

**NORFOLK ISLAND
ELEVENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 28 FEBRUARY & 7 MARCH 2007**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
LEWNTH LEJESLIETEW 'SEMBLE
WEDNESDAY 28 FEBYUWERI & 7 MAACH 2007**

- 1 The Legislative Assembly met at 10.02 am, the Speaker, Hon Geoffrey Gardner MLA, took the Chair and read Prayers

2 QUESTIONS WITHOUT NOTICE

3 PRESENTATION OF PAPERS

The following papers were presented:

- 1) Mr Christian, Minister for Finance – Report of the Review into the operation of the NSL
Mr Christian moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- 2) Mr Buffett, Chief Minister –
- a) Legislative Assembly (Amendment) Regulations 2007;
 - b) Report dated 16.1.07 to executive member under the Legal Aid Act 1995 for the six months ended 31.12.06;
- Mrs Jack, Minister for the Environment, moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- c) Notice from Korda Mentha to Committee of Inspection in respect of Norfolk Jet Express Pty Ltd
- 3) Mr Christian, Minister for Finance –
- a) Airport (Amendment) Regulations 2007 and Immigration (Amendment) Regulations 2007
 - b) Financial indicators January 2007
- Mr Christian moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

4 STATEMENTS

Mr Buffett, Chief Minister, responded to questions asked earlier in the meeting re the engagement of Mr Ewan Wilson from Ozjet to the position of General Manager of Norfolk Air
Mr Nobbs moved –

THAT the House take note of the Statement

Debate ensued

Question put and agreed to on the voices

5 MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR

The Speaker reported **Message No. 50** from the Administrator dated 20 February 2007 advising that on 20 February 2007 he declared his assent to the Bankruptcy Act 2006 and the Norfolk Island Government Tourist Bureau (Amendment) Act 2006

6 REPORT OF STANDING AND SELECT COMMITTEES

The Speaker in his role of Chairman of the Impact of Bills and Subordinate Legislative Committee, provided the House with an update on the Committee's deliberations on the Magistrates Court Bill 2006, the Criminal Code Bill 2006, the Criminal Procedure Bill 2006 and the Sentencing Bill 2006. In view of the

complexity of these Bills the Committee engaged Mr Don Wright as a consultant to the Committee. Mr Wright has provided comprehensive reports on the Magistrates Court Bill 2006 and the Criminal Code Bill 2006. A report on the remaining two bills is expected shortly

7 WITHDRAWAL OF NOTICE 1 – “NORFOLK ISLAND DEPARTURE TAX TO BE ADDED TO AIRLINE TICKETS” AND NOTICE NO. 2 – “NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ACT 1980 – APPOINTMENT OF MEMBER OF THE NORFOLK ISLAND GOVERNMENT TOURIST BUREAU”

In the absence from the meeting of the Hon John Brown MLA, Notices 1 and 2 were discharged from the Notice Paper by leave in accordance with standing order 110

8 GOODS AND SERVICES TAX BILL 2007

Debate resumed (Mr Christian) from 14 February 2007 on the question – That the Bill be agreed to in principle

Debate ensued

Question – That the Bill be agreed to in principle - put

Bill agreed to in principle, Mr Tim Brown dissenting

Detail stage:

Mr Christian moved –

THAT the detail stage amendments dated the 22nd February 2007, 4th version be taken as read and agreed to. Amendments proposed from the floor by Mrs Jack, Minister for the Environment and Mr Gardner were incorporated in the amendments which read as follows:

That the Bill be amended as follows—

- 1. That clause 2 be amended by substituting for the expression “and has effect from 2 April 2007”—**

“but sections 5, 27 and 28 have effect from 2 April 2007 (the “effective date”).”.

- 2. That the definition “Chief Revenue Officer” in clause 4 be amended by substituting for “13”, “15”.**

- 3. That clause 5 be amended by —**

- (a) substituting for Example (1) immediately following sub-clause (1) —**

“(1) If a registered person sells goods with a sale price of \$109, the sale price will include GST of \$9.”;

- (b) substituting for “25(4)” in sub-clause (3)(a) and the Note, “27(4); and**
- (c) substituting for “20%” in sub-clause 5(4), “25%”.**

- 4. That clause 7 be amended by —**

- (a) inserting after “notice” in subclause (4), “of appeal”;**

- (b) in sub-clause (5) —**

(i) substituting for “the” where first occurring, “a”; and

(ii) inserting after “assessment” where first occurring, “issued”; and

(iii) substituting in subclause 7(5) for “10”, “(1)”.

- 5. That clause 9(1) be amended —**

- (a) by inserting after “sale” where first occurring in subclause (1), “or disposal”;** and

- (b) by inserting the following after paragraph (1)(d) —**

“(e) where goods are disposed of otherwise than by way of sale state how they were so disposed of including whether by way of gift, exchange, personal use by the registered person or an associated person, or destruction or otherwise.”.

- 6. That subclause 11(1) be amended by substituting for “3 years”, “5 years”.**

- 7. That clause 12 be amended —**

- (a) by substituting for “section 8” in subclause (1), “section 10”;**

- (b) By substituting for subclause (3) —**

- “ (3) If a payment of GST is made electronically the return required to be submitted under subsection 10(1) must be submitted no later than the 28th day of the month following the month in respect of which the payment was made.
Example: If the GST for September is paid electronically on 20th of October, the return must be submitted by 28th October (if payment is not made electronically then the payment and the return must be submitted simultaneously).” .
- (c) by substituting for “not less” in subclause (6), “more”.
8. That subclause 14(1) be amended by inserting after “The” where first occurring, “executive member on the advice of the”.
9. That clause 15 be amended —
- (a) by substituting for subclause (1),
“ (1) There shall be a Chief Revenue Officer appointed by the executive member in accordance with the Regulations for such period, being not more than 3 years, and upon such terms and conditions as may be determined.”; and
- (b) by substituting for “he” in subclause (3), “he or she”.
10. That paragraph 20(2)(b) be amended by —
- (a) inserting before “Norfolk Island”, “the Administration of”; and
- (b) inserting before “Officer”, “Chief Revenue”.
11. That subclause 24(1) be amended by substituting for “section 5”, “section 6”.
12. That clause 27 be amended as follows —
- (a) by substituting for the expression “the commencement day” in subclause (1), “the effective date”.
- (b) by substituting for the expression “the commencement” in subclause (3), “the effective date”.
- (c) by substituting for “import duty credits” in subclause (4), “allowable deductions”; and
- (d) by inserting after paragraph (4)(b)—
“; and
- (c) such supporting documentation as may be prescribed.”.
13. That the following clauses be inserted after clause 27 of the Bill —
- “Consequential amendments to other Acts
28. (1) Section 9 of the *Financial Institutions Levy Act 1985* is repealed.
(2) Despite the repeal of section 9 of the *Financial Institutions Levy Act 1985*, that subsection continue to apply, in relation to an amount payable before the commencement of this section, as if that repeal had not happened.
(3) Section 7B of the *Tourist Accommodation Act 1984* is repealed.
(4) Despite the repeal of section 7B of the *Tourist Accommodation Act 1984*, that section continue to apply, in relation to an amount payable before the commencement of this section, as if that repeal had not happened.
(5) This section commences on the effective date.
- “Consequential amendment of Regulations
29. (1) Paragraphs 3(2)(a), 3(3)(a), 4(2)(a), 5(2)(a) and 5(3)(a) of the *Liquor Regulations 2006* are repealed.
(2) Despite the repeal of paragraphs 3(2)(a), 3(3)(a), 4(2)(a), 5(2)(a) and 5(3)(a) of the *Liquor Regulations 2006*, those paragraphs continue to apply, in relation to an amount payable before the commencement of this section, as if that repeal had not happened.
(3) This section commences on the effective date.”.

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 Christian moved –

THAT the Bill as amended be agreed to

Question put

Bill as amended agreed to on the voices, Mr Tim Brown dissenting

The Deputy Speaker took the Chair at 12.11 pm**9 CUSTOMS (AMENDMENT) BILL 2007**

Debate resumed (Mr Christian) from 14 February 2007 on the question – That the Bill be agreed to in principle

Debate ensued

Question – That the Bill be agreed to in principle - put

Bill agreed to in principle on the voices

Detail stage:

Mr Christian moved –

THAT the detail stage amendments dated 27 February 2007 and the amendment proposed by Mr Gardner from the floor relative to clause 4 of the Bill be taken as read and agreed to as a whole, namely –

1. In clause 4 –

- a. delete the word “goods” in proposed paragraph (d); and
- b. following “home consumption” insert “and entered” ;

2. In clause 6 —

- (a) amend the heading of the new section by inserting at the end, “and entered for resale”; and
- (b) substitute for proposed subsection 5AB(1) —

“(1) Goods imported for home consumption for re-sale must not be —

- (a) disposed of by means of being given away or donated to any person or body other than a body or organisation referred to in subsection 2(2);
- (b) disposed of by means of being destroyed unless under customs supervision if damaged or unsaleable; or
- (c) ~~used or consumed other than by a bona fide purchaser for value unless the disposal is declared to the Collector and duty is paid on the goods within 10 days of disposal.~~”

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 Christian moved –

THAT the Bill as amended be agreed to

Question put

Bill as amended agreed to on the voices

10 IMMIGRATION (AMENDMENT) BILL 2007

Debate resumed (Chief Minister in the absence of Minister for Minister for Community Services) from 14 February 2007 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

11 EMPLOYMENT (AMENDMENT) Bill 2007

Debate resumed (Mr Brown) from 14 February 2007 on the question – That the Bill be agreed to in principle

Debate postponed (Mr Brown) until later in the sitting

12 ROAD TRAFFIC (AMENDMENT) BILL 2006

Debate resumed (Chief Minister) from 21 December 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 moved the following amendments dated 14 February 2007:

1. Amend clause 4(1) of the Bill by inserting immediately following the word “Regulation” at the end of the proposed new paragraph (ab) the following —

“provided that such Regulations must not prescribe an amount exceeding —

- (i) in respect of motor vehicles other than buses fitted with seats to carry 8 or more passengers — \$1million; and
- (ii) in respect of buses fitted with seats to carry 8 or more passengers — \$5million;”

2. That the following clause 7 be inserted —

“Correction

7. Subsection 8(6) of the principal Act is amended by changing the reference to “subsection 8(6)” to “subsection 8(5)”.

3. That the following clause 8 be inserted —

“Limits on liability

8. That the principal Act be amended by inserting after section 49 —

“Limitation on liability in respect of transport accidents

49A. (1) A person shall not recover any damages in any proceedings in respect of the injury or death of a person as a result of a transport accident occurring on or after the commencement of this section except in accordance with this section.

(2) A person who is injured as a result of a transport accident may recover damages in respect of the injury if the injury is a serious injury.

(3) Damages of any kind in respect of an injury cannot be recovered in proceedings in accordance with subsection (2) other than damages —

- (a) for pecuniary loss; or
- (b) for pain and suffering

but only if—

- (i) the assessment of damages before any reduction in respect of the person’s responsibility for the injury is more than \$5,000 but equal to or less than the maximum amount payable under the third party motor vehicle insurance policy taken out in respect of the motor vehicle under paragraph 8(1)(ab), in which case the amount that can be recovered is that amount so assessed as reduced in respect of the person’s responsibility for the injury; or
- (ii) the assessment of damages before any reduction in respect of the person’s responsibility for the injury is more than the maximum amount payable under the third party motor vehicle insurance policy taken out in respect of the motor vehicle under paragraph 8(1)(ab), in which case the amount that can be recovered is that maximum as reduced in respect of the person’s responsibility for the injury;

- (4) In this section —

“serious injury” means—

- (a) serious long-term impairment or loss of a body function; or
- (b) permanent serious disfigurement; or
- (c) severe long-term mental or severe long-term behavioural disturbance or disorder; or
- (d) loss of a foetus.

“transport accident” means an incident directly caused by the driving of a motor car or other motor vehicle.”

4. The date 2006 is changed to 2007 in the title of the Bill and in clause 1, short title of the Bill.

The Deputy Speaker suspended the sitting at 12.40 pm until 2 pm
The House resumed at 2 pm, the Deputy Speaker taking the Chair

Mr Gardner moved the following amendments –

In subclause 4(2), proposed new section (5A) substitute “paragraph 8(1)(ab)” for “paragraph (1)(b)”.

In subclause 4(2), proposed new section 5C substitute “Paragraph 8(1)(ab)” for “Paragraph (1)(ab)”.

Debate ensued

Question – That amendment 1 be agreed to – put and agreed to on the voices, Mrs Jack dissenting

Question – That amendment 2 be agreed to – put and agreed to on the voices

Question – That amendment 3 be agreed to – put and agreed to on the voices, Mrs Jack dissenting

Question – That amendment 4 be agreed to – put and agreed to on the voices

Minister for Community Services joined the meeting at 2.08 pm

Question – That Mr Gardner’s amendment 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, Minister for Community Services, moved –

THAT the Bill as amended be agreed to

Question put

Bill as amended agreed to on the voices, Mrs Jack dissenting

13 GREENWICH UNIVERSITY (REPEAL) BILL 2006

Debate resumed (Mrs Jack, Minister for the Environment) from 18 October 2006 on the question –

That the Bill be agreed to in principle

Debate ensued

Paper:

Mrs Jack tabled a letter dated 8 February 2007 addressed to the Chief Minister, the Hon David E.

Buffett AM MLA, from the Hon Julie Bishop MP, Minister for Education, Science and training

Mr Brown moved –

THAT this House suspend until 10.00 am on Wednesday, 7 March 2007

Debate ensued

Mr Brown moved –

THAT the question be put

Question put

The House voted –

AYES,6

Mr Buffett

Mr Gardner

Mr Christian

Mr Tim Brown

Mrs Boudan

Mr Brown

NOES, 3

Mr Sheridan

Mr Nobbs

Mrs Jack

Motion agreed to

Question put – That the House now suspend

The House voted –

AYES,6

Mr Buffett

Mr Gardner

Mr Christian

Mr Tim Brown

NOES, 3

Mr Sheridan

Mr Nobbs

Mrs Jack

Mrs Boudan
Mr Brown

Motion agreed to

The Deputy Speaker suspended the sitting at 2.48 pm until Wednesday 7 March 2007 at 10 am

The House resumed at 10.02 am on Wednesday 7 March 2007, the Speaker taking the Chair

Debate resumed (Mrs Jack Minister for the Environment) from 28 February 2007 on the question –

That the Greenwich University (Repeal) Bill 2007 be agreed to in principle

Debate ensued

Mrs Jack moved -

THAT the question be put

Question put and agreed to on the voices, Mrs Boudan dissenting

Question put – THAT the Bill be agreed to in principle -

The House voted –

AYES, 4

Mr Gardner

Mr Sheridan

Mr Nobbs

Mrs Jack

Mrs Boudan

NOES, 4

Mr Buffett

Mr Christian

Mr Tim Brown

ABSTENTION, 1

Mr Brown

The motion was negated

14 EMPLOYMENT (AMENDMENT) BILL 2007

Debate resumed (Mr Brown, Minister for Community Services) from 28 February 2007 on the question – That the Bill be agreed to in principle

Debate ensued

Deputy Speaker took the Chair at 10.36 am

Bill withdrawn by leave

15 NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ACT 1980 – APPOINTMENT OF MEMBER OF THE NORFOLK ISLAND GOVERNMENT TOURIST BUREAU

Mr Brown, Minister for Community Services, by leave, moved -

THAT this House in accordance with subsection 4(2) of the Norfolk Island Government Tourist Bureau Act 1980 recommends to the executive member that he appoint Wallace James Beadman as a member of the Norfolk Island Government Tourist Bureau

Debate ensued

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

16 ADJOURNMENT

Mrs Jack 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 11.15 am adjourned

Robin-Eleanor Adams
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present