

**NORFOLK ISLAND
ELEVENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 9 FEBRUARY 2005**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
LEWNTH LEJESLIETEW 'SEMBLE
WENDSI 9 FEBYUWERI 2005**

1. Legislative Assembly met at 10.02 am, the Speaker, Hon David E. Buffett AM, took the Chair and read the Prayer.

2 PRESENTATION OF PETITIONS

Mr Tim Brown presented a Petition from 529 residents drawing to the attention of the House concerns within the community about the proposal that the Australian Heritage Council assess certain private properties in Norfolk Island to decide whether those places meet any of the Commonwealth Heritage criteria. The petitioners requested that the House use its strongest endeavours to resist any proposal that any private property in Norfolk Island be listed in any way under the Commonwealth of Australia's Environment Protection and Biodiversity conservation Act 1999

3 QUESTIONS WITHOUT NOTICE

4 PRESENTATION OF PAPERS

The following papers were tabled:

- (1) Mr Nobbs, Minister for Finance – Formal Virements consequential on budget review 2004-2005
Mr Christian moved –

THAT the House take note of the paper

Debate ensued
Question put and agreed to on the voices

- (2) Mr Gardner, Chief Minister – The 2003/2004 Annual Report for the Administration of Norfolk Island and 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 –
- a) Financial Indicators December 2004
 - b) Financial Indicators January 2005
- (4) Mr Gardner, Chief Minister –
- a) Inbound passenger statistics for December 2004
 - b) Inbound passenger statistics for January 2005

Mr Gardner reported on industry discussions at the meeting he attended in Brisbane on 4 February 2005 and moved –

THAT the House take note of the papers

Debate ensued
Question put and agreed to on the voices

5 STATEMENTS

- 1) Mrs Jack, Minister for the Environment reported to the House on recent court proceedings in relation to the Emergency Provision of Crushed Rock and Aggregate Act 2005;
- 2) Mr Nobbs, Minister for Finance provided an update on the Norfolk Island Airport Upgrade Tender Process;
- 3) Mrs Jack, Minister for the Environment advised there had been a partial resolution of SMEC/Kaipara action re Cascade Cliff Project;
- 4) Mr Nobbs, Minister for Finance briefed members on progress with the appointment of a Chief Executive Officer

6 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

The Speaker reported **Message No. 9** from the Office of the Administrator advising that on 1 February 2005 the Administrator declared his assent to the Supplementary Appropriation Act 2004-2005

The Deputy Speaker took the Chair

7 REPORTS OF STANDING AND SELECT COMMITTEE

Mr David Buffett, Chairman Of The Impact Of Bills And Subordinate Legislation Committee, tabled the Committee's Interim Report on the Liquor Licensing Bill 2005 and Draft Liquor Licensing Regulations
Mr Nobbs moved –

THAT the House take note of the paper

Debate ensued
Question put and agreed to on the voices

The Speaker resumed the Chair

8 EMPLOYMENT ACT 1988 – APPOINTMENT OF PERSON TO EMPLOYMENT CONCILIATION BOARD

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

THAT for the purposes of subsection 65(2) of the Employment Act 1988, this House resolves to appoint –

Stephen John Nutley

being a person with relevant qualifications and experience, to the Employment Conciliation Board for the period 9 February 2005 to 8 February 2008

Debate ensued
Question put and agreed to on the voices

9 EDUCATION BILL 1981

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

THAT the resolution of the Legislative Assembly on 2 December 1981 that the Education Bill 1981 be approved, be repealed

Debate ensued
Question put and agreed to on the voices

10 PUBLIC SECTOR MANAGEMENT ACT 2002 - RE-APPOINTMENT OF MEMBERS OF THE PUBLIC SERVICE BOARD

Mr Nobbs, Minister for Finance, pursuant to notice, moved –

THAT this House, in accordance with subsection 13(1) of the Public Sector Management Act 2000, recommends that the responsible executive member re-appoint the following persons to the Public Service Board and to the respective positions appearing beside their names for the period 24 January 2005 to 23 January 2007 –

**Gisele Robyn Huxley – Member
Charles Brent Hattersley – Deputy Presiding Member**

Debate ensued

Question put and agreed to on the voices

11 NORFOLK ISLAND BROADCASTING AUTHORITY ACT 2001 – RE-APPOINTMENT OF MEMBER 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 –

Chloe Barbara Nicholas

be re-appointed as a member of the Broadcasting Authority for the period ending 19 February 2008

Debate ensued

Question put and agreed to on the voices

12 PLANNING ACT 2002

Mrs Jack, Minister for the Environment, pursuant to notice, moved –

THAT in accordance with subsection 12(4) of the Planning Act 2002, this Legislative Assembly resolves that the draft plan (VAR 1-2005) laid before this House, being a proposed variation to the Norfolk Island Plan 2002, last amended on 23rd June 2004, and deemed to be the Plan under section 8 of the Planning Act 2002 be approved; and that for the purposes of subsection 13(1) of the Planning Act 2002 the date of commencement of the approved Plan be 11 February 2005

Papers:

Mrs Jack tabled -

- a) Briefing notes on the proposed variations to the Norfolk Island Plan 2002
- b) Instrument of Approval Parts A, B, and C

Debate ensued

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

13 PLANNING ACT 2002

Mrs Jack, Minister for the Environment, pursuant to notice, moved –

THAT in accordance with subsection 12(4) of the Planning Act 2002, this Legislative Assembly resolves that the draft plan (VAR 2-2005) laid before this House, being a proposed variation to the Norfolk Island Plan 2002, last amended on 23rd June 2004, and deemed to be the Plan under section 8 of the Planning Act 2002 be approved; and that for the purposes of subsection 13(1) of the Planning Act 2002 the date of commencement of the approved Plan be 11 February 2005

Debate ensued

Question put and agreed to on the voices

14 IMMIGRATION ACT 1980 - DETERMINATION OF GENERAL ENTRY PERMIT QUOTA FOR PERIOD 17 FEBRUARY 2005 TO 16 FEBRUARY 2006

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

THAT for the purpose of subsection 21(1) of the Immigration Act 1980, this Legislative Assembly resolves that it be determined by instrument in writing that 35 General Entry Permits be granted during the period 17 February 2005 to 16 February 2006

Debate ensued

Mr Nobbs moved –

THAT the number “35” be deleted and “0” be inserted and the date “16 February 2006” be deleted and “1 May 2005” be inserted

Debate ensued and after discussion the amendment was adjusted -

THAT “35” be deleted and “0” be inserted; the date “16 February 2006” remain, and following “2006” the words be added “with the intention that the House will review the GEP quota at its May sitting”

Debate ensued

The Deputy Speaker took the Chair

Mr Buffett moved –

THAT the words “May sitting” be deleted and “March sitting” inserted

Debate ensued

Speaker took the Chair

Question – That Mr Buffett’s amendment be agreed to – put and negatived on the voices

Question – That Mr Nobbs’ adjusted amendment be agreed to – put

The House voted –

AYES, 4

Mr Sheridan

Mr Nobbs

Mr Tim Brown

Mrs Boudan

NOES, 5

Mr Buffett

Mr Gardner

Mr Christian

Mrs Jack

Mr Brown

Motion negatived

Question – That the original motion be agreed to - put

The House voted –

AYES, 5

Mr Buffett

Mr Gardner

Mr Christian

Mrs Jack

Mr Brown

NOES, 4

Mr Sheridan

Mr Nobbs

Mr Tim Brown

Mrs Boudan

Motion agreed to

15 ROAD TRAFFIC (AMENDMENT) BILL 2005

Mr Nobbs, Minister for Finance, pursuant to notice, presented a Bill for an Act to amend the Road Traffic (Amendment) Act 2004 and moved –

THAT the Bill be agreed to in principle

Debate ensued

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

16 TELECOMMUNICATIONS (AMENDMENT) BILL 2005

Mr Nobbs, Minister for Finance, pursuant to notice, presented a Bill for an Act to amend the Telecommunications Act 1992 and moved –

THAT the Bill be agreed to in principle

Debate ensued

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

17 FUEL LEVY (AMENDMENT) BILL 2005

Mr Nobbs, Minister for Finance, pursuant to notice, presented a Bill for an Act to amend the Fuel Levy Act 1987 and moved –

THAT the Bill be agreed to in principle

Debate ensued

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

18 NORFOLK ISLAND HOSPITAL (AMENDMENT) BILL 2005

Mr Brown, Minister for Community Services, pursuant to notice, presented a Bill for an Act to amend the Norfolk Island Hospital Act 1985 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

19 HEALTHCARE LEVY (AMENDMENT) BILL 2005

Mr Brown, Minister for Community Services, pursuant to notice, presented a Bill for an Act to amend the Healthcare Levy Act 1990 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

20 INTERPRETATION (AMENDMENT) BILL 2005

Mr Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act to amend the Interpretation Act 1979 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

21 SUPREME COURT (AMENDMENT) BILL 2005

Bill withdrawn from Notice Paper

22 IMMIGRATION AMENDMENT BILL 2005

Debate resumed (Mr Brown, Minister for Community Services) from 15 December 2004 on the question – 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

23 FIXING OF THE NEXT SITTING DAY

Mr Christian moved –

**THAT the House at its rising adjourn until Wednesday
16 March 2005 at 10 am**

Question put and agreed to on the voices

24 ADJOURNMENT

Mrs Boudan moved –

THAT the House do now adjourn

Debate ensued with Mr Christian, Mr T Brown and Mr Gardner participating
Question put and agreed to on the voices

AND THEN the House at 3.10 pm adjourned until Wednesday 16 March 2005 at 10 am

Gaye Evans

Deputy Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present