

**NORFOLK ISLAND
TENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 18 AND 19 DECEMBER 2002**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
TENTH LEJESLIETEW 'SEMBLE
WENSDI 18 AND 19 DISEMBA 2002**

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

2 GIVING OF NOTICES

Mr Gardner (Chief Minister) gave notice of his intention to introduce legislation at the next sitting to amend the *Legislative Assembly Act 1979* primarily for the purpose of making Australian citizenship a prerequisite to enrolment on the Norfolk Island electoral roll and secondly to reduce the qualifying period that an Australian citizen need be resident on Norfolk Island to become eligible for enrolment from 900 days to a period of 18 months

3 QUESTIONS WITHOUT NOTICE

Deputy Speaker took the Chair at 10.05 am

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

THAT time for questions without notice be extended by 15 minutes

Question put and agreed to on the voices

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

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

Question put and agreed to on the voices

4 PRESENTATION OF PAPERS

The following Papers were tabled:

- 1) Mr G Gardner (Chief Minister) tabled the current Immigration legislation
Mr Gardner 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) – Financial Indicators for 5 months ended 30 November 2002
Mr Donaldson moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

- (3) Mr Gardner (Chief Minister) – Administrative Review Tribunal Regulations 2002;
- (4) Mr Donaldson (Minister for Finance) – Directions given by executive member for virement of funds under *Public Moneys Act 1979* between 14 November 2002 and 10 December 2002;
- (5) Mr D. Buffett (Minister for Community Services) – Inbound passenger statistics for November 2002

5 STATEMENTS

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

- 1) provided an update on tourism activities, including updated information on destination marketing and promotion by the Tourist Bureau;
 - 2) made a statement on the visit this week of Mr Bob Smith, the Director of Vocational Education in NSW Dept of Education and Training, to discuss how Norfolk Island trainees can continue to have trainee facilities and access to TAFE colleges;
 - 3) gave a comprehensive report on the ongoing difficulties at the Norfolk Island Hospital Enterprise and the efforts being made at Government level to resolve them
- Mr Brown moved –

THAT the House take note of the Statement

Debate ensued

Question put and agreed to on the voices

6 MATTER OF PUBLIC IMPORTANCE

The following matter of public importance proposed by Mr Nobbs was discussed:

“The exclusion of a member of the Legislative Assembly from a specially called informal meeting of the Legislative Assembly during the afternoon of Friday 13 December 2002.

The exclusion of the member was not on grounds for exclusion established by statute or the Standing Orders of the Legislative Assembly of Norfolk Island.

Such exclusion as occurred brings into question the very essence of democratic right and the freedom of expression by a member of the Norfolk Island Legislative Assembly, duly elected by the Norfolk Island community.

An explanation is requested and at the very least an apology to the community is sought both during the formal Legislative Assembly meeting dated 18 December 2002 and in an appropriate form within the newspaper the Norfolk Islander.”.

Discussion ensued

Mr I Buffett (Minister for Land and the Environment) moved –

THAT the discussion be now concluded

Question put

The House voted –

AYES, 7
Mr Buffett
Mr Gardner
Mr Donaldson
Mrs Jack
Mr Ivens Buffett
Ms Nicholas
Mr Smith

NOES, 2
Mr Nobbs
Mr Brown

Motion agreed to

7 MESSAGES FROM THE OFFICES OF THE ADMINISTRATOR

The Deputy Speaker reported the following Messages:

Message No. 9 from the Administrator advising that on 4 December 2002 he declared his assent to the Building Act 2002; Trees Amendment Act 2002 and the Supplementary Appropriation Act 2002

Message No. 10 from the Administrator advising that on 4 December 2002 he reserved for the pleasure of the Governor-General the Planning Bill 2002; Norfolk Island Planning and Environment Board Bill 2002; Subdivision Bill 2002; Heritage Bill 2002; Roads Bill 2002 and the Lands Titles Bill 2002

8 AUDIT REPORT IN RESPECT OF AUDITED FINANCIAL STATEMENTS OF THE TERRITORY

The Deputy Speaker tabled the independent Audit Report from the Norfolk Island Government Auditor, Curran Sole & Tuck, in respect of the audited financial statements of the Territory for the year ended 30 June 2002

The Deputy Speaker suspended the sitting at 12.41 pm until 2.00 pm
The House resumed at 2.05 pm, the Deputy Speaker taking the Chair

9 NORFOLK ISLAND ACT 1979 – TERMINATION OF APPOINTMENT TO EXECUTIVE OFFICE

Mr Brown, pursuant to notice, moved -

THAT for the purposes of section 13 of the *Norfolk Island Act 1979* the appointment of David Ernest Buffett AM to the designated executive office of Minister for Community Services and Tourism be terminated forthwith and the Administrator be advised accordingly

Debate ensued
 Question put
 The House voted –

AYES, 2
Mr Nobbs
Mr Brown

NOES, 7
Mr Buffett
Mr Gardner
Mr Donaldson
Mrs Jack
Mr Ivens Buffett
Ms Nicholas
Mr Smith

Motion negatived

10 EMPLOYMENT OF DR DAMIEN FOONG

Mr Nobbs, pursuant to notice, moved –

THAT this House instructs the Minister for Health to direct the Hospital Board to either accept withdrawal of the resignation of Dr Damien Foong dated 4 December 2002 or offer Dr Foong a new employment contract; any new contract so offered to Dr Foong to include conditions no less beneficial to the Doctor than those contained within his employment contract as at 4 December last

Mr D. Buffett (Minister for Community Services and Tourism) moved –

THAT the provisions of standing order 72A be suspended

Question put and agreed to without dissenting voice

Debate ensued

Mr Nobbs, by leave, moved the following amendments:

- 1) **That the words “Director of the” be inserted after the words “direct the”;**
- 2) **The word “Board” be changed to “Enterprise”**
- 3) **The following words be added at the end “but shall take into account contents of letter distributed to Members at an informal meeting on 17 December related to the position of Medical Superintendent”**

With the agreement of Mr Nobbs the following change proposed by Mr Brown was incorporated into Mr Nobbs’ amendments:

Delete the words “either accept withdrawal of the resignation of Dr Damien Foong dated 4 December 2002 or”

The Speaker took the Chair at 3.24 pm

Question – That the amendments be agreed to – put and agreed to on the voices

Question – That the motion as amended be agreed to – put

The House voted –

AYES, 4

Mr Donaldson

Mr Nobbs

Mr Smith

Mr Brown

NOES, 5

Mr Buffett

Mr Gardner

Mrs Jack

Mr Ivens Buffett

Ms Nicholas

Motion negatived

11 PUBLIC SECTOR MANAGEMENT ACT 2002 – RE-APPOINTMENT OF MEMBERS OF THE BOARD

Ms Nicholas, for and on behalf of Mr. Buffett (Minister for Community Services and Tourism), moved -

THAT this House, in accordance with subsection 13(1) of the Public Sector Management Act 2000, recommends that the responsible executive member re-appoints the following persons to the Public Service Board and to the respective positions appearing beside their names for the period 24 January 2003 to 23 January 2005–

**Gisele Robyn Huxley – Member
Charles Brent Hattersley – Deputy Presiding Member**

The Deputy Speaker took the Chair at 3.42 pm

Debate ensued

Question put and agreed to on the voices, Mr Smith and Mr I Buffett being absent from the Chamber

12 APPOINTMENT OF SELECT COMMITTEE TO CONSIDER CERTAIN ISSUES INCLUDING ELECTORAL AND GOVERNANCE ISSUES

Mr Nobbs, pursuant to notice, moved -

- 1. That pursuant to Standing Order 24, a Select Committee of this House be appointed to consider and report upon:**
 - (a) laws in force in Norfolk Island relating to eligibility to vote and candidature for election to this House, with particular regard to the following matters:**
 - (i) whether Australian citizenship should be a requirement for eligibility to vote for, or be elected to, this House or for participating in a referendum; and**
 - (ii) the time period before which a person resident in Norfolk Island can enrol to vote in elections for membership of this House or in a referendum; and**
 - (iii) the adequacy, efficiency and integrity of administrative procedures relating to the conduct of Norfolk Island elections and referendums;**

and
 - (b) the constitutional status of Norfolk Island, the governance of the Island and relations between Norfolk Island and the Commonwealth of Australia, with particular regard to the following matters:**
 - (i) the desirability or otherwise of a constitution or charter or similar legal document for the Island, and the means by which any such proposed document should be developed; and**
 - (ii) the desirability or otherwise of rendering the principles of self-government, on which the Norfolk Island Act 1979 is based, less amenable to unilateral alteration by either Norfolk Island or the Commonwealth of Australia, and the means by which such an outcome might be achieved; and**
 - (iii) the structure of the executive government of Norfolk Island and the administrative and public policy consequences of any proposed change**

2. That the Committee shall consist of five members – three non executive members and 2 executive members – who shall be nominated by the House by separate motion
3. That at any meeting of the Committee 3 members shall constitute a quorum
4. That the Committee shall have leave to adjourn from place to place; have leave to make visits of inspection within Norfolk Island; have power to take evidence and send for persons and papers
5. That the Committee shall report by 1 October 2003
6. That the Legislative Assembly consider and vote on the recommendations contained within the report by 25 December 2003

Question put and agreed to on the voices

13 MOTION BY LEAVE – APPOINTMENT OF MEMBERS TO SELECT COMMITTEE TO CONSIDER CERTAIN ISSUES INCLUDING ELECTORAL AND GOVERNANCE ISSUES

Mr Nobbs by leave moved –

THAT the Select Committee shall consist of five members as follows:

- 1) Three members not being executive members; and
- 2) Two members being executive members,

who shall be nominated in writing to the Clerk of the Legislative Assembly by, respectively, for 1) the non-executive members of this House and for 2) by the Chief Minister. Nominations are to be with the Clerk by the close of business on Monday 23 December 2002

Mr Nobbs moved –

THAT so much of standing order 200 be suspended as would prevent adoption of the procedure recommended in the motion

Question – That the suspension be agreed to – put and agreed to on the voices

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

14 APPOINTMENT OF THE NORFOLK ISLAND GOVERNMENT AUDITOR

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

THAT this House advise the Administrator:

- 1) To appoint the Auditor-General of Queensland who is a registered auditor within the meaning of section 51A of the *Norfolk Island Act 1979* to be the Norfolk Island Government Auditor under section 51 of the *Norfolk Island Act 1979* for the financial years ending 30 June 2003, 30 June 2004 and 30 June 2005; and
- 2) For the purposes of section 51 of the *Norfolk Island Act 1979* to determine that the terms and conditions of appointment of the Norfolk Island Government Auditor be:

- a) an annual base fee of \$26,350 for the financial year ending 30 June 2003;
- b) an annual base fee of \$27,500 for the financial year ending 30 June 2004;
- c) an annual base fee of \$28,500 for the financial year ending 30 June 2005; and
- d) the reimbursement at their actual costs of out of pocket expenses incurred by the auditor in relation to the appointment up to a maximum of \$10,000 in any one year

Question put and agreed to on the voices

15 ORDER OF THE DAY NO. 1 - CONSTITUTION FOR NORFOLK ISLAND

Order of the Day withdrawn by leave

16 SUSPENSION OF THE SITTING

Mr Nobbs moved –

THAT the House do now suspend until 10 am on Thursday 19 December 2002

Debate ensued

Mr Brown moved –

THAT the question to suspend be suspended

Question put and agreed to on the voices

17 ORDER OF THE DAY NO. 3 - WATER STORAGE REQUIREMENTS

Order of the Day withdrawn by leave

18 NORFOLK ISLAND HOSPITAL ACT 1985 - APPOINTMENT OF MEMBERS OF THE BOARD

Mr D. Buffett (Minister for Community Services and Tourism), by leave, moved -

THAT for the purposes of subsection 12(1) of the *Norfolk Island Hospital Act 1985*, this House resolves that -

**John Edgar Christian; and
David John McCowan,**

be appointed by the Executive Member as Members of the Board of Management for the period 19 November 2002 to 20 May 2003

**The Deputy Speaker suspended the sitting at 5.02 pm until 10 am on 19 December 2002
The House resumed at 10.04 am, the Deputy Speaker taking the Chair**

Debate resumed on the question – That the motion be agreed to

Question put and agreed to on the voices, Ms Nicholas and Mrs Jack abstaining

19 FIXING OF THE NEXT SITTING DAY

Mr Gardner (Chief Minister) moved –

**THAT the House at its rising adjourn until Wednesday 12 February 2003
at 10.00 am**

Question put and agreed to on the voices

20 ADJOURNMENT

Mr Brown moved –

THAT the House do now adjourn

Debate ensued with all Members participating

Question put and agreed to on the voices

**AND THEN the House at 10.42 am adjourned until Wednesday 12 February 2003 at 10
am**

Robin-Eleanor Adams
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present