

**NORFOLK ISLAND
TENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 20 FEBRUARY 2002**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
TENTH LEJESLIETEW 'SEMBLE
WENSDI 20 FEBYUWERI 2002**

1 The Legislative Assembly met at 10.03 am. The Speaker (Hon D.E. Buffett) took the Chair and read the Prayer

2 **QUESTIONS WITHOUT NOTICE**

Deputy Speaker Nicholas took the Chair at 10.04 am

3 **ANSWERS TO QUESTIONS ON NOTICE**

Answers were provided to the following questions on notice:

No. 15 (Mr Brown to Minister for Land and the Environment) re. noise abatement legislation

No. 16 (Mr Brown to Minister for Community Services and Tourism) re. level of assistance provided by the local District Nursing Service

Paper:

Mr Smith tabled a Project Report prepared by the Aged Care Clinical Nurse Consultant

No. 17 (Mr Brown to Minister for Community Services and Tourism) re private roads on Norfolk Island

Paper:

Mr Smith tabled a paper detailing the number of private roads on Norfolk Island, including name of entity in whose name title vests and the number of portions presently serviced by each road

No. 18 (Mr Brown to Chief Minister) re. insurance cover for persons supervising the carrying out of Community Service Orders

No. 19 (Mr Brown to Minister for Finance) re. use of Chief Executive Officer's discretionary vote to fund purchase of alcohol for Administration Christmas party

No. 20 (Mr Brown to Minister for Finance) re. donation of liquor by the Bond Store for the Administration Christmas Party

No. 21 (Ms Nicholas to Minister for Community Services and Tourism) re. Years 11 and 12 at the Norfolk Island Central School

Paper:

Mr Smith tabled a paper detailing the students who since 1993 have continued on to higher education after completing years 11 and 12 on Norfolk Island, including the qualification achieved by each one and, where known, the career paths pursued at the conclusion of their tertiary studies

No. 22 (Mrs Jack to the Minister for Community Services and Tourism) re. definition of "local" for the purposes of employment in the Public Sector of Norfolk Island

No. 23 (Mrs Jack to the Minister for Community Services and Tourism) re. criteria for eligibility to serve on statutory board for which Minister responsible and related matters

No. 24 (Mrs Jack to the Minister for Community Services and Tourism) re. need for stability on the Hospital Board

No. 25 (Mrs Jack to the Minister for Community Services and Tourism) re. charging regime for commercial use of public facilities provided by the Administration and KAVHA (response provided by Chief Minister)

4 PRESENTATION OF PAPERS

The following papers were presented to the House –

- 1) Mr Gardner (Chief Minister) – Immigration Act 1980 – Paper reporting that 32 declarations of residency were granted under section 33 in the year ended 31 December 2001;
- 2) Mr I Buffett (Minister for Lands and the Environment) – Norfolk Island Planning Act 1996, section 10(1) – Draft Norfolk Island Plan, the Strategic Plan Map, Zoning Map, Heritage Items Regulatory Map, Obstacle Limitation Surfaces Regulatory Map and the Coastal and Cliff Environment Regulatory Map along with a Report on Consultations undertaken on the draft Plan and copies of Submissions received on the draft Plan.
Mr Buffett moved -

THAT the House take note of the Papers

Debate ensued

Question put and agreed to on the voices

- 3) Mr Gardner (Chief Minister) – Report by Executive Member on Norfolk Island Legal Aid for period December 1997 to December 2001
- 4) Mr Donaldson (Minister for Finance) – Financial Indicators for January 2002
Mr Donaldson moved -

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

- 5) Mr Smith (Minister for Community Services and Tourism) – Inbound Passenger Statistics for December 2001 and January 2002
Mr Smith moved -

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

- 6) Mr Donaldson (Minister for Finance) – Customs Act 1913 – Particulars of duty waived by him as executive member

5 STATEMENTS

- 1) Mr Gardner (Chief Minister) advised of the forthcoming visit to Norfolk of the Federal Minister the Hon Wilson Tuckey MP, Minister for Territories and Regional Services. The Minister arrives Friday 22 February 2002
Mr Gardner moved -

THAT the House take note of the Statement

Debate ensued

Question put and agreed to on the voices

- 2) Mr I Buffett (Minister for Lands and the Environment) briefed Members on the proposed Eradication Programme to control Noxious Weeds

- 3) Mr Gardner (Chief Minister) –
- ◆ Gave a status report on progress with the review of Immigration and talked to a paper circulated to Members on the matter;
 - ◆ Provided a further response to the question asked at the previous sitting by Mr Brown re. reprinting of Norfolk Island legislation and its availability by CD Rom and Internet
 - ◆ Advised he was still awaiting quotes for professional indemnity insurance for Assembly Members and members of the public service for actions taken by them in public office;
 - ◆ Provided further detail in response to the question asked by Mr Brown at the previous sitting in respect of immigration status of non permit holders;
- 4) Mr Smith (Minister for Community Services and Tourism), in response to a question without notice asked earlier in the sitting by Mr David Buffett, advised the House that he continued to personally monitor the current difficulties within the Public Service and moved –

THAT the House take note of the Statement

Debate ensued

Question put and agreed to on the voices

6 MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR

The Speaker reported Message No 3 from the Administrator advising that on 1 February 2002 he declared his assent to the Employment Amendment (No 3) Act 2001

**At 12.50 pm the Speaker suspended the sitting of the House until 2.15 pm
The House resumed its sitting at 2.15 pm, the Speaker taking the Chair**

7 RESPONSIBILITY OF INNKEEPERS IN NORFOLK ISLAND

Mr Brown, pursuant to notice, moved -

THAT this House requests the Minister for Community Services and Tourism to introduce, at the earliest convenient date, a Bill to make provision for the responsibility of innkeepers in Norfolk Island

Debate ensued

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

8 CUSTOMS ACT 1913 - EXEMPTION FROM PAYMENT OF CUSTOMS DUTY

Mr Donaldson (Minister for Finance), pursuant to notice, moved -

THAT this House recommends to His Honour the Administrator that acting in accordance with section 2B of the *Customs Act 1913*, he exempts from duty imposed under section 2 of that Act plant and equipment imported into Norfolk Island to be used for a purpose related to the road reconstruction works at Mt Pitt on condition:

1. that written details of all such plant and equipment and their date of arrival on Norfolk Island be provided to the Collector of Customs in accordance with the directions given by the Collector; and

2. except with the executive member's written approval, be used otherwise than for or in connection with the road reconstruction works at Mt Pitt; and
3. that subject to any approval granted by the executive member under condition 2 above or unless sold after importation, upon completion of the road reconstruction works at Mt Pitt, the plant and equipment shall be exported from Norfolk Island; and
4. that where the plant and equipment is sold in Norfolk Island by Roadstone Construction Ltd (NZ), duty shall be paid on the value of any such plant and equipment in accordance with section 2C of the Act at the date of importation into Norfolk Island; and
5. that where there is disagreement as to what is plant or equipment for the purposes of the road reconstruction works, the decision of the Collector of Customs shall prevail

Debate ensued

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

9 **CUSTOMS ACT 1913 - EXEMPTION FROM PAYMENT OF CUSTOMS DUTY**

Mr Donaldson (Minister for Finance), 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

<u>Column 1</u> <u>Goods</u>	<u>Column 2</u> <u>Importer/conditions</u>
60 cartons Christmas Cakes - amount of duty applicable \$225.50	Lions Club of Norfolk Island Conditions - Nil
Archery Targets and Faces amount of duty applicable \$263.80	Association of Norfolk Island Archers – Conditions - Nil

Debate ensued-

Question put and agreed to on the voices

10 **WATER STORAGE REQUIREMENTS**

Mr Ivens Buffett (Minister for Land and the Environment), pursuant to notice, moved -

THAT all registered tourist accommodation houses that do not comply with current water storage requirements shall be fully compliant with those requirements by 28 February 2005

Debate ensued

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

11 ENHANCEMENT OF EXISTING, AND ESTABLISHMENT OF ADDITIONAL, SISTER CITY RELATIONSHIPS

Mr Brown, pursuant to notice, moved -

THAT this House requests the Chief Minister and Mr Speaker to bring forward proposals to enhance our sister city relationship with the Mosman City Council, and to establish at least two sister city relationships with cities in other parts of Australia, New Zealand or elsewhere

Debate ensued

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

12 NOXIOUS WEEDS ACT 1916 – RESOLUTION OF DISPUTES

Mr Ivens Buffett (Minister for Land and the Environment), pursuant to notice, moved -

THAT the *Noxious Weeds Act 1916* be amended to provide a mechanism whereby adjoining property holders can resolve disputes between themselves in relation to encroachment of plants over their respective boundaries, whether those plants be noxious or otherwise

Debate ensued

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

13 EMPLOYMENT ACT 1988 – RE-APPOINTMENT OF MEMBER OF EMPLOYMENT CONCILIATION BOARD

Mr Donaldson (Minister for Finance), pursuant to notice, moved -

THAT for the purposes of subsection 65(2) of the *Employment Act 1988*, this House resolves to re-appoint –

Bruce Stanley Walker

being a person with relevant qualifications and experience, to the Employment Conciliation Board for the period 21 February 2002 to 20 February 2005

Debate ensued

Question put and agreed to on the voices

14 NORFOLK ISLAND BROADCASTING AUTHORITY BILL 2001 – APPOINTMENT OF MEMBER TO THE NORFOLK ISLAND BROADCASTING AUTHORITY

Mr Smith (Minister for Community Services and Tourism), pursuant to notice, 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 person nominated by the executive member to the Norfolk Island Broadcasting Authority:

Chloe Nicholas

for the period 21 February 2002 to 20 February 2005

Debate ensued

Question put and agreed to on the voices

15 ADMINISTRATIVE REVIEW TRIBUNAL ACT 1996 – FEE REGIME

Mr Ivens Buffett (Minister for Land and the Environment), pursuant to notice, moved -

THAT the *Administrative Review Tribunal Act 1996* be amended to provide for a charging regime in respect of applications to the Tribunal

Debate ensued

Mr I. Buffett moved the following amendment:

THAT all words after “THAT” first appearing be deleted and the following words substituted “pursuant to Section 44 of the Administrative Review Tribunal Act 1996 the Executive Member responsible bring before this House at its March sittings regulations for the charging of fees and other charges relating to matters before the Tribunal”

Debate on the amendment adjourned (Mr Ivens Buffett) and the resumption of debate made an Order of the Day for a subsequent day of sitting

16 DISCHARGE OF ORDERS OF THE DAY NO. 3 AND 8

Orders of the Day No. 3 and 8 on the Notice Paper were discharged

17 FURTHER ADJOURNMENT OF ORDERS OF THE DAY 1, 2, 4, 5 AND 6

Order of the Day No. 1 having been called on, Mr Brown moved –

THAT Orders of the Day numbered 1, 2, 4, 5 and 6 be adjourned and resumption of debate made an Order of the Day for a subsequent day of Sitting

Question put and agreed to on the voices

18 FIXING OF THE NEXT SITTING DAY

Mr Smith (Minister for Community Services and Tourism) moved –

THAT the House at its rising adjourn until Wednesday 27 March 2002 at 10 am

Question put and agreed to on the voices

19 ADJOURNMENT

Mr Nobbs moved –

THAT the House do now adjourn

Question put and agreed to on the voices

AND THEN the House at 3.19 pm adjourned until Wednesday 27 March 2002 at 10 am

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

Members Present: All Members were present