

**NORFOLK ISLAND
ELEVENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 19 APRIL 2006**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
LEWNTH LEJESLIETEW 'SEMBLE
WENDSI 19 IEPRIL 2006**

1. The Legislative Assembly met at 10.03 am, the Deputy Speaker, Mr Tim Brown, took the Chair and read Prayers

2 REVOCATION AND NOMINATION OF ACTING DEPUTY SPEAKER

The Deputy Speaker reported to the House that the Speaker on 11 April 2006 under standing order 9 revoked his nomination as Acting Deputy Speaker and nominated Timothy John Sheridan to act as Deputy Speaker

3 LEAVE OF ABSENCE FOR SPEAKER

Leave of absence from the sitting was extended to Mr Christian

Mr Brown joined the meeting

4 CONDOLENCES

Mrs Boudan recorded the passing of –

Dorothy Lester Holt

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

5 QUESTIONS WITHOUT NOTICE

6 PRESENTATION OF PAPERS

The following papers were presented:

1) Mr Gardner, Chief Minister –

- a) Administrative Arrangements Orders dated 14 March 2006;
- b) Report by executive member under section 31(4) of the Legal Aid Act 1995 for the period of 1 July 2005 to 31 December 2005;

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

Mr Nobbs moved –

THAT the House take note of the Paper

Debate ensued

Question put and agreed to on the voices

7 STATEMENTS

The following statements were made:

1) Mr Buffett, Minister for Community Services –

- a) advised of the appointment of a Counsellor who arrives on 5 May and commences duties on 10 May; details of how the counselling service will operate will be published in the local press;
- b) reported on the tree planting ceremony to be held on 28 April 2006 on Rooty Hill Road to commemorate the 100th birthday of Mrs Ruby Matthews

8 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

The Speaker reported the following messages:

Message No. 33 from the Deputy Administrator dated 14 March 2006 advising that on 2 March 2006 His Excellency the Governor-General declared his assent to the Roads (Amendment) Act 2005

Message No. 34 from the Administrator dated 4 April 2006 advising that he had reserved the Legislative Assembly (Register of Members' Interests) Amendment Bill 2006 for the pleasure of the Governor-General

Message No. 35 from the Administrator dated 4 April 2006 advising he had declared assent to the Bail (Amendment) Act 2006 and the Administration and Probate Act 2006

9 MAINTAINING THE VISION FOR THE ADVANCEMENT OF INTERNAL SELF-GOVERNMENT ON NORFOLK ISLAND

Mr David Buffett, Minister for Community Services, pursuant to notice, moved –

Whereas ~

- **The Seventh Legislative Assembly of Norfolk Island on 18 October 1995 adopted a Vision Statement for the Advancement of Internal Self Government on Norfolk Island; and**
- **The Impact of Bills and Subordinate Legislation Committee of the Eleventh Legislative Assembly on 15 November 2004 included in its Procedural Guidelines that Norfolk Island legislation should meet the goals of that Vision Statement; and**

Given ~

- **That it has been 26 years since Norfolk Island commenced its passage to internal self government;**
- **That this process is yet incomplete; and**
- **That many diverse views and attitudes have been pursued in the Island since this process commenced**

It is timely ~

For this, the Eleventh Legislative Assembly of Norfolk Island, to hereby reaffirm that Vision, and give impetus to the following goals in directing the Island's future ~

1. **Achieve full internal self government for the people of Norfolk Island;**
2. **Protect and preserve the Island's unique heritage, traditions and culture;**
3. **Sustain the ecology and natural environment of Norfolk Island;**
4. **Maintain and improve where possible an adequate standard of living for all residents of Norfolk Island;**
5. **Promote and maintain industry and employment at a level appropriate to achieve economic self sufficiency in Norfolk Island recognizing within this process the Island's small size and its cultural and ecological sensitivities; and**
6. **Assume primary management responsibility for all public land in Norfolk Island, including the Norfolk Island National Park**

Debate ensued

Question put and agreed to on the voices

10 COMMITTEE OF PRIVILEGES – REVOCATION AND APPOINTMENT OF MEMBERS TO THE COMMITTEE

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

THAT-

- 1) **the appointment of David Ernest Buffett to the Committee of Privileges be revoked;**
- 2) **the appointment of Neville Charles Christian as the alternate member of the Committee be revoked;**
- 3) **Neville Charles Christian be appointed as a member of the Committee of Privileges; and**
- 4) **Lorraine Carol Boudan be appointed as the alternate member of the Committee of Privileges**

Debate ensued

Question put and agreed to on the voices

11 SUPREME COURT ACT – APPOINTMENT UNDER SECTION 23 OF THE ACT

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

THAT for the purposes of section 23 of the *Supreme Court Act 1960*, the House resolves to revoke the appointment of —

and appoint

Graham Charles Rhead

Jeanette Irene Haviland

as a person who may file an information for an indictable offence triable before the Supreme Court

Debate ensued

Question put and agreed to on the voices

12 APPOINTMENT OF PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Mr Brown, pursuant to notice, moved -

THAT the standing orders be amended by the insertion of the following new standing order:

“20B. . A Public Accounts and Estimates Committee to consist of the Speaker (ex officio) and two other Members shall be appointed as soon as practicable after the opening of a new House to scrutinise and assess the financial administration of the Public Sector, and to promote reform where necessary.

The Committee shall –

1) examine –

- a) the accounts of the receipts and expenditure of Norfolk Island;
- b) the financial affairs of authorities of Norfolk Island;
- c) all reports of the Government Auditor which have been laid before the Assembly;
- and
- d) such other relevant matters as the Committee deems relevant

2) Report to the Assembly with such comments as it thinks fit, any items or matters in those accounts, statements and reports, or any circumstances connected with them, to which the Committee is of the opinion that the attention of the Assembly should be directed

3) Inquire into any question in connection with the public accounts which is referred to it by the Assembly and to report to the Assembly on that question

The Committee may consider any other matter relevant to its inquiry; shall have the power to send for persons, papers and records; and may invite submissions from members of the public

Debate ensued

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

13 PRIVATISATION OF VISITORS INFORMATION CENTRE, POST OFFICE AND TANALITH PLANT

Mr Brown, pursuant to notice, moved –

That this House requests the responsible Executive Members to investigate, and report to the next meeting of the House, as to the viability of privatising the Visitor’s Information Centre, the Post Office and the Tanalith Plant, and to include in such investigation the possibility of providing an incentive to existing staff for them to tender in any privatisation process

Debate ensued

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

14 MUSEUM TRUST ACT 1987 – APPOINTMENT OF TRUSTEES – MOTION BY LEAVE

Mr Buffett, Minister for Community Services, by leave, moved –

THAT this House resolves for the purposes of subsection 5(1) of the Museum Trust Act 1987 that the executive member appoint –

**Simone Rena James
Alice Elizabeth Rogers
Ross James Quintal**

as trustees of the Norfolk Island Museum Trust for the period 20 April 2006 to 19 April 2008

Debate ensued

Question put and agreed to on the voices

15 HEALTHCARE (MEDICAL EVACUATION FUND) BILL 2006

Mr Buffett, Minister for Community Services, pursuant to notice, presented a Bill for an Act to amend the Healthcare Act 1989 and establish the Medical Evacuation Fund and for related purposes and moved –

THAT the Bill be agreed to in principle

Paper: Mr Buffett tabled the explanatory memorandum to the Bill

Debate ensued

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

16 COURT OF PETTY SESSIONS (AMENDMENT) BILL 2006

Leave having been granted for Mr Gardner, Chief Minister, to present the Court of Petty Sessions (Amendment) Bill 2006 and for the Bill to be passed through all stages at this sitting, Mr Gardner, presented a Bill for an Act to amend the applicable Rules of the Court of Petty Sessions and moved –

THAT the Bill be agreed to in principle

Mr Brown indicated his abstention from participating in the debate and left the Chamber

Debate ensued

Question put

Bill agreed to in principle

Detail stage:

Mr Gardner moved –

THAT proposed new subclause 248(2) be amended by deleting the following words:

“(but in respect of work done by a practitioner in Norfolk Island reduced by 30 percent)”

Debate ensued

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

Question – That the clause 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

Mr Brown rejoined the meeting

Mr Gardner absented himself from the remainder of the meeting due to ill health

17 NORFOLK ISLAND SUSTAINABILITY LEVY BILL 2005

Debate resumed (Mr Nobbs, Minister for Finance) from 21 September 2005 on the question – That the Bill be agreed to in principle

Question put

The House voted –

AYES, 5
Mr Buffett
Mr Sheridan
Mr Nobbs
Mrs Jack
Mrs Boudan

NOES, 2
Mr Tim Brown
Mr John Brown

Bill agreed to in principle

Detail stage:

Mr Nobbs moved –

1. That all references to the Bill be changed from “2005” to “2006”;
2. That clause 2(2) be amended by substituting “1 July 2006” for “1 December 2005”;
3. That clause 5 be amended by substituting “30 June 2006” for “30 November 2005”;
4. That for subclause 24(2) there be substituted —

“(2) The review, which must involve at least one public meeting, is to commence as soon as possible after 1 December 2006 and shall among other things –

- (a) review the rate (%) of the NSL;
 - (b) compare the inflationary impact of the options of imposition of the NSL without input credits or with input credits;
 - (c) make recommendations on the re-imburement of customs duty previously paid by importers;
 - (d) assess potential exemptions which may be necessary due to hardship or special circumstances;
 - (e) make recommendations regarding the reduction or abolition of any other taxes, levies and duties;
 - (f) report on the level and difficulty of compliance within the private sector.”;
5. That subclause 24(3) be amended by substituting “28 February 2007” for “30 June 2006”; and
 6. That subclause 24(5) be amended by substituting “1 July 2007” for “31 August 2006”

Question – That the amendments be agreed to – put

The House voted –

AYES, 5
Mr Buffett
Mr Sheridan
Mr Nobbs
Mrs Jack
Mrs Boudan

NOES, 2
Mr Tim Brown
Mr John Brown

Amendments agreed to

Question – That the clause as amended be agreed to – put

The House voted –

AYES, 5
Mr Buffett
Mr Sheridan
Mr Nobbs
Mrs Jack
Mrs Boudan

NOES, 2
Mr Tim Brown
Mr John Brown

Question – That the remainder of the Bill be agreed to – put

The House voted –

AYES, 5
Mr Buffett
Mr Sheridan
Mr Nobbs
Mrs Jack
Mrs Boudan

NOES, 2
Mr Tim Brown
Mr John Brown

Mr Nobbs moved –

THAT the Bill as amended be agreed to

Question put

The House voted –

AYES, 5

Mr Buffett

Mr Sheridan

Mr Nobbs

Mrs Jack

Mrs Boudan

NOES, 2

Mr Tim Brown

Mr John Brown

Bill, as amended, agreed to

18 HEALTHCARE LEVY (AMENDMENT) BILL 2006

Debate resumed (Mr Buffett, Minister for Community Services) from 15 March 2006 on the question –

That the Bill be agreed to in principle

Question put

Bill agreed to in principle on the voices

Detail stage:

Mr Buffett moved –

That clause 6 be amended by —

- (a) re-numbering paragraph “(b)” as “(c)”; and
- (b) substituting for paragraph (a) the following —

- “(a) for the word ‘levy’ in subsection (1), substitute ‘the healthcare levy’;
- (b) for the words ‘pay levy’ in subsection (2), substitute ‘pay healthcare levy or medical evacuation levy’;
- and”

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

Question – That the clause 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

19 LEGISLATIVE ASSEMBLY (AMENDMENT) BILL 2006

Debate resumed (Mr Brown) from 15 March 2006 on the question – That the Bill be agreed to in principle

– Bill 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

20 FIXING OF THE NEXT SITTING DAY

Mr John Brown moved -

THAT the House at its rising adjourn until Wednesday 17 May 2006 at 10 am

Question put and agreed to on the voices

21 ADJOURNMENT

Mrs Lorraine Boudan moved –

THAT the House do now adjourn

Debate ensued with Mr John Brown and Mr Ron Nobbs participating
Question put and agreed to on the voices

AND THEN the House at 1.25 pm adjourned until Wednesday 17 May 2006 at 10 am

Robin-Eleanor Adams
Clerk to the Legislative Assembly

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