

**NORFOLK ISLAND
ELEVENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 15 MARCH 2006**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
LEWNTH LEJESLIETEW 'SEMBLE
WENDSI 15 MAACH 2006**

1. The Legislative Assembly met at 10.02 am. The Clerk, Miss Robin-Eleanor Adams JP, reported to the House that a vacancy had occurred in the office of Speaker consequent on the resignation as Speaker of the Hon David Buffett AM MLA effective close of business on 14 March 2006

Mr Brown was absent from the sitting until the House resumed after the lunch break

2 ELECTION OF SPEAKER

The Clerk called for nominations. Mr Buffett, Minister for Community Services, moved –

THAT Neville Charles Christian be elected Speaker and do now take the Chair as Speaker

Mr Christian having accepted nomination, and there being no further proposals received, the Clerk declared that Neville Charles Christian had been elected Speaker and asked Mr Christian to now take the Chair

3 PERSONAL EXPLANATION

Mr Buffett, Minister for Community Services, explained that with his recent appointment as Minister for Community Services, and in view of the pressing issues needing to be attended to by the Norfolk Island Government in response to the Commonwealth's recent announcements, it was considered appropriate that he stand down as Speaker; this decision, Mr Buffett said, in no way should be construed as binding any future assemblies who were by law and convention able to appoint a Speaker who was also an executive member as had so often been the case in past Assemblies

4 PRAYERS

The Speaker, Mr Neville Christian, read Prayers

5 QUESTIONS WITHOUT NOTICE

6 PRESENTATION OF PAPERS

The following papers were presented:

- 1) Mr Gardner, Chief Minister – arrivals and activities report from the General Manager of the Tourist Bureau for February 2006 and the Inbound Passenger Statistics up to and including February 2006

Mr Gardner moved –

THAT the House take note of the Papers

Debate ensued

Question put and agreed to on the voices

- 2) Mr Nobbs, Minister for Finance – Financial Indicators for February 2006

Mr Nobbs moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

- 3) Mr Buffett, Minister for Community Services – Declarations of residency under the Immigration Act 1980 for year ended 31 December 2005

- 4) Mr Gardner, Chief Minister – Associations Incorporation (Amendment) Regulations 2006

Mr Gardner moved –

THAT the House take note of the Papers

Debate ensued

Question put and agreed to on the voices

- 5) Mr Nobbs, Minister for Finance – Firearms (Amendment) Bill 2006 and Explanatory Memorandum as exposure drafts

Mr Nobbs moved –

THAT the House take note of the Papers

Debate ensued

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

7 STATEMENTS

The following statements were made:

- 1) Mr Nobbs, Minister for Finance, advised that the price of electricity was to rise by 3 cents to 47 cents per unit effective 1 April 2006

Mrs Jack moved –

THAT the House take note of the Papers

Debate ensued

Question put and agreed to on the voices

- 2) Mr Gardner, Chief Minister, reported on the Norfolk Island Government's progress with its Priorities Plan for the 11th Legislative Assembly

Mr Gardner moved –

THAT the House take note of the Statement

Debate ensued

Question put and agreed to on the voices

- 3) Mr Jack, Minister for the Environment, provided an answer to a question asked by Mr Christian at the January 2006 sitting on the reliance of the waste management scheme for funding from the water assurance scheme

- 4) Mr Buffett, Minister for Community Services, briefed members on the Norfolk Island Museums

8 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

The Speaker reported the following messages:

Message No. 31 from the Administrator advising that on 28 February 2006 he reserved for the pleasure of the Governor-General the Land Titles (Amendment) Bill 2005

Message No. 32 from the Administrator advising that on 28 February 2006 he declared his assent to the Immigration Amendment Act 2005 and the De Facto Relationships Act 2005

9 COURT OF PETTY SESSIONS ACT 1960 – REVOCATION AND APPOINTMENT UNDER SECTION 73 OF THE ACT

Mr Gardner, Chief Minister, pursuant to notice, moved -

THAT for the purposes of section 73 of the Court of Petty Sessions Act 1960, the House resolve to revoke the appointment of –

Graham Charles Rhead

and appoint –

Jeanette Irene Haviland

for the purposes of section 73 of the Act, as a person to whom it will be transmitted all information, examinations, depositions, statements, recognisances and other documents sworn taken or acknowledged in a case

Debate ensued

Question put and agreed to on the voices

10 PLANNING ACT 2002

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

That in accordance with subsection 12(4) of the *Planning Act 2002*, this House resolves that the draft plan laid before this House, being a proposed variation to the Norfolk Island Plan 2002, last amended on 11 February 2005, and deemed to be the Plan under section 8 of the *Planning Act 2002* be rejected

Paper: Mrs Jack tabled the draft plan

Debate ensued
Question put
The House voted –

AYES, 5
Mr Gardner
Mr Sheridan
Mr Nobbs
Mrs Jack
Mr Tim Brown

NOES, 3
Mr Buffett
Mr Christian
Mrs Boudan

Motion agreed to

11 **BUSINESS TRANSACTIONS (LEVY IMPOSITION) AMENDMENT BILL 2006**

Mr Nobbs, Minister for Finance, pursuant to notice, presented a Bill for an Act to amend the Business Transactions (Levy Imposition) Act 2005 and moved –

THAT the Bill be agreed to in principle

Leave granted for the Bill to be passed through all stages at this sitting
Debate ensued
Question put
Bill agreed to in principle
Leave granted to dispense with the detail stage
Mr Nobbs moved –

THAT the Bill be agreed to

Question put
Bill agreed to

12 **HEALTHCARE LEVY (AMENDMENT) BILL 2006**

Mr Buffett, Minister for Community Services, presented a Bill for an Act to amend the Healthcare Levy Act 1990 and moved –

THAT the Bill be agreed to in principle

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

The Speaker suspended the sitting at 12.16 pm until 1.31 pm
The House resumed at 1.31 pm, the Speaker taking the Chair

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

Debate resumed (Mr Nobbs, Minister for Finance from 22 February 2006) on the question - That the motion be agreed to

Mr Brown joined the meeting at 1.32 pm

Paper: Mr Nobbs tabled Chapter 8 dated 22 February 2006

Question put
The House voted –

AYES, 7
Mr Gardner
Mr Sheridan
Mr Nobbs
Mr Christian
Mrs Jack
Mr Tim Brown
Mr John Brown

NOES, 1
Mr Buffett

ABSTENTIONS, 1
Mrs Boudan

Motion agreed to

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

Debate resumed (Mr Gardner, Chief Minister from 22 February 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 moved –

THAT the Bill be agreed to

Question put

Bill agreed to on the voices, Mr Tim Brown being absent from the Chamber

15 JURIES (AMENDMENT) BILL 2006

Debate resumed (Mr Gardner, Chief Minister from 22 February 2006) 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

16 BAIL (AMENDMENT) BILL 2006

Debate resumed (Mr Gardner, Chief Minister from 22 February 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 moved –

THAT the Bill be agreed to

Question put

Bill agreed to on the voices, Mr Tim Brown being absent from the Chamber

17 HEALTH (AMENDMENT) BILL 2006

Debate resumed (Mr Gardner, Chief Minister from 22 February 2006) on the question – That the Bill be agreed to in principle

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

18 LEGISLATIVE ASSEMBLY (AMENDMENT) BILL 2006

Debate resumed (Mr Gardner, Chief Minister from 22 February 2006) 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

19 ADMINISTRATION AND PROBATE BILL 2005

Debate resumed (Mr Gardner, Chief Minister from 22 February 2006) on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle

Detail stage:

Mr Gardner moved –

Amend the title of the Bill from 2005 to 2006

Question – That the amendment be agreed to – put and agreed to on the voices, Mr Tim brown being absent from the Chamber

Mr Brown moved –

For section 135 substitute –

“135. This Part applies in relation to the estates of all deceased persons who die after the date of publication in the Gazette of notice of assent to this Act.”

Debate ensued

Question – That the amendment be agreed to – put

The House voted –

AYES, 1
Mr Brown

NOES, 7
Mr Buffett
Mr Gardner
Mr Sheridan
Mr Nobbs
Mr Christian
Mrs Jack
Mrs Boudan

Motion negatived

Question – That the clause as amended be agreed to – put and agreed to, Mr Brown dissenting

Question – The remainder of the Bill be agreed to – put and agreed to on the voices, Mr John Brown dissenting; Mr Tim Brown being absent from the Chamber

Mr Gardner moved –

THAT the Bill as amended be agreed to

Question put

Bill as amended agreed to, Mr John Brown dissenting, Mr Tim Brown being absent from the Chamber

THAT the Bill be agreed to

Question put

Bill agreed to on the voices, Mr Tim Brown being absent from the Chamber

20 FIXING OF THE NEXT SITTING DAY

Mr Tim Sheridan moved -

THAT the House at its rising adjourn until Wednesday 19 April 2006 at 10 am

Debate ensued

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

21 ADJOURNMENT

Mr John Brown moved –

THAT the House do now adjourn

Debate ensued with Chief Minister and Mr Brown participating

Question put and agreed to on the voices

AND THEN the House at 2.58 pm adjourned until Wednesday 19 April 2006 at 10 am

Robin-Eleanor Adams
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present