

**NORFOLK ISLAND
MINUTES OF PROCEEDINGS
NINTH LEGISLATIVE ASSEMBLY
19 APRIL 2000**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
NAINTH LEJESLIETEW 'SEMBLE
19 IEPRIL 2000**

1 The Legislative Assembly met at 10.04 am. The Clerk having advised the House of the absence of the Speaker, the Deputy Speaker Mr A.J. McCoy took the Chair and read the Prayer

2 **CONDOLENCES**

Mr Bates referred to the death of –

**Joshua Kelly O'Brien
Nancy Rosaline Adams**

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

3 **NOMINATION OF ACTING DEPUTY SPEAKER**

The Deputy Speaker reported the Speaker had nominated Brian George Bates under standing order 9 to act as Deputy Speaker

Acting Deputy Speaker Bates took the Chair

4 **PETITIONS**

Mr McCoy presented a petition prepared by the Norfolk Island Building Workers Association and signed by island residents requesting that the Assembly resolve that a permanent crusher site be at the source of the raw material. Mr McCoy, by leave, read the statement from the Norfolk Island Building Workers Association attached to the petition

5 **QUESTIONS WITHOUT NOTICE**

The Deputy Speaker took the Chair

Time for questions having expired, Mr Bates moved –

THAT time for questions without notice be extended by 10 minutes

Question put and agreed to on the voices

6 **QUESTIONS ON NOTICE**

Answers were provided to questions on notice No. 2 and No. 3 (in part only). Mr Nobbs also provided answers to questions asked of him at an earlier meeting as follows:

- A question asked by Mr Brown in respect of the bulk sale of take away liquor late at nights from certain premises.
- A question asked by Mr McCoy in respect of rental accommodation for “public service expats”

- A question from Mr Bates in respect of the operation of the power factor correction

7 PRESENTATION OF PAPERS

The following papers were presented:

- 1) Mr Cook QC, Minister for Immigration and Community Services – Firearms Amendment (No. 2) Regulations 2000
- 2) Mr Smith, Minister for Tourism and Commerce – Inbound passenger statistics for March 2000
Mr Smith moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- 3) Mr Nobbs, Chief Minister –
 - Detail of expenditure for travel funded by the Norfolk Island Government for period 1 January to 31 March 2000;
 - Detail of expenditure funded by the Norfolk Island Government for travel by staff of the Norfolk Island Hospital and the Tourist Bureau for the period 1 October 1999 to 31 December 1999
 - Report on the Chief Minister's recent visit to Canberra 3 to 5 April 2000 to meet with the Commonwealth Minister for Territories and other Ministers with portfolio responsibilities for Norfolk Island
 - Budget proposals (3rd draft) from the Government Business Enterprises for the financial year 2000-2001
- 4) Mr Nobbs (Minister for Finance and Government Services) –
 - a) Financial indicators February 2000
Mr Nobbs moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- b) Detail of travel expenditure for the periods 1 July 1999 to 30 September 1999 and 1 October 1999 to 31 December 1999
Mr Nobbs moved –

THAT the House take note of the papers

Debate ensued

Question put and agreed to on the voices

8 STATEMENTS

Statements were made in respect of the following matters:

- 1) Mr Cook QC, Minister for Immigration and Community Services, reported on progress with the implementation of the Norfolk Island Firearms Act 1997 which commenced in December 1999. The Norfolk Island Firearms Compensation Scheme has been approved by Senator Vanstone. This Scheme provides funds to assist the implementation of the new gun licensing system and to complete a gun buy-back programme

- 2) Mr Nobbs (Chief Minister) reported –
- a) That a decision had been taken by Members of the Assembly to terminate the lease of the At Random premises in New Cascade Road. Six months notice is required
Mr Smith, Minister for Tourism and Commerce, moved –

THAT the House take note of the Statement

Debate ensued

Question put and agreed to on the voices

- b) That negotiations are underway to bring the new crane up from New Zealand on the Kaipera barge when it returns to collect the equipment used in the Cascade Cliff Project
- 3) Mr Cook QC, Minister for Immigration and Community Services, advised that the practice of court reporting in the Government Gazette is to be re-instated shortly. A review of the process will be undertaken in six months to assess its impact
- 4) Mr Nobbs, Chief Minister, advised that arrangements are being made to transport to the Island the three second hand electricity generators purchased recently by the Administration for the Electricity Undertaking
- 5) Mr Cook QC, Minister for Immigration and Community Services, reported on a breach of security at the airport the previous evening. Police Investigations are underway
- 6) Mr Nobbs, Chief Minister, advised that all airlines continue to pay the prescribed landing fees
- 7) Mr Smith, Minister for Tourism and Commerce, reported –
- a) On his recent visit to Brisbane and Sydney to hold discussions with airlines, wholesalers and media people servicing the tourist industry on Norfolk Island and to attend the annual meeting MCEETYA;
- b) That a decision had been taken to stockpile on the Cascade foreshore a quantity of the very large rocks extracted from the Cascade Cliff

9 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

The Deputy Speaker reported **Message No. 3** from the Administrator advising that on 21 March 2000 he declared his assent to the Customs Amendment Act 2000

10 LEGISLATIVE CHANGE REQUIRED AS A CONSEQUENCE OF THE RECENT REFERENDUM

Mr Brown, pursuant to notice, moved -

THAT this House requests the responsible Executive Member to bring before the next meeting of the House Bills to amend the Public Service Act and the Public Sector Management Bill (“the Bills”) to provide that Senior Officers and Senior Employees of the Public Service (Program Managers, Branch Heads, Section Heads and Managers of Government Business Enterprises) shall not be eligible at the same time, to maintain their Public Service employment and to sit as Members of the Legislative Assembly, and that :

- a) **if a Senior Officer or Senior Employee of the Public Service thereafter stands for election to the Legislative Assembly, he or she shall be deemed to resign from the Public Service with immediate effect in the event that he or she is elected at that election, provided that he or she shall not be penalised for providing short notice of resignation; and**

- b) **there be a transitional provision deeming such a person to resign from the Public Service with immediate effect three months after the date of assent to the Bills if that person has not ceased to be a Member of the Legislative Assembly or a Senior Officer or Senior Employee of the Public Service prior to that time**

Debate ensued

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

11 NORFOLK ISLAND NATIONAL PARK AND NORFOLK ISLAND BOTANIC GARDEN PLANS OF MANAGEMENT

Mr Cook QC, Minister for Immigration and Community Services, for and on behalf and at the request of the Minister for Health and Environment, tabled the proposed Plans of Management for the Norfolk Island National Park and Norfolk Island Botanic Garden and, pursuant to notice, moved –

THAT this House for the purposes of Regulations 2 and 3 of the Norfolk Island National Park and Norfolk Island Botanic Garden Regulations 1988 resolves that the Norfolk Island National Park and Norfolk Island Botanic Garden Plans of Management are approved

Debate ensued

The sitting was suspended at 12.45 pm until 2.00 pm

The sitting resumed at 2.04 pm, the Speaker taking the Chair

Debate resumed

Mr Nobbs, Chief Minister, by leave, moved the following amendment:

THAT the word “approved” be deleted and the following words inserted:

“subject to recognition that Members have –

- **Not had the opportunity to compare the final document with drafts provided earlier**
- **Not approved the Plan prior to its being tabled in the Federal Parliament**
- **Concerns that transfer of title to the Park back to Norfolk Island and its subsequent management has not been considered in the Plan**
- **Concerns that an ongoing programme of training to equip Norfolk Island’s people to take over full management of their Park in the foreseeable future has not been dealt with in the Management Plan**
- **Expressed concerns with building proposals within the Park not being subject to the provisions of the Norfolk Island Plan**
- **Requested mechanisms be put in place to control the Kestrels”**

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

12 PLAN OF MANAGEMENT FOR NORFOLK ISLAND AIRPORT

Mr Brown, pursuant to notice, moved the following motion in its amended form, by leave -

THAT the responsible Executive Member bring forward for the consideration of the Legislative Assembly at the earliest possible date a comprehensive plan of management for those parts of the Norfolk Island Airport as may be available for commercial and other purposes

Debate ensued

Question put and agreed to on the voices

13 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 in the second column of the Schedule be exempted from duty –

Column 1**Goods**

**Bronze Plaque for Bounty Model
amount of duty applicable \$837.00**

**Pyrotechnics – amount of duty
applicable \$696.20**

**Outdoor Playground Equipment -
amount of duty applicable \$338.80**

Column 2**Importer**

Millennium 2000 Activities Committee

Millennium 2000 Activities Committee

Banyan Park Playcentre

Debate ensued

Question put and agreed to on the voices

14 SOCIAL SERVICES BENEFITS

Mr Brown, pursuant to notice, moved the following motion in its amended form, by leave:

THAT the responsible Executive Member take such action as is necessary to bring about a once only increase in existing Norfolk Island Social Services Benefits to the equivalent level of payment which is presently made in Australia, and to change the level of allowable income before Social Services Benefits are affected, and the consequence of exceeding same, to be equivalent to the present Australia provisions, and without any other change in present benefits and entitlements

Debate ensued

Mr Brown, by leave, moved –

Delete the words “and to change” and substitute the words “and investigate changing”

Debate ensued

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

15 FIREARMS AMENDMENT BILL 2000

Mr Cook QC, Minister for Immigration and Community Services, pursuant to notice, presented a Bill for an Act to amend the Firearms Act 1997 and moved –

THAT the Bill be agreed to in principle

Debate ensued

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

16 PUBLIC MONEYS AMENDMENT BILL 2000

Mr Nobbs, Chief Minister, pursuant to notice, presented a Bill for an Act to amend the Public Moneys Act 1979 and moved –

THAT the Bill be agreed to in principle

Debate ensued

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

17 YOUTH ADVISORY COUNCIL BILL 2000

Mr Smith, Minister for Tourism and Commerce, pursuant to notice, presented a Bill for an Act to establish the Youth Advisory Council 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

18 MARKING OF WEIGHT ON HEAVY PACKAGES (AMENDMENT) BILL 2000

Mr Nobbs, Chief Minister, pursuant to notice, presented a Bill for an Act to amend the Marking of Weight on Heavy Packages Act 1932 and moved –

THAT the Bill be agreed to in principle

Debate ensued

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

19 TOURIST ACCOMMODATION (MORATORIUM) BILL 2000

The Speaker reported that under Standing Order 158, the Business Committee had determined that the Tourist Accommodation (Moratorium) Bill 2000 be declared urgent and its passage expedited

20 TOURIST ACCOMMODATION (MORATORIUM) BILL 2000

Mr Smith, Minister for Tourism and Commerce, pursuant to notice, presented a Bill for an Act to restrict the grant of registration of tourism accommodation houses and for related purposes and moved –

THAT the Bill be agreed to in principle

Debate ensued

Question put

Bill agreed to in principle on the voices, Mr Walker dissenting and Mr Brown and Mr Bates abstaining

Leave granted to dispense with the detail stage

Mr Smith moved –

THAT the Bill be agreed to

Question put

Bill agreed to on the voices, Mr Walker dissenting and Mr Brown and Mr Bates abstaining

21 FIRE CONTROL BILL 2000

Mr Cook QC, Minister for Immigration and Community Services, pursuant to notice, presented a Bill for an Act to provide for controlling use of fire and for related purposes and moved –

THAT the Bill be agreed to in principle

Debate ensued

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

22 CHANGE TO ELECTORAL SYSTEM

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

Debate ensued

The Deputy Speaker took the Chair at 4.25 pm

The amendment proposed by Mr Walker at the previous sitting was withdrawn by leave

Mr Buffett, by leave, moved the following amendment:

THAT all words after “Minister” (first occurring) be deleted and the following inserted:

”to review the voting system in Norfolk Island, and related procedural matters, and to consult with the community on the issue; with a view to determining the most appropriate system to meet Norfolk Island’s current needs. The House further requests the Minister to report to the Legislative Assembly on this review within the next three months”

Debate ensued

Question – That the amendment be agreed to – put and agreed to on the voices, Mr Nobbs abstaining

Question – That the motion as amended be agreed to – put and agreed to on the voices, Mr Nobbs abstaining

23 PROPOSAL TO AMEND THE FAIR TRADING ACT 1995

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

Question put and agreed to on the voices, Mr Smith dissenting

24 PROPOSAL TO AMEND THE *COURT OF PETTY SESSIONS ACT 1960*

Debate resumed (Mr Brown) on the question – That the motion be agreed to
Question put and agreed to on the voices

25 COMPULSORY THIRD PARTY INSURANCE

Debate resumed (Mr Brown) on the question – That the motion be agreed to
Mr Brown, by leave, moved that the motion be amended as follows:

Paragraph 2, delete “\$500,000 of cover”, insert “an amount of cover to be prescribed;

Paragraph 3, delete “\$500,000 for an claim arising from any one event, except for any claim involving a bus which shall be limited to \$2,000,000, insert “the amount prescribed for any claim arising from any one event.”

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

26 SUPPLEMENTARY APPROPRIATION BILL 2000

Debate resumed (Mr Nobbs, Minister for Finance and Government Services) on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle on the voices

Leave granted to dispense with the detail stage

Mr Nobbs moved –

THAT the Bill be agreed to

Question put

Bill agreed to on the voices

27 LEAVE OF ABSENCE FOR MR WALKER MLA

Leave was unanimously extended for Mr Walker to be absent from the May 2000 sitting of the House

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28 FIXING OF NEXT SITTING DAY

Mr Walker moved -

**THAT the House at its rising adjourn until Wednesday 17 May 2000
at 10 am**

Question put and agreed to on the voices

29 ADJOURNMENT

Mr Smith, Minister for Tourism and Commerce, moved –

THAT the House do now adjourn

Debate ensued

Question put and agreed to on the voices

AND THEN the House at 5.38 pm adjourned until Wednesday 17 May 2000 at 10 am

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

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