

**NORFOLK ISLAND
TWELFTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 17 JULY 2008**

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TWELWTH LEJESLIETEW 'SEMBLE
WENSDI 17 JULAI 2008**

- 1 The Legislative Assembly met at 10.01 am. The Speaker, Hon Lisle Snell MLA, took the Chair and read Prayers

2 CONDOLENCES

Mr Tim Sheridan recorded the passing of –

Dorothy Mary Elizabeth McCoy

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 Neville Christian, Minister for Finance – Goods and Services Tax (Amendment No. 2) Regulations 2008;
- 2) Mr Gardner, Minister for Tourism and Health –
Legal Profession (Practice) Regulations 2008
Legal Profession (Audit) Regulations 2008
Legal Profession (Professional Conduct) Regulations 2008
Legal Profession (Professional Conduct)(Amendment) Regulations 2008
Mr Gardner moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices;

- 3) Mr Neville Christian, Minister for Finance – Report to the House on the operation of the Goods and Services Tax as required under section 19 of the Goods and Services Tax Act
Mr Gardner moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices;

5 STATEMENTS

The following statements were made –

- 1) Mr Nobbs, Chief Minister, provided a response to a question from Mr Sheridan at an earlier sitting re the procurement processes for REASA;
- 2) Mr Magri, Minister for Commerce and Industry, gave an update on the roads programme;
- 3) Mr Nobbs, Chief Minister, extended best wishes to the participants leaving to attend the 10th Festival of Pacific Arts being held in Pago Pago Samoa over the next two weeks; the Chief Minister leaves on Sunday to join them and to represent the Island at an official level;
- 4) Mr Magri, Minister for Commerce and Industry, expressed his concern at how Norfolk Labor, a sub-branch of the ACT Australian Labor Party, was going about its business
Mr Nobbs, Chief Minister, moved –

THAT the House take note of the statement

Debate ensued

Question put and agreed to on the voices

- 5) Mr Gardner, Minister for Tourism and Health, reported on his attendance at the Tourism Ministers' Council meeting in Melbourne last week;

- 6) The Speaker reported on his attendance at the Presiding Officers and Clerks Conference in Adelaide last week

6 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

The Speaker reported –

Message No. 17 from the Acting Administrator dated 24 June 2008 advising that on 24 June 2008 he declared his assent to the Trees (Amendment) Act 2008, the Appropriation Act 2008-2009 and the Legal Profession (Amendment) Act 2008

Message No. 18 from the Acting Administrator dated 26 June 2008 advising that on 26 June 2008 he declared his assent to the Fuel Levy (Amendment) Act 2008 and the Customs (Amendment) Act 2008

7 TOURIST ACCOMMODATION ACT 1984 – TRANSFER OF TOURIST ACCOMMODATION UNITS

Mr Gardner, Minister for Tourism and Health, pursuant to notice, moved -

THAT for the purposes of section 15A of the *Tourist Accommodation Act 1984* this House resolves that the registration of seven tourist accommodation units from the tourist accommodation house known as “Bligh Court Holiday Cottages” may be transferred from the place described in its current instrument of registration to portion 53e Queen Elizabeth Avenue, being the tourist accommodation house known as “Ocean Breeze Luxury Cottages”, subject to compliance with the following conditions:

1. Application for approval of change of ownership of the tourist accommodation house must be made in accordance with all applicable statutory requirements after the executive member's approval of the transfer under section 15A(2) in accordance with this resolution.
2. The premises to which registration is transferred must —
 - a. comply with statutory requirements for the ownership and operation of tourist accommodation;
 - b. comply with statutory planning and building requirements relevant to tourist accommodation;
 - c. be constructed and maintained to a minimum 4 Star standard under applicable Norfolk Island tourist accommodation grading standards; and
 - d. any relevant planning approval must be obtained within 12 months of the transfer approval

Debate ensued

Question put and agreed to on the voices

8 TOURIST ACCOMMODATION ACT 1984 – TRANSFER OF TOURIST ACCOMMODATION UNIT

Mr Gardner, Minister for Tourism and Health, pursuant to notice, moved –

THAT for the purposes of section 15A of the *Tourist Accommodation Act 1984* this House resolves that the registration of one tourist accommodation unit from the tourist accommodation house known as “Dolphin Inn” may be transferred from the place described in its current instrument of registration to portion 78b Beefsteak Road, being the tourist accommodation house known as “Ponderosa Apartments and Cottages”, subject to compliance with the following conditions:

1. Application for approval of change of ownership of the tourist accommodation house must be made in accordance with all applicable statutory requirements after the executive member's approval of the transfer under section 15A(2) in accordance with this resolution.
2. The premises to which registration is transferred must —
 - a. comply with statutory requirements for the ownership and operation of tourist accommodation;
 - b. comply with statutory planning and building requirements relevant to tourist accommodation;
 - c. be constructed and maintained to a minimum 4 Star standard under applicable Norfolk Island tourist accommodation grading standards; and
 - d. any relevant planning approval must be obtained within 12 months of the transfer approval

Debate ensued

Question put and agreed to on the voices

9 PLANNING ACT 2002 - VARIATION TO THE NORFOLK ISLAND PLAN

Mrs Jack, Minister for Environment, Education and Social Welfare, pursuant to notice, moved the motion standing in her name on the Notice Paper in the following amended form by leave –

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 of 25 February 2004 as amended on 9 February 2005, and deemed to be the Plan under section 8 of the *Planning Act 2002*, be approved; and that for the purposes of subsection 13(1) of the *Planning Act 2002* that the date of commencement of the approved plan be 25 July 2008

Mr Brendon Christian declared a conflict of interest and advised he would abstain from participation in the debate and from voting

Debate ensued

Paper:

In accordance with standing order 198 on the motion of Mr Gardner, Minister for Tourism and Health, the House ordered the document from which Mrs Jack was reading to be tabled

Mrs Jack tabled the document

Question put and agreed to on the voices, Mr Brendon Christian abstaining

10 BUSINESS TRANSACTIONS (ADMINISTRATION)(AMENDMENT) BILL 2008

Mr Neville Christian, Minister for Finance, pursuant to notice, presented a Bill for an Act to amend the Business Transactions (Administration) Act 2006 and moved –

THAT the Bill be agreed to in principle

Debate ensued

Mrs Jack, Minister for the Environment, Education and Social Welfare, moved –

THAT the Bill be considered through all stages at this sitting

Question put and agreed to on the voices

Question – That the Bill be agreed to in principle – put and agreed to on the voices

Leave granted to dispense with the detail stage

Mr Neville Christian moved –

THAT the Bill be agreed to

Question put

Bill agreed to on the voices

11 EMPLOYMENT REGULATIONS 1991

Debate resumed (Mr Sheridan) from 16 April 2008 on the question – That the motion be agreed to
Mr Sheridan, pursuant to notice, moved –

That “\$12.00” be deleted and “\$10.70” substituted

Debate ensued

Question – That the amendment 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

12 FIXING OF THE NEXT SITTING DAY

Mr Magri, Minister for Commerce and Industry, moved –

THAT the house at its rising adjourn until Wednesday 27 August 2008 at 10 am

Question put and agreed to on the voices

13 ADJOURNMENT

Mr Anderson moved –

THAT the House do now adjourn

Debate ensued with Mr Gardner and Mr Nobbs participating

Question put and agreed to on the voices

AND THEN the House at 1.32 pm adjourned until Wednesday 27 August 2008 at 10 am

Robin-Eleanor Adams
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present