

**NORFOLK ISLAND
ELEVENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 21 & 22 DECEMBER 2005**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
LEWNTH LEJESLIETEW 'SEMBLE
WENDSI 21 & 22 DISEMBA 2005**

1. The Legislative Assembly met at 10.00 am. The Speaker, Hon David E. Buffett AM, took the Chair. In the absence of a quorum at 10.05 am, the Speaker announced that he would take the Chair at 10 am on Thursday 22 December 2005
2. The Speaker resumed the Chair at 10 am on Thursday 22 December 2005 and read the Prayer
3. **CONDOLENCES**
Mr Tim Brown, Deputy Speaker, recorded the passing of –

**Bruno Grube
Hazel Myrea Clarke**

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

4 QUESTIONS WITHOUT NOTICE

5 PRESENTATION OF PAPERS

The following papers were presented:

- 1) Mr Gardner, Chief Minister – Arrivals and Activities Report November 2005 from Norfolk Island Government Tourist Bureau
Mr Gardner moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- 2) Mr Nobbs, Minister for Finance – Directions for exemption from customs duty under the Customs Act 1913;
- 3) Mr Gardner, Chief Minister – In accordance with section 41 of the Interpretation Act 1979 - Mediation Regulations 2005 and Gaming Supervision (Prescribed Authority) Regulations 2005;
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 – Financial Indicators for November 2005
Mr Nobbs moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

6 STATEMENTS

- 1) Mr Gardner, Chief Minister, made a statement on air services to Norfolk Island from Australia;
- 2) Mrs Jack, Minister for the Environment, advised that the Minister for Local Government, Territories and Roads, the Hon Jim Lloyd MP and herself have signed the Memorandum of Understanding establishing the Ivens F (Toon) Buffett Environment Trust Fund. It is intended that proceeds from the transfer of crown lease to freehold will be paid into the Trust Fund. The Trust Fund is also open to receive contributions from private individuals, organisations or groups.;
- 3) Mr Nobbs, Minister for Finance, reported that the contract for the refurbishment of the Kingston Pier has been signed and that lighterage operations will not be undertaken at that jetty in the foreseeable future;
- 4) Mrs Jack, Minister for the Environment, advised that a pilot programme has commenced that allows the importation of fruit trees subject to conditions. The programme will allow only fruit and nut trees to be imported.
Mr Nobbs, Minister for Finance, moved –

THAT the House take note of the Statement

Debate ensued

Question put and agreed to on the voices

7 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

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

Message No. 24 from the Administrator advising that on 6 October 2005 His Excellency the Governor-General, acting with the advice of the Federal Executive Council made the Norfolk Island (Supreme Court Sittings) Amendment Regulations (reported to the House on 21 December 2005)

Message No. 25 from the Administrator advising that on 22 November 2005 he declared his assent to the Bail (Amendment) Act 2005, the Mediation Act 2005 and the Liquor Act 2005 (reported to the House on 21 December 2005)

Message No. 26 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 (reported to the House on 21 December 2005)

Message No. 27 from the Administrator advising that on 6 December 2005 he reserved the Roads (Amendment) Bill 2005 for the pleasure of the Governor-General (reported to the House on 21 December 2005)

Message No. 28 from the Administrator dated 24 November 2005 advising that he had received instructions from the Minister to withhold assent to the Customs (Amendment No. 2) Bill 2005 (reported to the House on 21 December 2005)

8 COMMITTEE OF PRIVILEGES – TABLING OF REPORT

In accordance with subsection 12(8) of the Legislative Assembly (Register of Members' Interests) Act 2004 (the "Act"), Mr Sheridan reported to the House that the Committee had found that the complaint lodged by Crown Counsel, Mr Graham Rhead, against the Minister for Community Services, the Hon John Brown MLA, was justified and tabled the Report of the Committee. Mr Sheridan gave a summary of the Committee's deliberations and findings.

In accordance with subsection 12(8) of the Act Mr Sheridan reported that the Committee recommends to the Assembly that in the circumstances it is appropriate that Mr Brown be suspended from the Assembly sittings for a period of 3 months.

Mr Sheridan moved –

**THAT this House accepts the Report of the Committee of Privileges
dated 13 December 2005**

Debate ensued

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

9 IMPACT OF BILLS COMMITTEE – SOCIAL SERVICES AMENDMENT BILL 2004

On behalf of the Impact of Bills Committee, Mr Sheridan tabled Report No. 1 of the Committee in respect of the Social Services Amendment Bill 2004. This Report provides a response to the provisions of that Bill. Mr Sheridan further advised that Report No. 2 in respect of this Bill would be tabled at the first sitting of the House in 2006. That Report will contain an evaluation of those matters not addressed by the Social Services Amendment Bill 2004 which were raised with the Committee by witnesses

Mr Sheridan moved –

THAT the recommendations be agreed to

Debate ensued

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

10 PUBLIC SECTOR MANAGEMENT ACT 2000 – APPOINTMENT OF MEMBER OF THE PUBLIC SERVICE BOARD – MOTION BY LEAVE

Mr Nobbs, Minister for Finance, by leave, moved –

THAT this House, in accordance with subsection 10(1)(a) of the Public Sector Management Act 2000, recommends that the responsible executive member appoint John Robert Hughes as the Member of the Public Service Board for the period 22 December 2005 to 21 December 2007

Debate ensued

Question put and agreed to on the voices

11 GAMING (LOTTERIES AMENDMENT) BILL 2005

Mr Gardner, by leave, presented a Bill for an Act to amend the Gaming Act 1998 to make provision for licensing on-line lotteries and related matters 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 ROAD TRAFFIC (PROVISIONAL LICENCES) BILL 2005

Resumption of debate (Mr Nobbs, Minister for Finance) from 16 November 2005 on the question – That the Bill be agreed to in principle

Debate ensued

Question put

The House voted -

AYES, 1
Mr Nobbs

NOES, 7
Mr Buffett
Mr Gardner
Mr Sheridan
Mr Christian
Mrs Jack
Mr Tim Brown
Mr John Brown

ABSTENTIONS, 1
Mrs Boudan

Motion negatived

13 BUSINESS TRANSACTIONS (ADMINISTRATION) BILL 2005

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

Debate ensued

Question put

Bill agreed to in principle, Mr Brown dissenting

Detail stage:

Debate ensued

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

14 PLANNING ACT 2002

Resumption of debate (Mrs Jack, Minister for the Environment) from 18 May 2005 on the question – That the motion be agreed to

Motion withdrawn by leave

15 SOCIAL SERVICES AMENDMENT BILL 2004

Resumption of debate (Mr Brown, Minister for the Community Services) from 16 March 2005 on the question – That the Bill be agreed to in principle

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

16 FIXING OF THE NEXT SITTING DAY

Mr Christian moved -

THAT the House at its rising adjourn until Wednesday 11 January 2006 at 10 am

Debate ensued

Question put and agreed to on the voices

16 ADJOURNMENT

Mrs Boudan moved -

THAT the House do now adjourn

Debate ensued with all Members participating except Mr Christian

Question put and agreed to on the voices

AND THEN the House at 12.56 pm adjourned until Wednesday 11 January 2006 at 10 am

Robin-Eleanor Adams
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present