

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

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

1. 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 –

**James Edward Moore
Tim Edna Lloyd**

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

3 **LEAVE OF ABSENCE TO MR TIM SHERIDAN MLA**

Leave from the sitting was unanimously extended to Mr Sheridan

4 **QUESTIONS WITHOUT NOTICE**

5 **PRESENTATION OF PAPERS**

The following papers were presented:

- 1) The Speaker tabled the Independent Audit Report and the Financial Statements for the Administration of Norfolk Island for the year ended 30 June 2005
Mr Gardner, Chief Minister, moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- 2) Mr Brown, Minister for Community Services – financial statements for Norfolk Island Hospital Enterprise for year ended 30 June 2005;
3) Mrs Jack, Minister for the Environment – report on her attendance at the inaugural International Marine Protected Areas Congress (IMPAC 1) held 23 to 28 October 2005 in Geelong Victoria
Mrs Jack moved -

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- 4) Mr Gardner, Chief Minister – Audited Financial Statements NIGTB;
5) Mr Nobbs, Minister for Finance –
a) Road Traffic General (Amendment No. 2) Regulations 2005;
b) Financial Indicators for October 2005
Mr Nobbs moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

- 6) Mr Gardner, Chief Minister -

- a) Annual Report 2004/2005 for the Administration of Norfolk Island
Mr Gardner moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- b) NIGTB – Arrivals and Activities Report October 2005; Inbound Passenger Statistics up to and including October 2005 together with other graphical statistics for inbound passengers

Mr Gardner moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

6 STATEMENTS

Mr Nobbs, Minister for Finance –

- a) reported on progress with implementing the recommendations made in the consultancy report on a strategy for telecommunications to cover the next 10 years;
- b) advised that the budget review process would not be finalised until the Acumen Report was received; that report is expected before the December 2005 sitting of the House

7 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

The Speaker reported **Message No. 23** from His Honour the Administrator dated 26 October 2005 advising that on 25 October 2005 he declared his assent to the Evidence (Amendment No. 2) Act 2005, the Summary Offences Act 2005 and the Bail Act 2005

8 EMPLOYMENT ACT 1988 - APPOINTMENT OF A PERSON TO EMPLOYMENT CONCILIATION BOARD

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

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

Michael William King

being a person with relevant qualifications and experience, to the Employment Conciliation Board for the period from 17th November 2005 to 16th November 2008

Debate ensued

Question put and agreed to on the voices

The Deputy Speaker took the Chair at 11.58 am

9 ROADS ACT 2002 – DEDICATION OF CERTAIN PRIVATE ROADS AS PUBLIC ROADS

Mr Buffett, pursuant to notice, moved –

THAT this House requests the executive member with responsibility for roads to take such action as is required under the Roads Act 2002 to dedicate all private roads that currently service 20 or more portions of land as public roads

Debate ensued

Mrs Jack, Minister for the Environment, declared a conflict of interest and indicated that she would be abstaining from debating and voting

Mr Brown, Minister for Community Services moved –

THAT Mr Nobbs be no longer heard

Question put

The House voted –

AYES, 2

Mr Tim Brown

Mr Brown

NOES, 4

Mr Buffett

Mr Gardner

Mr Christian

Mrs Boudan

ABSTENTIONS, 2

Mr Nobbs

Mrs Jack

Motion negated

Mr Brown, by leave, moved the following amendment:

THAT the number “10” be substituted for the number “20”

Debate ensued

Amendment proposed by Mr Brown withdrawn by leave

Mr Buffett moved –

THAT the question be put

Question put and agreed to on the voices, Mrs Jack and Mr Nobbs abstaining

10 ROADS AMENDMENT BILL 2005 – DECLARATION OF URGENCY

The Deputy Speaker reported that the Business Committee, under Standing Order 158, has declared that the Roads (Amendment) Bill 2005 should be passed through all stages at this sitting

11 ROADS AMENDMENT BILL 2005

Mr Nobbs, Minister for Finance, pursuant to notice, presented a Bill for an Act to amend the Roads Act 2002 and moved –

THAT the Bill be agreed to in principle

Debate ensued

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

12 BAIL (AMENDMENT) BILL 2005

The House having given leave for Mr Gardner, Chief Minister to present the Bail (Amendment) Bill 2005 and for the Bill to be considered through all stages at this sitting, Mr Gardner presented a Bill for an Act to amend the Bail Act 2005 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 Gardner moved –

THAT the Bill be agreed to

Question put

Bill agreed to on the voices

The Speaker resumed the Chair at 12.55 pm and suspended the sitting until 2 pm

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

13 IMMIGRATION ACT 1980 – AMENDMENT TO POLICY AND GUIDELINES

Debate resumed (Mr Brown, Minister for Community Services) from 19 October 2005 on the question – That the motion be agreed to

Question put and agreed to on the voices

14 SEIZURE OF “BOOM BOXES” IN MOTOR VEHICLES

Debate resumed (Mr Brown, Minister for Community Services) from 19 October 2005 on the question – That the motion be agreed to

Question put

The House voted –

AYES, 2
Mr Christian
Mr Brown

NOES, 4
Mr Buffett
Mr Gardner
Mrs Jack
Mrs Boudan

ABSTENTIONS, 2
Mr Nobbs
Mr Tim Brown

Motion negatived

15 MEDIATION BILL 2005

Debate resumed (Mr Gardner, Chief Minister) from 19 October 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

16 ROAD TRAFFIC (PROVISIONAL LICENCES) BILL 2005

Debate resumed (Mr Nobbs, Minister for Finance) from 19 October 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 LAND TITLES (AMENDMENT) BILL 2005

Debate resumed (Mrs Jack, Minister for the Environment) from 19 October 2005 on the question – That the Bill be agreed to in principle

Question put
Bill agreed to in principle

Detail stage:

Mr Brown, Minister for Community Services, moved –

THAT debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting

Question put
The House voted –

AYES, 6

**Mr Buffett
Mr Gardner
Mr Nobbs
Mr Christian
Mrs Boudan
Mr Brown**

NOES, 1

Mrs Jack

Motion agreed to, Mr Tim Brown being absent from the meeting at this time

18 BUSINESS TRANSACTIONS (ADMINISTRATION) BILL 2005

Debate resumed (Mr Nobbs, Minister for Finance) from 19 October 2005 on the question – That the Bill be agreed to in principle

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

19 BUSINESS TRANSACTIONS (LEVY IMPOSITION) BILL 2005

Debate resumed (Mr Nobbs, Minister for Finance) from 19 October 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

20 LIQUOR BILL 2005

Debate resumed (Mr Nobbs, Minister for Finance) from 19 October 2005 on the question – That the Bill be agreed to in principle

Question put
Bill agreed to in principle

Detail stage:

Mr Nobbs moved –

Section 4 - From the definition “public place” in subsection 4(1) delete the words “a highway, street, road, lane, thoroughfare, footpath, right-of-way, easement of way, road reserve, and”

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

Mr Nobbs moved –

Section 45 - Insert a new paragraph (1) (aa)

“(aa) if the licence is a new licence, it is in the public interest having regard to
(i) the circumstances of Norfolk island;
(ii) the amenity of the area; and
(ii) such other matters as the executive member may, by disallowable instrument,
direct the Board to have regard,
that the licence should be granted;”

Question – That 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 Nobbs moved-

THAT the Bill as amended be agreed to

Question put

Bill as amended agreed to

21 FIXING OF THE NEXT SITTING DAY

Mr Christian moved -

THAT the House at its rising adjourn until Wednesday 21 December 2005 at 10 am

Question put and agreed to on the voices

22 ADJOURNMENT

Mrs Jack moved -

THAT the House do now adjourn

Question put and agreed to on the voices

AND THEN the House at 3.19 pm adjourned until Wednesday 21 December 2005 at 10 am

Robin-Eleanor Adams
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present except Mr Sheridan by leave