

**NORFOLK ISLAND
TENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 12 FEBRUARY 2003**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
TENTH LEJESLIETEW 'SEMBLE
WENSDI 12 FEBYUWERI 2003**

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 referred to the passing of –

Paul Scott Jackson

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

3 **QUESTIONS WITHOUT NOTICE**

The Deputy Speaker took the Chair at 10.26 am

Time for questions without notice having expired Mrs Jack moved –

THAT time for questions without notice be extended by 10 minutes

Question put

The House voted –

AYES, 6

Mr Gardner

Mr Donaldson

Mrs Jack

Mr Nobbs

Ms Nicholas

Mr Smith

NOES, 3

Mr D Buffett

Mr I Buffett

Mr Brown

Motion agreed to

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

THAT time for questions without notice be extended by 5 minutes

Question put and agreed to on the voices

4 **QUESTIONS ON NOTICE**

Answers were provided to the following questions on notice:

No. 38 (Mr Brown to the Minister for Community Services and Tourism) re. Compensation of patients forced to travel to the mainland for medical attention during recent turmoil at Hospital Enterprise;

No. 39 (Mr Brown to the Minister for Community Services and Tourism) re. new satellite landing system at the Norfolk Island Airport

5 PRESENTATION OF PAPERS

The following papers were tabled:

- 1) Mr G Gardner (Chief Minister) - Rules of Procedure dated 9 December 2002 for the Public Sector Remuneration Tribunal
- 2) Mr Donaldson (Minister for Finance) – Financial Indicators for 6 months ended 31 December 2002
- (3) Mr Gardner (Chief Minister) – Report by executive member of number of declarations of residency granted under section 33 of the *Immigration Act 1980* during the year ended 31 December 2002;
- (4) Mr Donaldson (Minister for Finance) –
 - a) Directions given by executive member under *Customs Act 1913* for exemption of customs duty under section 2B(2) of the Act;
 - b) Postal Services (Rates) Amendment Regulations 2003 and the Postal Services (Rates) Amendment (No. 2) Regulations 2003;
 - c) Telecommunications tariff notice dated 22 January 2003 issued by executive member under section 28 of the *Telecommunications Act 1992*;
 - d) Annual aerodrome technical & safety inspection 2002 of the Norfolk Island airport by Aerodrome Operation Support Pty Ltd
 - e) Summary of expenditure from Revenue Fund on official travel for period 1 November 2002 to 31 January 2003;
 - f) Summary of directions given by executive member for virement of funds under *Public Moneys Act 1979* in the period 13 December 2002 to 14 January 2003
- (5) Mr D. Buffett (Minister for Community Services) –
 - a) Inbound passenger statistics for December 2002 and January 2003;
 - b) The Norfolk Island Hospital Enterprise Enquiry Report dated December 2002
 Mr Brown moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- c) Public Sector Remuneration Tribunal Determination No. 1 of 2003 and reasons for decision in relation thereto

6 STATEMENTS

- 1) Mr Gardner, Chief Minister, provided an update on the review of the Norfolk Island Legal Aid Scheme
- 2) Mr Ivens Buffett, Minister for Land and the Environment –
 - a) Advised of the current situation with the land initiatives
 Mr Nobbs moved –

THAT the House take note of the statement

Debate ensued

Question put and agreed to on the voices

- b) Made a short statement on Waste Management, advising that the Final Report on the Coast and Clean Seas Project was to be published in the Norfolk Islander; this Report acquits the funding provided by the Commonwealth as well as detailing the funding provided by Norfolk Island to the project
Mr Nobbs moved –

THAT the House take note of the statement

Debate ensued
Question put and agreed to on the voices

- 3) Mr Gardner, Chief Minister, reported on progress with the development of legislation relating to third party motor vehicle insurance;
4) Mr Ivens Buffett, Minister for Land and the Environment –
- a) Advised of the need to re-activate consideration of a number of issues related to the implementation/finalisation or otherwise of the proposed transfer to the Norfolk Island Government of the fishing area known as “the box;
b) In response to public concern at the extent of the current army worm infestation, explained that to implement an eradication project on an Island wide scale would have extensive funding and resource implications and that importation of biological controls would require strict compliance with AQIS protocols
Mr Nobbs moved –

THAT the House take note of the statement

Debate ensued
Question put and agreed to on the voices

- 5) Mr Gardner, Chief Minister, gave members an update on progress with the immigration review

**The Deputy Speaker suspended the sitting at 1.45 pm until 2 pm
The House resumed at 2.05 pm, the Deputy Speaker taking the Chair**

- 7 INTERIM REPORT OF SELECT COMMITTEE APPOINTED TO INQUIRE INTO CERTAIN ISSUES, INCLUDING ELECTORAL AND GOVERNANCE ISSUES**
Mr Nobbs, Chairman of the Committee, reported briefly on the Committee’s activities to date and, by leave, moved –

THAT this House, in accordance with standing order 215, authorises the Select Committee appointed to inquire into certain issues, including electoral and governance issues, to publish from time to time evidence provided to the Committee

Debate ensued
Mr Brown, by leave, moved –

THAT the words “excluding any submission made and accepted on a confidential basis” be added at the end of the motion

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

8 IMMIGRATION ACT 1980 – DETERMINATION OF GENERAL ENTRY PERMIT QUOTA FOR THE PERIOD 17 FEBRUARY 2003 TO 16 FEBRUARY 2004

Mr Gardner, Chief Minister, pursuant to notice, moved –

THAT for the purposes of subsection 21(1) of the *Immigration Act 1980*, this House resolves that it be determined by instrument in writing that 35 General Entry Permits be granted during the period 17 February 2003 to 16 February 2004

Debate ensued

Question put and agreed to on the voices

9 NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ACT 1980 - INTENTION TO APPOINT AUDITOR TO TOURIST BUREAU

Mr D Buffett, Minister for Community Services and Tourism, pursuant to notice, moved

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THAT for the purposes of subsection 18(1) of the *Norfolk Island Government Tourist Bureau Act 1980*, this House resolves that the Auditor-General of Queensland, appointed as the Norfolk Island Government Auditor under section 51A of the *Norfolk Island Act 1979*, be the Auditor of the Norfolk Island Government Tourist Bureau during the term of appointment ending 30 June 2005

Debate ensued

Question put and agreed to on the voices

10 PUBLIC SECTOR MANAGEMENT ACT 2000 – DETERMINATION TO AMEND THE HUMAN RESOURCES POLICY

Mr D Buffett, Minister for Community Services and Tourism, pursuant to notice, moved

-

THAT this House, having considered the written comments of the Public Service Association in respect of the draft Chapter 13 of the Human Resources Policy, in accordance with and pursuant to sections 26 and 28 of the *Public Sector Management Act 2000* hereby —

makes the determination in respect of this Chapter 13 of the Human Resources Policy, dated 6 February 2003, and produced by the Acting Chief Executive Officer which amends the Human Resources Policy dated 20 February 2001 by replacing Chapter 13,

and declares that a copy of this motion, signed by the responsible executive member and appearing in the Gazette, shall be the instrument in writing of the Legislative Assembly for the purposes of paragraph 26(1)(d) of the said Act.

Paper:

Mr Buffett tabled the proposed new section 13 of the Human Resources Policy titled “Termination, Change, and Redundancy”

Debate ensued

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

11 EMPLOYMENT ACT 1988 – AMENDMENT TO OVERTIME PROVISIONS

Mr J Brown, pursuant to notice, moved the motion standing in his name on the Notice paper, in the following amended form, by leave –

THAT this House requests the responsible Executive Member to cause a Bill to be drafted and introduced into the House in order to amend the Employment Act so as to exclude employees in receipt of salaries from the operation of the overtime provisions of the Act, and so as to allow any employee who so agrees in writing (retaining the right to withdraw such agreement on seven days notice at any time) to be paid a flat hourly rate without provision for overtime, provided only that such hourly rate shall be not less than the employee's normal hourly rate and to amend section 20(1) of the Act so that the notice period shall be the greater of seven clear days or such period as is stated in the employment contract

Debate ensued

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

12 ABSENTEE LANDOWNERS LEVY – ALLEVIATION OF FINANCIAL HARDSHIP

Mr Donaldson, Minister for Finance, by leave, moved -

THAT this House notes the following:

- ❖ **That the value of properties on which the absentee levy is payable rose by an average of 400% when revalued in August 2002**
- ❖ **That such an increase flows through to the amount of levy payable**
- ❖ **That such an increase causes financial hardship to the absentee landowners concerned**
- ❖ **That where financial hardship is experienced section 21 of the Absentee Landowners Act 1976 allows the executive member to waive all or part of the levy.**

After noting the above this House resolves to recommend to the executive member that, for this current year only, the levy be reduced by 50% to an effective rate of 1% and that such action be justified and administered on the grounds of alleviating hardship as envisaged by section 21 of the Act

Debate ensued

Question put and agreed to on the voices – Mrs Jack dissenting

13 SUPPLEMENTARY APPROPRIATION BILL 2003 - MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR

The Deputy Speaker reported the following Message:

Message No. 11 from the Administrator recommending to the Legislative Assembly the enactment of a proposed law entitled "A Bill for an Act to authorise supplementary expenditure from the Public Account for the year ending 30 June 2003"

14 SUPPLEMENTARY APPROPRIATION BILL 2003

Mr Donaldson, Minister for Finance, pursuant to notice, presented a Bill for an Act to authorise supplementary expenditure from the Public Account for the year ending on 30 June 2003 and moved –

THAT the Bill be agreed to in principle

Debate ensued

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

15 PUBLIC SECTOR MANAGEMENT AMENDMENT BILL 2003

Mr D Buffett, Minister for Community Services and Tourism, pursuant to notice, presented a Bill for an Act to amend the *Public Sector Management Act 2000* and moved -

THAT the Bill be agreed to in principle

Debate ensued

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

16 LEGISLATIVE ASSEMBLY AMENDMENT BILL 2003

Mr Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act to amend the *Legislative Assembly Act 1979* and moved –

THAT the Bill be agreed to in principle

Debate ensued

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

17 NORFOLK ISLAND HOSPITAL AMENDMENT BILL 2003

Mr D Buffett, Minister for Community Services and Tourism, pursuant to notice, presented a Bill for an Act to amend the *Norfolk Island Hospital Act 1985* and moved –

THAT the Bill be agreed to in principle

Debate ensued

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

18 SUBDIVISION (MORATORIUM) BILL 2003

Mr I Buffett, Minister for Land and the Environment, by leave, presented a Bill for an Act to restrict applications for planning approval in respect of the subdivision of land and for related purposes and moved –

THAT the Bill be agreed to in principle

Debate ensued

Leave granted to deal with the Bill through all stages at this sitting

Question put

Bill agreed to in principle on the voices

Leave granted to dispense with the detail stage

Mr I Buffett moved –

THAT the Bill be agreed to

Question put

Bill agreed to on the voices

19 FIXING OF THE NEXT SITTING DAY

Mrs Jack moved –

**THAT the House at its rising adjourn until Wednesday 19 March 2003
at 10.00 am**

Question put and agreed to on the voices

20 ADJOURNMENT

Mr Smith moved –

THAT the House do now adjourn

Debate ensued with Mr Gardner and Mr Nobbs participating
Question put and agreed to on the voices

AND THEN the House at 5.28 pm adjourned until Wednesday 19 March 2003 at 10 am

Robin-Eleanor Adams
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present