

**NORFOLK ISLAND
MINUTES OF PROCEEDINGS
NINTH LEGISLATIVE ASSEMBLY
26 SEPTEMBER 2001**

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DIISEM MENETS LARNEN WATHING HAEPN
INAA
NAINTH LEJESLIETEW 'SEMBLE
26 SEPTEMBA 2001**

1 The Legislative Assembly met at 10.04 am. The Speaker (Hon D.E. Buffett) took the Chair and read the Prayer

2 **STATEMENT BY SPEAKER ON TERRORIST ATTACKS ON UNITED STATES OF AMERICA**

The Speaker, on behalf of Members of the Legislative Assembly, recorded condemnation of the recent terrorist attacks in the United States of America and extended condolences to the bereaved

3 **CONDOLENCES**

Mr McCoy recorded the passing of-

**Frederic Keith Smith
Joyce Lorraine Buffett
Edward Davenport Howard
Helen Dalkin**

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

4 **WELCOME TO NEW MEMBER Mr ROBERT ERIC ADAMS**

The Speaker welcomed Mr Robert Eric Adams who has taken his seat as a Member of the Ninth Legislative Assembly.

5 **QUESTIONS WITHOUT NOTICE**

Acting Deputy Speaker Bates took the Chair at 10.14 am

Mr Adams moved –

THAT time for questions be extended by 30 minutes

Question put

The House voted –

**AYES, 8
Mr Nobbs
Mr Buffett
Mr Bates
Mr Adams
Mr McCoy
Mr Walker
Mr Smith
Mr Brown**

Motion agreed to (Mr Gardner was absent from the Chamber when the vote was taken)

6 SUSPENSION OF SITTING

Mr Brown moved –

THAT the House suspend for 10 minutes

Question put

The House voted –

AYES, 7

Mr Buffett

Mr Bates

Mr Adams

Mr Gardner

Mr Walker

Mr Smith

Mr Brown

NOES, 2

Mr Nobbs

Mr McCoy

Motion agreed to

The House suspended its sitting at 10.30 am

The House resumed at 11.42 am, Acting Deputy Speaker took the Chair

7 PRESENTATION OF PAPERS

The following papers were presented to the House –

- 1) Mr Nobbs (Chief Minister) tabled the Financial Indicators for month of August 2001 and moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

- 2) Mr Nobbs (Chief Minister) tabled the Customs Duty Exemptions for
 - a) Norfolk Island Ballroom Dancers
 - b) Norfolk Island Cricket Association
 - c) Traveland charity bandanas; and moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

- 3) Mr Smith (Minister for Tourism and Commerce) tabled the Inbound Passenger Statistics for August 2001 and moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

- 4) Mr McCoy Smith tabled the Conservator's advice re recent earthworks at the Tanalith Plant

- 5) Mr Smith (Minister for Tourism and Commerce) tabled the Air Passenger Ticket Levy (Collection) Bill 2001 and the Air Passenger Ticket Levy (Imposition) Bill 2001 being proposed by the Commonwealth and which currently are intended to extend to Norfolk Island and moved -

THAT the House take note of the Paper

Debate ensued
Question put and agreed to on the voices

8 STATEMENTS OF AN OFFICIAL NATURE

- 1) Mr Buffett (Minister for Immigration and Community Services) reported on the -
 - a) Progress with planning for the South Pacific Games;
 - b) Establishment of the Disaster and Emergency Management Committee and its mandate, amongst other things, to prepare a Disaster and Emergency Management Plan for Norfolk Island
 Mr Adams moved –

THAT the House take note of the Statement

Debate ensued
Question put and agreed to on the voices

- c) Progress in development of the Justice package;
 - d) A range of Immigration matters including legislation and policies;
 - e) Boat people issue and the Commonwealth legislation being proposed to address this matter; and
 - f) Norfolk Island's participation at the recent Commonwealth Parliamentary Association Conference held in Australia which was attended by the Speaker, Mr Brown, Mr Bates and the Clerk to the Legislative Assembly
- 2) Mr McCoy (Minister for Health and Environment) –
 - a) Provided a response to a question asked at an earlier sitting by Mr Bates re the Tanalith Plant forklift
 Mr Gardner moved -

THAT the House take note of the Statement

The Speaker took the Chair at 12.45 pm

Debate ensued
Question put and agreed to on the voices

Mr McCoy further reported on the -

- b) Immunisation Programme at the Hospital
- c) Recruitment process for new Doctors at the NI Hospital Enterprise

Papers:

Correspondence exchanged leading up to the review by the Board of the selection processes.

- d) Administrative Review Tribunal Determination in respect of Governor's Lodge
- e) Cascade Cliff Sale of Rock Enterprise

Paper:

Mr McCoy tabled the Report of the Enterprise and the project known as the "Whaling Station Site Rock Crushing Project"

- f) Norfolk Island Government's intentions to address the recommendations contained in the Report entitled "In the Pink or in the Red?" of the Joint Standing Committee on the National Capital and External Territories

Paper:

Mr McCoy tabled a copy of the Report

- g) Administrative Review Tribunal recent Determination in respect of an appeal by the Open Spaces Conservation Group in respect of a proposed building on Portion 57a4

- 3) Mr Nobbs (Chief Minister) reported on –
 a) Electricity tariff and prices of fuel
 Mr Bates moved –

THAT the House take note of the Statement

- Debate ensued
 Question put and agreed to on the voices
 b) Progress by the Drug and Alcohol Abuse Working Party

The sitting was suspended at 1.15 pm until 2.30 pm
The sitting resumed at 2.35 pm, Mr Speaker taking the Chair

9 MATTER OF PUBLIC IMPORTANCE

- 1) Mr Brown having presented to the Speaker under standing order 81 a written statement proposing that the following matter of public importance be submitted to the House for discussion:

THAT this House recognises that it has lost the confidence of the community of Norfolk Island

- 2) The Speaker having determined under standing order 81 that the matter of public importance proposed to him by Mr Brown was in order; and
 3) Three Members, namely Mr Brown, Mr Gardner and Mr Walker, having risen in their places indicating approval for the discussion to proceed,

Discussion ensued.
 Mr Bates moved –

THAT the discussion be now concluded

Question put and agreed to on the voices

10 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

The Speaker reported the following Messages:

Message No. 21 from the Deputy Administrator advising that on 13 September 2001 His Excellency the Governor-General declared his assent to the Subdivision (Moratorium) Amendment Act 2001 and the South Pacific Games Act 2001

Message No.22 from His Honour the Administrator advising that on 28 August 2001 he reserved the Planning (Tourist Accommodation) Amendment Bill 2001

11 MUSEUM TRUST ACT 1987 – APPOINTMENT OF TRUSTEES

Mr Buffett (Minister for Immigration and Community Service) pursuant to notice moved -

THAT for the purpose of subsection 5(1) of the Museums Trust Act 1987 this House resolves that the Executive Member appoint:

**Kathleen Marion LeCren; and
 Jo-Anne Emily Quintal**

as Trustees of the Norfolk Island Museum Trust for the period 26 September 2001 to 9 April 2003

Question put and agreed to on voices

12 CUSTOMS ACT 1913 - EXEMPTION FROM PAYMENT OF CUSTOMS DUTY

Mr Nobbs (Chief Minister) pursuant to notice moved -

THAT, under subsection 2B(4) of the Customs Act 1913, this House recommends to the Administrator that the goods specified in the first column of the Schedule imported by the person specified opposite, and on the conditions mentioned, in the second column of the Schedule be exempted from duty -

SCHEDULE

Column 1	Column 2
<u>Goods</u>	<u>Importer/conditions</u>
Mobile Kitchen	
– Stainless Steel Fish Fryer Unit	Rotary Club of Norfolk Island
- amount of duty applicable \$276.00	Conditions - Nil

Debate ensued

Question put and agreed to on voices

13 NORFOLK ISLAND HOSPITAL ACT 1985 – APPOINTMENT OF MEMBERS OF THE BOARD OF MANAGEMENT

Mr McCoy (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:

**Larry Guildford Quintal; and
Lianne-Joy Steven**

be appointed by the Executive Member as a Member of the Board of Management for the period 26 September 2001 to 25 September 2004

Debate ensued

Question put and agreed to on voices

14 IMMIGRATION ACT 1980 – VARIATION OF INSTRUMENT TO DETERMINE GENERAL ENTRY PERMIT QUOTA

Mr Buffett (Minister for Immigration and Community Service) pursuant to notice moved -

THAT for the purposes of paragraph 21(3)(a) of the Immigration Act 1980, this House resolves that the instrument executed by me on 30 March 2001 be varied by increasing the number of general entry permits that may be granted in the period 17 February 2001 to 16 February 2002 from 10 to 35

Debate ensued

Question put

The House voted –

AYES, 5	NOES, 4
Mr Buffett	Mr Nobbs
Mr Gardner	Mr Bates
Mr Walker	Mr McCoy
Mr Smith	Mr Adams
Mr Brown	

Motion agreed to

15 PUBLIC SECTOR AGENCY RECRUITMENT PROCESS

Mr Bates pursuant to notice moved –

THAT this House recommends to those responsible for recruitment to office in organisations for which the government has responsibilities, that -

1. **they have a majority of residents on any selection panel;**
2. **local knowledge and experience be adequately weighted in the merit selection process; and**
3. **the selection criteria have sufficient flexibility to allow local applicants to expand on their local knowledge and experience at interview**

Debate ensued

Mr Brown by leave moved –

THAT –

- 1) **the words “majority of” be deleted from paragraph 1 and the words “substantial representation by” inserted; and**
- 2) **the word “local” be deleted from paragraph 3**

Debate ensued

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

Mr Brown moved –

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

Question put

The House voted –

AYES, 4

Mr Nobbs

Mr McCoy

Mr Smith

Mr Brown

NOES, 5

Mr Buffett

Mr Bates

Mr Adams

Mr Gardner

Mr Walker

Motion negatived

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

16 EMPLOYMENT (PUBLIC HOLIDAYS) AMENDMENT BILL 2001

Debate resumed (Mr Smith Minister for Tourism and Commerce) from 18 July 2001 on the question – That the Bill be agreed to in principle

Mr Smith moved –

THAT so much of Standing Orders be put aside as would prevent the Bill being passed at this Sitting

Question put

Bill agreed to in principle on the voices

Leave granted to dispense with the detail stage

Mr Smith moved –

THAT the Bill be agreed to

Question put

Bill agreed to on voices

17 EMPLOYMENT AMENDMENT (NO. 3) BILL 2000

Debate resumed (Mr Smith Minister for Tourism and Commerce) from 18 July 2001 on the question – That detail stage amendment No. 3 as proposed by Mr Walker – be agreed to

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

18 NEXT SITTING DAY

Mr Adams moved –

THAT the House at its rising adjourn until Wednesday 24 October 2001 at 10 am

Mr Brown moved –

THAT the date be changed to Wednesday 17 October 2001

Debate ensued

Amendment withdrawn

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

19 ADJORNMENT

Mr Brown moved –

THAT the House do now adjourn

Debate ensued with Mr Bates and Mr McCoy participating

Question put and agreed to on the voices

AND THEN the House at 5.30 pm adjourned until Wednesday 24 October 2001 at 10 am

Robin-Eleanor Adams
Clerk to the Legislative Assembly

Members Present: All Members were present