

**NORFOLK ISLAND
ELEVENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 19 OCTOBER 2005**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
LEWNTH LEJESLIETEW 'SEMBLE
WENDSI 19 OKTOEBA 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 –

Kenneth Cochrane

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 Brown, Minister for Community Services – in accordance with section 28A of the Healthcare Act 1989 Mr Brown advised that he had approved reasonable costs of medical treatment as a medical service under paragraph (g) of the definition of “medical services” in the Schedule to the Act and tabled his advice to the Healthcare Manager dated 17 October 2005;
- 2) Mr Gardner, Chief Minister – Associations Incorporation Regulations 2005;
- 3) Mr Nobbs, Minister for Finance – Financial Indicators for September 2005
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 -

- a) Report by executive member for the period 1 January to 30 June 2005 under subsection 31(4) of the Legal Aid Act 1995;
- b) Visitor arrivals September 2005 and NIGTB Activities Report September 2005;
Mr Gardner moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

- 5) Mr Brown, Minister for Community Services – Exposure drafts x2 of the Marine Safety Bill 2004 – Draft 1 without requirement for registration and payment of fees; Draft 2 with a requirement for registration and payment of fees

- 5 **STATEMENTS**

- 1) Mr Nobbs, Minister for Finance, briefed members on the findings in the Price, Waterhouse Coopers report which had been commissioned to advise the Government on a telecommunication strategy to cover the next 10 years
Mr Christian moved –

THAT the House take note of the Statement

Debate ensued

Question put and agreed to on the voices

- 2) Mrs Jack, Minister for the Environment, made a statement in regard to the Norfolk Island Plan 2002 and in particular to Residence-Dual Occupancy
Mrs Jack moved –

THAT the House take note of the Statement

Debate ensued

Question put and agreed to on the voices, Mr John Brown being absent from the Chamber

- 3) Mr Gardner, Chief Minister, sought the views of Members and the general public on the current provisions in the Tourist Accommodation (Ownership) Act 1989, particularly those provisions relating to foreign owners and non-resident owners and whether those provisions warrant review

6 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

The Speaker reported the following Messages from the Office of the Administrator:

Message No. 20 from the Administrator advising that on 20 September 2005 he declared his assent to the Fuel Emergency Act 2005

Message No. 21 from the Administrator advising that on 27 September 2005 he declared his assent to the Associations Incorporation Act 2005, the Road Traffic (Amendment No. 2) Act 2005 and the Legal Profession (Amendment) Act 2005

Message No. 22 from the Administrator advising that on 6 October 2005 His Excellency the Governor-General declared his assent to the Legislative Assembly (Amendment No. 1) Act 2004

7 REPORT OF COMMITTEE OF PRIVILEGES

In accordance with section 12(1)(d) of the Legislative Assembly (Register of Members' Interests) Act 2004 the Speaker informed the House that he had received a report from the Committee of Privileges that an inquiry is underway

8 AMENDMENT TO SUBDIVISION ACT 2002 AND LAND TITLES ACT 1996

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

THAT the Minister for the Environment is requested to bring to the House a Bill for the inclusion in either a separate Act or the Subdivision Act or Land Titles Act of provisions that will provide for persons to apply for the registration of cluster title subdivisions or other forms of community subdivision that may enable the creation of subdivisions that are able to fit within the parameters of the Norfolk Island Plan and provide the community with a greater freedom of habitation style than is presently available

Debate ensued

Question put and agreed to on the voices

9 IMMIGRATION ACT 1980 – VARIATION OF QUOTA

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

THAT for the purposes of paragraph 21(3)(a) of the *Immigration Act 1980*, this House resolves that the instrument executed by the executive member on 9 February 2005 be varied by increasing the number of general entry permits that may be granted in the period from 17 February 2005 to 16 February 2006 from 35 to 45

Debate ensued

Mrs Jack, Minister for the Environment, moved –

THAT the number “45” be changed to “50”

Deputy Speaker took the Chair at 11.38 am

Question – That the amendment be agreed to – put

The House voted –

AYES, 4
Mr Gardner
Mr Christian
Mrs Jack
Mr Brown

NOES, 5
Mr Buffett
Mr Sheridan
Mr Nobbs
Mr Tim Brown
Mrs Boudan

Amendment negatived

Question – That the motion be agreed to – put and agreed to on the voices, Mr Nobbs, Minister for Finance, dissenting

The Speaker resumed the Chair at 11.45 am

10 IMMIGRATION ACT 1980 – AMENDMENT TO POLICY AND GUIDELINES

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

THAT clause 4.2 of the Immigration Policy and Guidelines be amended as follows: “A Temporary Entry Permit or an extension of an existing Temporary Entry Permit will not be granted where approval would result in the Application holding a Temporary Entry Permit for more than eight years during any continuous period of ten years”

Debate ensued

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

11 PROPOSED AMENDMENT TO IMMIGRATION ACT 1980

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

THAT this House requests the Minister for Community Services to take such action as may be required pursuant to section 35(4) of the Immigration Act 1980 in order to prescribe the following method of service of notices for the purposes of section 35(2) of The Immigration Act 1980:

- a) **The printing of a notice in four consecutive editions of the Norfolk Island Government Gazette, and;**
- b) **If the Executive Member is aware that the person resides in Australia or New Zealand, the publication of a notice in one edition of a national newspaper circulating in that country, and**
- c) **If the Executive Member is aware of the address of the person, the posting of a notice by prepaid mail**

In the case of advertisements, service shall be deemed to occur on the date of publication of such notices.

In the case of service by post, service shall be deemed to occur 14 days after the date of posting, whether or not the postal article is received

Debate ensued

Question put and agreed to on the voices

12 DE FACTO RELATIONSHIPS BILL 2005

Mr Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act to make provision with respect to the property rights of de facto partners, to validate certain agreements relating to de facto relationships and make provision with respect to their effects, and for related 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

13 LAND TITLES (AMENDMENT) BILL 2005

Mrs Jack, Minister for the Environment, pursuant to notice, presented a Bill for an Act to amend the Land Titles 1996 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

14 MEDIATION BILL 2005

Mr Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act relating to mediation and the registration of mediators 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 ROAD TRAFFIC (PROVISIONAL LICENCES) BILL 2005

Mr Nobbs, Minister for Finance, pursuant to notice, presented a Bill for an Act to amend the Road Traffic Act 1982 to make provision for the issue of provisional licences and related matters 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

The Speaker suspended the sitting at 1.06 pm until 2.30 pm

The House resumed at 2.35 pm, the Speaker taking the Chair

16 COMMERCIAL ARBITRATION BILL 2005

Mr Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act to make provision with respect to the arbitration of certain disputes and for related 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

9 ADMINISTRATION AND PROBATE BILL 2005

Mr Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act relating to the administration of the estates of deceased persons 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

11 VARIATION TO NORFOLK ISLAND PLAN

Debate resumed (Mr Christian) from 21 September 2005 on the question – That the motion be agreed to

Mrs Jack, Minister for the Environment, moved –

THAT all words after “THAT” be deleted and the following substituted:

“this House by resolution direct the executive member to do all or any of the things the executive member may do under this Act in relation to a proposed variation of the Plan as sought in the application concerning portion 87f”

Debate ensued

Question – That the amendment be agreed to – put and agreed to on the voices, Mr John Brown, Mr Tim Brown and Mr Nobbs abstaining

Question – That the motion as amended be agreed to – put and agreed to on the voices, Mr John Brown, Mr Tim Brown and Mr Nobbs abstaining

12 SEIZURE OF “BOOM BOXES” IN MOTOR VEHICLES

Debate resumed (Mr Brown, Minister for Community Services) from 21 September 2005 on the question – That the motion be agreed to

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

13 EVIDENCE (AMENDMENT NO. 2) BILL 2005

Debate resumed (Mr Gardner, Chief Minister) from 21 September 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

14 BUSINESS TRANSACTIONS (ADMINISTRATION) BILL 2005

Debate resumed (Mr Nobbs, Minister for Finance) from 21 September 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, Mr John Brown dissenting

15 SUMMARY OFFENCES BILL 2005

Debate resumed (Mr Gardner, Chief Minister) from 21 September 2005 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle

Detail stage:

Mr Gardner moved –

THAT all references in the Bill to “Liquor Licensing Act 2005” be amended to read “Liquor Act 1960”

Question – That the amendment 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 Gardner moved –

THAT the Bill as amended be agreed to

Question put

Bill as amended agreed to on the voices

16 LIQUOR BILL 2005

Debate resumed (Mr Nobbs, Minister for Finance) from 21 September 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

17 BAIL BILL 2005

Debate resumed (Mr Gardner, Chief Minister) from 21 September 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

18 CONTRIBUTION TO COST OF MEDICAL EVACUATIONS

Debate resumed (Mr Brown, Minister for Community Services) from 21 September 2005 on the question –

That the amendment proposed by Mrs Boudan be agreed to

Question – That the amendment be agreed to – put and agreed to on the voices, Mr Tim Brown dissenting

Question – That the motion as amended be agreed to – put and agreed to on the voices, Mr Tim Brown dissenting

19 FIXING OF THE NEXT SITTING DAY

Mrs Boudan moved -

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

Question put and agreed to on the voices

20 ADJOURNMENT

Mr Tim 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 4.41 pm adjourned until Wednesday 16 November 2005 at 10 am

Robin-Eleanor Adams
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present