

**NORFOLK ISLAND  
MINUTES OF PROCEEDINGS  
NINTH LEGISLATIVE ASSEMBLY  
20 DECEMBER 2000**

**NORF'K AILEN  
DIISEM MENETS LARNEN WATHING HAEPN  
INAA  
NAINTH LEJESLIETEW 'SEMBLE  
20 DISEMBA 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 –

**Alfred Robert Martin**

As a mark of respect to the memory of 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 present a Bill to regulate broadcasting on Norfolk Island

4 **QUESTIONS WITHOUT NOTICE**

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

On the motion of Mr Brown, time for questions without notice was extended by 15 minutes

On the motion of Mr Brown, time for questions without notice was extended for a further 15 minutes

On the motion of Mr Brown, time for questions without notice was extended for a further 5 minutes

5 **ANSWERS TO QUESTIONS ON NOTICE**

Answers were provided to the following questions on notice:

- No. 44 (Mr Walker to the Chief Minister) re. alternative technologies for the generation of electricity and his policy re. accepting Commonwealth funding assistance
- No. 45 (Mr Walker to the Minister for Tourism and Commerce) re. Tourist Accommodation Moratorium Act
- No. 46 (Mr Walker to the Minister for Tourism and Commerce) re. benefits from the Tourist Bureau promotion exercise "Norfolk for Sale"
- No. 47 (Mr Walker to the Minister for Immigration and Community Services) re. safety issues for commercial passenger vehicles

**The Speaker resumed the Chair at 12.08 pm**

## 6 PRESENTATION OF PAPERS

The following papers were presented:

- 1) Mr Nobbs (Chief Minister) –
  - a) Annual Report of the Norfolk Island Administration for 1999/2000
  - b) Audit Report of the Administration of Norfolk Island for the year ended 30 June 2000
  - c) Financial Indicators for 5 months up to November 2000
  - d) Copy of Interactive Home Gaming Licence and Bookmaking Licence, to Risetron Pty Ltd
- 2) Mr Cook QC (Minister for Immigration and Community Services) – Firearms Amendment (Paintball) Regulations 2000
- 3) Mr Smith (Minister for Tourism and Commerce) – Inbound Passenger Statistics October and November 2000  
Mr Smith 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) – report tabled pursuant to a motion passed on 15 November 2000 requesting Minister Cook report on a number of matters relating to immigration into Norfolk Island  
Mr Cook QC moved –

### THAT the House take note of the Paper

Debate ensued

Debate adjourned (Mr Cook QC) and the resumption of debate made an Order of the Day for the February sitting of the House

## 7 STATEMENTS

- 1) Mr Nobbs (Chief Minister) –
  - a) Paid tribute to the voluntary services provided by Mr Gordon Duvall to the Norfolk Island community since 1964. Mr Duvall, a geologist, compiled valuable geologic information as part of the process of monitoring bores and wells as they were being sunk and his meticulous records both on bores and in relation to rainfall and other weather phenomenon of the Island now form part of Administration records. Mr Duvall retired and closed down his laboratory on 31 December 2000;
  - b) Reported that there would be a 3.6 cents per litre reduction in the price of fuel for the quarter 1 January to 31 March 2001;
  - c) Briefed the House on his recent discussions in Sydney and Melbourne which covered the areas of waste management, fuel prices, alternate energy, FIL and telecommunications
- 2) Mr Smith (Minister for Tourism and Commerce) –
  - a) Reported that SBS TV was received now from a different satellite with improved reception;
  - b) Publicly thanked those teachers leaving the Island at the end of their term of office here;

- c) Expressed regret at the politicising of Greenwich University as a consequence of the tabling by Minister Kemp of the Review of Greenwich University

**The Deputy Speaker took the Chair at 1.00 pm**

Mr Buffett moved –

**THAT the House take note of the statement  
on Greenwich University**

Debate ensued

Question put and agreed to on the voices

- 3) Mr Cook QC gave a personal explanation on the issue of his eligibility to remain as an executive member and tabled –

**Paper: A legal opinion from Crown Counsel dated 18 December 2000  
entitled “Participation by Adrian Cook QC, MLA in “The Trial of  
Fifteen”**

Mr Brown moved –

**THAT the House take note of the Statement**

Debate ensued

Mr Bates 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

**The Deputy Speaker at 1.34 pm suspended the sitting until 2.35 pm  
The House resumed at 2.35 pm, the Speaker taking the Chair**

**8 MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR**

The Speaker reported Message **No. 12** from the Administrator advising that on 21 November 2000 he declared his assent to the Bookmakers Amendment Act 2000

**9 AMENDMENT TO IMMIGRATION AMENDMENT (NO. 2) BILL 2000 IN  
RESPECT OF NEW ZEALAND VISAS**

Mr Smith (Minister for Tourism and Commerce), pursuant to notice, moved the motion standing in his name on the Notice Paper in the following amended form by leave:

**THAT this House agrees that the Immigration Act 1980 (“the Act”), as amended by the Immigration Amendment (No. 2) Bill 2000, be further amended to provide that, where the Act states that there is a requirement for people wanting to travel to Norfolk Island to have an Australian visa, that that requirement be extended to include words “or New Zealand”**

Debate ensued

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

**10 NORFOLK ISLAND PLAN REVIEW – WATER STRATEGY A PRIORITY**

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

**THAT due to the concern expressed by members of the community about the long term water supply, this House directs that the water strategy be made a matter of priority for the Norfolk Island Plan Review**

Debate ensued

**The Deputy Speaker took the Chair at 3 pm**

**The Speaker resumed the Chair at 3.10 pm**

Question put and agreed to on the voices

**11 MOTION BY LEAVE – PUBLIC SECTOR MANAGEMENT ACT 2000 - APPROVAL OF DRAFT ORGANISATIONAL STRUCTURE**

Mr Nobbs (Chief Minister) tabled the draft organisational structure of the Administration provided to him by the Chief Executive Officer on and dated 13 November 2000 and, by leave, moved the following motion:

**THAT this House approves the organisational structure of the Administration, proposed under section 26 of the Public Sector Management Act, in accordance with the draft structure submitted by the Chief Executive Officer on and dated 13 November 2000**

Debate ensued

Mr Nobbs moved –

**THAT the question be put**

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

Question put and agreed to on the voices

**12 MOTION BY LEAVE – PUBLIC SECTOR MANAGEMENT ACT 2000 – APPROVAL OF HUMAN RESOURCES POLICY**

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

**That this House -**

- 1. formally approves under Section 28 of the Public Sector Management Act 2000, Version 4 of the draft Human Resources Policy dated 22 September 2000 which was tabled on 15 November 2000 subject to amendments which recognise that items 3.2, 3.3, 3.4, 3.8, 3.10, 3.12, 6.6, 7.2, 7.3, 7.4, 8.1, 8.2, 9.2, and Chapters 11 and 13 subject to further discussion and consultation with the Legislative Assembly, the Public Service Association and staff and management representatives;**

2. **agrees that the current conditions and entitlements for those items in paragraph 1 remain the same until further discussion and consultation on them is concluded; and**
3. **notes that those items for further discussion and consultation will be incorporated into the draft Human Resources Policy (Version 5)**

Debate ensued

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

**13 DISAASTA EN 'IMERJENSI MAENIJMENT BIL 2000  
DISASTER AND EMERGENCY MANAGEMENT BILL 2000**

Mr Cook QC (Minister for Immigration and Community Services), pursuant to notice, presented a Bill for an Act to make provision for the protection of life and property in the event of a disaster or emergency, for recovery following such event, to provide for the management of disaster and emergency situations, and for related purposes and moved –

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

**Paper: Mr Cook tabled the Explanatory Memorandum to the Bill**

Debate ensued

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

**14 APPOINTMENT OF MEMBERS OF THE PUBLIC SERVICE BOARD**

Mr Nobbs (Chief Minister) moved –

**THAT so much of standing orders be suspended as would prevent his moving a motion to appoint the Members of the Public Service Board**

Question put

The House voted –

**AYES, 3**  
**Mr Nobbs**  
**Mr Cook**  
**Mr Smith**

**NOES, 5**  
**Mr Buffett**  
**Mr Bates**  
**Mr McCoy**  
**Mr Walker**  
**Mr Brown**

Motion negatived

**15 INSURANCE RISK TO REMAIN WITH THE VENDOR OF REAL ESTATE**

Debate resumed (Mr Brown) on the question – That the motion be agreed to. Leave was granted to amend the motion to read as follows:

**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 making provision along the lines that the benefit of the insurance of a vendor of real estate be available to the purchaser during the time between the making of a contract for sale and settlement of that sale**

Debate ensued  
Question put and agreed to on the voices

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

Debate resumed (Mr Brown) on the question – That the motion be agreed to  
Mr Nobbs (Chief Minister), by leave, moved –

**THAT the words “to take such action as necessary” be deleted and the words “investigate and report on a proposal” inserted**

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

**17 CONFLICT OF INTEREST**

Motion withdrawn by leave

**18 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**

Debate resumed (Mr Walker) on the question – That the motion be agreed to  
Mr Bates moved –

**THAT the question be put**

Question – That the question be put – put  
The House voted –

**AYES, 3**  
**Mr Buffett**  
**Mr McCoy**  
**Mr Walker**

**NOES, 4**  
**Mr Nobbs**  
**Mr Bates**  
**Mr Cook**  
**Mr Smith**

**ABSTENTIONS, 1**  
**Mr Brown**

Motion negatived

**19 IMMIGRATION ACT 1980 – ABOLITION OF SYSTEM OF FIXING QUOTA**

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

Debate adjourned (Mr Cook QC, Minister for Immigration and Community Services) and the resumption of debate made an Order of the Day for a subsequent day of sitting

**20 LICENSING OF REAL ESTATE AGENTS AND TRAVEL AGENTS IN NORFOLK ISLAND**

Debate resumed (Mr Brown) on the question – That the motion be agreed to  
Mr Nobbs (Chief Minister), by leave, moved –

**THAT the words “arrange, at the earliest convenient date, for the preparation and introduction of a Bill” be deleted and the words “investigate the possible provision of legislation” be inserted**

Question – That the amendment be agreed to – put and agreed to, Mr Brown dissenting

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

**21 COMPENSATION FOR PERSONAL INJURIES SUFFERED BY VICTIMS OF CRIME**

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

**THAT the words “and introduce at an early date” be deleted and the words “a Report about the desirability of introducing” be inserted**

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

**22 RESUMPTION FOR PUBLIC PURPOSES OF PORTION 38B16**

Debate resumed (Mr Brown) on the question – That the motion be agreed to 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 and agreed to on the voices – Mr Cook QC abstaining

**23 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

Debate adjourned (Mr Smith) and the resumption of debate made an Order of the Day for the February sitting of the House

**24 PUBLIC SECTOR MANAGEMENT AMENDMENT 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

Leave granted to dispense with the detail stage

Mr Nobbs moved –

**THAT the Bill be agreed to**

Question put

Bill agreed to

**25 CROWN LANDS ACT 1996**

Debate resumed (Mr Nobbs, Chief Minister) on the question – That the amendment proposed by him at the previous sitting be agreed to

Mr Brown moved –

**That debate be adjourned to a later hour in this sitting**

Question put and agreed to on the voices

**26 FIXING OF NEXT SITTING DAY**

Mr Bates moved –

**THAT the House at its rising adjourn until Wednesday 14 February 2001 at 10 am**

Debate ensued

Mr Nobbs (Chief Minister) by leave moved –

**THAT the date 14 February 2001 be deleted and the date 24 January 2001 be inserted**

Debate ensued

Question – That the motion as amended be agreed to - put

The House voted –

**AYES, 5**

**Mr Nobbs**

**Mr McCoy**

**Mr Walker**

**Mr Smith**

**Mr Brown**

**NOES, 3**

**Mr Buffett**

**Mr Bates**

**Mr McCoy**

Motion as amended agreed to

**27 CROWN LANDS ACT 1913**

Debate resumed (Mr Brown) on the question – THAT the motion be agreed to  
Debate adjourned (Mr Nobbs) and the resumption of debate made an Order of the Day for a subsequent day of sitting

**28 ADJOURNMENT**

Mr McCoy moved –

**THAT the House do now adjourn**

Debate ensued with all Members participating

Mr Nobbs (Chief Minister) provided a response to a question asked earlier in the sitting by Mr Walker on the matter of contamination of water at the tannalith plant. He further advised that the nominees for the Public Service Board are not employees of the Administration

Question put and agreed to on the voices

**AND THEN the House at 6.08 pm adjourned until Wednesday 24 January 2001 at 10 am**

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

**Members Present:** All Members were present, except Mr Gardner by leave