

**NORFOLK ISLAND
ELEVENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 21 SEPTEMBER 2005**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
LEWNTH LEJESLIETEW 'SEMBLE
WENDSI 21 SEPTEMBER 2005**

1. Legislative Assembly met at 10.05am, 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 –

Matthew William Quintal

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 presented:

- 1) Mr Gardner, Chief Minister –
- a) Inbound passenger statistics up to and including August 2005 and other statistical data relating to visitors to Norfolk Island;
 - b) Activities Report for August 2005 for Norfolk Island Tourist Bureau;
 - c) Tourist Bureau General managers Report of 6 September 2005

Mr Gardner moved –

THAT the House take note of the Papers

Debate ensued

Debate adjourned (Mr Brown, Minister for Community Services) until a later hour in this sitting

- 2) Mr Nobbs, Minister for Finance – report of executive member re duty exemptions under section 2B(2) of the Customs Act 1913;
- 3) Mr Gardner, Chief Minister – exchange of correspondence re investigation of complaint for a possible breach of confidentiality of communications information
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 – Directions given under section 32A(2) of the Public Moneys Act 1979 to transfer to the financial year 2005-2006 the amounts specified in column 3 of the Schedule for the purpose of meeting commitments entered into in the year ending 30 June 2005 in respect of the matters specified in column 2 of the Schedule;
- 5) Mr Brown, Minister for Community Services – Annual Report of the Employment Tribunal for year ended 30 June 2005;
- 6) Mr Nobbs, Minister for Finance – Financial Indicators for August 2005
Mr Nobbs moved –

THAT the House take note of the Papers

Debate ensued

Question put and agreed to on the voices

5 **STATEMENTS**

Mrs Jack, Minister for the Environment, made a statement re an application to vary the Norfolk Island Plan by rezoning portion 87f(rem) New Farm Road from rural to rural residential so as to enable this block of land to be subdivided into 3 portions thereby allowing each of the three joint landowners to individually own land and to use this land for residential purposes

Mrs Jack moved –

THAT the House take note of the Statement

Debate ensued

Question put and agreed to on the voices, Mr Brown abstaining

6 MOTION BY LEAVE RELATIVE TO NORFOLK ISLAND PLAN

Mr Christian moved –

THAT this House resolves to direct the relevant Minister at her earliest convenience, to bring forward legislation to amend the Norfolk Island Plan 2002 to allow portion 87f to be changed from rural to rural residential

Debate ensued

Debate adjourned (Mr Christian) on the voices – Mrs Jack, Minister for the Environment dissenting - and the resumption of debate made an Order of the Day for a subsequent day of sitting

7 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

The Speaker reported the following messages:

Message No. 17 from the Administrator advising that on 23 August 2005 he declared his assent to the Tourist Accommodation (Amendment) Act 2005 and the Healthcare Levy (Amendment No. 3) Act 2005

Message No. 18 from the Administrator advising that on 6 September 2005, in accordance with the instructions of the Minister for Local Government, Territories and Roads, he withheld his assent to the Customs (Amendment) Bill 2005. The reasons why assent was withheld relate to concerns about the use of customs legislation to prohibit the importation of helicopters to Norfolk Island, given the clear potential for economic and social benefits. In providing his instructions, the Minister advised that considering the recent decline in tourist numbers, and the effect of changing demographics, which will require the Island to find innovative ways of attracting new types of visitors, a proposal to use a helicopter for sightseeing could prove a valuable asset to the Island. Further, the availability of a helicopter will provide benefits to the community in terms of search and rescue operations, fire fighting and similar activities

Message No. 19 from the Administrator advising that on 21 June 2005 he declared his assent to the Supplementary Appropriation (No. 2) Act 2004-2005, the Appropriation Act 2005-2006 and the Airport (Amendment) Act 2005

8 SEIZURE OF “BOOM BOXES” IN MOTOR VEHICLES

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

THAT this House requests the responsible Executive Member to take such action as may be required in order to cause devices known as “boom boxes” to be unlawful if installed in a motor vehicle, and to provide the Norfolk Island Police with the power to seize and retain for seven days any motor vehicle which is fitted with such a device, and to dispose of that vehicle if it is seized on a second or subsequent occasion

Debate ensued

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

9 PROTECTION OF MOVABLE CULTURAL HERITAGE ACT 1987

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

That in accordance with subsection 9(1) of the Protection of Movable Cultural Heritage Act 1987, this House recommends to the Executive Member that -

**Beryl Phyllis Evans;
Nancy Jocelyn Smith; and
Neil Alexander Tavener,**

be re-appointed as members of the Norfolk Island Cultural Heritage Committee for the period 26 August 2005 to 25 August 2009 and that Eve Semple be appointed as a member of the Norfolk Island Cultural Heritage Committee for the period 26 August 2005 to 25 August 2009

Debate ensued

Question put and agreed to on the voices

10 NORFOLK ISLAND GOVERNMENT TOURIST BUREAU – REPORT OF ACTIVITIES AND REPORT OF GENERAL MANAGER

Debate resumed (Mr Brown) on the question – That the House take note of the Papers
Question put and agreed to on the voices

11 RE-APPOINTMENT OF PRESIDING MEMBER OF THE PUBLIC SERVICE BOARD

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

That this House, in accordance with paragraph 10(1)(a) of the Public Sector Management Act 2000, recommends that the responsible executive member re-appoint –

Nadia Lozzi-Cuthbertson

as Presiding Member of the Public Service Board for the period 22 September 2005 to 21 September 2007

Debate ensued

Question put and agreed to on the voices

12 CUSTOMS (AMENDMENT NO. 2) BILL 2005 – DECLARATION OF URGENCY

The Speaker to report that the Business Committee under standing order 158 had declared that the Customs (Amendment No. 2) Bill 2005 shall be declared urgent and its passage expedited

13 CUSTOMS (AMENDMENT NO. 2) BILL 2005

Mr Nobbs, Minister for Finance, pursuant to notice, presented a Bill for an Act to amend the Customs Act 1913 and moved –

THAT the Bill be agreed to in principle

Debate ensued

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, Mr Christian abstaining

14 EVIDENCE (AMENDMENT NO. 2) 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

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

15 BUSINESS TRANSACTIONS (ADMINISTRATION) BILL 2005

Mr Nobbs, Minister for Finance, pursuant to notice, presented a Bill for an Act relating to the assessment, payment and collection of levy on certain business transactions and instruments and moved –

THAT the Bill be agreed to in principle

Paper: Mr Nobbs tabled the Explanatory Memorandum to the Bill

Debate ensued

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

16 BUSINESS TRANSACTIONS (LEVY IMPOSITION) BILL 2005

Mr Nobbs, Minister for Finance, pursuant to notice, presented a Bill for an Act relating to the imposition of levy on certain business transactions and instruments having a connection with Norfolk Island and moved –

THAT the Bill be agreed to in principle

Paper: Mr Nobbs tabled the Explanatory Memorandum to the Bill

Debate ensued

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

17 SUMMARY OFFENCES BILL 2005

Mr Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act to consolidate the law relating to summary offences, and for other 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

18 LIQUOR 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 licences and permits and moved –

THAT the Bill be agreed to in principle

Paper: Mr Nobbs tabled the Explanatory Memorandum to the Bill

Debate ensued

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

19 BAIL BILL 2005

Mr Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act to provide for the granting of bail to accused persons in or in connection with criminal proceedings 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

The Speaker at 12.33 pm suspended the sitting until 2 pm

The House resumed at 2.04 pm, the Speaker taking the Chair

20 EXEMPTION FROM PAYMENT OF CUSTOMS DUTY

Debate resumed (Mr Nobbs, Minister for Finance) from 18 May 2005 on the question – That the motion be agreed to

Mr Gardner, Chief Minister, moved the following amendment:

THAT the following be added at the end of paragraph 5:

“; and

6. **the executive member is satisfied that the successful contractor for the project has complied with the conditions of the contract to maximise the use of local materials and equipment, provided that the use of such materials and equipment is compatible with the performance requirement of this contract”**

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, Mr Brown, Minister for Community Services abstaining

21 CONTRIBUTION TO COST OF MEDICAL EVACUATIONS

Resumption of debate (Mr Brown, Minister for Community Services) on the question – That the motion be agreed to

Mrs Boudan moved the following amendment:

THAT all words after “House” first appearing be deleted, and replaced with the following words, namely -

“a proposal to introduce a scheme to contribute to the cost of emergency medical evacuations from Norfolk Island, on the basis that patients will pay no more than \$5,000.00 towards the cost of any emergency medical evacuation, including any ambulance charges, with the remainder being paid by drawing on funds raised by the recent \$100.00 per annum increase in the Healthcare Levy, together with such additional funding measures as may be suggested by the Executive Member. Such evacuations to include both evacuations by charter flight and evacuations by scheduled air service, and further, that any Administration accounts recently raised and rendered to individuals in regard to medical evacuations be reviewed in accordance with this motion.”

Debate ensued

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

22 PUBLIC MONEYS (AMENDMENT) BILL 2005

Debate resumed (Mr Nobbs, Minister for Finance) from 17 August 2005 on the question – That the Bill be agreed to in principle

Deputy Speaker took the Chair at 2.55 pm

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

The Speaker resumed the Chair at 2.55 pm

23 ROAD TRAFFIC (AMENDMENT NO. 2) BILL 2005

Debate resumed (Mr Nobbs, Minister for Finance), from 17 August 2005 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle on the voices

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

24 LEGAL PROFESSION (AMENDMENT) BILL 2005

Debate resumed (Mr Gardner, Chief Minister) from 17 August 2005 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle on the voices, Mr Brown abstaining

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, Mr Brown abstaining

25 ASSOCIATIONS INCORPORATION BILL 2005

Debate resumed (Mr Gardner, Chief Minister) from 17 August 2005 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle on the voices

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

26 NORFOLK ISLAND SUSTAINABILITY LEVY BILL 2005

Debate resumed (Mr Nobbs, Minister for Finance) from 17 August 2005 on the question – That the Bill be agreed to in principle
Debate adjourned (Mr Nobbs) **and the resumption of debate made an Order of the Day for a subsequent day of sitting**

27 LIQUOR LICENSING BILL 2005

Bill withdrawn from the Notice Paper by leave

28 FIXING OF THE NEXT SITTING DAY

Mr Sheridan moved -

THAT the House at its rising adjourn until Wednesday 19 October 2005 at 10 am

Question put and agreed to on the voices

29 ADJOURNMENT

Mr John Brown moved -

THAT the House do now adjourn

Debate ensued with Chief Minister participating

Question put and agreed to on the voices

AND THEN the House at 3.34 pm adjourned until Wednesday 19 October 2005 at 10 am

Robin-Eleanor Adams
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present