

**NORFOLK ISLAND
ELEVENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 22 FEBRUARY 2006**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
LEWNTH LEJESLIETEW 'SEMBLE
WENDSI 22 FEBRI 2006**

1. The 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 –

**Heather Elma Adams
Lance Alfred Semple
Peter John Nobbs**

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 Nobbs, Minister for Finance –

- a) Financial Indicators for January 2006

Mr Brown moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

- b) Instrument Declaring a Head of Trust Fund – The Ivens F Toon Buffett Environmental Trust Fund
 - c) Confidential documents relating to allegations made by Minister Brown against Crown Counsel

- 2) Mr Gardner, Chief Minister – Approval of Form under the Removal of Prisoners Act 2004

5 STATEMENTS

- 1) Mrs Jack Nobbs, Minister for Finance – Development Control Plans under the Planning Act 2002

- 2) Mr Gardner, Chief Minister – Hon Jim Lloyd MP's statement to Norfolk Island on behalf of Commonwealth of Australia

Mr Brown moved –

THAT the House take note of the Statement

Debate ensued

The Deputy Speaker took the Chair at 10.56 am

Question put and agreed to on the voices

The Speaker resumed the Chair at 11.30 pm

6 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

The Speaker reported **Message No. 30** from His Honour the Administrator dated 17 January 2006 advising that on 17 January 2006 he declared his assent to the Gaming (Lotteries Amendment) Act 2006; the Commercial Arbitration Act 2006; and the Supplementary Appropriation Act 2005-2006

7 APPOINTMENT OF NORFOLK ISLAND GOVERNMENT AUDITOR – MOTION BY LEAVE

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

THAT the Legislative Assembly recommend to the Administrator that he —

- (a) **appoint CST/Nexia Chartered Accountants of New Zealand, a firm in which at least one of its members is a registered auditor within the meaning of section 51A of the *Norfolk Island Act 1979*, to be the Norfolk Island Government Auditor under section 51 of the Act for the financial years ending 30 June 2006; 30 June 2007; and 30 June 2008; and**
- (b) **for the purposes of section 51 of the *Norfolk Island Act 1979* determine that the terms and conditions of appointment of the Norfolk Island Government Auditor be —**
 - (i) **an annual base fee of \$28, 500 for the financial year ending 30 June 2006;**
 - (ii) **an annual base fee of \$30, 000 for the financial year ending 30 June 2007;**
 - (iii) **an annual base fee of \$31, 500 for the financial year ending 30 June 2008; and**
 - (iv) **the reimbursement at their actual costs of out of pocket expenses incurred in relation to the appointment up to a maximum of \$11, 000 in any one year.**

Debate ensued

Question put and agreed to on the voices

8 APPOINTMENT OF AUDITOR FOR NORFOLK ISLAND GOVERNMENT TOURIST BUREAU – MOTION BY LEAVE

Mr Gardner, Chief Minister, by leave moved –

THAT for the purposes of subsection 18(1) of the *Norfolk Island Government Tourist Bureau Act 1980*, the Legislative Assembly resolves that CST/Nexia Chartered Accountants of New Zealand, appointed as the Norfolk Island Government Auditor under section 51A of the *Norfolk Island Act 1979*, be the Auditor of the Norfolk Island Government Tourist Bureau for the financial years ending 30 June 2006; 30 June 2007 and 30 June 2008

Debate ensued

Question put and agreed to on the voices

9 IMMIGRATION ACT 1980 – SETTING OF QUOTA

Mr Gardner, Chief Minister moved –

THAT for the purposes of subsection 21(1) of the Immigration Act 1980, this Legislative Assembly resolves that it be determined by instrument in writing that 35 General Entry Permits be granted during the period 17 February 2006 to 16 February 2007

Debate ensued

Question put and agreed to on the voices, Mr Nobbs dissenting

10 REQUEST TO CALL GENERAL ELECTION

Mr Christian moved –

THAT this House, being of the opinion that a new election for the whole of the membership of the Legislative Assembly should be held as soon as possible, requests

Mr Speaker to recommend to His Honour the Administrator that a general election of Members of the Legislative Assembly be held at the earliest convenient date

Debate ensued
Question put
The House voted –

AYES, 63
Mr Christian
Mr Tim Brown
Mr John Brown

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

Motion negatived

11 REQUEST TO TERMINATE THE APPOINTMENT OF ALL CURRENT EXECUTIVE MEMBERS

Mr Christian moved –

THAT this House advises His Honour the Administrator to terminate the appointment of all current Executive Members at the earliest convenient date

Debate ensued
Mr Brown moved –

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

Question put
The House voted –

AYES, 3
Mr Christian
Mr Tim Brown
Mr John Brown

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

Motion negatived

Question put – that motion be agreed –
The House voted –

AYES, 3
Mr Christian
Mr Tim Brown
Mr John Brown

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

Motion negatived

At 12.50 pm the Speaker suspended the Sitting until 2.30 pm
The House resumed at 2.30 pm, the Speaker taking the Chair

12 PUBLIC SECTOR MANAGEMENT ACT 2000 DETERMINATION TO AMEND THE HUMAN RESOURCES POLICY

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

THAT this House, having considered the written comments of the Norfolk Island Public Service Association and the Norfolk Island Public Service Board in respect of the draft Chapter 8 of the Human Resources Policy, DOES HEREBY in accordance with and pursuant to sections 26 and 28 of the Public Sector Management Act 2000 make the draft determination in respect of Chapter 8 of the Human Resources Policy, dated 22 February 2006, and produced by the Acting Chief Executive Officer which draft determination amends the Human Resources Policy dated 20 February 2001 by replacing Chapter 8 by substituting for it the draft determination, and declares that a copy of this motion, signed by the Speaker shall be the instrument in writing of the Legislative Assembly for the purposes of paragraph 26(1)(d) of the said Act

Debate ensued

The Acting Deputy Speaker (Mr Christian) took the Chair at 2.35 pm

Mr Brown moved –

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

Question put and agreed to on the voices

13 APPOINTMENT TO EXECUTIVE OFFICE

Debate resumed (Mr Brown) from 11 January 2006 on the question – THAT the motion be agreed to, namely –

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

Mrs Boudan declined nomination

Mr Gardner sought leave to amend the motion – leave granted – and moved –

THAT the motion be amended by deleting the words “Mrs Lorraine Boudan” and inserting the words “Mr David Buffett”

Question – THAT the motion be amended – put and agreed to on the voices – Mr Sheridan abstaining

Question – THAT the motion as amended be agreed – put and agreed to on the voices – Mr Sheridan abstaining

The Speaker took the Chair at 3.20 pm

14 SUSPENSION OF SITTING

Mr Brown moved –

THAT the sitting be suspended for two weeks

Question put

The House voted –

AYES, 6
Mr Christian
Mr John Brown

NOES, 3
Mr Buffett
Mr Gardner
Mr Sheridan
Mr Nobbs
Mrs Jack
Mrs Boudan

Motion negatived

15 LEGISLATIVE ASSEMBLY (REGISTER OF MEMBERS' INTERESTS) AMENDMENT BILL 2006

Mr Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act to amend the Legislative Assembly (Register of Members' Interests) Act 2004 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

16 JURIES (AMENDMENT) BILL 2006

Mr Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act to amend the Juries Act 1960 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

17 BAIL (AMENDMENT) BILL 2006

Mr Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act to amend the Bail Act 2005 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

18 HEALTHCARE LEVY (AMENDMENT) BILL 2006

Mr Gardner, Chief Minister, tabled as an exposure draft a Bill for an Act to amend the Healthcare Levy Act 1990

19 HEALTHCARE (MEDICAL EVACUATION FUND) BILL 2006

Mr Gardner, Chief Minister, tabled as an exposure draft a Bill for an Act to amend the Healthcare Levy Act 1990

20 MAGISTRATES COURT BILL 2006

Mr Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act to reform and re-establish the Court of Petty Sessions as the Magistrates Court, to provide for the appointment of magistrates, and for other purposes 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

21 CRIMINAL PROCEDURE BILL 2006

Mr Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act to reform and consolidate the law relating to criminal procedure of Norfolk Island 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

22 CRIMINAL CODE BILL 2006

Mr Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act to codify the criminal law of Norfolk Island 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

23 SENTENCING BILL 2006

Mr Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act to relating to the sentencing of offenders and for related purposes 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

24 MOTION BY LEAVE – REFERENCE OF LEGISLATION TO THE IMPACT OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE

Mr Gardner, Chief Minister, by leave moved –

THAT debate on the Magistrates Court Bill 2006; the Criminal Procedure Bill 2006; the Criminal Code Bill 2006 and the Sentencing Bill 2006 stand adjourned; and the bills stand referred to the Impact of Bills and Subordinate Legislation Committee; the Committee to report to the Legislative Assembly on its deliberations and recommendations at a subsequent sitting of the House

Debate ensued

Question put and agreed to on the voices

25 HEALTH (AMENDMENT) BILL 2006

Mr Gardner, Chief Minister, pursuant to notice, presented a Bill for an Act to amend the Health Act 1913 and to provide for the notification of certain diseases and for the registration, control and supervision of skin piercing activity 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

26 LEGISLATIVE ASSEMBLY (AMENDMENT) BILL 2006

Debate resumed (Mr Brown) from 11 January 2006 on the question – 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

27 DE FACTO RELATIONSHIPS BILL 2005

Debate resumed (Mr Gardner, Chief Minister) from 11 January 2006 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle

Leave granted to dispense with the detail stage

Mr Gardner –

THAT the Bill be agreed to

Question put - and agreed to on the voices

Mr Tim Brown left the Chamber at 4.20 pm**28 ADMINISTRATION AND PROBATE BILL 2005**

Debate resumed (Mr Gardner, Chief Minister) from 11 January 2006 on the question – 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

29 BUSINESS TRANSACTIONS (ADMINISTRATION) BILL 2005

Debate resumed (Mr Nobbs, Minister for Finance) from 22 December 2005 on the question – That the Bill be agreed to in principle

Question put

The House voted –

AYES, 7

Mr Buffett

Mr Gardner

Mr Sheridan

Mr Nobbs

Mr Christian

Mrs Jack

Mrs Boudan

NOES, 1

Mr John Brown

Bill agreed to in principle

Detail stage:

Mr Nobbs moved that the following amendment be taken as read and agreed to:

1. That the title of the Bill be amended from “2005” to “2006”.
2. That clause 2 be amended by deleting the words following “Gazette”.
3. That sub-clause 3(1) be amended by substituting for “Chief Revenue Officer”, “the Officer” and by deleting the words “Chief Revenue” from clause 78
4. That for section 6 there be substituted –

“Officer

6. (1) A public sector employee shall be appointed the Officer.
- (2) The Officer shall have the general administration of this Act.
- (3) The Officer may be assisted by such other persons as appropriate and who may be designated and assigned such duties as the Chief Executive Officer may direct.
- (4) The Officer shall be appointed by the executive member in consultation with the Chief Executive Officer.”.
5. That the following clause be inserted after clause 79 –

“80. Transitional

- (1) This Act applies to an instrument entered into after its commencement.
- (2) A person who attempts to avoid this Act by claiming that an instrument entered into after the commencement of this Act was entered into before that date commits an offence under section 17.”.

Question – That the amendments be agreed to – put and agreed to on the voices – Mr Brown voted No

Question – That the clauses as amended be agreed to – put and agreed to on the voices – Mr Brown voted No

Question – That the remainder of the Bill be agreed to – put and agreed to on the voices – Mr Brown voted No

Mr Nobbs moved -

That the Bill as amended be agreed to

Question put

Bill (as amended) agreed to on the voices – Mr Brown voted No

30 BUSINESS TRANSACTIONS (LEVY IMPOSITION) BILL 2005

Debate resumed (Mr Nobbs, Minister for Finance) from 22 December 2005 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle – on the voices – Mr Brown voted NO

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, Mr Brown dissenting

Mr John Brown left the Chamber at 4.35 pm

31 LAND TITLES (AMENDMENT) BILL 2005

Debate resumed (Mrs Jack, Minister for the Environment) from 16 November 2005 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle – on the voices

Detail stage:

Mrs Jack moved –

THAT clause 4(a) of the Bill be amended by substituting for the word “corporation” the word “company”

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

Mrs Jack, at the request of Mr Brown, moved –

THAT the Bill be amended by –

- 1. Deleting clause 4; and**
- 2. Deleting clause 5(a)**

Question – That the amendments be agreed to

Question put – Not agreed

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

Mrs Jack moved -

That the Bill as amended be agreed to

Question put

Bill (as amended) agreed to on the voices

32 FIXING OF THE NEXT SITTING DAY

Mrs Boudan to move –

THAT the House at its rising adjourn until Wednesday 15 March 2006 at 10 am

33 ADJOURNMENT

Mr Christian moved -

THAT the House do now adjourn

Debate ensued with Chief Minister and Minister for the Environment participating

Question put and agreed to on the voices

AND THEN the House at 4.50 pm adjourned until Wednesday 15 March 2006 at 10 am

Gaye Evans

Deputy Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present