

**NORFOLK ISLAND
ELEVENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
THURSDAY 21 DECEMBER 2006**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
LEWNTH LEJESLIETEW 'SEMBLE
THERSDI 21 DISEMBA 2006**

1 The Legislative Assembly met at 10.04 am, the Speaker, Hon Geoff Gardner MLA, took the Chair and read Prayers

2 **Condolences**

Mr Tim Brown recorded the passing of –

**Shaun Pedel
Nikolai Slavensky Jorgensen**

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

3 **GIVING OF NOTICES**

Mr Nobbs advised of his intention not to proceed with the Bankruptcy Bill 2006 at today's sitting Mr Gardner, Speaker and Chairman of the Impact of Bills and Subordinate Legislation Committee, advised of his intention to move at the next sitting of the House a motion in the following terms relating to the setting up of the Public Accounts and Expenditure Committee:

THAT this House resolves under standing order 20B that –

1. A Public Accounts and Estimates Committee be appointed to scrutinise and assess the financial administration of the Public Sector, and to promote reform where necessary.
2. The Committee shall comprise the Speaker (ex officio), and two other members to be chosen
3. 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 from time to time with such comments as it thinks fit, in respect of 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.
4. 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.
5. The Committee has power to –
 - (a) make visits of inspection within Norfolk Island, and with the approval of the Legislative Assembly given by resolution in the House, within other States and Territories of Australia;
 - (b) retain consultants to work with the Committee as and when required;
 - (c) establish a Committee Secretariat on such terms and conditions as are thought appropriate after consultation with the Chief Executive Officer of the Public Service of Norfolk Island

4 QUESTIONS WITHOUT NOTICE**5 PRESENTATION OF PAPERS**

The following papers were presented:

(1) Mr Christian, Minister for Finance –

- a) Customs Act 1913 – directions by executive member for exemption from payment of customs duty;
 - b) Financial Indicators for November 2006;
- Mr Christian moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

(2) Mr Gardner, Speaker –

- (a) Report from Deputy Clerk, Mrs Gaye Evans, on her attendance at the Parliamentary Educators Conference Darwin August 2006;
- (b) Report from Clerk, Ms Robin-Eleanor Adams, on her participation in the Tasmanian Parliaments Sesquicentenary Celebrations in Hobart 1 to 3 December 2006

(3) Mr Brown, Minister for Community Services – Tourism Statistics for November 2006

6 STATEMENTS

The following statements were made:

1) Mr Buffett, Chief Minister –

a) advised the House that the Minister for Local Government, Territories and Roads, Hon Jim Lloyd MP, had yesterday informed the Norfolk Island Government and the Norfolk Island community of the Australian Government's decision not to proceed with changes to the form of governance on Norfolk Island. The Chief Minister set out the steps undertaken by the Norfolk Island Government in its negotiations with the Australian Government, to maintain existing self-government arrangements in Norfolk Island. The Government's projections for the future were outlined, with emphasis upon a co-operative relationship with the Australian Government, its Ministers, Departments and instrumentalities. The Chief Minister projected that the Norfolk Island Government and community will meet the demands to co-operatively move forward with reforms and changes within the Island's governance and financial arrangements, and with re-invigoration of the Islands economy

Paper: Mr Buffett tabled the Norfolk Island Government's Legislative Programme as at 20 December 2006;

Mr Gardner moved –

THAT the House take note of the statement

Debate ensued

Question put and agreed to on the voices

b) reported that he had received a statutory request to vary the Heritage Register, by removal of a portion of land from the Kingston and Arthur's Vale Historic Area (KAVHA) and from the Heritage Register. He advised that he would seek public submissions on the variation application

2) Mr Christian, Minister for Finance -

- a) updated the House on progress with replacing NSL with a GST @ 9% early in 2007;
- b) advised of his intention to engage Paterson Britton – the engineers supervising the Kingston Jetty refurbishment - to conduct preliminary research, costing and design work on the construction of a deep-water port in Cascade Bay;

3) Mr Buffett, Chief Minister, congratulated members of the Games contingent who recently, and successfully, participated in the Oceania Games in Samoa, which were also attended by Mr Gardner who acted as senior judge at the Games;

- 4) Mr Brown, Minister for Community Services, advised of his intention to promote legislation -
 - a) to increase the minimum wages in Norfolk Island from \$8.50 an hour to \$10.50 an hour;
 - b) to introduce legislation which reinstates the provision allowing for an owner of tourist accommodation to sell his/her accommodation licence;
- 5) Mr Brown further reported -
 - a) that on 27 December 2006, Air New Zealand will operate an Airbus A320 to Norfolk to satisfy high demand for seats; and
 - b) that he is working towards having the current departure tax arrangement changed to allow for the tax to be included in the cost of the airline ticket along with other taxes;
- 6) Mr Gardner, Speaker, formally acknowledged the gavel gifted to the Legislative Assembly by Mr Mike Prior, former member of the Rockhampton City Council, when Mr Prior visited the Island earlier this month

7 **MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR**

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

Message No. 47 from the Administrator dated 28 November 2006 advising that on 28 November 2006 he declared his assent to the Norfolk Island Sustainability Levy (Amendment No. 2) Act 2006 and the Healthcare Levy (Amendment No. 2) Act 2006

Message No. 48 from the Administrator dated 1 December 2006 advising that on 30 November 2006 His Excellency the Governor-General declared his assent to the Legislative Assembly (Amendment) Act 2006

The Speaker suspended the sitting at 12.18 pm until 2 pm
The House resumed at 2.01 pm, the Speaker taking the Chair

8 **ROADS ACT 2002 – TRANSITIONAL PERIOD FOR PURPOSES OF SECTION 35(1) OF THE ACT**

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

THAT the Legislative Assembly resolves that for the purposes of section 35(1) of the *Roads Act 2002* empowering the executive member during the transitional period to dedicate land that was an old road or an old service area as a public road or as part of a public road, the period before 27th day of February 2008 is, pursuant to section 45A(b) of the said Act, declared to be the transitional period

Debate ensued

Question put and agreed to on the voices, Mr Nobbs and Mr Buffett abstaining

9 **EXTENSION OF AUSTRALIAN SUPERANNUATION GUARANTEE SCHEME TO NORFOLK ISLAND**

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

That this House requests the responsible Executive Member to promptly enter into discussions with the Australian Government with a view to obtaining extension of the Australian Superannuation Guarantee Scheme to Norfolk Island, but subject to contributions to the Scheme being phased in over a period of five years from the date of commencement, and subject to employer contributions being made as an addition to the payment of existing salaries and wages but being treated as increases in those salaries and wages

Debate ensued

Mr Brown moved the following amendments:

- a) substitute the words “about the feasibility of” for the words “with a view to”; and
- b) delete all words after “Norfolk Island”

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

Question – That the motion as amended be agreed to – put and agreed to on the voices

10 KAVHA – RESUMPTION ON JUST TERMS OF CERTAIN PORTIONS OF LAND

Mr Brown, Minister for Community Services, pursuant to notice, moved the following motion in its amended form, by leave –

That this House requests the responsible Executive Member to urgently prepare a report for the House which –

- 1) Identifies the portions of freehold and leasehold land which have restrictions on their use because they are positioned in the Kingston and Arthur’s Vale Historic Area;**
- 2) Identifies whether or not these restrictions apply to the whole or part of each portion; and**
- 3) Examine the options available to governments and owners of the land so affected in order that an equitable solution can be reached**

Debate ensued

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

11 NORFOLK ISLAND GOVERNMENT TOURIST BUREAU (AMENDMENT) BILL 2006

Mr Brown, Minister for Community Services, pursuant to notice, presented a Bill for an Act to amend the Norfolk Island Government Tourist Bureau Act 1980 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

12 ROAD TRAFFIC (AMENDMENT) BILL 2006

Mr Buffett, Chief Minister, pursuant to notice, presented a Bill for an Act to amend the Road Traffic Act 1982 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

13 IMMIGRATION (AMENDMENT) BILL 2006

Debate resumed (Mr Brown, Minister for Community Services) from 20 September 2006 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle

Detail stage:

Mr Brown, by leave, moved –

1. Clause 5

1) For “84” in proposed section 23(3) substitute “85”.

2) In proposed subsection 23(2), delete the words “in his absolute discretion”, substitute “after consulting with Immigration Committee”.

2. Clause 6

For the words “the same as for the original permit” in proposed subsection 89(2), substitute “the fee for the issue of such a permit applicable at the time of the application for extension or renewal”.

3. Clause 7

Proposed amendment to section 90 of the principal Act, delete “(3)” on page 2 of the Bill, insert “(6)”

Debate ensued

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 Brown moved –

THAT the Bill as amended be agreed to

Question put

Bill as amended agreed to on the voices

14 SOCIAL SERVICES (AMENDMENT NO. 2) BILL 2006

Debate resumed (Mr Brown, Minister for Community Services) from 22 November 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 Brown by leave moved the following amendments:

Amend the Table as follows:

Change the lines after age 63.5 to read:

1 January 1945 to 30 June 1945	64
1 July 1945 to 31 December 1945	64.5
1 January 1946 and later	65

Proposed new subsection 16(1)(a)(ii)(C) – change 1 January 1949 to read 1 January 1946;

Proposed new subsection 16(1)(c) – delete subsection and insert –

(c) is a resident of Norfolk Island under the Immigration Act 1980 and was ordinarily resident in Norfolk Island –

- (i) for not less than 10 years immediately before that date; and
- (ii) for not less than 15 years since attaining the age of 21 years.

Debate ensued

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 Brown moved –

THAT the Bill as amended be agreed to

Question put

Bill as amended agreed to on the voices

15 FIXING OF THE NEXT SITTING DAY

Mrs Boudan moved –

**THAT the House at its rising adjourn
until Wednesday 14 February 2007 at 10 am**

Question put and agreed to on the voices

16 ADJOURNMENT

Mrs Jack, Minister for the Environment, moved –

THAT the House do now adjourn

Debate ensued with all Members participating

Question put and agreed to on the voices

AND THEN the House at 4.19 pm adjourned until Wednesday 14 February 2007 at 10 am

Robin-Eleanor Adams
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present