

**NORFOLK ISLAND
TWELFTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
TUESDAY 28 APRIL 2009**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
TWELWTH LEJESLIETEW 'SEMBLE
CHUUSDI 28 APRIL 2009**

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

2 **CONDOLENCES**

Mr Sheridan recorded the passing of –

**Yvonne Alice Sanderson
Hoana Mae Anderson**

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

3 **60TH ANNIVERSARY OF THE COMMONWEALTH OF NATIONS**

The Speaker, by leave, made a statement relative to the commemoration on 26th April 2009 of the 60th Anniversary of the Commonwealth of Nations and moved –

THAT, in acknowledging that the 26th of April 2009 marked the 60th anniversary of the London Declaration, when the modern Commonwealth of Nations was born, the Legislative Assembly of Norfolk Island, on behalf of the Norfolk Island community, hereby joins with all member nations of the Commonwealth in pledging its ongoing support for the principles enshrined in the founding Declaration that established today's modern Commonwealth

Debate ensued

Question put and agreed to on the voices

4 **GIVING OF NOTICES**

The Chief Minister, the Hon Andre Nobbs, reported that today, the 28th April, Island resident Mrs Ruby Matthews turned 103 and on behalf of Members sent best wishes to her on her special day

5 **QUESTIONS WITHOUT NOTICE**

6 **LEAVE OF ABSENCE**

Leave of absence from the sitting was unanimously extended to Mrs Jack and to Mr Brendon Christian

7 **PRESENTATION OF PAPERS**

The following papers were tabled:

- 1) Mr Andre Nobbs, Chief Minister tabled an exposure draft dated 28 January 2009 of the Employment (Amendment) Bill 2009 and moved –

THAT the draft be noted and printed

Question put and agreed to on the voices

- 2) Mr Neville Christian, Minister for Finance – Financial Indicators for March 2009
Mr Sheridan moved –

THAT the House take note of the paper

Debate ensued
Question put and agreed to on the voices

8 STATEMENTS

The following statements were made:

- 1) Mr Magri, Minister for Commerce and Industry, extended congratulations to all persons who participated in the survey which resulted in the Report titled "Shopping on Norfolk Island: 2008 Survey" by Professor Bruce Prideaux, James Cook University
- 2) Mr Gardner, Minister for Tourism and Health, gave an overview of tourism over the previous 12 months
Mr Neville Christian, Minister for Finance, moved –

THAT the Statement be noted

Debate ensued

The Deputy Speaker took the Chair at 12.02 pm

The Speaker resumed the Chair at 12.16 pm

Question put and agreed to on the voices

- 3) Mr Nobbs, Chief Minister, presented the second annual progress report of achievements made by the Twelfth Assembly since its commencement on 28 March 2007, and the Assembly's plans for achievement during the remainder of the life of this Assembly
The Chief Minister moved –

THAT the Statement be noted

Debate ensued

Question put and agreed to on the voices

The Speaker at 12.58 pm suspended the sitting until 2.30 pm

The House resumed at 2.30 pm, the Speaker taking the Chair

9 CUSTOMS ACT 1913 - EXEMPTION FROM PAYMENT OF CUSTOMS DUTY

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

THAT, under subsection 2B(4) of the Customs Act 1913, this House recommends to the Administrator that the goods specified in the first column of the Schedule imported by the person specified opposite, and on the conditions mentioned, in the second column of the Schedule be exempted from duty –

SCHEDULE

Column 1

Goods

Defibrillator

- amount of duty applicable \$568.57

Column 2

Importer/conditions

St Johns Ambulance, Norfolk Island

Debate ensued

Question put and agreed to on the voices

10 APPOINTMENT OF NORFOLK ISLAND GOVERNMENT AUDITOR

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

THAT the Legislative Assembly recommends to the Administrator that he —

- (a) appoint CST/Nexia Chartered Accountants of New Zealand, a firm in which at least one of its members is a registered auditor within the meaning of section 51A of the *Norfolk Island Act 1979*, to be the Norfolk Island Government Auditor under section 51 of the Act for the financial year ending 30 June 2009; and

(b) for the purposes of section 51 of the *Norfolk Island Act 1979* determine that the terms and conditions of appointment of the Norfolk Island Government Auditor be:

- (i) an annual base fee of \$34,650 for the financial year ending 30 June 2009;**
- (ii) the reimbursement at their actual costs of out of pocket expenses incurred in relation to the appointment up to a maximum of \$11,000 in any one year**

Debate ensued

Question put and agreed to on the voices

11 APPOINTMENT OF AUDITOR FOR NORFOLK ISLAND GOVERNMENT TOURIST BUREAU

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

THAT for the purposes of subsection 18(1) of the *Norfolk Island Government Tourist Bureau Act 1980*, the Legislative Assembly resolve that CST/Nexia Chartered Accountants of New Zealand, appointed as the Norfolk Island Government Auditor under section 51A of the *Norfolk Island Act 1979*, be the Auditor of the Norfolk Island Government Tourist Bureau for the financial year ending 30 June 2009

Debate ensued

Question put and agreed to on the voices

12 PLANNING ACT 2002 – REJECTION OF A PROPOSED VARIATION TO THE NORFOLK ISLAND PLAN

Mr Gardner, Minister for Tourism and Health, for and on behalf of and at the request of the Minister for the Environment, Education and Social Welfare, pursuant to notice, tabled the proposed draft variation to the Norfolk Island Plan to allow for a tourist facility to be permissible (with consent) in the airport zone, together with supporting documents, and 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 approved by the Legislative Assembly on 25 February 2004 and last amended on 5 September 2008, and deemed to be the Plan under section 8 of the *Planning Act 2002*, be rejected

The Minister for Finance and Mr Snell declared a potential conflict of interest and advised they would not participate in debate or in voting

Debate ensued

Mr Magri, Minister for Commerce and Industry, moved that the word “rejected” be deleted and the word “approved” substituted

Mr Gardner moved –

THAT the question be put

Question – That the question be put – put

The House voted –

AYES, 4
Mr Snell
Mr Sheridan
Mr Gardner
Mr Magri

NOES, 2
Mr Nobbs
Mr Anderson

ABSTENTIONS, 1
Mr Christian

Motion agreed to

Question – That the amendment be agreed to – put

The House voted –

AYES, 2
Mr Sheridan
Mr Magri

NOES, 3
Mr Nobbs
Mr Gardner
Mr Anderson

ABSTENTIONS, 2
Mr Snell
Mr Christian

Motion negatived
 Mr Gardner moved –

THAT debate be adjourned and resumption of debate made an Order of the Day for a subsequent day of sitting

Question put and agreed to on the voices

13 NORFOLK ISLAND BROADCASTING AUTHORITY (AMENDMENT) BILL 2009

Mr Christian, Minister for Finance, by leave, presented a Bill for an Act to amend the Broadcasting Authority Act 2001, the Bill to be considered through all stages at the sitting, and moved –

THAT the Bill be agreed to in principle

Debate ensued
 Question put
 Bill agreed to in principle on the voices
 Detail stage dispensed with
 Mr Christian moved –

THAT the Bill be agreed to

Question put
 Bill agreed to

14 CUSTOMS ACT 1913 – EXEMPTION FROM PAYMENT OF CUSTOMS DUTY

Debate resumed (Mr Christian, Minister for Finance) from 25 March 2009 on the question –
 That the motion be agreed to
 Question put and agreed to on the voices

15 FIXING OF THE NEXT SITTING DAY

Mr Anderson moved –

THAT the House at its rising adjourn until Wednesday 20 May 2009 at 10 am

Question put and agreed to on the voices

16 ADJOURNMENT

Mr Sheridan moved –

THAT the House do now adjourn

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

AND THEN the House at 3.28 pm adjourned until Wednesday 20 May 2009 at 10 am

Robin-Eleanor Adams
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present except Mrs Jack and Mr Brendon Christian, by leave