

**NORFOLK ISLAND
TENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 26 MAY 2004**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
TENTH LEJESLIETEW 'SEMBLE
WENSDI 26 MIEH 2004**

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

2 **CONDOLENCES**

Ms Nicholas recorded the passing of –

Eldon Douglas Foote

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

3 **QUESTIONS WITHOUT NOTICE**

The Deputy Speaker took the Chair at 10.21 am

4 **ANSWERS TO QUESTIONS ON NOTICE**

Answers were provided to the following questions on notice:

No. 55 (Mrs Jack to the Minister for Finance) re. 2003-2004 budgets for Government Business Undertakings

No. 56 (Mrs Jack to the Minister for Finance) re. size of debt to Administration/Government Business Undertakings

5 **PRESENTATION OF PAPERS**

The following papers were tabled:

- 1) Mr D Buffett, Minister for Community Services and Tourism - Inbound passenger statistics for April 2004 along with Results of Visitor Exit Survey 1 January – 30 April 2004
Mr Gardner moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- 2) Mr Gardner, Chief Minister - bound copy of Norfolk Island Annual Report 2002-2003
- 3) Mr Donaldson, Minister for Finance –

- a. Financial Indicators for 30 April 2004
Mr Donaldson moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- b. Virements approved between 10 March and 30 April 2004;

6 STATEMENTS

- (1) Mr Gardner, Chief Minister, reported on his attendance last week at the meeting in Canberra of the Ministerial Council on Immigration and Multicultural Affairs and his briefing on the current status with regard to the negotiations between Australia and New Zealand on the delimitation of maritime boundaries

Mr Nobbs moved –

THAT the House take note of the Statement

Debate ensued

Question put and agreed to on the voices

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

- a. responded to questions on notice asked at an earlier sitting on the following matters:

- i. quantity and category of waste exported from the Waste Management Centre to Australia from 1 October 2003 to 30 May 2004;
- ii. Total costs to date and forecasted costs for 2004/2005 financial year to operate the Waste Management Centre

Mr Nobbs moved –

THAT the House take note of the Statement

Debate ensued

Question put and agreed to on the voices

- b. reported on the current status of the Cascade Cliff Safety Project Supreme Court Action against SMEC and Kaipera

7 SELECT COMMITTEE INTO ELECTORAL AND GOVERNANCE ISSUES – TABLING OF COMMITTEE'S REPORT

The Deputy Speaker reported to the House that Mr Ivens Buffett on 3 May 2004 advised of his withdrawal as a Member of the Committee.

Paper: The Deputy Speaker tabled the letter from Mr I Buffett to the Speaker indicating his wish to withdraw as a member of the Committee effective 3 May 2004

Committee Chairman, Mr John Brown, tabled the Report of the Select Committee into Electoral and Governance issues and moved –

THAT consideration of the report be made an order of the day for a subsequent day of sitting

In speaking briefly to the report Mr Brown advised that because of copyright laws the reference documents contained in the red folders were not available for copying but that they were available for perusal at the Office of the Clerk

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

**The Deputy Speaker suspended the sitting at 11.59 am until 1.30 pm
The House resumed at 1.30 pm, the Speaker taking the Chair.**

8 APPROPRIATION BILL 2004-2005 – MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR

The Speaker reported Message No. 30 from His Honour the Administrator recommending to the Legislative Assembly the enactment of a proposed law entitled “A Bill for an Act to authorise expenditure from the Public Account for the year ending 30 June 2005”

9 APPROPRIATION BILL 2004-2005

Mr Donaldson, Minister for Finance, pursuant to notice, presented a Bill for an Act to authorise expenditure from the Public Account for the year ending on 30 June 2005 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 the next day of sitting

10 CUSTOMS ACT 1913 - EXEMPTION FROM PAYMENT OF CUSTOMS DUTY

Mr Donaldson, Minister for Finance, pursuant to notice, 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

Outdoor Portable Amplifier and Microphone

Norfolk Island Lions Club

- amount of duty applicable \$320.00

Conditions – for community use

Debate ensued

Question put and agreed to on the voices

11 CUSTOMS ACT 1913 – EXEMPTION FROM PAYMENT OF CUSTOMS DUTY

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

THAT this House recommends to His Honour the Administrator that, acting in accordance with section 2B of the *Customs Act 1913*, he exempts from duty under section 2 of the *Customs Act 1913*, goods within the following specified classes of goods –

- **Plant and equipment, and spares for those items, and all materials (excluding fuel and oil) which are imported into Norfolk Island for or in connection with works for the Norfolk Island Airport Pavement Upgrade Project,**

on condition THAT:

1. written details of all such plant and equipment, and spares for those items, and all materials and their date of arrival on Norfolk Island are provided to the Collector of Customs, in accordance with the directions of the Collector of Customs; and
2. unless sold after importation, such plant and equipment, and spares for those items, and materials shall not, except with the executive member's written approval, be used otherwise than for or in connection with works for the Norfolk Island Airport Pavement Upgrade Project; and
3. subject to any approval granted by the executive member under condition 2 herein, or unless sold after importation, the plant and equipment, and spares for those items, and all materials shall be exported from Norfolk Island upon completion of the works for the Norfolk Island Airport Pavement Project; and
4. where the plant or equipment, spares for those items, or any materials are sold in Norfolk Island duty shall be payable on the value at the date of importation into Norfolk Island of any such plant and equipment, spares for those items, or materials in accordance with section 2C of the *Customs Act 1913*; and
5. where there is any dispute as to whether plant or equipment, or spares for those items, or materials are goods within the specified classes of goods herein, the decision of the Collector of Customs shall be final and binding

Debate ensued

Question put

The House voted –

AYES, 6

Mr D Buffett

Mr Gardner

Mr Donaldson

Mr I Buffett

Mr Nobbs

Mr Robinson

NOES, 2

Mrs Jack

Ms Nicholas

Motion agreed to

12 IMMIGRATION ACT 1980 - -APPOINTMENT OF PERSONS TO IMMIGRATION COMMITTEE

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

THAT for the purposes of subsection 6(4) of the *Immigration Act 1980*, this House recommends the appointment of –

**Barbara Elvey; and
Joanne Elizabeth Elliott**

as members of the Immigration Committee for the period 19 May 2004 to 18 May 2006

Debate ensued

Question put and agreed to on the voices

13 EVIDENCE BILL 2004

Mr Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act about the law of evidence, and for related purposes and moved -

THAT the Bill be agreed to in principle

Paper: Mr Gardner tabled the Explanatory Memorandum to the Bill
Debate ensued
Debate adjourned (Mr Gardner) and the resumption of debate made an order of the day for a subsequent day of sitting

14 IMMIGRATION AMENDMENT BILL 2004

Mr G Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act to amend the *Immigration Act 1982* 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

15 ADMINISTRATIVE REVIEW TRIBUNAL AMENDMENT BILL 2004

Mr Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act to amend the *Administrative Review Tribunal Act 1996* 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

16 PLANNING (AMENDMENT) BILL 2004

Mr I Buffett, Minister for Land and the Environment, pursuant to notice, presented a Bill for an Act to amend the *Planning Act 2002* and moved -

THAT the Bill be agreed to in principle

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

17 BUILDING (AMENDMENT) BILL 2004

Mr I Buffett, Minister for Land and the Environment, pursuant to notice, presented a Bill for an Act to amend the *Building Act 2002* and moved -

THAT the Bill be agreed to in principle

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

18 LEGISLATIVE ASSEMBLY (REGISTER OF MEMBERS' INTERESTS) BILL 2004

Mr G Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act relating to the establishment and maintenance of a register of interests of members of the Legislative Assembly, and for related purposes 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

19 ENACTMENTS REPRINTING (AMENDMENT) BILL 2004

Mr G Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act to amend the *Enactments Reprinting Act 1980* 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

20 ROAD TRAFFIC AMENDMENT BILL 2004

Mr D Buffett, Minister for Community Services and Tourism, pursuant to notice, presented a Bill for an Act to amend the *Road Traffic Act 1982* and moved -

THAT the Bill be agreed to in principle

Paper: Mr Buffett tabled the Explanatory Memorandum to the Bill

Debate ensued

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

21 FIXING OF THE NEXT SITTING DAY

Mr Robinson moved –

**THAT the House at its rising adjourn until Wednesday 23 June 2004
at 10.00 am**

Question put and agreed to on the voices

22 ADJOURNMENT

Mrs Jack moved –

THAT the House do now adjourn

Debate ensued with Mr Robinson and Mr D Buffet participating

Question put and agreed to on the voices

AND THEN the House at 5.09 pm adjourned until Wednesday 23 June 2004 at 10 am

Robin-Eleanor Adams

Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present; Mr Brown being absent for the afternoon session of the sitting