

**NORFOLK ISLAND
TENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 28 AUGUST 2002**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
TENTH LEJESLIETEW 'SEMBLE
WENSDI 28 ORGAS 2002**

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

2 **CONDOLENCES**

Ms Nicholas recorded the passing of –

**Carmen Verna Quarrell
Julie Ann LeCren**

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

3 **QUESTIONS WITHOUT NOTICE**

Deputy Speaker took the Chair at 10.35 am

Time for questions without notice having expired, Mr Nobbs moved –

THAT time for questions without notice be extended by 5 minutes

Question put and agreed to on the voices

Acting Deputy Speaker Brown took the Chair at 11.15 am

Time for questions without notice having again expired, Ms Nicholas moved –

THAT time for questions without notice be extended by a further 10 minutes

Question put and agreed to on the voices

4 **PRESENTATION OF PAPERS**

The following Papers were presented to the House:

- (1) Mr Gardner (Chief Minister) tabled the Report for the six months ended 30 June 2002 from the Legal Aid Advisory Committee in accordance with section 31(1) of the *Legal Aid Act 1995* and moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

- (2) Mr Donaldson (Minister for Finance) tabled –
- a) Advice to him from the Finance Manager dated 21 August 2002 detailing funds transferred by way of virement in July 2002;
 - b) Detail of travel expenditure – Administration of Norfolk Island – for period 1 May 2002 to 31 July 2002;
 - c) the direction given by the Minister for Land and the Environment under section 32A(2) of the *Public Moneys Act 1979* to the Finance Manager to transfer to the financial year 2002-2003 the sum of \$129,900 for the purpose of meeting a commitment entered into in the year ending 30 June 2002 in respect of Education – Building Extension – vote 46270-160
Mr Donaldson moved –

THAT the House take note of the paper

Debate ensued
Question put and agreed to on the voices

- d) Annual Report from the Employment Tribunal for year ended 30 June 2002
Mr Donaldson moved –

THAT the House take note of the paper

Debate ensued
Question put and agreed to on the voices

5 STATEMENTS

- (1) Mr Donaldson (Minister for Finance) responded to a complaint of unfair competition practices at the Post Office, advising that a policy document is being developed which will address to what extent if any the Administration through its GBEs or Revenue Fund should compete with the private sector in the retail area, and if so, the ground rules to apply
Mrs Jack moved –

THAT the House take note of the Statement

Debate ensued
Question put and agreed to on the voices

- (2) Mr Gardner (Chief Minister) made a statement on his attendance at the Delimitation Talks on Maritime Boundaries in New Zealand last month
Papers: Mr Gardner tabled explanatory papers and maps that demonstrate the principles and proposed maritime boundaries, the subject of the current delimitation talks between Australia and New Zealand
Mr Nobbs moved –

THAT the House take note of the Statement

Debate ensued
Question put and agreed to on the voices

(3) Mr Buffett (Minister for Community Services and Tourism) –

- a) Reported on the community response to the voluntary fingerprinting process;
 - b) Provided an update on the Norfolk Island Hospital Enterprise;
 - c) Advised of the generous donation of \$250,000 made by Mr Toni Redstone to the Norfolk Island community for the establishment of new dental surgery
- Mr Nobbs moved –

THAT the House take note of the Statements

Debate ensued

Question put and agreed to on the voices

- d) Made reference to the recent Tourism Symposium and to the inaugural flight of Alliance Airlines which commences a regular service to the Island on 7 September 2002
- Mr Nobbs moved –

THAT the House take note of the Statement

Debate ensued

Question put and agreed to on the voices

- e) Provided an interim progress report on the review of social services policy
- Mrs Jack 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 7 from the Administrator advising that on 27 August 2002, pursuant to section 21 of *the Norfolk Island Act 1979* and in accordance with the instructions of the Minister for Regional Services, Territories and Local Government and the advice of the Norfolk Island Executive Council, he declared his assent to the *Customs (Cigarettes and Tobacco) Amendment Act 2002*

7 TABLING OF PAPER

Mr Buffett tabled a copy of the direction given by him on 28 August 2002 to the Norfolk Island Hospital Enterprise under subsection 9(2) of the *Norfolk Island Hospital Act 1985* and referred to by him in Statements

8 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

**Column 1
Goods****Column 2
Importer/conditions**

**Juke Box -
amount of duty applicable \$671.42**

**Norfolk Island Youth Centre
Conditions - Nil**

Debate ensued
Question put and agreed to on the voices

9 *PROTECTION OF MOVABLE CULTURAL HERITAGE ACT 1987 – RE-APPOINTMENT OF MEMBERS OF NORFOLK ISLAND MOVABLE CULTURAL HERITAGE COMMITTEE*

Mr David Buffett, (Minister for Community Services and Tourism), pursuant to notice, moved –

That in accordance with subsection 9(1) of the *Protection of Movable Cultural Heritage Act 1987*, the Legislative Assembly recommends to the Executive Member that -

**Beryl Phyllis Evans;
Nancy Jocelyn Smith;
Roy Andrew Smith; and
Neil Alexander Tavener,**

be re-appointed as members of the Norfolk Island Cultural Heritage Committee for the period 26 August 2002 to 25 August 2005

Debate ensued
Motion amended by leave to include the word “Movable” before the word “Cultural” in second last line of the motion
Question put and agreed to on the voices

10 *PROVIDENT ACCOUNT ACT 1958 – INTENTION TO APPOINT PERSON AS OFFICIAL TRUSTEE OF THE PROVIDENT ACCOUNT*

Mr Donaldson (Minister for Finance), pursuant to notice, moved the motion standing in his name on the Notice Paper in the following amended form, by leave

THAT for the purposes of section 4A of the Provident Account Act 1958, this House recommends that the responsible executive member appoint –

Albert Fletcher Buffett

being a public service employee, to be the Official Trustee of the Provident Account, for a period of six months commencing 29 August 2002 and concluding 28 February 2003

Debate ensued
Question put and agreed to on the voices

**Acting Deputy Speaker Brown suspended the House at 12.30 pm until 2 pm
The House resumed its sitting at 2.02 pm, the Speaker taking the Chair**

11 PUBLIC SECTOR MANAGEMENT ACT 2000 – APPOINTMENT OF EXECUTIVE DIRECTOR ENVIRONMENT AND INFRASTRUCTURE

Mr David Buffett (Minister for Community Services and Tourism), pursuant to notice, moved –

THAT in accordance with section 39(1) of the *Public Sector Management Act 2000* this House recommends to the Chief Executive Officer that Mr Terence Grube be appointed as Executive Director Environment and Infrastructure

Debate ensued

Question put and agreed to on the voices

12 INFRINGEMENT OF IMMIGRATION ACT 1980 AND POLICY

Mr Brown, pursuant to notice, moved –

THAT this House requests the responsible executive member to urgently introduce a Bill for an Act to amend the Immigration Act to provide that it shall be an offence for a person to falsely hold himself out as the owner of a particular business, if that is done for the purpose of allowing another person to commence or acquire that business without providing full details to the Immigration Officer and obtaining such immigration permit as may be required pursuant to the Immigration Act and the Immigration Policies

Debate ensued

Motion withdrawn by leave

13 UPGRADING OF ROADS OTHER THAN PUBLIC ROADS

Mr Brown, pursuant to notice, moved –

THAT this House requests the responsible Executive Member to urgently introduce a Bill for an Act to allow the Administration, in relation to roads other than public roads maintained by the Administration, to upgrade such roads to a satisfactory standard and to make a charge to the owners of land serviced by such roads pro rata according to the frontage of each such portion to the particular road, such charge being the Administration's actual cost, without markup being applied to any component of that cost, and provided that the Administration shall thereafter maintain each such road at the Administration's cost

Debate ensued

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

14 DEVELOPMENT OF TOBACCO CONTROL

Debate resumed (Mr Nobbs) from 17 July 2002 on the question – That the motion be agreed to

Question put and agreed on the voices – Mrs Jack abstaining

Deputy Speaker took the Chair at 2.50 pm

15 TOURISM – FUTURE DIRECTION

Debate resumed (Mr Ivens Buffett, Minister for Land and the Environment) from 19 June 2002 on the question – That the motion be agreed to

Question put and agreed to on the voices – Mr Smith being absent from the Chamber

16 INQUIRY INTO EFFECTIVENESS AND MANAGEMENT ARRANGEMENTS FOR THE NORFOLK ISLAND HOSPITAL ENTERPRISE

Debate resumed (Mr Ivens Buffett, Minister for Land and the Environment) from 17 July 2002 on the question – That the motion be agreed to
Mr David Buffett (Minister for Community Services and Tourism), by leave, moved –

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

“this Assembly requests the Minister to:

- a) initiate an enquiry into the Norfolk Island Hospital to:

 - ◆ examine the effectiveness of the current legislation and management arrangements and practices undertaken; and
 - ◆ recommend a sound management structure, and appropriate supporting legislation for practical and professional delivery of Hospital and related health services to the Norfolk Island community; and**
- b) provide adequate support to the enquiry**

Debate ensued

Mr Brown moved the following amendments to the amendment:

- (1) That a third dot point be added in paragraph (a) of Mr Buffett’s amendment as follows:

 - ◆ examine the various issues which were raised in the petition relating to the Hospital which was tabled in the Legislative Assembly at its meeting on 5 June 2002; and**
- (2) That a new paragraph (c) be added to Mr Buffett’s amendment as follows:

 - c) direct that until finalisation of the enquiry neither the Board nor the Director make any substantial decisions without first clearing them in writing with the executive member****

Debate ensued

Question - that amendment to the amendment number (1) be agreed to – put

The House voted –

AYES, 7

Mr Gardner

Mr Donaldson

Mr Ivens Buffett

Mr Nobbs

Ms Nicholas

Mr Smith

Mr Brown

NOES, 2

Mr David Buffett

Mrs Jack

Amendment to the amendment agreed to

Question – that amendment to the amendment number (2) be agreed to – put

The House voted -

AYES, 5
Mr Donaldson
Mr Ivens Buffett
Mr Nobbs
Ms Nicholas
Mr Brown

NOES, 4
Mr David Buffett
Mr Gardner
Mrs Jack
Mr Smith

Amendment to the amendment agreed to

Question – That Mr Buffett’s amendment as amended 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

17 FIXING OF THE NEXT SITTING DAY

Mrs Jack moved –

THAT the House at its rising adjourn until Wednesday 25 September 2002 at 10 am

Question put and agreed to on the voices

18 ADJOURNMENT

Mr Donaldson moved –

THAT the House do now adjourn

Question put and agreed to on the voices

AND THEN the House at 4.04 pm adjourned until Wednesday 25 September 2002 at 10 am

Robin-Eleanor Adams
Clerk to the Legislative Assembly

Members Present: All Members were present