

**NORFOLK ISLAND
ELEVENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 16 MARCH 2005**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
LEWNTH LEJESLIETEW 'SEMBLE
WENDSI 16 MAACH 2005**

1. Legislative Assembly met at 10.04 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 –

**Bruce Elson Buffett
Father Francis Patrick Bellett
Judith Robin Lorking**

The Speaker recorded the passing of Reginald Marsh, Administrator of Norfolk Island from 1966 to 1968. As a mark of respect to the memory of the deceased all Members stood in silence

Mr Gardner and Mr John Brown joined the meeting at 10.12 am

3 PRESENTATION OF PETITIONS

Mr Christian presented a Petition from 347 residents requesting 1) That the Building Codes on Norfolk Island be tailored to Norfolk Island conditions, customs and traditions and not to Australian Standards as they are presently worded; 2) That the current Development Application form be simplified and streamlined; and 3) That the present process, which is complicated, cumbersome, expensive to the applicant, time consuming in process and creating unemployment in the private sector, be remedied.

4 COMMONWEALTH DAY MESSAGE

The Speaker read the Commonwealth Day Message dated 14 March 2005 from Her Majesty The Queen, Head of the Commonwealth

5 QUESTIONS WITHOUT NOTICE

The Deputy Speaker took the Chair at 10.24 am

6 PRESENTATION OF PAPERS

The following papers were tabled:

- (1) Mr Gardner, Chief Minister –

A) exposure drafts of the following Bills:

- a) Commercial Arbitration Bill 2005;
- b) Associations Incorporation Bill 2005;
- c) Coroners (Amendment) Bill 2005;
- d) Children and Young People Bill 2005;
- e) Summary Offences Bill 2005;
- f) Bail Bill 2005;

- B) Report by executive member under the Legal Aid Act 1995 for the period 1 July 2004 to 31 December 2004;

Mr Gardner moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- (2) Nobbs, Minister for Finance – Road (General) (Amendment) Regulations 2005
Mr Nobbs moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- (3) Mr Brown, Minister for Community Services – Education (Amendment) Regulations 2005;

- (4) Mr Nobbs, Minister for Finance – Financial indicators for February 2005
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 –

- a) Inbound passenger statistics for February 2005;
Mr Gardner moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- b) Government of Norfolk Island Priorities Plan 2004-2007 dated 14 March 2005
Mr Gardner moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

7 STATEMENTS

- 1) Mrs Jack, Minister for the Environment, advised that the Administrative Review Tribunal had haded down a decision to allow Island Industries to crush;
- 2) Mr Nobbs, Minister for Finance, reported that the preferred applicant for the position of Chief Executive Officer was unable to take up the position; the position will now be re-advertised. Mr Steve Matthews has been appointed to act in the position for six months, reviewable after two months;
- 3) Mr Gardner, Chief Minister, in response to a question asked earlier in the sitting, advised that changes foreshadowed in Australia to the manning of meteorological bureaus there would not impact on the Norfolk Island Met Office;

The Speaker resumed the Chair at 11.20 am

8 REPORT OF IMPACT OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE ON THE LIQUOR LICENSING BILL 2005

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

Mr Buffett moved –

THAT the Report be adopted

Debate ensued

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

The Speaker resumed the Chair at 11.20 am

9 MUSEUM TRUST ACT 1987 – APPOINTMENT OF TRUSTEES

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

THAT this House resolves for the purposes of subsection 5(1) of the Museums Trust Act 1987 that the executive member appoint –

**Ian Hamilton McCowan; and
Katherine Halcomb Sexton,**

as members of the Norfolk Island Museum Trust for the period 16 March 2005 to 15 March 2007

Debate ensued

Question put and agreed to on the voices

10 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999 (C1th)

Mr Tim Brown, pursuant to notice, moved –

THAT this House requests that the responsible executive member do everything within their power so as 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

Debate ensued

Question put and agreed to on the voices

11 EVIDENCE (AMENDMENT) BILL 2005

Mr Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act to amend the Evidence Act 2004 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

12 LEGAL AID (AMENDMENT) BILL 2005

Mr Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act to amend the Legal Aid Act 1995 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

13 NORFOLK ISLAND PLANNING AND ENVIRONMENT BOARD (AMENDMENT) BILL 2005

Mrs Jack, Minister for the Environment, pursuant to notice, presented a Bill for an Act to amend the Norfolk Island Planning and Environment Board Act 2002 and moved –

THAT the Bill be agreed to in principle

Debate ensued

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

Deputy Speaker took the Chair at 11.41 am**14 PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL 2005**

Mr Nobbs, Minister for Finance, pursuant to notice, presented a Bill for an Act to amend the Public Sector Management Act 2000 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

Speaker resumed the Chair at 11.52 am**15 SOCIAL SERVICES AMENDMENT BILL 2004**

Mr Brown, Minister for Community Services, by leave, presented a Bill for an Act to amend the Social Services 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

16 PLANNING ACT 2002 – DRAFT PLAN (VAR 1-2005)

Debate resumed (Mrs Jack, Minister for the Environment) from 9 February 2005 on the question – That the motion be agreed to

Debate ensued

Question put and negatived on the voices

The Speaker suspended the sitting at 12.36 pm until 2 pm**The House resumed at 2 pm, the Speaker taking the Chair****17 ROAD TRAFFIC (AMENDMENT) BILL 2005**

Debate resumed (Mr Nobbs, Minister for Finance) from 9 February 2005 on the question –

That the Bill be agreed to in principle

Debate ensued

Question put

The House voted –

AYES, 6

Mr Sheridan

Mr Nobbs

Mr Christian

Mr Tim Brown

Mrs Boudan

Mr John Brown

NOES, 3

Mr Buffett

Mr Gardner

Mrs Jack

Bill agreed to in principle

Detail stage:

Clause 1 – agreed

Clause 2 – agreed

Clause 3 – agreed

Clause 4 – the House voted –

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

Clause 4 agreed to

Clause 5 – the House voted –

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

Clause 5 agreed to

Clause 6 – the House voted –

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

Clause 6 agreed to

Clause 7 – agreed to

Clause 8 – agreed to

Remainder of the Bill agreed to

Mr Nobbs moved –

THAT the Bill be agreed to

Question put

The House voted –

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

Bill agreed to

18 FUEL LEVY (AMENDMENT) BILL 2005

Debate resumed (Mr Nobbs, Minister for Finance) from 9 February 2005 on the question –

That the Bill be agreed to in principle

Question put

Bill agreed to in principle

Leave granted to dispense with the detail stage

Mr Nobbs moved –

THAT the Bill be agreed to

Question put

Bill agreed to on the voices

19 INTERPRETATION (AMENDMENT) BILL 2005

Debate resumed (Mr Gardner, Chief) from 9 February 2005 on the question – That the Bill be

agreed to in principle

Question put

Bill agreed to in principle

Leave granted to dispense with the detail stage

Mr Gardner moved –

THAT the Bill be agreed to

Question put

Bill agreed to on the voices

20 NORFOLK ISLAND HOSPITAL (AMENDMENT) BILL 2005

Debate resumed (Mr Brown, Minister for Community Services) from 9 February 2005 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle

Leave granted to dispense with the detail stage

Mr Brown moved –

THAT the Bill be agreed to

Question put

Bill agreed to on the voices

21 HEALTHCARE LEVY (AMENDMENT) ACT 2005

Debate resumed (Mr Brown, Minister for Community Services) from 9 February 2005 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle

Leave granted to dispense with the detail stage

Mr Brown moved –

THAT the Bill be agreed to

Question put

Bill agreed to on the voices

22 IMMIGRATION AMENDMENT BILL 2005

Debate resumed (Mr Brown, Minister for Community Services) from 9 February 2005 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle

Detail stage:

Mr Brown moved that the following amendment be taken as read and agreed to:

In clause 4 –

(a) for “18” substitute “18 and 19”; and

(b) delete “or” and add the following after paragraph (d) —

“ ; or

(e) a person who has been authorised by a resolution of the Legislative Assembly to make an application.”

Question – That the amendments 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 Brown moved –

THAT the Bill be agreed to

Question put
Bill (as amended) agreed to on the voices

23 FIXING OF NEXT SITTING DAY

Mr Tim Brown moved –

THAT the House at its rising adjourn until Wednesday 20 April 2005 at 10 am

Question put and agreed to on the voices

24 ADJOURNMENT

Mr Christian moved –

THAT the House do now adjourn

Debate ensued with Mrs Jack and Mr John Brown participating

AND THEN the House at 2.32 pm adjourned until Wednesday 20 April 2005 at 10 am

Robin-Eleanor Adams
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present