

**NORFOLK ISLAND
TENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 16 AND 23 JULY 2003**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
TENTH LEJESLIETEW 'SEMBLE
WENSDI 16/23 JUULAI 2003**

1 The Legislative Assembly met at 10.01 am on Wednesday 16 July 2003. The Speaker (Hon D.E. Buffett) took the Chair and read the Prayer

2 SPEAKER OFFERS CONDOLENCES AND SUSPENDS SITTING

The Speaker offered sympathy to the family and friends of Roxanne Kirsty Christian Spreag and Denae Jane Evans who were tragically killed as a result of a road accident on Mission Road on 11 July 2003. Their funeral is to be held today. As a mark of respect, the Speaker suspended the sitting at 10.08 am until 10 am on Wednesday 23 July 2003

The House resumed at 10.04 am on Wednesday 23 July 2003, the Speaker taking the Chair

3 CONDOLENCES

Mr Nobbs recorded the passing of –

Francis Menghetti

Ms Nicholas recorded the passing of –

**Denae Jane Evans
Roxanne Kirsty Christian Spreag
Phyllis Mabel Ryding**

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

4 QUESTIONS WITHOUT NOTICE

The Deputy Speaker took the Chair at 10.27 am

5 ANSWERS TO QUESTIONS ON NOTICE

An answer was provided by the Minister for Land and the Environment to question on notice No. 40 from Mr Brown re. importation of dogs into Norfolk Island

6 PRESENTATION OF PAPERS

The following papers were tabled:

- 1) Mr Gardner, Chief Minister – S. 41 *Interpretation Act 1979* – Business Names Amendment Regulations 2003
Mr Gardner moved –

THAT the House takes note of the paper

Debate ensued

Question put and agreed to on the voices

- 2) Mr Donaldson, Minister for Finance – Telecommunication Tariff Notice dated 30 June 2003 specifying the new tariff of the Administration's charges for basic carriage services payable by consumers effective 1 July 2003

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 –

- a) Exposure drafts of Immigration Amendment Bill 2003 and Administrative Review Tribunal Amendment Bill 2003

Mr Gardner moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- b) Exposure draft of the Motor Traffic Bill 2003

Mr Gardner moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- 4) Mr Donaldson, Minister for Finance –

- a) s. 41 *Interpretation Act 1979* – Airport Amendment Regulations 2003

Mr Donaldson moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- b) Directions given by executive member for virement of funds since the meeting of the House on 18 June 2003

Mr Donaldson moved -

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- c) Exemptions by executive member from payment of customs duty

Mr Donaldson moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- 5) Mr D Buffett, Minister for Community Services and Tourism – Inbound passenger statistics for June 2003

Mr D. Buffett moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

7 STATEMENTS

1) Mr Gardner, Chief Minister –

- a) reported on Norfolk Island's successful participation at the South Pacific Games held earlier this month in Suva Fiji

Mr Nobbs moved –

THAT the House take note of the statement

Debate ensued

Question put and agreed to on the voices

- b) noted for the record that Mr Tony Messner would conclude his six year term of office as Administrator of Norfolk Island on 30 July 2003 when he and Mrs Messner would depart Norfolk; his replacement is yet to be announced and the Deputy Administrator would act in the meantime;

2) Mr I Buffett, Minister for Land and the Environment –

- a) provided an update on the land initiative package; and
b) advised the public of the opportunity to apply for a grant under the Australian Government Envirofund;

3) Mr D Buffett, Minister for Community Services and Tourism, advised that a community notice had been published inviting people who believe they are entitled to compensation for having to go offshore for medical treatment late last year to submit their claims for consideration

8 MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR

The Deputy Speaker reported the following message from the Office of the Administrator:

Message No. 18 from the Administrator advising that on 26 June 2003 he declared his assent to the *Appropriation Act 2003-2004* and the *Departure Fee Amendment Act 2003*

9 INTERIM REPORT OF SELECT COMMITTEE ON GOVERNANCE AND ELECTORAL ISSUES

The Chairman of the Committee, Mr John Brown, advised that the Committee had concluded the public submission processes and urged the community to take the opportunity to complete the questionnaire in circulation

10 NORFOLK ISLAND PUBLIC SERVICE RECRUITMENT PROCEDURES

Mr Nobbs, pursuant to notice, moved –

THAT this House requests the executive member with responsibility for the Public Service to do all that is required to amend the Norfolk Island Administration's prescribed recruitment procedures to require that –

- a) on completion of the interview process and prior to the prescribed appeal process commencing, the Administration shall, as well as notifying all applicants, publish in the Norfolk Island Government Gazette the name of the preferred applicant. The appeal period shall be deemed to have commenced on the date of publication in the Gazette of the preferred applicant; and

- b) once the appeal process is completed, the name of the successful applicant to be publicised in the next occurring edition of the Norfolk Island Government Gazette

Debate ensued

Acting Deputy Speaker Brown took the Chair at 12.11 pm

Mr D Buffett, by leave, moved the following amendment:

Delete all words after “to” (first occurring) and insert the following:

“bring forward amendments to improve the Norfolk Island Administration’s prescribed recruitment procedures”

Debate ensued

Question – That the amendment be agreed to – put and agreed to, Mr Nobbs dissenting

Question – That the motion as amended be agreed to – put and agreed to, Mr Nobbs dissenting

11 PUBLIC SECTOR ACT 2000 - APPOINTMENT OF CHIEF EXECUTIVE OFFICER

Mr D Buffett, Minister for Community Services and Tourism, by leave, moved –

THAT this House, in accordance with subsection 38(1) of the *Public Sector Management Act 2000*, recommends that the responsible executive member appoints as the Chief Executive Officer Luke Ross Johnson and that a contract of employment in that capacity be offered to the successful applicant. The conditions of appointment will be those specified in a written agreement executed by the executive member

Debate ensued

The Deputy Speaker took the Chair at 12.32 pm

Mr Brown moved –

THAT debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting

Question put

The House voted –

**AYES, 3
Mrs Jack
Mr Nobbs
Mr Brown**

**NOES, 6
Mr Buffett
Mr Gardner
Mr Donaldson
Mr Ivens Buffett
Ms Nicholas
Mr Smith**

Motion negative

Debate resumed

Question put and agreed to on the voices, Mr Brown dissenting and Mr Nobbs abstaining

12 CUSTOMS ACT 1913 - EXEMPTION FROM PAYMENT OF CUSTOMS DUTY

Mr Donaldson, Minister for Finance, 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

Heartstart Machine
- amount of duty applicable \$436.60

Quota Club of Norfolk Island
for the St John Ambulance Australia,
Norfolk Island Division

Debate ensued

Question put and agreed to on the voices

13 NORFOLK ISLAND HEALTH CARE SCHEME

Mr Nobbs, pursuant to notice, moved –

THAT this House requests the executive member with responsibility for health to investigate and provide to the House within two months a proposal to encourage those residing on Norfolk Island to contribute to private health insurance schemes where such schemes assist in defraying potential costs to the Norfolk Island Healthcare Scheme

Debate ensued

Mr Brown moved –

THAT the question be put

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

Question put and agreed to on the voices

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

Mr Donaldson, Minister for Finance, pursuant to notice, moved –

THAT for the purposes of section 4A of the *Provident Account Act 1958*, this House recommends that the responsible executive member appoint Peter Allan French being a public service employee, to be the Official Trustee of the Provident Account

Debate ensued

Mr Brown moved –

THAT the question be put

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

Question put and agreed to on the voices

15 AMENDMENT OF CUSTOMS ACT 1913 TO IMPOSE A LEVY ON PLASTIC BAGS

Debate resumed (Mr I Buffett, Minister for Land and the Environment) from 18 June 2003 on the question – That the motion be agreed to

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

16 CUSTOMS AMENDMENT (NO. 2) BILL 2003

Debate resumed (Mr Donaldson, Minister for Finance) from 18 June 2003 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle on the voices

Detail stage:

Mr Donaldson moved –

Clause 2, delete the words “commence on the day on which notification of assent to this Act is published in the Gazette”, insert “be deemed to have commenced on 18 June 2003”

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

Question – That the clause as amended be agreed to – put and agreed to on the voices

Question – That the remainder of the Bill be agreed to – put and agreed to on the voices

Mr Donaldson moved –

THAT the Bill as amended be agreed to

Question put

Bill as amended agreed to on the voices

17 TELECOMMUNICATIONS AMENDMENT BILL 2003

Debate resumed (Mr Donaldson, Minister for Finance) from 18 June 2003 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle on the voices

Leave granted to dispense with the detail stage

Mr Donaldson moved –

THAT the Bill be agreed to

Question put

Bill agreed to on the voices

18 NORFOLK ISLAND HOSPITAL AMENDMENT BILL 2003

Debate resumed (Mr D Buffett, Minister for Community Services and Tourism) from 18 June 2003 on the question – That the Bill be agreed to in principle

By leave –

- Bill withdrawn
- Bill dated 26 June 2003 presented
- So much of standing orders suspended as would prevent the Bill being dealt with through all stages

Mr D Buffett moved –

THAT the Bill be agreed to in principle

Question put
Bill agreed to in principle, Mr Nobbs dissenting and Mr Brown abstaining
Leave granted to dispense with the detail stage
Mr D. Buffett moved –

THAT the Bill be agreed to

Question put
Bill agreed to on the voices, Mr Nobbs dissenting and Mr Brown abstaining

19 FIXING OF THE NEXT SITTING DAY

Mr Smith moved –

THAT the House at its rising adjourn until Wednesday 20 August 2003 at 10.00 am

Question put and agreed to on the voices

20 ADJOURNMENT

Ms Jack moved –

THAT the House do now adjourn

Question put and agreed to on the voices

AND THEN the House at 1.17 pm adjourned until Wednesday 20 August 2003 at 10 am

Robin-Eleanor Adams
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present