

**NORFOLK ISLAND
ELEVENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 11 JANUARY 2006**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
LEWNTH LEJESLIETEW 'SEMBLE
WENDSI 11 JANYUWERI 2006**

1. The 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 –

Shane Seymour Buffett

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:

Mr Gardner, Chief Minister – Arrivals and Activities Report December 2005 from the 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

5 STATEMENTS

- 1) Mr Nobbs, Minister for Finance, provided an update on the Island's financial situation
Mr Brown, Minister for Community Services, moved –

THAT the House take note of the Statement

Debate ensued

The Deputy Speaker took the Chair at 12.13 pm

The Speaker resumed the Chair at 12.30 pm

Question put and agreed to on the voices

- 2) Mr Gardner, Chief Minister, made a statement on air services to Norfolk Island

6 REPORT OF COMMITTEE OF PRIVILEGES TABLED 21 DECEMBER 2005

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

Paper:

Mr Brown, Minister for Community Services, tabled a memorandum from Crown Counsel dated 21 September 2005 titled "Construction and like Contracts" addressed to Acting Chief Executive Officer and copied to Mr Boyd Buffett and Mr Ross Hogan. A memorandum of same title dated 21 September 2005 from Legislative Counsel to Crown Counsel was attached.

Mr Nobbs, Minister for Finance, moved –

THAT the question be put

Question – That the question be put – put

The House voted –

AYES, 6
Mr Buffett
Mr Gardner
Mr Sheridan
Mr Nobbs
Mrs Jack
Mrs Boudan

NOES, 3
Mr Christian
Mr Tim Brown
Mr John Brown

Motion agreed to

Question – That the motion be agreed to – put

The House voted –

AYES, 6
Mr Buffett
Mr Gardner
Mr Sheridan
Mr Nobbs
Mrs Jack
Mrs Boudan

NOES, 3
Mr Christian
Mr Tim Brown
Mr John Brown

Motion agreed to

7 TERMINATION OF APPOINTMENT TO EXECUTIVE OFFICE

Mr Gardner, Chief Minister, moved –

THAT this House resolves to tender advice to the Administrator under subsection 12(9) of the Legislative Assembly (Register of Members' Interests) Act 2004 that John Terence Brown be removed from executive office

Debate ensued

Mr Nobbs, Minister for Finance, moved –

THAT the question be put

Question – That the question be put – put

The House voted –

AYES, 6
Mr Buffett
Mr Gardner
Mr Sheridan
Mr Nobbs
Mrs Jack
Mrs Boudan

NOES, 3
Mr Christian
Mr Tim Brown
Mr John Brown

Motion agreed to

Question – That the motion be agreed to – put

The House voted –

AYES, 6
Mr Buffett
Mr Gardner
Mr Sheridan
Mr Nobbs
Mrs Jack
Mrs Boudan

NOES, 3
Mr Christian
Mr Tim Brown
Mr John Brown

Motion agreed to

At 2.05 pm the Speaker suspended the sitting until 3.15 pm
The House resumed at 3.15 pm, the Speaker taking the Chair

8 INTERRUPTION TO PEACE AND QUIET CAUSED BY MOTOR VEHICLES FITTED WITH 'BOOM' BOXES'

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

THAT this House, being concerned about the unnecessary interruption to peace and quiet which is caused by motor vehicles fitted with devices known as “boom boxes”, requests the responsible executive member to seek advice from the Norfolk Island Police as to the appropriate action to be taken by the Legislative Assembly in order to bring the problem to an end

Debate ensued

Paper: Mr Gardner, Chief Minister, tabled a letter to him dated 24 November 2005 from the OIC police

Question put and agreed to on the voices

9 SUPPLEMENTARY APPROPRIATION BILL 2005-2006 – MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR

Mr Speaker reported **Message No. 29** from the Deputy Administrator recommending to the Legislative Assembly the enactment of a proposed law entitled “A Bill for an Act to authorise supplementary expenditure from the Public Account for the year ending on 30 June 2006”

10 SUPPLEMENTARY APPROPRIATION BILL 2005-2006 – SUSPENSION OF STANDING ORDERS

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

THAT so much of Standing Orders be suspended as would prevent the Supplementary Appropriation Bill 2005-2006 being considered through all stages at this sitting

Question put and agreed to in accordance with the requirements of standing order 244

11 SUPPLEMENTARY APPROPRIATION BILL 2005-2006

Mr Nobbs, Minister for Finance, pursuant to notice, presented a Bill for an Act to authorise supplementary expenditure from the Public Account for the year ending on 30 June 2006 and moved –

THAT the Bill be agreed to in principle

Debate ensued

Question put

Bill agreed to in principle, Mr Brown abstaining

Leave granted to dispense with the detail stage

Mr Nobbs moved –

THAT the Bill be agreed to

Question put

Bill agreed to, Mr Brown abstaining

12 LEGISLATIVE ASSEMBLY (AMENDMENT) BILL 2006

Mr Brown, Minister for Community Services, pursuant to notice, presented a Bill for an Act relating to the marking of ballot papers at elections 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

13 GAMING (LOTTERIES AMENDMENT) BILL 2005

Debate resumed (Mr Gardner) from 21 December 2005 on the question – **THAT the Bill be agreed to in principle**

Question put

Bill agreed to in principle on the voices

Detail stage:

Mr Gardner moved –

THAT the detail stage amendments circulated in my name be taken as read and agreed to, namely –

1. (a) **In clause 4(e)** before the definition “internet lottery package” insert –
 “internet lottery equipment” means equipment (including software in any form) that is, or has been, used, or is intended for use, by the licensee in the licensee’s licensed operations but does not include any software approved by the Authority as part of an internet lottery package;” and
- (b) **In clause 4(f)**
 - (i) by inserting after the word “inserting”, “after the definition ‘licensed operations’ ”; and
 - (ii) for the word “doe” substitute “does”.

2. **New clause 4A**

Following clause 4 insert –

4A. Amendment of section 6

Section 6 of the principal Act is amended by substituting for the word “gaming” where twice appearing, “gaming or an internet lottery”.

3. **In clause 5** for “7” in the heading substitute “8”.

4. Insert new Clause 5A

5A. Amendment of section 7A

Section 7A of the principal Act is amended by substituting for the word “gaming” the words “gaming or an internet lottery”.

5. **Insert new Clause 14A –**

14A. Amendment of Part Heading

Amend heading of Part 3 of the principal Act by adding the words –

“AND INTERNET LOTTERIES”

6. **Amendment of clause 15**

Insert –

“In section 19, for the word “game” where twice appearing substitute – “game or take part in an internet lottery”.”

Delete reference to the proposed new subsection (3).

7. **Amendment of clause 16**

Insert –

“In section 19A, for the word “game” where twice appearing substitute – “game or take part in an internet lottery”.”

Delete reference to the proposed new subsection (3).

8. **Insert new clause 18A –**

“ In clause 25(1)(b) of the principal Act, following the words “an authorised game” insert –“or a participant in an internet lottery”.

9. **Clause 19**

Delete clause 19.

10. Renumbering of some clauses

For "28M" – substitute "28L";
 for "28N" – substitute "28M";
 for "28P" – substitute "28N";
 for "28Q" – substitute "28P";
 for "28R" – substitute "28Q".

11. Amendment of clause 20 –

- (a) in the proposed new paragraph 28A(a) for "an internet lottery" substitute "a lottery";
- (b) in proposed clause 28E(2)(b) for "licensee" substitute "the licensee";
- (c) In proposed clause 28H for the word "business" substitute –
"internet lottery business";
- (d) In proposed clause 28M for the word "Taxes" substitute "Duties" and for "tax"
substitute "duty";
- (e) In proposed 28P for the word "Director" wherever appearing substitute "Authority";
and
- (f) In the heading of proposed clause 28Q for "gaming inspectors" insert "authorised
officers".

12. Amendment of clause 21 –

For the proposed amendment substitute –

"(aa) an approved lottery package or internet lottery equipment; or".

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

Question – That the clauses 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 Gardner moved –

THAT the Bill as amended be agreed to

Question put

Bill as amended agreed to on the voices

14 SOCIAL SERVICES AMENDMENT BILL 2004 – REPORT OF IMPACT OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE

Debate resumed (Mr Sheridan) on the question – That the motion be agreed to

Question put and agreed to on the voices, Mr Brown, Minister for Community Services, abstaining

15 SOCIAL SERVICES AMENDMENT BILL 2004

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

Bill withdrawn by leave

16 DE FACTO RELATIONSHIPS BILL 2005

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

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

17 COMMERCIAL ARBITRATION 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

18 ADMINISTRATION AND PROBATE BILL 2005

Debate resumed (Mr Gardner, Chief Minister) from 19 October 2005 on the question – That the Bill be agreed to in principle
Debate adjourned (Mr Gardner) and the resumption of debate made an Order of the Day for a subsequent day of sitting

19 APPOINTMENT TO EXECUTIVE OFFICE

Mr Brown moved –

THAT this House resolves that Mrs Loraine Boudan be chosen as Minister for Community Services and that the Administrator be advised accordingly

Mr Gardner 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 Sheridan

Mr Nobbs

Mrs Jack

Mrs Boudan

NOES, 3

Mr Christian

Mr Tim Brown

Mr John Brown

Motion agreed to

20 FIXING OF NEXT SITTING DAY

Mr Gardner, Chief Minister, moved –

THAT this House resolves to next meet at 10 am on Wednesday 18 January 2006 at a Ceremonial Sitting convened for the purpose of welcoming the Queen's Baton into the Legislative Assembly Chamber and the proceedings of the day be as ordered by the Speaker to observe the dignity of the occasion

21 ADJOURNMENT

Mr Sheridan moved -

THAT the House do now adjourn

Question put and agreed to on the voices

AND THEN the House at 4.16 pm adjourned until Wednesday 18 January 2006 at 10 am

Robin-Eleanor Adams
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present