

**NORFOLK ISLAND
TENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 19 NOVEMBER 2003**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
TENTH LEJESLIETEW 'SEMBLE
WENSDI 19 NOWEMBA 2003**

1 The Legislative Assembly met at 10.04 am. The Speaker (Hon D.E. Buffett) took the Chair and read the Prayer

2 **LEAVE OF ABSENCE FOR MR NOBBS MLA**
Leave of absence unanimously extended to Mr Nobbs

3 **QUESTIONS WITHOUT NOTICE**

The Deputy Speaker took the Chair at 10.27 am

4 **ANSWERS TO QUESTIONS ON NOTICE**
An answer was provided by the Minister for Finance to question on notice No. 47 from Mrs Jack re. Workers Compensation levies and payments

5 **PRESENTATION OF PAPERS**
The following papers were tabled:

1) Mr David Buffett, Minister for Community Services and Tourism – Inbound passenger statistics for October 2003

2) Mr David Buffett, Minister for Community Services and Tourism – Annual Report and Audited Financial Statements for Norfolk Island Hospital Enterprise for Year Ended 2003

Mr D Buffett moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

3) Mr Donaldson, Minister for Finance – Financial Indicators for four months up to October 2003

Mr Donaldson 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 – Directions given by executive member for virements of funds from 17 September to 6 November 2003

- 5) Deputy Speaker – Administration’s Financial Statements for the year ended 30 June 2003

Mr Donaldson moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

6 PERSONAL EXPLANATION BY MR SMITH MLA

Mr Smith advised House of his reasons for his prospective resignation as a Member of the Legislative Assembly, due to his gaining employment with the Norfolk Island Public Service

Mr Brown moved –

THAT so much of Standing Orders be suspended as would prevent the House from debating the matter

Question put and agreed to in accordance with standing order 244

Debate ensued

7 STATEMENTS

- 1) Mr I F Buffett, Minister for Land and the Environment, provided a report on the Norfolk Island Fisheries Consultative Committee Meeting in September which included discussions on the future directions of inshore fishery; responsibility and co-ordination of data collection and concerns over long term jurisdictional issues

- 2) Mr Gardner, Chief Minister, reported to the House on his attendance at the Standing Committee of Attorneys-General (SCAG) in Tasmania last week with full participatory rights although Norfolk Island is not a formal member. Norfolk Island will host SCAG in March 2004 with proposed attendance by all State and Territory Attorney-Generals, New Zealand Minister for Justice, Commonwealth Minister The Hon Philip Ruddock MP and Senator The Hon Chris Ellison

- 3) Mr D Buffett, Minister for Community Services and Tourism -

- a) recorded his appreciation and thanks on behalf of the Norfolk Island Government to Peter Mason Evans’ for his tireless work in performing his role as Norfolk Island Controller for Emergency and Disaster Management over many years

Mr I F Buffett moved –

THAT the House take note of the statement

Debate ensued

Question put and agreed to on the voices

- b) updated the House on staffing at the Norfolk Island Hospital Enterprise, advising that Drs Van der Bilt and Mitchell are working as medical officers with Dr Fletcher, and that Dr Narayan is working at the Dental Clinic for twelve months with Colin White. The Visiting Specialists Programme for the next six months was also outlined

8 REPORTS OF STANDING AND SELECT COMMITTEES

The Chairman of the Committee, Mr John Brown, advised that the Committee was finalising its report and is confident that it will be tabled at the December sitting

9 NORFOLK ISLAND HOSPITAL AMENDMENT (NO. 2) 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

The Speaker took the Chair at 11.27 am

10 AMENDMENT TO ROAD TRAFFIC ACT

Debate resumed (Mr Smith) from 15 October 2003 on the question – That the motion be agreed to

Ms Nicholas, by leave, moved the following amendment:

That a new paragraph 4 be added as follows:

- 4. A motor vehicle from being driven on a public road without the driver and all passengers in the vehicle wearing a prescribed seat belt or other safety device subject to appropriate transitional provisions**

Debate ensued

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

11 HEALTH INSURANCE

Debate resumed (Mr Smith) from 15 October 2003 on the question – That the motion be agreed to

Ms Nicholas, by leave, moved the following amendment:

THAT a comma be added after the word “scheme” and then the following words inserted “and to similarly encourage all citizens”

Debate ensued

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

12 IMMIGRATION ACT 1980 – VARIATION OF INSTRUMENT UNDER PARAGRAPH 21(3)(a) OF THE ACT

Debate resumed (Mr Gardner, Chief Minister) from 29 October 2003 on the question – That the motion be agreed to

Mr Gardner, Chief Minister, by leave, moved –

THAT the motion be amended by deleting “50” and inserting “55’

Debate ensued

Question – That the amendment be agreed to – put and agreed to on the voices, Mr Brown abstaining

Question – That the motion as amended be agreed to - put and agreed to on the voices, Mr Brown abstaining

The Speaker suspended the sitting at 1.10 pm until 2.30 pm
The House resumed at 2.30pm, the Speaker taking the Chair

13 WASTE MANAGEMENT BILL 2003

Debate resumed (Mr I Buffett, Minister for Land and the Environment) from 29 October 2003 on the question – That the Bill be agreed to in principle

By leave –

- Bill withdrawn
- Bill dated 14 November 2003 presented

Mr IF Buffett moved –

THAT the Bill be agreed to in principle

Debate ensued

Mrs Jack 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, 5

Mr Buffett

Mrs Jack

Ms Nicholas

Mr Smith

Mr Brown

NOES, 3

Mr Gardner

Mr Donaldson

Mr Ivens Buffett

Motion agreed

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

14 EMPLOYMENT AMENDMENT BILL 2003

Debate resumed (Mrs Jack) from 29 October 2003 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle on the voices – Mr Gardner abstaining

Detail stage:

Mrs Jack moved –

1. Clause 4 - Deletion and substitution

Delete clause 4 and substitute the following:

“New section

The principal Act is amended by inserting after section 18 the following:

Uniforms

18A. (1) If an employee is required by law or by the employer to wear clothing or footwear that would not ordinarily be worn by the employee, the employer must provide to each employee so required with the requisite clothing or footwear.

Penalty for an offence against this subsection 5 penalty units

(2) The clothing and footwear referred to in subsection 18A(1) must be provided free of charge by the employer and the employer must replace it when reasonably necessary.

Penalty for an offence against this subsection 5 penalty units

(3) An employee must not disobey, disregard or fail to comply with a reasonable direction of an employer in relation to wearing the clothing or footwear provided under subsection 18A(1).

Penalty for an offence against this subsection 5 penalty units

(4) An employee who is provided with clothing or footwear under this section must take reasonable care of it.

Penalty for an offence against this subsection 5 penalty units

(5) Clothing and footwear provided in accordance with subsection 18A(1) remain the property of the employer.”.

2. Clause 6 – Deletion and substitution

Delete clause 6 and substitute the following —

Amendment of section 24

“ 6. Section 24 of the principal Act is amended by omitting subsection (2) and substituting the following —

(2) Subject to subsection 24(1) an employer must not employ a person under the age of 15 years —

(a) for more than 20 hours in a week during a school term or semester when, under an enactment, a child is required to attend school; and

(b) for more than 40 hours per week during any other time.”.

Debate ensued

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

15 AIRPORT RUNWAYS LOAN BILL 2003

Debate resumed (Mr Donaldson, Minister for Finance) from 17 September 2003 on the question – That the Bill be agreed to in principle

By leave –

- Bill withdrawn
- Bill dated 14 November 2003 presented

Mr Donaldson moved –

THAT the Bill be agreed to in principle

Debate ensued

Mr Donaldson moved –

THAT so much of standing orders be suspended as would prevent the Bill being dealt with through all stages

Question put and agreed to in accordance with standing order 244

Question – That the Bill be agreed to in principle – put and agreed to 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

16 BILLBOARDS REPEAL BILL 2003

Resumption of debate (Mr I Buffett, Minister for Land and the Environment) from 20 August 2003 on the question – That the Bill be agreed to in principle

By leave –

- Bill withdrawn
- Bill dated 14 November 2003 presented

Mr IF Buffett moved –

THAT the Bill be agreed to in principle

Debate ensued

Mr IF Buffett moved –

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

Question put

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

17 FIXING OF THE NEXT SITTING DAY

Mrs Jack moved –

THAT the House at its rising adjourn until Wednesday 17 December 2003 at 10.00 am

Question put and agreed to on the voices

18 ADJOURNMENT

Mr Brown moved –

THAT the House do now adjourn

Debate ensued with Mr Brown participating

Question put and agreed to on the voices

AND THEN the House at 3.17 pm adjourned until Wednesday 17 December 2003 at 10 am

Gaye Evans

Deputy Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present except Mr Nobbs by leave