

**NORFOLK ISLAND
ELEVENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 15 DECEMBER 2004**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
LEWNTH LEJESLIETEW 'SEMBLE
WENDSI 15 DISEMBA 2004**

- 1 The Legislative Assembly met at 10.02 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 –

**Alexander Kenneth Wright
Cecily Margaret Bigg**

The Speaker recorded the passing of Alan Browning, first Clerk of the Legislative Assembly of Norfolk Island, and former Clerk of the House of Representatives

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

3 **QUESTIONS WITHOUT NOTICE**

4 **PRESENTATION OF PAPERS**

The following papers were tabled:

- (1) The Speaker - Independent Audit Report dated 12 November 2004 in respect of the financial statements of the Administration of Norfolk Island for the year ended 30 June 2004
- (2) Mr Gardner, Chief Minister – Inbound passenger statistics for period 1 July 2004 to 30 November 2004
Mr Gardner moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- 3) Mr Nobbs, Minister for Finance – Financial Indicators November 2004
Mr Nobbs moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- 4) Mr Gardner, Chief Minister – Norfolk Island Government Tourist Bureau Amendment Regulations 2004
Mr Gardner moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- 4) Mr Nobbs, Minister for Finance – Financial Statements of the Administration of Norfolk Island for the year ended 30 June 2004
Mr Nobbs moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- 5) Mr Gardner, Chief Minister – Norfolk Island Government Tourist Bureau Financial Statements for the year ended 30 June 2004
Mr Gardner moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- 6) Mr Nobbs, Minister for Finance – Memo dated 14 December 2004 from the Manager Broadcasting in response to questions asked at the previous sitting in respect of training of radio announcers and number of staff working at radio station

5 STATEMENTS OF AN OFFICIAL NATURE

- 1) Mr Brown, Minister for Community Services, provided a response to a question asked at an earlier sitting re publishing of Immigration Policy Booklet
- (2) Mrs Jack, Minister for the Environment –
- a) Reported that she had signed an instrument delegating her authority under s. 92 of the *Planning Act 2002* to delegate her powers under subsection 41(5) of that Act to the Executive Director for Environment and Infrastructure and to the Land Use and Environment Manager
Mrs Jack moved –

THAT the House take note of the statement

- b) Thanked Mr Warren Langman for his efforts as chairman of the Norfolk Island Planning and Environment Board up until the time of his recent resignation and of the appointment of Ms Chloe Nicholas as a member, and chairperson, of the Board;
- c) Made a brief statement on the activity which has occurred since the passage of the *Quarrying and Related Public Works Act 2004*;
- (3) Mr Nobbs, Minister for Finance, briefed Members on the recruitment process for the CEO, advising that applications had closed last weekend with 15 applications being received, one of them from a resident of Norfolk Island
- (3) Mr Gardner, Chief Minister, advised that approval had been given by the Commonwealth Government to vary the existing loan agreement for \$5.8m up to \$12

- (4) Mr Nobbs, Minister for Finance –
- a) advised that the Project Management Team (Guttridge, Haskins and Davy) for the airport overlay have been requested to visit the Island to brief Assembly Members and the Working Group on the project;
 - b) reported on a meeting last week of a group relevant to road safety from within the Administration including representatives from police, registry, roads, legal etc

6 **MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR**

The Speaker reported he had received the following messages from the Office of the Administrator:

Message No. 2 from the Deputy Administrator advising that on 16 November 2004 he declared his assent to the *Quarrying and Related Public Works Act 2004*

Message No. 3 from the Administrator advising that on 18 November 2004 His Excellency the Governor-General declared his assent to the *Legislative Assembly (Register of Members' Interests) Act 2004*

7 **NORFOLK ISLAND BROADCASTING AUTHORITY ACT 2001 - APPOINTMENT OF MEMBERS TO THE BROADCASTING AUTHORITY**

Mr Nobbs (Minister for Finance), pursuant to notice, moved -

THAT for the purposes of subsections 7(2) and (3) of the *Norfolk Island Broadcasting Authority Act 2001*, this House recommends to the executive member that –

**Kathleen Marion LeCren;
David Robert Gerard Evans; and
Peter John Wilson,**

be appointed as members of the Broadcasting Authority

Debate ensued

Question put and agreed to on the voices

8 **PUBLIC SECTOR MANAGEMENT ACT 2000 – PROPOSAL TO AMEND ORGANISATION STRUCTURE TO DELETE POSITION OF EXECUTIVE DIRECTOR – ENVIRONMENT AND INFRASTRUCTURE**

Mr Tim Brown, pursuant to notice, moved –

THAT this House requests that responsible executive member to take such actions as may be required, without delay, in order to alter the personnel structure of the Administration of Norfolk Island so as to delete the position of *Executive Director – Environment and Infrastructure*

Debate ensued

Mr Gardner, Chief Minister, moved the following amendment:

THAT the word “alter” be changed to “review”; and that all words after “Norfolk Island” be deleted and the following substituted: ”to reflect the Minister for Finance proposal to restructure the Government Business Enterprises as outlined to Members during the formal sitting of 15 December 2004”

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

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

9 MOTION BY LEAVE – APPOINTMENT OF MEMBER OF THE NORFOLK ISLAND HOSPITAL ADVISORY BOARD

Mr Brown, by leave, moved –

THAT the Legislative Assembly, in accordance with paragraph 12(1) of the *Norfolk Island Hospital Act 1985*, recommends that the responsible executive member appoint –

Candice Anne Nobbs

to be a member of the Norfolk Island Hospital Advisory Board for the period from 15 December 2004 to 19 August 2006 inclusive

Debate ensued

Question put and agreed to on the voices

10 IMMIGRATION AMENDMENT BILL 2005

Mr Brown, Minister for Community Services, by leave, presented a Bill for an Act to amend the *Immigration Act 1980* and moved –

THAT the Bill be agreed to in principle

Debate ensued

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

The Deputy Speaker took the Chair at 12.02 pm

11 STANDING ORDER 215 – AUTHORITY FOR IMPACT OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE TO RELEASE DOCUMENTS

Mr Buffett, pursuant to notice, move -

THAT this House under standing order 215, hereby authorises the Impact of Bills and Subordinate Legislation Committee, in its consideration of the Liquor Licensing Bill 2005, at the Committee's discretion, to make available, on request, documents, other than confidential documents, received by the Committee from time to time in relation to this inquiry

Debate ensued

Question put and agreed to on the voices

12 NORFOLK ISLAND LANGUAGE (NORF'K) Bill 2004

Mr Buffett, pursuant to notice, presented a Bill for an Act to recognise the Norfolk Island Language (Norf'k) as an official language of Norfolk Island and moved –

THAT the Bill be agreed to in principle

Debate ensued

Mr Gardner moved –

THAT so much of standing orders be suspended as would prevent the Bill be passed through all stages today

Question put and agreed to on the voices
 Question – That the Bill be agreed to in principle – put
 Bill agreed to in principle on the voices

Detail stage:

Mr Buffett by leave moved –

Clause 4, after the words to speak”, add the words “and write”

Question – That the amendment be agreed to – put and agreed to on the voices
 Question – That the clause 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 Buffett moved –

THAT the Bill as amended be agreed to

Question put
 Bill as amended agreed to

The Speaker resumed the Chair at 12.10 pm.

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

Debate resumed (Mr Tim Brown) from 10 November 2004 on the question – That the motion be agreed to

Question put
 The House voted –

AYES, 6	NOES, 3
Mr Sheridan	Mr Buffett
Mr Nobbs	Mr Gardner
Mr Christian	Mrs Jack
Mr Tim Brown	
Mrs Boudan	
Mr John Brown	

Motion agreed to

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

Debate resumed (Mr Tim Brown) from 10 November 2004 on the question – That the motion be agreed to

Question put
 The House voted –

AYES, 6	NOES, 3
Mr Sheridan	Mr Buffett
Mr Nobbs	Mr Gardner
Mr Christian	Mrs Jack
Mr Tim Brown	
Mrs Boudan	
Mr John Brown	

Motion agreed to

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

Debate resumed (Mr Tim Brown) from 10 November 2004 on the question – That the motion be agreed to

Question put

The House voted –

AYES, 5

Mr Sheridan

Mr Nobbs

Mr Christian

Mr Tim Brown

Mrs Boudan

NOES, 4

Mr Buffett

Mr Gardner

Mrs Jack

Mr John Brown

Motion agreed to

16 FIXING OF NEXT SITTING DAY

Mr Christian moved –

**THAT the House at its rising adjourn until Wednesday
9 February 2005 at 10 am**

Question put and agreed to on the voices

17 ADJOURNMENT

Mr Sheridan moved –

THAT the House do now adjourn

Debate ensued with Mr Gardner, Mrs Jack, Mr John Brown, Mrs Lorraine Boudan, Mr Ron Nobbs and Mr Buffett participating

Question put and agreed to on the voices

AND THEN the House at 12.32 pm adjourned until Wednesday 9 February 2005 at 10 am

Robin-Eleanor Adams
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present