

**NORFOLK ISLAND
MINUTES OF PROCEEDINGS
NINTH LEGISLATIVE ASSEMBLY
18 JULY 2001**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
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NAINTH LEJESLIETEW 'SEMBLE
18 JUULAI 2001**

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

2 **CONDOLENCES**

Mr McCoy recorded the passing of-

Carol Lorraine Jackson

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

3 **PUBLIC GALLERY**

The Speaker welcomed to the public gallery Mr and Mrs Ian Glackan, Member for the seat of Albury in the Parliament

4 **QUESTIONS WITHOUT NOTICE**

Acting Deputy Speaker Bates took the Chair at 10.17 am

5 **PRESENTATION OF PAPERS**

The following papers were presented to the House –

- 1) Mr Buffett (Minister for Immigration and Community Services) tabled the draft Statutory Immigration Guidelines dated July 2001 and moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

- 2) Mr Smith (Minister for Tourism and Commerce) tabled the Inbound Passenger Statistics for June 2001 and moved -

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

- 3) Mr Nobbs (Chief Minister) tabled –

- a) Detail of travel funded from the Revenue Fund in the previous quarter;
and
b) Airport Landing Fee Exemptions for period 1 July 2000 to 30 June 2001

6 **STATEMENTS**

- 1) Mr McCoy (Minister for Health and Environment) tabled and spoke to a memorandum to him of 13 July 2001 from the Norfolk Island Planning Board entitled Annual Report and Procedural Frustration in planning matters and moved –

THAT the House take note of the Statement

Debate ensued

Question put and agreed to on the voices

2) Mr Smith (Minister for Tourism and Commerce) –

- a) Reported on the ongoing disruption to reception of the signal for TV channels ABC and Channel 7 necessitating using the Western Australia signal
Mr Brown moved –

THAT the House take note of the Statement

Debate ensued

Question put and agreed to on the voices

- b) Provided an update on airline services, present and future, following Flight West Airlines going into voluntary liquidation

3) Mr McCoy (Minister for Health and Environment) provided an update on the development of a Waste Management Strategy
Mr Gardner moved –

THAT the Member be no longer heard

Question put

The House voted –

AYES, 3

Mr Gardner

Mr Walker

Mr Brown

NOES, 5

Mr Buffett

Mr Nobbs

Mr Bates

Mr Cook QC

Mr Smith

ABSTENTIONS, 1

Mr McCoy

Motion negatived

Paper: Mr McCoy tabled a paper entitled Waste Management Committee Progress Report

Mr Gardner moved –

THAT the House take note of the Statement

Debate ensued

Question put and agreed to on the voices

4) Mr Nobbs (Chief Minister) reported on progress with current issues being addressed by Norfolk Telecom, including a) finalisation of the operating agreement between Reach Limited and Norfolk Telecom; b) review of the internet bandwidth requirements for Norfolk Island; c) negotiations with a carrier interested in the cellular phones project
Mr Gardner moved –

THAT the House take note of the Statement

Debate ensued

Question put and agreed to on the voices

- 5) Mr Nobbs (Chief Minister) reported that the Public Service Board has initiated discussions re their concerns about the adversarial nature of the Selection Review provisions of Schedule 2 of the Public Sector Management Act. Amending legislation was foreshadowed
- 6) Mr Buffett (Minister for Immigration and Community Services) acknowledged the efforts of, and recorded thanks to, Mr David Lewis, Parliamentary Counsel, who had tendered his resignation.
Mr Gardner moved –

THAT the House take note of the Statement

Debate ensued
Question put and agreed to on the voices

7 MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR

Acting Deputy Speaker Mr Bates reported Message No 19 from the Administrator advising that on 28 June 2001 he assented to the Supplementary Appropriation Act 2001, the Appropriation Act 2001 and the Norfolk Island Broadcasting Authority Act 2001

The sitting was suspended at 12.45 pm until 2.00 pm

The sitting resumed at 2.02 pm, Acting Deputy Speaker Bates taking the Chair

8 CONCESSIONS TO AIRLINES OPERATING REGULAR AIRLINE SERVICES INTO THE ISLAND

Mr Cook QC, by leave, moved -

THAT this House resolves that the executive member request and recommend that –

1. **The Manager or the Deputy Manager of the Norfolk Island Airport under the advices of the Airport Consulting Pavement Engineer at all times consider and implement the granting of applications for concessions to airlines operating or intending to operate regular airline services into the Island, either from Australia or New Zealand, (to be effective for all landings and take-offs during the period 18 July to 31 December 2001), increasing tyre pressures, to maximum of 185 psi with all up aircraft maximum weight of 60 tonnes. The continuance of these concessions during this period to be subject to –**
 - a) **regular monitoring and inspections of the movement areas in addition to the daily aerodrome serviceability inspection by the Airport Management for the purpose of ensuring public safety is at all times not compromised and for the protection and preservation of the airport as a vital asset of the Island;**
 - b) **immediate cancellation of these continuing concessions to be effected by the Airport Management upon damage or deterioration, such as would be deemed to adversely compromise public safety or preservation of the asset becoming evident.**
2. **The Airport Consulting Pavement Engineer report to the executive member no later than 7 December 2001 upon any possible adverse effects resulting from the granting of the above continuing concessions and as to the practicality of the extension of grants of any such concessions beyond 31 December 2001**

Debate ensued
Question put and agreed to on the voices, Mr McCoy dissenting

9 ESTABLISHMENT OF SELECT COMMITTEE TO INQUIRE INTO MATTERS RELATING TO THE DEREGULATION OF THE TOURIST ACCOMMODATION REGISTRATIONS AND OTHER MATTERS

Mr Cook QC, by leave, moved -

THAT this House resolves that -

- 1. A Select Committee be appointed to inquire into and report upon –**
 - 1) The effect, consequences, advantages or disadvantages of the deregulation of Tourist Accommodation registrations following upon the resolution of this Legislative Assembly to deregulate such registrations;**
 - 2) The essential legality and validity of conditional registrations of tourist accommodation units under section 7(4A) of the Tourist Accommodation Act;**
 - 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;**
 - 4) The impacts and effects which all tourist accommodation units registered under the Tourist Accommodation Act and which have been constructed and are in operation or which have been conditionally registered and for which approval under the Planning Act 1996 has been granted and which have been or will be constructed and which are not, at this date, in operation, may have upon the environment, community infrastructure and resources and the development or implementation of the Norfolk Island Plan under the Planning Act 1996;**
 - 5) Any other matters which are relevant to or significant in the development or regulation of the Tourist industry in the best interests of the community.**
- 2. The Members of the Committee be –**
 - Adrian George Hingston Cook QC**
 - Bruce Stanley Walker**
 - Brian George Bates**
- 3. The Committee –**
 - 1) May consider any other matter relevant to the inquiry;**
 - 2) Shall have the power to send for persons, papers or records;**
 - 3) Shall invite submissions from Members of the Public; and**
 - 4) Shall report to the House on its conclusions and recommendations within four months unless the Legislative Assembly otherwise orders**

Debate ensued

The Speaker took the Chair at 3.02 pm

Question put and agreed to on the voices – Mr Brown abstaining

**PLANNING (TOURIST ACCOMMODATION) AMENDMENT BILL 2001 -
DECLARATION OF URGENCY**

The Speaker reported that the Business Committee has determined the Planning (Tourist Accommodation) Amendment Bill 2001 to be an urgent Bill and that its passage should be expedited

10 PLANNING (TOURIST ACCOMMODATION) AMENDMENT BILL 2001

Mr McCoy (Minister for Health and Environment), pursuant to notice, presented a Bill to for an Act to amend the Planning Act 1996 and moved –

That the Bill be agreed to in principle

Debate ensued

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

11 TOURIST ACCOMMODATION (QUOTA ADMINISTRATION) AMENDMENT BILL 2001

Mr Smith (Minister for Tourism and Commerce), pursuant to notice, presented a Bill for an Act to amend the Tourist Accommodation Act 1984 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

12 STATUTE AMENDMENT (GAMING FEES) BILL 2001

Debate resumed (Mr McCoy, Minister for Health and Environment) on the question –
That the Bill be agreed to in principle

Acting Deputy Speaker Bates took the Chair at 4.05 pm

The Speaker took the Chair at 4.12 pm

Mr Brown moved –

THAT the debate be adjourned

Question put

The House voted –

AYES, 7

Mr Buffett

Mr Nobbs

Mr Bates

Mr Gardner

Mr Walker

Mr Smith

Mr Brown

NOES, 1

Mr McCoy

ABSTENTIONS, 1

Mr Cook QC

Debate adjourned

13 EMPLOYMENT AMENDMENT (NO. 3) BILL 2001

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

Paper: Mr Smith tabled a joint report outline prepared for and at the request of the Minister for Immigration and Community Services and the Minister for Tourism and Commerce re. the amendment employment legislation

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

14 SUBDIVISION (MORATORIUM) AMENDMENT BILL 2001

Mr McCoy (Minister for Health and Environment), by leave, presented a Bill for an Act to amend the Subdivision (Moratorium) Act 2000 and moved –

THAT the Bill be agreed to in principle

Debate ensued
Mr McCoy moved –

THAT so much of standing orders be suspended as would prevent the Bill being considered through all stages at this sitting

Question put and agreed to on the voices, at least six Members having indicated their support

Question – That the Bill be agreed to in principle – put and agreed to on the voices

Detail stage:

Mr Brown, by leave, moved –

Clause 4, proposed new subsection 7(1) of the principal Act, delete “24 months”, insert “18 months”

Debate ensued

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

Question – That the remainder of the Bill be agreed to – put and agreed to on the voices

Mr McCoy moved –

THAT the Bill (as amended) be agreed to

Question put
Bill, as amended, agreed to on the voices

15 FIXING OF NEXT SITTING DAY

Mr Brown moved –

THAT the House at its rising adjourn until Wednesday 15 August 2001 at 10.00 am

Question put and agreed to on the voices

16 ADJOURNMENT

Mr Walker moved –

THAT the House do now adjourn

Debate ensued

Mr Gardner recorded a vote of thanks to the outgoing Chief Executive Officer, Mr Ivens Buffett for the outstanding job he had done during his term of office and for Mr Buffett's support to Mr Gardner personally

Question put and agreed to on the voices

AND THEN the House at 5.08 pm adjourned until Wednesday 15 August 2001 at 10 am

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

Members Present: All Members were present