

**NORFOLK ISLAND
MINUTES OF PROCEEDINGS
NINTH LEGISLATIVE ASSEMBLY
24 OCTOBER 2001**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
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NAINTH LEJESLIETEW 'SEMBLE
24 OKTOEBA 2001**

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

2 CONDOLENCES

Mr McCoy recorded the passing of-

**Kathleen Beddingfield
Jackie Edward
Lester Reid Semple**

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

3 LEAVE OF ABSENCE - MR ROBERT ERIC ADAMS

Leave from the sitting was unanimously extended to Mr Adams MLA

4 QUESTIONS WITHOUT NOTICE

Acting Deputy Speaker Gardner took the Chair at 10.27 am

5 PRESENTATION OF PAPERS

The following papers were presented to the House –

- 1) Mr Smith (Minister for Tourism and Commerce) tabled –
 - a) Annual Report of the Employment Tribunal;
 - b) Inbound Passenger Statistics for September 2001 and moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

- 2) Mr Buffett (Minister for Immigration and Community Services) tabled –
 - a) Road Traffic (Powers of Registrar) Amendment Regulations 2001;
 - b) Instrument dated 25 September 2001 declaring the making of the Disaster and Emergency Management Plan for Norfolk Island; the Plan issued on 1 August 2001 is a Schedule to this Instrument of 25 September 2001 and is a disallowable instrument for the purposes of section 41A of the *Interpretation Act 1979*;
- 3) Mr Nobbs (Chief Minister) tabled the –
 - a) Postal Services (Rates) Amendment (No. 2) Regulations 2001 and moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

- b) Norfolk Island Census for August 2001

- c) Financial Indicators for month of September 2001 and moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

6 STATEMENTS OF AN OFFICIAL NATURE

- 1) Mr Smith (Minister for Tourism and Commerce) confirmed the Norfolk Island Central School would not be closed during the South Pacific Mini Games and reported on security measures which will be in place in the school grounds during the Games

Mr Gardner moved –

THAT the House take note of the Statement

Debate ensued

Question put and agreed to on the voices

- 2) Mr Nobbs (Chief Minister) –
 a) Commented on the unaudited Financial Statements of the Norfolk Island Administration for the previous financial year and figures available for the first quarter of this financial year

Mr Bates moved –

THAT the House take note of the Statement

Debate ensued

Question put and agreed to on the voices

- b) Reported on the recent visit of Hon Peter Beattie MP, Premier of Queensland
- 3) Mr Buffett (Minister for Immigration and Community Services) -
 a) Briefed Members on his recent meeting with Commonwealth Minister for Immigration, Hon Philip Ruddock;
 b) Reported on progress with planning for the South Pacific Mini Games

7 MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 23

Acting Deputy Speaker Gardner reported Message No. 23 from His Honour the Administrator advising that on 3 October 2001 he declared his assent to the Employment (Public Holidays) Amendment Act 2001

8 SUSPENSION OF SITTING OF THE HOUSE

Mr Brown, pursuant to notice, moved –

THAT the House suspend its meeting until 10 am on Thursday 25 October 2001

Debate ensued

Question put

The House voted –

AYES, 1
Mr Brown

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

Motion negatived

9 VARIATION TO TERMS AND CONDITIONS OF APPOINTMENT OF THE ACTING CLERK TO THE LEGISLATIVE ASSEMBLY

Mr Buffett (Minister for Immigration and Community Services), pursuant to notice, moved:

THAT in accordance with the requirements of the Public Sector Management Act 2000 whereby a person holding the position of Clerk or of acting Clerk to the Legislative Assembly is excluded from employment in the Public Service, this House recommends that the Speaker determine the terms and conditions of appointment of the acting Clerk shall be equivalent to those of the Clerk while acting in that capacity, or performing any of the powers, functions and duties, as acting Clerk determined by the Speaker

Debate ensued

Question put and agreed to on voices

10 NORFOLK ISLAND BROADCASTING AUTHORITY ACT 2001 - APPOINTMENT OF MEMBERS TO NORFOLK ISLAND BROADCASTING AUTHORITY

Mr Smith (Minister for Tourism and Commerce), by leave, moved –

THAT for the purposes of paragraph 7(2)(c) of the Norfolk Island Broadcasting Authority Act 2001 the Legislative Assembly approves the appointment of the following persons nominated by the executive member to the Norfolk Island Broadcasting Authority:

- a) David Robert Gerard Evans for the period 25 October 2001 to 24 October 2004
- b) Ronald William Miles for the period 25 October 2001 to 24 October 2002

11 TOURIST ACCOMMODATION (REGISTRATION AND QUOTA) AMENDMENT (NO. 2) BILL 2001

Debate resumed from 15 August 2001 (Mr Smith, Minister for Tourism and Commerce) on the question – That the Bill be agreed to in principle

Question put

The House voted –

AYES, 2
Mr Gardner
Mr Smith

NOES, 4
Mr Buffett
Mr Nobbs
Mr McCoy
Mr Walker

ABSTAIN, 1
Mr Bates

Bill not agreed to in principle

Mr Brown absented himself from the Chamber during debate on this issue

- 12 TOURIST ACCOMMODATION (QUOTA ADMINISTRATION) AMENDMENT BILL 2001**
 Debate resumed from 15 August 2001 (Mr Smith, Minister for Tourism and Commerce)
 on the question – That the Bill be agreed to in principle
 Question put
 Bill agreed to in principle on the voices, Mr Brown registering his abstention
 Leave granted to dispense with the detail stage
 Mr Smith moved –

THAT the Bill be agreed to

Question put
 Bill agreed to on voices, Mr Brown registering his abstention

- 13 EMPLOYMENT AMENDMENT (NO. 3) BILL 2000**
 Debate resumed from 26 September 2001 (Mr Smith, Minister for Tourism and Commerce) on the question – That detail stage amendment No. 3 as proposed by Mr Walker – be agreed to
 At Mr Walker's request, the amendment was withdrawn by leave
 Mr Smith, by leave, moved the following amendment:

Deletion and substitution

Clauses 7, 8 and 9 of the Bill are deleted and a new clause 7 is substituted as follows –

“Deletion and substitution

- 7. The principal Act is amended by deleting section 14 of the Act and substituting the following–**

“14. The minimum rate is \$8.50 per hour from the date of commencement of this section.”

Question – That the amendment be agreed to – put and agreed to on the voices
 Mr Brown, by leave, moved –

Clause 11 of the Bill is amended by deleting subsection 23(4) and substituting the following -

“(4) Subsections (2) and (3) do not apply where an employee has entered into an agreement with the employer to work longer than the number of hours in the normal working week prescribed as applicable to that employee, or otherwise at times outside the normal working week prescribed as applicable to that employee, unless the employee has given not less than seven (7) days notice in writing to the employer of the employee's intention to refuse to work longer than the number of hours in the normal working week prescribed as applicable to that employee, or otherwise at times outside the normal working week prescribed as applicable to that employee.

(5) An agreement referred to in subsection (4) must be contained in a written employment contract pursuant to section 11 otherwise such agreement is void and of no effect.”

Debate ensued

At the request of Mr Brown, the amendment was withdrawn by leave

Question – That the clauses as amended 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 Smith moved –

THAT the Bill as amended be agreed to

Question put

Bill, as amended, agreed to

14 FIXING OF NEXT SITTING DAY

Mr Bates moved –

**THAT the House at its rising adjourn
until Wednesday 21 November 2001 at 10 am**

Mr Brown moved –

**THAT the motion be amended to read that the House
suspend its sitting until 10 am on Thursday 25 October 2001**

Debate ensued

Mr Brown's amendment withdrawn by leave

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

15 ADJOURNMENT

Mr Walker moved –

THAT the House do now adjourn

Debate ensued with Mr Walker participating

Question put and agreed to on the voices

AND THEN the House at 1.12 pm adjourned until Wednesday 21 November 2001 at 10 am

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

Members Present: All Members were present except Mr Adams, by leave