

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

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

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

2 **CONDOLENCES**

Mr McCoy recorded the passing of –

**Wayne George Adams  
Agnes Macdonald Christian  
David Campbell Dunsmere Buffett  
Elizabeth May Menzies  
Helen Caroline Christine Moore  
James Allan Wolferstan**

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

3 **GIVING OF NOTICES**

Mr Cook QC gave notice of his intention to move the following motion:

**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.**

- 5) **All such other necessary or consequential amendments to legislation, regulations and Standing Orders which will best effect and carry into operation a consensus government fully accountable and designed to meet the needs of the Norfolk Island community.**

#### **4 QUESTIONS WITHOUT NOTICE**

#### **5 PRESENTATION OF PAPERS**

The following papers were presented:

- 1) Mr Nobbs (Chief Minister) –
  - a) Annual Report (Final Version) of the Norfolk Island Administration for 1999/2000
  - b) Travel expenditure incurred by the Administration of Norfolk Island for the year 1 July 2000 to 31 December 2000
  - c) Airport Landing Fee Exemptions for period 1 July 2000 to 31 December 2000
  - d) Financial Indicators for 6 months up to December 2000
 Mr Nobbs moved –

**THAT the House take note of the paper**

Debate ensued

Question put and agreed to on the voices

- 2) Mr Gardner (Minister for Health and Environment) –
  - a) Stage 1 Waste Management Audit and Options Study Report dated December 2000 prepared by CRC Waste Management and Pollution Control Ltd and APrince Consulting
 Mr Gardner moved –

**THAT the House take note of the paper**

Debate ensued

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

- b) Fourth Report on the Activities of the Norfolk Island Gaming Authority for the period 1 July 2000 to 31 December 2000
- 3) Mr Smith (Minister for Tourism and Commerce) – Inbound passenger statistics for December 2000;
- 4) Mr Gardner (Minister for Health and Environment) –
  - a) Copy of Interactive Home Gaming Licence and support documentation – Christchurch Casino Online Gaming Limited
  - b) Copy of Interactive Home Gaming Licence and support documentation – Newsbet Pty Limited
- 5) Mr Smith (Minister for Tourism and Commerce) tabled an extract from the website “theage.com.au” bearing title “Editorial Opinion – Universities and the need to know” – and moved –

**THAT the House take note of the paper**

Debate ensued

Question put and agreed to on the voices

- 6) Mr Gardner (Minister for Health and Environment) – Annual Report Norfolk Island Hospital for period 1 January 2000 to 31 December 2000

**The Deputy Speaker took the Chair at 11.39 am**

**6 STATEMENTS**

Mr Nobbs (Chief Minister) –

- a) Read the Police Report submitted on the matter of the payroll theft in the Finance Branch of the Administration  
Mr Brown moved –

**THAT the House take note of the statement**

Debate ensued

Question put and agreed to on the voices

- b) Provided a response to a question asked at an earlier sitting seeking detail of the number of persons, if any, currently on unemployment or underemployment benefits (Special Benefit)
- c) Provided a response to a question asked by Mr Bates at an earlier sitting whether a Capital Gains Tax on land sales was feasible and could “assist in keeping land prices with the area of the young people who wish to retain a stake in their homeland”
- d) Made a statement in relation to concerns in the community as to the reported role of the Legislative Assembly and the Norfolk Island Government in a recent case in the local courts related to paedophilia.  
Mr Buffett moved –

**THAT the House take note of the statement**

Debate ensued

Question put and agreed to on the voices

- e) Reported on the recent meeting of the Working Group on substance abuse

**7 APPOINTMENT TO EXECUTIVE OFFICE OF MINISTER FOR IMMIGRATION AND COMMUNITY SERVICES**

Mr Nobbs (Chief Minister), pursuant to notice, moved –

**THAT Adrian George Hingston Cook QC, MLA be reappointed to the executive office of Minister for Immigration and Community Services and the Administrator be advised accordingly**

Debate ensued

Mr Walker moved –

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

1. **The Speaker call for nominations to fill the vacant executive office;**
2. **In the event that more than one nomination is received, the House proceed to ballot under S.O. 234; and**
3. **The Administrator be so advised of the decision of the House**

Debate ensued

Question – That the amendment be agreed to – put

The House voted –

**AYES, 5**

**Mr Bates**

**Mr McCoy**

**Mr Gardner**

**Mr Walker**

**Mr Brown**

**NOES, 3**

**Mr Nobbs**

**Mr Cook**

**Mr Smith**

**ABSTENTIONS, 1**

**Mr Buffett**

Motion agreed to

The Deputy Speaker called for nominations

Mr Brown proposed David Ernest Buffett

Mr Smith (Minister for Tourism and Commerce) proposed Adrian George Hingston Cook QC

Mr Nobbs (Chief Minister) proposed Allan John McCoy who declined nomination

**Acting Deputy Speaker Gardner took the Chair at 12.15 pm**

Mr Buffett, having accepted nomination and having advised the House that he would abstain from voting, the House proceeded to ballot.

The Clerk having reported to the Acting Deputy Speaker that Mr Buffett was the Member with the greater number of votes, Mr Buffett was declared to have been chosen for appointment as Minister for Immigration and Community Services

**8 PUBLIC SECTOR MANAGEMENT ACT 2000 - APPOINTMENT OF MEMBERS OF THE PUBLIC SERVICE BOARD**

Mr Nobbs (Chief Minister), pursuant to notice, moved –

**That this House, in accordance with paragraph 10(1)(a) and subsection 11(1) of the Public Sector Management Act 2000, recommends that the responsible executive member appoint the following persons to the Public Service Board, and to the respective positions appearing beside their names –**

**Glenn Robinson – Presiding Member**

**Gisele Robyn Huxley – Member**

**Charles Brent Hattersley – Deputy Presiding Member**

**Philippa Anne Elizabeth Reeves – Deputy Member**

Debate ensued

Question put and agreed to on the voices

**9 MUSEUM TRUST ACT 1987 – APPOINTMENT OF TRUSTEES**

Mr Nobbs (Chief Minister), pursuant to notice, moved –

**THAT this House, for the purposes of subsection 5(1) of the Museum Trust Act 1987, resolves that –**

**Albert Fletcher Buffett; and**

**Janice Lyn Christian**

**be appointed as trustees under the Act until 9 April 2001**

Debate ensued

Question put and agreed to on the voices

**10 EXECUTIVE POWERS (REMOVAL OF DOUBT) BILL 2001  
EKSEKETIW PAUWA (F' TEKWIEH ENI DAUT) BIL 2001**

Mr Nobbs (Chief Minister), pursuant to notice, presented a Bill for an Act to validate matters incidental to, or consequential on, the execution of executive authority in certain circumstances and for related purposes

Mesta Nohbs (Chiif Minista) f' present wan Bil f'wan Aekt f' miek intu lor wathenaewa wan 'semble Ekseketiw bin disaid en laan en duu baut eni patikla thing, en f' giw 'semble saport en athohreti f' goehed en duu wathenaewa aels haew'duu iin rilieshan t'daa patikla maeta soe el mieket haepn

Mr Nobbs moved –

**THAT the Bill be agreed to in principle**

Debate ensued

Mr Nobbs moved –

**THAT so much of Standing Orders be suspended as would prevent the Bill being passed through all stages at this sitting**

Question put and agreed to on the voices

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

Bill agreed to in principle

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

**Acting Deputy Speaker Gardner suspended the sitting at 12.45 pm until 2.00 pm  
The House resumed at 2.04 pm, the Speaker taking the Chair**

**11 LEGAL OPINION FROM CROWN COUNSEL ON “PARTICIPATION OF ADRIAN COOK QC, MLA IN ‘THE TRIAL OF FIFTEEN’ ”**

Debate resumed (Mr Bates) on the question – That the House take note of the paper

Question put and agreed to on the voices

**12 AMENDMENT TO IMMIGRATION AMENDMENT (NO. 2) BILL 2000 IN RESPECT OF NEW ZEALAND VISAS**

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

**13 PUBLIC SECTOR MANAGEMENT ACT 2000 – APPROVAL OF HUMAN RESOURCES POLICY**

Debate resumed (Mr Nobbs, Chief Minister) on the question – That the motion be agreed to

Mr Nobbs moved -

**THAT all words after “THAT this House –“ be deleted and the following inserted:**

- 1. “formally approves under Section 28 of the Public Sector Management Act 2000 Version 4 of the draft Human Resources Policy dated 22 September 2000 which was tabled on 15 November 2000, subject to the amendments agreed with the Legislative Assembly, the Public Service Association and staff and management representatives at meetings minuted between the parties on the 8<sup>th</sup> and 15<sup>th</sup> January 2001 and recognises that bandwidth for spread of hours (item 8.2), special leave without pay (item 11.10) and redundancy entitlements (item 13.4) are subject to further discussion and consultation between the parties; and**
- 2. agrees that the current conditions and entitlements for items 8.2, 11.10 and 13.4 remain the same until further discussion and consultation on them is concluded.”**

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

**14 CROWN LANDS ACT 1996**

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

Debate ensued

**Deputy Speaker took the Chair at 2.43 pm**

Debate adjourned (Mr Brown) 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) on the question – That the Bill be agreed to in principle

**Paper:**

**Mr Walker tabled Detail Stage amendment dated 18 December 2000 and foreshadowed his intention to move same at the February sitting of the House**

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

**16 DISAASTA EN ‘IMERJENSI MAENIJMENT BIL 2000  
DISASTER AND EMERGENCY MANAGEMENT BILL 2000**

Debate resumed (Mr Cook QC) on the question – That the Bill be agreed to in principle

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

**17 FIXING OF NEXT SITTING DAY**

Mr Cook QC moved –

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

Question put and agreed to on the voices

**18 ADJOURNMENT**

Mr Brown moved –

**THAT the House do now adjourn**

Debate ensued with Members Cook, Gardner and Buffett participating

Question put and agreed to on the voices

**AND THEN the House at 4.01 pm adjourned until Wednesday 21 February 2001 at  
10 am**

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

**Members Present:** All Members were present