING ACT 1996 IN RESPECT OF TOURIST ACCOMMODATION HOUSES WHICH HAVE RECEIVED CONDITIONAL REGISTRATION

Mr Walker, by leave, moved –

THAT this House requests the responsible executive member to prepare and introduce a Bill at the next sitting of the House to amend the *Tourist Accommodation (Moratorium) Act 2000* –

- a) to prohibit the acceptance, consideration, or processing of any planning application under the *Planning Act 1996* in respect of a Tourist Accommodation House which has received conditional registration under the provisions of subsection 7(4A) of the *Tourist Accommodation Act 1984*, which is made, lodged, furnished or sought as from 10.00 am on the 15th day of November 2000 until the said *Tourist Accommodation (Moratorium) act 2000* ceases to have effect; and
- b) to take all necessary and reasonable steps to ensure that the Bill is treated as urgent and its passage expedited at the next sitting

Debate ensued
Mr Walker moved –

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

Question put
The House voted –

AYES, 5	NOES, 3	ABSTENTIONS, 1
Mr Buffett	Mr Bates	Mr Cook
Mr Nobbs	Mr McCoy	
Mr Gardner	Mr Walker	
Mr Smith		
Mr Brown		

Debate adjourned

12 IMMIGRATION ACT 1980 – ABOLITION OF SYSTEM OF FIXING QUOTA

Mr Cook QC (Minister for Immigration and Community Services), pursuant to notice, tabled a document entitled “Proposal for Change to Control of Norfolk Island’s Permanent Resident Population” and moved -

THAT this House resolves that the provisions as to the present system of fixing a quota under sections 21 and 21A of the Immigration Act 1980 in relation to the grant of general entry permits should be repealed and, in lieu thereof, by amendment to the Act, the grant of a declaration of residency be subject to the limits fixed from time to time by a Permanent Residents Number established in accordance with the principles contained within the document entitled “Proposal for Change to Control of Norfolk Island’s Permanent Resident Population”

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

13 MOTION BY LEAVE – IMMIGRATION ACT 1982 – INCLUSION IN LEGISLATION OF EXISTING IMMIGRATION POLICIES

Mr Brown, by leave, moved –

THAT this House requests the responsible executive member to introduce a Bill at the next meeting of the House in order to place into legislation retrospective to today all of the existing Norfolk Island immigration

policies which are set out in the booklet “Immigration into Norfolk Island – A General Guide”

Debate ensued

Deputy Speaker took the Chair at 4.55 pm

With Mr Brown’s agreement, the motion was, by leave, amended by Mr Buffett to read –

THAT this House requests the responsible executive member to give statutory substance, retrospective to today, to all of the existing Norfolk Island immigration policies (which require legislative substance) as are set out in the booklet “Immigration into Norfolk Island – a general guide”; unless the policies and practices recommended by the Paddick Report, and acceptable to Members, can be brought forward to the House in a quicker time frame than above; and further, the Minister is asked to report on this matter at the December sitting

Debate ensued

Question – That the motion be agreed to – put and agreed to on the voices, Mr Cook QC (Minister for Immigration and Community Services) abstaining

14 PUBLIC SECTOR MANAGEMENT AMENDMENT BILL 2000

Mr Nobbs (Chief Minister) presented a Bill for an Act to amend the Public Sector Management Act 2000 and moved –

THAT the Bill be agreed to in principle

Debate ensued

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

15 FINANCIAL STATEMENTS FOR THE ADMINISTRATION OF NORFOLK ISLAND FOR YEAR ENDED 30 JUNE 2000

Debate resumed (Mr Bates) on the question – That the motion be agreed to, namely – That the House take note of the Paper

Question put and agreed to on the voices

16 ORDERS OF THE DAY 2, 3 AND 4 –

a) LICENSING OF REAL ESTATE AGENTS AND TRAVEL AGENTS IN NORFOLK ISLAND

b) COMPENSATION FOR PERSONAL INJURIES SUFFERED BY VICTIMS OF CRIME

c) RESUMPTION FOR PUBLIC PURPOSES OF PORTION 38B16

Mr Brown moved –

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

Question put and agreed to on the voices

17 ROAD TRAFFIC ACT 1982 – REGISTRATION OF BUSES

Debate resumed (Mr Gardner, Minister for Health and Environment) on the question – That the amendment proposed by Mr Gardner be agreed to
Mr Gardner’s amendment withdrawn by leave

Debate resumed on the question – That the motion be agreed to
Mr Brown, by leave, moved –

“Delete the last paragraph of the motion and insert a new clause as follows:

‘3. This House requests the responsible Minister to address and report on progress relating to points 1 and 2 at the December sitting.’.

Question – That the amendment be agreed to – put and agreed to on the voices,
Mr Nobbs (Chief Minister) dissenting

Question – That the motion as amended be agreed to – put and agreed to on the voices, Mr Nobbs dissenting

18 CROWN LANDS ACT 1913

Resumption of debate (Mr Gardner, Minister for Health and Environment) on the question – That the motion be agreed to

Mr Nobbs (Chief Minister) moved –

THAT the motion be amended by deleting all words and numbers after the word “leasehold” (first occurring) and inserting –

“ , rural residential leasehold, rural leasehold and special purpose leasehold be transferred to the Norfolk Island Government; and

2. Should, upon transfer of such land, there be a wish to change the status of such land, such decisions must be subject to a referenda held under the provisions of the Referendum Act; and

3. Draft legislation be prepared to support the concepts embodied in this motion.’.

Mr Nobbs 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 and agreed to on the voices

19 STATUTE AMENDMENT (MISCELLANEOUS PROVISIONS) BILL 2000

Debate resumed (Mr Nobbs, 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 Nobbs moved –

THAT the Bill be agreed to

Question put

Bill agreed to on the voices

20 BOOKMAKERS AMENDMENT BILL 2000

Debate resumed (Mr Gardner, Minister for Health and Environment) 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 Gardner moved –

THAT the Bill be agreed to

Question put

Bill agreed to on the voices

21 EMPLOYMENT AMENDMENT (NO. 3) BILL 2000

Debate resumed (Mr Smith, Minister for Tourism and Commerce) on the question – That the Bill be agreed to in principle

The Speaker resumed the Chair at 6.25 pm

Paper:

Mr Walker tabled his foreshadowed amendments

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

22 LEAVE OF ABSENCE – HON. GEOFF GARDNER MLA

Leave from the December sitting of the House was unanimously extended to Mr Gardner

23 FIXING OF NEXT SITTING DAY

Mr Brown moved –

THAT the House at its rising adjourn until Wednesday 20 December 2000 at 10 am

Debate ensued

Question put and agreed to on the voices

24 ADJOURNMENT

Mr Walker moved –

THAT the House do now adjourn

Debate ensued with the Speaker, Mr Gardner, Mr McCoy and Mr Smith participating in the adjournment debate

Question put and agreed to on the voices

AND THEN the House at 6.56 pm adjourned until Wednesday 20 December 2000 at 10 am

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

Members Present: All Members were present