

**NORFOLK ISLAND  
TENTH LEGISLATIVE ASSEMBLY  
MINUTES OF PROCEEDINGS  
WEDNESDAY 17 DECEMBER 2003**

**NORF'K AILEN  
DIISEM MENETS LARNEN WATHING HAEPN  
INAA  
TENTH LEJESLIETEW 'SEMBLE  
WENSDI 17 DISEMBA 2003**

1 The Legislative Assembly met at 10.05 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 **CONDOLENCES**  
Ms Nicholas recorded the passing of –

**Doris Mildred Wood  
Eric Cyril Adams  
Cecil Gerhard Barkman**

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**  
Answers were provided to the following questions on notice:

**No. 48** (from Mr Brown to the Minister for Community Services and Tourism) re. number of houses burnt down in each of last 10 years

**No. 49** (from Mr Brown to the Minister for Finance) re. prohibitions under the *Telecommunications Act 1992*

**Paper:** Mr Donaldson tabled a letter dated 12 December 2003 from him to the Inquiry Secretary to the Joint Standing Committee on the National Capital and External Territories

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

- 1) Mr Donaldson, Minister for Finance – Financial Indicators for November 2003  
Mr Donaldson moved –

**THAT the House take note of the paper**

Debate ensued

Question put and agreed to on the voices

- 2) Mr I. Buffett, Minister for Land and the Environment – Instrument dated 9 December 2003 making Heritage Register under subsection 7(1) of the *Heritage Act 2002*  
Mr I 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 – Directions given by executive member under section 2B(2) of the *Customs Act 1913* for exemption from payment of customs duty  
Mrs Jack 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 briefly on the discussions held at the Delimitation of Maritime Boundaries talks held last week on Norfolk Island  
**Papers:** Mr Gardner tabled Newsletter No. 6 dated June 2003 titled New Zealand Continental Shelf Report and a paper titled “The Outer Limits of Australia’s Resources Jurisdiction Off Eastern Australia”;
  - b) made a statement in response to the contents of the JSC Report tabled in the Federal Parliament earlier this month  
**Paper:** Mr Gardner tabled a letter from him dated 11 August 2003 to JSC Chairman (Senator Lightfoot) and the letter of response from the JSC Chairman to him dated 15 August 2003 on the matter of disclosure of confidential evidence received by the Committee during its present inquiry
- Mr Brown moved –

**THAT the House take note of the statement**

Debate ensued

Question put and agreed to on the voices

- 2) Mr D Buffett, Minister for Community Services and Tourism -
- a) Tabled the Inbound passenger statistics for November 2003;
  - b) Advised that a review of the hospital fees and charges was under way;
  - c) Provided an interim report on the bus review

**7 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR**

The Deputy Speaker reported Message No. 22 from His Honour the Administrator advising that on 25 November 2003 he declared his assent to the Airport Runways Loan Act 2003

**8 REPORTS OF STANDING AND SELECT COMMITTEES**

The Chairman of the Select Committee appointed to inquire into Governance and Electoral Matters, Mr Brown, advised that the Committee required an extension of time to complete its report and by leave moved -

**THAT the time for presentation of the Committee's Report be extended to 31 January 2004**

Question put and agreed to on the voices

The Deputy Speaker at 12.25 pm suspended the sitting until 2 pm  
The House resumed at 2 pm, the Deputy Speaker taking the Chair

**9 IMMIGRATION ACT 1980 – RE-APPOINTMENT OF MEMBER OF IMMIGRATION COMMITTEE**

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

**THAT for the purposes of subsection 6(6) of the *Immigration Act 1980*, this House recommends to the executive member that Chloe Nicholas be re-appointed as a member of the Immigration Committee for the remainder of the term of office of this Legislative Assembly**

Debate ensued

Question put and agreed to on the voices – Ms Nicholas abstaining and Mr Brown being absent from the Chamber

**10 RECOMMENDATION TO APPOINT EXECUTIVE DIRECTORS – MOTION BY LEAVE**

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

**THAT the Legislative Assembly, pursuant to section 39(1) of the *Public Sector Management Act 2000* (“the Act”), and as a consequence of the report made by the Chief Executive Officer to Members of the Legislative Assembly at their informal meeting on 15 December 2003, recommends that the Chief Executive Officer appoints as an Executive Director the person selected as the preferred applicant under section 39(2)(b) of the Act for each of the Executive Director positions namely Anthony Middleton as Executive Director Corporate and Community Services and Peter Davidson as Executive Director Environment and Infrastructure, in the organisational structure agreed to by the Legislative Assembly and gazetted on 31 October 2003**

Debate ensued

Question put and agreed to on the voices, Mr Brown being absent from the Chamber

Mr Brown joined the meeting at 2.10 pm

**11 NORFOLK ISLAND HOSPITAL AMENDMENT (NO. 2) BILL 2003**

Debate resumed (Mr D Buffet, Minister for Community Services and Tourism) from 19 November 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 D. Buffett moved –

**THAT the Bill be agreed to**

Question put

Bill agreed to on the voices, Mr Brown abstaining

**12 WASTE MANAGEMENT BILL 2003**

Debate resumed (Mr I Buffett) from 19 November 2003 on the question – That the Bill be agreed to in principle

Question put

The House voted –

**AYES, 7**

**Mr D Buffett**

**Mr Gardner**

**Mr Donaldson**

**Mrs Jack**

**Mr Ivens Buffett**

**Ms Nicholas**

**Mr Smith**

**NOES, 2**

**Mr Nobbs**

**Mr Brown**

Bill agreed to in principle

**Detail stage:**

Mr I Buffett moved that the following amendments be taken as read and agreed to as a whole:

**1. Interpretation**

**In clause 3 in the definitions of —**

**(a) “Centre” —**

**omit “section 8”, substitute “section 7”; and**

**(b) “public place” —**

**add at the end of paragraph (b) “and a building or structure thereon”; and**

**(c) “registered motor vehicle”**

**omit “*Motor Traffic Act*” substitute “*Road Traffic Act*”.**

**2. Powers of authorised officers**

**In subclause 6(4) omit “certificate”, substitute “form of identification”.**

**3. Levies may be imposed**

**In subclause 8(1) —**

**(a) omit —**

**“imposed —**

**(a) on each cubic metre or tonne of goods excluding mail of a specified type —“,**

**substitute —**

**“imposed, except in the case of mail, on each cubic metre or tonne of goods of a specified type –“; and**

**(b) omit subparagraph identification “(i)”, “(ii)” and “(iii)”, substitute paragraph identification “(a)”, “(b)” and “(c)”.**

**4. New clause 10A — Fees etc, debt due to Administration  
Insert after clause 10 the following —**

**“Fees etc, debt due to Administration**

**10A. A fee or charge payable under this Act is a debt due to the Administration and, if unpaid may be sued for by the Administration in a Court of competent jurisdiction.”.**

Debate ensued

Question – That the amendments be agreed to – put

The House voted –

**AYES, 7**

**Mr D Buffett**

**Mr Gardner**

**Mr Donaldson**

**Mrs Jack**

**Mr Ivens Buffett**

**Ms Nicholas**

**Mr Smith**

**NOES, 2**

**Mr Nobbs**

**Mr Brown**

Amendments agreed to

Question – That the clauses as amended be agreed to – put and agreed to on the voices, Mr Nobbs and Mr Brown dissenting

Question – That the remainder of the Bill be agreed to – put and agreed to on the voices, Mr Nobbs and Mr Brown dissenting

Mr I Buffett moved –

**THAT the Bill as amended be agreed to**

Debate ensued

Question put

Bill as amended agreed to on the voices, Mr Nobbs and Mr Brown dissenting

**13 EMPLOYMENT AMENDMENT BILL 2003**

Debate resumed (Mrs Jack) from 19 November 2003 at the detail stage on the question – That the amendments proposed by Mrs Jack at the 19 November 2003 sitting be agreed to

Question – That the amendments be agreed to – put

The House voted –

**AYES, 5**

**Mr Donaldson**

**Mrs Jack**

**Mr Ivens Buffett**

**Mr Nobbs**

**Ms Nicholas**

**NOES, 2**

**Mr D Buffett**

**Mr Smith**

**ABSTENTIONS, 2**

**Mr Gardner**

**Mr Brown**

Amendments agreed to

Question – That the clauses as amended be agreed to – put and agreed to, Mr D Buffett and Mr Smith dissenting, Mr Gardner and Mr Brown abstaining

Mrs Jack moved –

**THAT the Bill as amended be agreed to**

Question put

The House voted –

**AYES, 6**

**Mr D Buffett**

**Mr Donaldson**

**Mrs Jack**

**Mr Ivens Buffett**

**Mr Nobbs**

**Ms Nicholas**

**NOES, 1**

**Mr Smith**

**ABSTENTIONS, 2**

**Mr Gardner**

**Mr Brown**

Bill as amended agreed to

**14 FIXING OF THE NEXT SITTING DAY**

Mrs Jack moved –

**THAT the House at its rising adjourn until  
Wednesday 11 February 2004 at 10.00 am**

Question put and agreed to on the voices

**15 ADJOURNMENT**

Mr Donaldson, Minister for Finance, 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 3.32 pm adjourned until Wednesday 11 February 2004 at 10 am**

Robin-Eleanor Adams

**Clerk to the Legislative Assembly**

**MEMBERS PRESENT:** All Members were present, Mr Nobbs joining the meeting at 2 pm