

**NORFOLK ISLAND  
TENTH LEGISLATIVE ASSEMBLY  
MINUTES OF PROCEEDINGS  
WEDNESDAY 17 MARCH 2004**

**NORF'K AILEN  
DIISEM MENETS LARNEN WATHING HAEPN  
INAA  
TENTH LEJESLIETEW 'SEMBLE  
WENSDI 17 MAACH 2004**

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

2 **QUESTIONS WITHOUT NOTICE**

The Deputy Speaker took the Chair at 10.16 am

3 **ANSWERS TO QUESTIONS ON NOTICE**

Answers were provided to the following questions on notice:

**No. 53** (from Ms Nicholas to the Chief Minister) re. commitment by Norfolk Island Government in its response to the Commonwealth Joint Standing Committee report "Quis custodiet ipsos custodiet?" to commencing consultation with the Commonwealth re. a joint review of the Norfolk Island Act.

**No. 54** (from Ms Nicholas to the Minister for Community Services and Tourism) re. commitment by Norfolk Island Government in its response to the Commonwealth Joint Standing Committee report "Quis custodiet ipsos custodiet?" to implement changes to social welfare programmes

4 **PRESENTATION OF PAPERS**

The following papers were tabled:

- 1) Mr Gardner, Chief Minister, - Report to the executive member by the Legal Aid Committee on its activities in the period July to December 2003  
Mr Gardner moved –

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

Debate ensued

Question put and agreed to on the voices

- 2) Mr Donaldson, Minister for Finance –  
a) Financial Indicators for January and February 2004  
Mr Donaldson moved –

**THAT the House take note of the papers**

Debate ensued

Question put and agreed to on the voices

- b) Directions given by executive member for virement of funds under the Public Moneys Act 1979 from 16 October 2003 to date
- 3) Mr I Buffett, Minister for Land and the Environment – s.41 *Interpretation Act 1979 – Planning Regulations 2004, Trees Amendment Regulations 2004 and Building Regulations 2004*

- 4) Mr Donaldson, Minister for Finance – directions by executive member for exemption from payment of customs duty under the *Customs Act 1913*
- 5) Mr D Buffett, Minister for Community Services and Tourism – Inbound passenger statistics for February 2004 together with results of visitor exit survey during period 1 January to 2 March 2004 and a graphic comparison of inbound passenger statistics  
Mrs Jack moved –

**THAT the House take note of the papers**

Debate ensued

Question put and agreed to on the voices

**5 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR**

The Deputy Speaker reported Message No. 26 from His Honour the Administrator advising that on 27 February 2004 he declared his assent to the *Billboards Repeal Act 2003*

**6 REGISTRATION OF AND MINIMUM SAFETY EQUIPMENT FOR LOCAL BOATS**

Mr Brown, pursuant to notice, moved –

**THAT this House requests the responsible executive member to take immediate action to introduce a system of registration and minimum safety equipment for local boats and a system of licensing for persons in command of charter and sightseeing vessels**

Debate ensued

**Speaker took the Chair at 11.38 am**

Question put and agreed to on the voices

**7 APPOINTMENT OF ADDITIONAL STANDING COMMITTEES**

Debate resumed (Mr Nobbs) from 11 February 2004 on the question – That the motion be agreed to

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

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

Debate resumed (Mrs Jack) from 11 February 2004 on the question – That the motion be agreed to

Mrs Jack moved the following amendment:

**Delete all words after “THAT” (first occurring), insert the following:**

**“this House recognises that there shall be a compulsory register of pecuniary and non-pecuniary interests and that such a register should include –**

- a. **Members of the Legislative Assembly,**
- b. **Members of the Public Service at all senior management levels, including but not limited to the Chief Executive Officer and the Executive Directors; and**
- c. **Persons appointed to statutory offices on Norfolk Island; and**

**further, that the Chief Minister is requested to arrange for the introduction of appropriate legislation into this House at an early date**

Debate ensued

Question – That the amendment be agreed to – put and agreed to on the voices, Mr Gardner, Chief Minister being absent from the chamber

Question – That the motion as amended be agreed to – put and agreed to on the voices, Mr Gardner, Chief Minister being absent from the chamber

**9 2003 REVIEW OF THE TOURIST ACCOMMODATION QUOTA CONDUCTED BY GATEKEEPERS GROUP DATED DECEMBER 31 DECEMBER 2003**

Debate resumed (Mr Brown) from 11 February 2004 on the question – That the motion be agreed to

Question put and agreed to on the voices, Mr Gardner, Chief Minister being absent from the Chamber

**10 SUPPLEMENTARY APPROPRIATION BILL 2003-2004**

Debate resumed (Mr Donaldson, Minister for Finance) from 11 February 2004 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle on the voices, Mr Gardner, Chief Minister being absent from the Chamber

Leave granted to dispense with the detail stage

Mr Donaldson moved –

**THAT the Bill be agreed to**

Question put and agreed to on the voices, Mr Gardner, Chief Minister being absent from the Chamber

**11 AIRPORT AMENDMENT BILL 2004**

Debate resumed (Mr Donaldson, Minister for Finance) from 11 February 2004 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle on the voices, Mr Gardner, Chief Minister being absent from the Chamber

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, Mr Gardner, Chief Minister being absent from the Chamber

**12 CUSTOMS AMENDMENT BILL 2004**

Debate resumed (Mr Donaldson, Minister for Finance) from 11 February 2004 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle on the voices, Mr Gardner, Chief Minister being absent from the Chamber

**Detail stage:**

Mr Donaldson moved –

**THAT the following amendments be taken as read and agreed to as a whole, namely –**

**1. Clause 4 – amendment and deletion of subsection**

a) at the end of proposed paragraph 5CA(1)(b) replace all words following “forthwith” with export it off Norfolk Island”;

b) at the end of subsection 5CA(2) replace “returned” with “exported”

c) Delete proposed sub-section 5CA(4) and renumber subsection “(5) as “(4)”

**2. Clause 5 – deletion of subsection**

Delete proposed sub-section (1) and delete “(2)”

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

Question – That clauses 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, Mr Gardner, Chief Minister being absent from the Chamber

**The Speaker suspended the sitting at 12.30 pm until 2.00 pm**

**The House resumed at 2 pm, the Speaker taking the Chair**

**13 POWERS OF ATTORNEY AMENDMENT BILL 2004**

Debate resumed (Mr Gardner, Chief Minister) from 11 February 2004 on the question

– That the Bill be agreed to in principle

Question put

Bill agreed to in principle on the voices

**Detail stage:**

Mr Gardner moved –

**THAT the following amendments be taken as read and agreed to as a whole, namely –**

**1 Clause 7 – amendment of reference**

Delete “subsection 11” and replace with “Section 11”

**2 Clause 8 – amendment of subsection and re-numbering**

a) at the end of proposed subsection 14(2) delete the words “under the ‘Conveyancing Act 1913”; and

b) renumber subsections (1), (2), (3), (3), (4), (5), (6) and (7) as (1), (2), (3), (4), (5), (6), (7) and (8)

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

Question – That clauses 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 Gardner moved -

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

Question put

Bill as amended agreed to on the voices

**14 TELECOMMUNICATIONS AMENDMENT BILL 2004**

Debate resumed (Mr Donaldson, Minister for Finance) from 11 February 2004 on the question – That the Bill be agreed to in principle

Mr D. Buffett moved –

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

Question put

The House voted –

**AYES, 3**  
**Mr D Buffett**  
**Ms Nicholas**  
**Mr Robinson**

**NOES, 5**  
**Mr Donaldson**  
**Mrs Jack**  
**Mr Ivens Buffett**  
**Mr Nobbs**  
**Mr Brown**

Motion negatived

Debate continued

Question put

Bill agreed to in principle on the voices, Ms Nicholas dissenting and Mr Gardner, Chief Minister being absent from the Chamber

**Detail stage:**

Mr Donaldson moved –

**THAT the following amendment be taken as read and agreed to as a whole, namely –**

**Clause 5 – deletion and substitution**

Delete proposed sub-section 6B(1) and replace by the following:

“ 6B.(1) A person other than the Administration must not, without the prior written approval of the executive member, install or maintain a satellite dish that has been configured for the purpose of transmitting or receiving any communication (other than for the reception of television or radio from a pay-tv provider or free-to-air-tv provider) and must upon being so directed in writing by the executive member, remove or de-configure any such satellite dish.  
 Penalty: 100 penalty units.”

Question – That the amendment be agreed to – put and agreed to on the voices, Ms Nicholas dissenting

Question – That clause as amended be agreed to – put and agreed to on the voices, Ms Nicholas dissenting

Question – That the remainder of the Bill be agreed to – put and agreed to on the voices, Ms Nicholas dissenting

Mr Donaldson moved -

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

Question put

Bill as amended agreed to on the voices Ms Nicholas dissenting and Mr Gardner, Chief Minister being absent from the Chamber

**15 SALE OF TOBACCO BILL 2004**

Resumption of debate (Mr D. Buffett, Minister for Community Services and Tourism) from 11 February 2004 on the question – That the Bill be agreed to in principle

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

**16 FIXING OF THE NEXT SITTING DAY**

Mr Nobbs moved –

**THAT the House at its rising adjourn until Wednesday 21 April 2004  
at 10.00 am**

Question put and agreed to on the voices

**17 ADJOURNMENT**

Mrs Jack moved –

**THAT the House do now adjourn**

Debate ensued with Mr Robinson, Mrs Jack and Mr I Buffett participating  
Question put and agreed to on the voices

**AND THEN the House at 3.06 pm adjourned until Wednesday 21 April 2004 at 10 am**

Robin-Eleanor Adams  
**Clerk to the Legislative Assembly**

**MEMBERS PRESENT:** All Members were present