

**NORFOLK ISLAND
ELEVENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 10 NOVEMBER 2004**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
LEWNTH LEJESLIETEW 'SEMBLE
WENDSI 10 NOWEMBA 2004**

1 The Legislative Assembly met at 10.00 am, the Speaker, Hon David E. Buffett AM, took the Chair and read the Prayer.

2 **CONDOLENCES**

Mr Tim Brown, Deputy Speaker, recorded the passing of –

**Yvonne Muriel Buffett
Bruce MacDonald**

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

3 **SPEAKER'S NOMINATION OF PERSON TO ACT AS DEPUTY SPEAKER**

The Speaker reported that under standing order No. 9 he had nominated Neville Charles Christian to act as Deputy Speaker

Paper: The Speaker tabled the instrument of nomination

4 **GIVING OF NOTICES**

Mr Gardner, Chief Minister, gave notice of his intention to amend the Norfolk Island Government Tourist Bureau Regulations to increase the number of Members on the Bureau; this amendment will allow for Mr Sheridan MLA to be appointed to the Bureau

5 **QUESTIONS WITHOUT NOTICE**

6 **PRESENTATION OF PAPERS**

The following papers were tabled:

- (1) Mr Gardner, Chief Minister -
Inbound passenger statistics up to October 2004
Mr Brown moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- (2) Mr Nobbs, Minister for Finance –

(a) Virements since 15 September 2004;

(b) Financial indicators for October 2004;

Mr Nobbs moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

(c) Customs duty exemptions under s.2B(2) *Customs Act* 1913;

- (3) Mr Gardner, Chief Minister – Administrative Arrangements for the 11th Assembly as at 5 November 2004
Mr Gardner moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

7 STATEMENTS OF AN OFFICIAL NATURE

- 1) Mr Brown, Minister for Community Services, foreshadowed his intention to introduce a Bill to amend the *Immigration Act* 1980 to require a person to have lived on Norfolk Island for 5 years on a temporary entry permit before being eligible to apply for a general entry permit;
- (2) Mr Nobbs, Minister for Finance, clarified the current status of the *Road Traffic Amendment Act 2004*; the Act has been assented to but only clauses 1 and 2 have been commenced;
- 3) Mr Gardner, Chief Minister, spoke at some length on the identified priorities of the 11th Legislative Assembly
Mr Gardner moved –

THAT the House taken note of the Statement

Paper: Mr Gardner tabled the Priorities List

Debate ensued

Question put and agreed to on the voices

- 4) Mr Nobbs, Minister for Finance advised that -
- a) the 2004/2005 budget review process by the Assembly would commence mid December;
- b) that there would be no increase in the electricity tariff this quarter; a further review would take place in December when the fuel costs for the first quarter of 2005 were known; tariff increase, if any, would not occur before 1 January 2005

8 APPOINTMENT OF BUSINESS COMMITTEE

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

THAT this House pursuant to standing order 20 in addition to the Speaker appoints –

**Timothy John Brown; and
Ronald Coane Nobbs,**

to be Members of the Business Committee

Question put and agreed to on the voices

9 APPOINTMENT OF STANDING ORDERS COMMITTEE

Mr Brown, Minister for Community Services, pursuant to notice, moved -

THAT this House, pursuant to standing order 17, in addition to the Speaker and Deputy Speaker, appoints –

**Geoffrey Robert Gardner,
Ronald Coane Nobbs; and
Lorraine Carol Boudan,**

to be Members of the Standing Orders Committee

Question put and agreed to on the voices

10 APPOINTMENT OF A COMMITTEE OF PRIVILEGES

Mr Tim Brown, pursuant to notice, moved -

THAT this House, pursuant to standing order 18, appoints –

**David Ernest Buffett,
Geoffrey Robert Gardner
Timothy Sheridan,
Neville Christian; and
Stephanie Victoria Anne Jack,**

to be Members of a Committee of Privileges

Question put and agreed to on the voices

11 APPOINTMENT OF THE HOUSE COMMITTEE

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

THAT this House, pursuant to standing order 19, in addition to the Speaker, appoints –

**Stephanie Victoria Anne Jack,; and
Timothy John Sheridan,**

to be Members of the House Committee

Question put and agreed to on the voices

12 APPOINTMENT OF THE IMPACT OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE

Mr Gardner, Chief Minister, by leave, moved –

THAT this House pursuant to Standing Order 20A appoints –

**David Ernest Buffett;
Neville Charles Christian; and
Timothy John Brown**

to be members of the Impact of Bills and Subordinate Legislation Committee, and

**Timothy John Sheridan,
as the alternate member**

Question put and agreed to on the voices

13 IMMIGRATION ACT 1980 – APPOINTMENT OF MEMBERS OF THE LEGISLATIVE ASSEMBLY TO THE IMMIGRATION COMMITTEE

Mr Brown, Minister for Community Services, pursuant to notice, moved –

THAT for the purposes of section 6(2) and 6(4) of the *Immigration Act 1980*, this House recommends to the executive member that –

**Lorraine Carol Boudan; and
Timothy John Sheridan,**

being members of the Legislative Assembly, be appointed as Members of the Immigration Committee

Question put and agreed to on the voices

14 HEALTHCARE ACT 1989 – APPOINTMENT OF A MEMBER TO THE HEALTHCARE CLAIMS COMMITTEE

Mr Brown, Minister for Community Services, pursuant to notice, moved –

THAT for the purposes of section 22(2) of the *Healthcare Act 1989*, this House resolves to choose –

Timothy John Brown,

to be a Member of the Claims Committee

Question put and agreed to on the voices

15 SEA INSTALLATIONS ACT 1987 (CLWTH) – NOMINATION OF MEMBER TO BE REPRESENTATIVE

Mr Gardner, Chief Minister, by leave, moved –

THAT, for the purposes of paragraph (d) of the definition of “representative in section 4(1), of the *Sea Installations Act 1987* of the Commonwealth, this House nominates –

John Terence Brown

to represent Norfolk Island for the purposes of the Act

Debate ensued

Question put and agreed to on the voices

16 SOCIAL SERVICES ACT 1980 – APPOINTMENT OF MEMBER TO THE NORFOLK ISLAND SOCIAL SERVICES BOARD

Mr Brown, Minister for Community Services, by leave, moved -

THAT, for the purposes of section 5(1) of the *Social Services Act 1980*, this House resolves to choose

Lorraine Carol Boudan,

being a Member of this House, to be a member of the Norfolk Island Social Services Board

Question put and agreed to on the voices

17 ROAD TRAFFIC ACT 1982 – PROPOSAL TO REPEAL REQUIREMENT FOR CYCLISTS TO WEAR HELMETS

Mr Tim Brown, pursuant to notice, moved –

THAT this House requests the responsible executive member to prepare and introduce as soon as possible a Bill to repeal the provisions in the *Road Traffic Act 1982* that require a cyclist to wear helmet

Debate ensued

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

18 CUSTOMS ACT 1913 – EXEMPTION FROM PAYMENT OF CUSTOMS DUTY

Mr Nobbs, 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

**Christmas Cakes for senior citizens
- amount of duty applicable \$223.56**

**Norfolk Island Lions Club
Conditions – Nil**

Debate ensued

Question put and agreed to on the voices

19 ROAD TRAFFIC ACT 1982 – PROPOSAL TO REPEAL REQUIREMENT TO WEAR A SEAT BELT

Mr Tim Brown, pursuant to notice, moved -

THAT this House requests the responsible executive member to prepare and introduce as soon as possible a Bill to repeal the seat belt amendments that were recently made to the Road Traffic Act

Debate ensued

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

20 CUSTOMS ACT 1913 – EXEMPTION FROM PAYMENT OF CUSTOMS DUTY

Mr Nobbs, 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

**Educational equipment
(books, Paints, Paintbrushes, play items)
- amount of duty applicable \$208.34**

**Banyan Park Playcentre
Conditions – Nil**

Debate ensued

Question put and agreed to on the voices

21 ROAD TRAFFIC ACT 1982 – PROPOSAL TO REPEAL SECTION HEADED “HOW PERSONS MUST TRAVEL IN OR ON A MOTOR VEHICLE”

Mr Tim Brown, pursuant to notice, moved –

THAT this House requests the responsible executive member to prepare and introduce as soon as possible a Bill to repeal the recent amendment to the Road Traffic Act headed “How persons must travel in or on a motor vehicle”

Debate ensued

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

22 LIQUOR LICENSING BILL 2005

Mr Nobbs, Minister for Finance, pursuant to notice, presented a Bill for an Act to promote and encourage responsibility in the sale and consumption of liquor through the establishment of a scheme of liquor licenses and permits and moved –

THAT the Bill be agreed to in principle

Paper: Mr Nobbs tabled the explanatory memorandum to the Bill

Debate ensued

Mr Nobbs moved –

THAT debate on the Liquor Licensing Bill 2005 stand adjourned; and the Bill stand referred to the Impact of Bills and Subordinate Legislation Committee for its consideration; the Committee to report to the Legislative Assembly on its deliberations and recommendations at the February 2005 sitting of the House

Question put and agreed to on the voices

Mr John Brown and Mr Neville Christian left the Chamber whilst discussion on the Quarrying matter ensued

23 QUARRYING AND RELATED PUBLIC WORKS BILL 2004 – DECLARATION OF URGENCY

The Speaker reported that the Business Committee, under standing order 158, declared that the Quarrying and Related Public Works Bill 2004 should be passed through all stages at this sitting

24 QUARRYING AND RELATED PUBLIC WORKS BILL 2004

Mrs Jack, Minister for the Environment, pursuant to notice, presented a Bill for an Act to provide for the control of certain extractive and related works in and for the public interest and moved –

THAT the Bill be agreed to in principle

Paper: Mrs Jack tabled the explanatory memorandum to the Bill

Debate ensued

Question put

Bill agreed to in principle on the voices

Leave granted to dispense with the detail stage

Mrs Jack moved –

THAT the Bill be agreed to

Question put

Bill agreed to on the voices

25 QUARRYING AND RELATED PUBLIC WORKS BILL 2004 – APPROVAL OF FORM

Mrs Jack, Minister for the Environment, by leave –

- 1) tabled the form of approval in accordance with section 4 of the *Quarrying and Related Public Works Bill 2004*; and
- 2) moved –

THAT in accordance with subsection 4(2) of the *Quarrying and Related Public Works Bill 2004* this House agrees to and approves the form of approval tabled entitled “Approval to Move and Treat Extractive Material” setting out Conditions of Approval and on its reverse setting out Conditions of Sale.

Debate ensued

Question put and agreed to on the voices

26 QUARRYING AND RELATED PUBLIC WORKS BILL 2004 – WORK TO BE IN PUBLIC INTEREST

Mrs Jack, Minister for the Environment, by leave, moved –

THAT in accordance with paragraph 4(3)(a) of the *Quarrying and Related Public Works Bill 2004* the executive member and this House are of the opinion it is in the public interest that work be done in accordance with the Act and an approval granted under subsection 4(1)

Debate ensued

Question put and agreed to on the voices

Mr John Brown and Mr Neville Christian rejoined the meeting

27 FIXING OF NEXT SITTING DAY

Mrs Boudan moved –

**THAT the House at its rising adjourn until Wednesday
15 December 2004 at 10 am**

Question put and agreed to on the voices

28 ADJOURNMENT

Mr Christian moved –

THAT the House do now adjourn

Debate ensued with Mrs Jack participating

Question put and agreed to on the voices

AND THEN the House at 1.02 pm adjourned until Wednesday 15 December 2004 at 10 am

Robin-Eleanor Adams
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present