

**NORFOLK ISLAND
MINUTES OF PROCEEDINGS
NINTH LEGISLATIVE ASSEMBLY
21 MARCH 2001**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
NAINTH LEJESLIETEW 'SEMBLE
21 MAACH 2001**

1 The Legislative Assembly met at 10.05 am. The Speaker (Hon D.E. Buffett MLA) took the Chair and read the Prayer

2 **CONDOLENCES**

Mr McCoy recorded the passing of –

Hubert Stewart Christopher Buffett

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

3 **GIVING OF NOTICES**

Mr Nobbs (Chief Minister) gave notice of his intention to move the following motion at the next sitting of the House:

The Minister for Health is requested to expedite, with appropriate quarantine controls, the importation of such plant material as is required to allow for the improved supply of locally produced fruit

4 **QUESTIONS WITHOUT NOTICE**

The Deputy Speaker took the Chair at 10.12 am

5 **PRESENTATION OF PAPERS**

The following papers were presented:

- 1) Mr Nobbs (Chief Minister) –
 - a) Public Sector Management Amendment Regulations 2001
 - b) Directions given by executive member for virement of funds
- 2) Mr Smith (Minister for Tourism and Commerce) - Inbound Passenger Statistics for February 2001 and moved -

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

6 **STATEMENTS**

- 1) Mr Smith (Minister for Tourism and Commerce) advised that the Norfolk Island Quarantine Service is carefully monitoring the outbreak of foot and mouth disease in Europe and how best to minimise risk to Norfolk Island
- 2) Mr Buffett (Minister for Immigration and Community Services) reported on progress with setting up a Committee to consider the draft justice package.

- 3) Mr Nobbs (Chief Minister) –
- a) Reported on the familiarisation visit by the Co-ordinator of Programs within the Salvation Army on the issue of drug and substance abuse;
 - b) Advised the House that Telstra Corporation Limited had been awarded the tender to provide telecommunication services to Norfolk Island
- 4) Mr Smith (Minister for Tourism and Commerce) –
- a) Advised the names of the new Office Bearers in the ATA;
 - b) Reported on the Celebrations of Commonwealth Day at the School which included the launch of a multifaceted website which focussed on “Youth – The New Generation”;
 - c) Spoke of the forthcoming visit of District School Superintendent Mr Wayne Parkins and of Mr Peter Skanes who is involved in linking schools with TAFE programmes, and of Mr Ian Trevallyn, an industrial psychologist to discuss careers with senior students

7 MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR

The Deputy Speaker reported **Message No. 14** from the Deputy Administrator advising that on 1 March 2001 he declared his assent to the Statute Amendment (Miscellaneous Provisions) Act 2001, the Disaster and Emergency Management Act 2001 and the Tourist Accommodation (Registration and Quota) Amendment Act 2001

8 WRIT FOR NEW ELECTION

Mr Cook QC, in accordance with notice earlier given on the Notice Paper of 24 January 2001, moved -

THAT this House resolves that the 9th Legislative Assembly be dissolved and the Administrator be advised that writs for a new election should issue at the earliest possible time

Debate ensued

The Speaker took the Chair at 11.55 am

Question put and negatived on the voices, Mr Brown abstaining

9 APPOINTMENT TO EXECUTIVE OFFICE

Mr Nobbs (Chief Minister) moved –

THAT Allan John McCoy be chosen as Minister for Health and Environment and that the Administrator be advised accordingly

Debate ensued

Mr Bates moved –

THAT John Terence Brown be chosen as Minister for Health and Environment

Mr Bates moved –

THAT the House proceed to secret ballot under Standing Order 234

Debate ensued

Question put

The House voted –

AYES, 5
Mr Buffett
Mr Bates
Mr Gardner
Mr Walker
Mr Brown

NOES, 4
Mr Nobbs
Mr Cook
Mr McCoy
Mr Smith

Motion agreed

The House then proceeded to secret ballot under Standing Order 234 and Allan John McCoy was chosen as Minister for Health and Environment

10 CHARTER FOR NORFOLK ISLAND AND CODE OF ETHICS FOR MEMBERS OF THE LEGISLATIVE ASSEMBLY

Mr Cook QC moved –

THAT this House resolves that, as a matter of urgency, and in any event prior to any further general elections of Members of the Legislative Assembly, all necessary legislation and regulations will be enacted and made to provide for and put in place changes to the structure and the proceedings in the Legislative Assembly as follow:

- 1) An appropriate and suitable Charter for Norfolk Island and a Code of Ethics for Members of the Legislative Assembly be established by legislation changeable only as a result of a referendum;**
- 2) The number of Members of the Legislative Assembly be reduced from 9 to 7, all of whom are to be appointed to be executive members;**
- 3) All such executive members to be paid an equal reasonable remuneration to be determined by the Remuneration Tribunal and to be such as will fairly enable an executive member to work full-time in the discharge of his/her duties and responsibilities of office;**
- 4) Questions on Notice at any sittings of the Legislative Assembly to include questions from individuals, whose anonymity is to be preserved if requested, and organisations within the community, to executive members in relation to their areas of responsibility provided that all such written questions are delivered to the Clerk of the Legislative Assembly no later than 7 days prior to such sitting**

Debate ensued

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

**The Speaker suspended the sitting at 1.11 pm until 2.15 pm
 The House resumed at 2.16 pm, the Speaker taking the Chair**

11 TOURIST ACCOMMODATION (MORATORIUM) ACT 2000 – PROPOSAL TO EXTEND THE MORATORIUM

Mr Cook QC, pursuant to notice, moved –

THAT the moratorium provided for in the Tourist Accommodation (Moratorium) Act 2000 be extended under section 8 of that Act for a further period of 6 months from 22 March 2001

Debate ensued

Mr Cook QC gave notice of his intention to move at the next sitting of the House as follows:

THAT this House resolves to established a Select Committee to inquire into and report upon –

- 1) **The effect, consequences, advantages or disadvantages of the deregulation of Tourist Accommodation registration following upon the resolution of this Assembly to deregulate such registrations.**
- 2) **The essential legality and validity of conditional registrations of tourist accommodation houses under section 7(4A) of the Tourist Accommodation Act as have been made since the said deregulation came into effect.**
- 3) **Any provisions which require to be introduced into or amended in the Tourist Accommodation Act to ensure that that Act operates in the best interests of the community and in its relationship to the Planning Act and other relevant legislation,**

and further this House give such usual and appropriate directions to the said Select Committee as will enable it to consider all other matters relevant to its inquiry and to function procedurally and to receive all such submissions as will assist it to report within a period of three months

The Deputy Speaker took the Chair at 2.31 pm

Mr Buffett (Minister for Immigration and Community Services), by leave, moved the following amendment:

THAT the words “6 months” be deleted and the words “2 months” inserted

Question – That the amendment be agreed to – put and agreed to, Mr Bates abstaining
 Question – That the motion as amended be agreed to – put and agreed to, Mr Bates abstaining

12 IMMIGRATION AMENDMENT (GUIDELINES) BILL 2001

Mr Buffett, Minister for Immigration and Community Services presented a Bill for an Act to amend the Immigration Act 1980 and moved - That the Bill be agreed to in principle
 Mr Buffett tabled a copy of the Bill and Explanatory Memorandum to the Bill. He further tabled the draft Statutory Guidelines under the Act

Debate ensued

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

13 NORFOLK ISLAND BROADCASTING AUTHORITY BILL 2001

Mr Smith (Minister for Tourism and Commerce), pursuant to notice, presented a Bill for an Act to establish the Norfolk Island Broadcasting Authority and to make provision for the licensing, control, and regulation of both audio and visual broadcasting for the purposes of radio and television within the Territory of Norfolk Island and for related purposes and moved –

THAT the Bill be agreed to in principle

Debate ensued

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

14 SOUTH PACIFIC GAMES BILL 2001

Mr Buffett (Minister for Immigration and Community Services), pursuant to notice, presented a Bill for an Act to relax certain statutory provisions for a specified time during the South Pacific Mini-Games taking place in the Territory of Norfolk Island and for related purposes and moved -

Mr Buffett tabled a copy of the Bill and Explanatory Memorandum to the Bill

Debate ensued

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

15 EMPLOYMENT AMENDMENT (NO. 3) BILL 2000

Debate resumed (Mr Smith, Minister for Tourism and Commerce) from 21 February 2001 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle

Detail stage:

Mr Walker moved :

1. Insertion

The following is inserted at the end of clause 5 of the Bill following new subsection 3 of section 11(2) of the principal Act -

" (4) This section does not apply to the employment of a person who is a resident within the meaning of the Immigration Act 1980, however in the case of the employment of a resident --

(a) the employee may request the employer to enter into a written contract in the prescribed manner and the employer shall comply within 14 days from such request; and

(b) such written contract shall comply with the standards and requirements imposed by this Act.

(5) Conditions and requirements for the employment of apprentices and trainees may be prescribed by regulation which are not in compliance with this section or division 2 of this Act."

Debate ensued

Question – That the amendment be agreed to – put and agreed to, Mr Brown being absent from the Chamber

Mr Walker moved –

2. Deletion and substitution

Clauses 7 and 8 of the Bill are deleted and a new clause 7 substituted as follows:

"Deletion and substitution

Section 14(2) of the principal Act is amended by deleting the word 'must' where it appears and substituting the word 'may'. "

Debate ensued

Question put

The House voted –

AYES, 2
Mr Walker
Mr Brown

NOES, 7
Mr Buffett
Mr Nobbs
Mr Bates
Mr Cook
Mr McCoy
Mr Gardner
Mr Smith

Amendment negatived
 Mr Walker moved –

3. Deletion and substitution and remuneration

(2) The sum of "\$10.00" where it appears in clause 9 of the Bill is deleted and the sum of "\$7.70" is substituted

Debate ensued
 Mr Smith 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 Walker dissenting.

16 RESUMPTION FOR PUBLIC PURPOSES OF PORTION 38B16

Debate resumed (Mr Brown) from 20 December 2000 on the question – That the motion be agreed to
 Question put
 The House voted –

AYES, 5
Mr Buffett
Mr Bates
Mr Gardner
Mr Walker
Mr Brown

NOES, 3
Mr Nobbs
Mr McCoy
Mr Smith

ABSTENTIONS, 1
Mr Cook

Motion agreed to

17 FIXING OF NEXT SITTING DAY

Mr Cook QC moved –

THAT the House at its rising adjourn until Wednesday 18 April 2001 at 10 am

Question put and agreed to on the voices

18 ADJOURNMENT

Mr Bates moved –

THAT the House do now adjourn

Leave of absence from the April sitting of the House was extended to Mr Walker
 Debate ensued with Mr Gardner participating
 Question put and agreed to on the voices

AND THEN the House at 4.50 pm adjourned until Wednesday 18 April 2001 at 10 am

Robin-Eleanor Adams
Clerk to the Legislative Assembly

Members Present: All Members were present