

**NORFOLK ISLAND
TENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 11 FEBRUARY 2004**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
TENTH LEJESLIETEW 'SEMBLE
WENSDI 11 FEBYUWERI 2004**

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

2 **WELCOME TO NEW MEMBER**

The Speaker welcomed Mr Ric Robinson as a new member of the Legislative Assembly.

3 **CONDOLENCES**

Ms Nicholas recorded the passing of –

George Craddock Duvall

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 10.30 am

5 **ANSWERS TO QUESTIONS ON NOTICE**

Answers were provided to the following questions on notice:

No. 50 (from Mr Brown to the Minister for Finance) re. re. cost to provide half fare entitlements to the whole community similar to those made available to employees of the Administration

No. 51 (from Mr Brown to the Minister for Community Services and Tourism) re. safety equipment in government launches

No. 52 Mr Brown to Minister with responsibility for education) re class size targets at Norfolk Island Central School

Paper: Mr D Buffett tabled a paper dated 11 February 2004 from the School Principal detailing actual and maximum class sizes in 2004 and projected maximum class sizes in 2005

6 **PRESENTATION OF PAPERS**

The following papers were tabled:

- 1) Mr Gardner, Chief Minister, - Report to the Legislative Assembly on number of declarations of residency granted under section 33 of the Immigration Act 1980 during the year ended 31 December 2003
Mr Gardner moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voice

- 2) Mr Donaldson, Minister for Finance –
 - a) expenditure on travel for members of the Norfolk Island Public Service and Members of the Legislative Assembly in the period 1 August 2003 to 31 January 2004
 - b) Employment Amendment Regulations 2003
- 3) Mr Gardner, Chief Minister – Norfolk Island Government response to the JSC Report
Mr Gardner moved -

THAT the House take note of the paper

Debate ensued

Acting Deputy Speaker Brown took the Chair at 11.32 am

Question put and agreed to on the voices

Deputy Speaker resumed the Chair at 12.10 pm

- 4) D. Buffett, Minister for Community Services and Tourism –
 - a) Exposure draft of the Road Traffic Amendment Bill 2004
Mr Brown moved –
THAT the House take note of the paper
Debate ensued
Question put and agreed to on the voices
 - b) (i) Inbound passenger statistics January 2004 -
Mr D. Buffett moved –
THAT the House take note of the paper
Debate ensued
Question put and agreed to on the voices
 - (ii) Inbound passenger statistics in various computations for period 1999 to January 2004
 - (iii) Visitor Exit Survey undertaken in period 1 January to 2 February 2004;
- 5) Mr Donaldson, Minister for Finance – Financial Indicators to 31 December 2003
Mr Donaldson moved –
THAT the House take note of the paper
Debate ensued
Question put and agreed to on the voices
- 6) Mr D. Buffett, Minister for Community Services and Tourism –
 - a) Annual Report to Minister for Community Services and Tourism from Norfolk Island Government Tourist Bureau and the audited Financial Statements for the Tourist Bureau for the period 1 July 2002 to 30 June 2003
Mr Brown moved –
THAT the House take note of the paper
Debate ensued
Question put and agreed to on the voices

- b) 2003 Review of the Tourist Accommodation Quota conducted by Gatekeepers Working Group dated 31 December 2003
Mr Brown moved –

THAT the House take note of the paper

Debate ensued

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

- c) *Norfolk Island Hospital Act 1985* – Specification of charges for health services dated 11 February 2004

**The Deputy Speaker suspended the sitting at 12.40 pm until 2 pm
The House resumed at 2.02 pm, the Deputy Speaker taking the Chair**

7 STATEMENTS

Mr I Buffett, Minister for Land and the Environment –

- a) Provided a response to a question asked at the December sitting on the question of dogs in Reserves and whether or not there was conflict between the various pieces of legislation dealing with this issue;
- b) Reported on his visit to Canberra principally to attend a meeting of stakeholders in the Norfolk Island Offshore Demersal Finfish Fishery;
- c) Gave an update on the Supreme Court action by the Norfolk Island Administration against SMEC Australia Pty Ltd, Project Manager for the Cascade Cliff Safety Project and against Kaipara Limited, Contractors for the Project;

8 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

The Deputy Speaker reported Message No. 23 from His Honour the Administrator advising that on 23 December 2003 he declared his assent to the Norfolk Island Hospital Amendment (No. 2) Act 2003

9 REPORTS OF STANDING AND SELECT COMMITTEES

The Chairman of the Select Committee appointed to inquire into Governance and Electoral Matters, Mr Brown, advised that he expected the Report to be ready for the Committee's consideration by the end of next week

10 APPOINTMENT OF ADDITIONAL STANDING COMMITTEES

Mr Nobbs, pursuant to notice, moved -

THAT this House amend Chapter IV of its Standing Orders to provide for the establishment of the following additional Standing Committees, each of which shall consist of three members –

1. **Scrutiny of Bills Committee**
2. **Public Expenditure Review Committee**
3. **Public Works Committee**

Debate ensued

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

11 *IMMIGRATION ACT 1980* - DETERMINATION OF GENERAL ENTRY PERMIT QUOTA FOR PERIOD 17 FEBRUARY 2004 TO 16 FEBRUARY 2005

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

THAT for the purpose of subsection 21(1) of the *Immigration Act 1980*, this Legislative Assembly resolves that it be determined by instrument in writing that 35 General Entry Permits be granted during the period 17 February 2004 to 16 February 2005

Debate ensued

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

12 *PUBLIC SECTOR REMUNERATION TRIBUNAL ACT 1992* – APPOINTMENT OF PUBLIC SECTOR REMUNERATION TRIBUNAL

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

THAT, in accordance with subsection 5(2) of the *Public Sector Remuneration Tribunal Act 1992*, this Legislative Assembly recommends to His Honour the Administrator, that the Honourable James Burchett be appointed as the Public Sector Remuneration Tribunal as soon as reasonably practicable; and that he determine the terms and conditions of the appointment be as specified in the Schedule.

SCHEDULE

Allowances

Daily allowance

\$800.00

Payable for each day (six hours) including aggregated parts of a day spent attending to the business of the Public Sector Remuneration Tribunal

Expenses

Reimbursement of all reasonable expenses incurred in attending to the business of the Public Sector Remuneration Tribunal including all reasonable travelling, accommodation, meals, phone and facsimile expenses

Debate ensued

Question put and agreed to on the voices

13 ESTABLISHMENT OF A COMPULSORY REGISTER OF PECUNIARY AND NON-PECUNIARY INTERESTS OF MEMBERS OF THE LEGISLATIVE ASSEMBLY

Mrs Jack, pursuant to notice, moved –

THAT this House requests the Chief Minister to bring forward at an early date a Bill to amend the *Legislative Assembly Act 1979* so as to provide for the establishment of a compulsory register of pecuniary and non-pecuniary interests of Members of the Legislative Assembly; the Bill to include the following provisions:

- 1. The register shall be held by the Chief Minister**
- 2. Members shall provide all relevant information to the Chief Minister –**
 - a. within 30 days of their election to the Legislative Assembly; and**
 - b. within 30 days of any change taking place in respect of this information**
- 3. Details on the register are confidential and are only available for inspection by Members on request**

Debate ensued

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

14 REFERRAL OF NON-RESIDENT HYPOTHETICAL APPLICATION UNDER THE *TOURIST ACCOMMODATION (OWNERSHIP) ACT 1989* TO THE LEGISLATIVE ASSEMBLY

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

THAT for the purpose of subsection 8(3) and 10A(7)(b) of the *Tourist Accommodation (Ownership) Act 1989*, this Legislative Assembly directs the Minister for Community Services and Tourism to make the following ruling in respect of the hypothetical application for Douglas James Matthews and Elizabeth Ann Matthews to acquire a non-resident ownership of the tourist accommodation house known as Christians of Bucks Point –

That had the application been dealt with under the Act it would not be contrary to the public interest, and the Legislative Assembly would direct the executive member to deal with the application in accordance with the *Tourist Accommodation Act 1984*

Debate ensued

Mr Brown having declared that he represented the applicants withdrew from the Chamber for the duration of the discussion and voting

Mr I Buffett having declared his interest as an accommodation owner did not participate in debate

Question put

The House voted –

AYES, 6

Mr D Buffett

Mr Gardner

Mr Donaldson

Mrs Jack

Ms Nicholas

Mr Robinson

NOES, 1

Mr Nobbs

ABSTENTIONS, 1

Mr I Buffett

Motion agreed to

15 SUPPLEMENTARY APPROPRIATION BILL 2003-2004 - MESSAGE NO. 24 FROM THE OFFICE OF THE ADMINISTRATOR

The Deputy Speaker reported Message No. 24 from His Honour the Administrator dated 10 February 2004 recommending to the Legislative Assembly the enactment of a proposed law entitled “A Bill for an Act to authorize supplementary expenditure from the Public Account for the year ending on 30 June 2004”

16 SUPPLEMENTARY APPROPRIATION BILL 2003-2004

Mr Donaldson, Minister for Finance, pursuant to notice, presented a Bill for an Act to authorize supplementary expenditure from the Public Account for the year ending on 30 June 2004 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

17 AIRPORT AMENDMENT BILL 2004

Mr Donaldson, Minister for Finance, pursuant to notice, presented a Bill for an Act to amend the *Airport Act 1991* 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

18 CUSTOMS AMENDMENT BILL 2004

Mr Donaldson, Minister for Finance, pursuant to notice, presented a Bill for an Act to amend the *Customs Act 1913* 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

19 TELECOMMUNICATIONS AMENDMENT BILL 2004

Mr Donaldson, Minister for Finance, pursuant to notice, presented a Bill for an Act to amend the *Telecommunications Act 1992* 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

20 POWERS OF ATTORNEY AMENDMENT BILL 2004

Mr Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act to amend the *Powers of Attorney Act 1959* 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

21 SALE OF TOBACCO BILL 2004

Mr D. Buffett, Minister for Community Services and Tourism, pursuant to notice, presented a Bill for an Act to regulate the sale of tobacco products, to provide a smoke free environment and for related purposes 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

22 FIXING OF THE NEXT SITTING DAY

Mr Brown moved –

**THAT the House at its rising adjourn until
Wednesday 17 March 2004 at 10.00 am**

Question put and agreed to on the voices

23 ADJOURNMENT

Mr Robinson moved –

THAT the House do now adjourn

Debate ensued with Mr Gardner and Mr Brown participating

Question put and agreed to on the voices

AND THEN the House at 4.21 pm adjourned until Wednesday 17 March 2004 at 10 am

Robin-Eleanor Adams
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present