

**NORFOLK ISLAND
TWELFTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 27 JANUARY 2010**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
TWELWTH LEJESLIETEW 'SEMBLE
WENSDI 27 JANYUWERI 2010**

1 The Legislative Assembly met at 10.02 am. The Speaker, Hon Lisle Snell MLA, took the Chair and read Prayers

2 VISITORS TO THE PUBLIC GALLERY

The Speaker welcomed to the Public Gallery Mr Bruce Kelly who has recently taken up the position of Official Secretary in the Office of the Administrator

3 CONDOLENCES

Mr Sheridan recorded the passing of –

**Henry Leopold Buffett
Isobel Borrett
Therese Yvonne Grube**

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

4 QUESTIONS WITHOUT NOTICE

5 PRESENTATION OF PAPERS

(1) Mrs Jack, Minister for the Environment, Education and Social Welfare –

- a) Waste Management (Amendment No. 2) Regulations 2002;
 - b) Natural Resources Management Plan together with additional footnote at the end of the Executive Summary
- Mrs Jack moved –

THAT the House take note of the paper

Debate ensued
Question put and agreed to on the voices

(2) Mr Christian, Minister for Finance – Financial Indicators and Income and Expenditure Statement for Norfolk Air for December 2009
Mr Nobbs, Chief Minister, moved –

THAT the House take note of the paper

Debate ensued
Question put and agreed to on the voices

6 STATEMENTS

(1) Mr Gardner, Minister for Tourism and Health, advised of the appointment of the Acting Chief Magistrate
Mrs Jack, Minister for the Environment, Education and Social Welfare, moved -

THAT the House take note of the statement

Debate ensued
Question put and agreed to on the voices

- (2) Mr Nobbs, Chief Minister, provided an update on the progression of the Administration's Complaints system

7 **LEGISLATIVE ASSEMBLY (REGISTER OF MEMBERS' INTERESTS) 2004**

In accordance with subsection 11(11) of the Legislative Assembly (Register of Members' Interests) Act 2004 the Speaker reported that there had been nil complaints lodged under the Act in the 12 months to 30 June 2009

8 **MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR**

The Speaker reported **Message No. 36** from the Administrator dated 4 January 2010 advising that on 25 November 2009 Her Excellency the Governor-General declared her assent to the Public Reserves (Amendment) Act 2009

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**

**Two Sirtrack Pastloc(GPS)
platform terminal transmitters
- amount of duty applicable \$810.08**

**Christmas cakes
- amount of duty applicable \$259.00**

Column 2 **Importer/conditions**

**Dr Kellie Pendoley
Conditions: Turtle Research Project**

**Norfolk Island Lions Club
Conditions: Nil**

Debate ensued
Question put and agreed to on the voices

10 **HEALTHCARE (AMENDMENT NO. 2) BILL 2009**

Debate resumed (Mr Gardner, Minister for Tourism and Health) from 15 December 2009 on the question - That the Bill be agreed to in principle

Question put

Bill agreed to in principle on the voices

Detail stage -

Mr Gardner moved -

THAT the detail stage amendments dated 13 January 2010 be taken as read and agreed to

1. That the title of the Bill be amended in the heading and in clause 1 from Healthcare (Amendment No. 2) Bill 2009, to Healthcare (Amendment) Bill 2010.

2. That Clause 4 be replaced by the following—

“4. Withdrawals from Fund – Amendment of section 9

For subsection 9(4) substitute—

(3) For subsection (3) an “eligible person” means -

- (a) a person who is liable for payment of the medical evacuation levy under the *Healthcare Levy Act 1990* and is not in default of payment for more than one levy period; or
- (b) a person who is under 18 years of age but not a member of a nuclear family and would but for their age be liable for payment of the medical evacuation levy.”.

3. That subclause 7(2) be replaced by the following—

“(2) Following subsection (1), insert—

(1A) An optometrist must not, under section 18, refer a person for the provision of free medical services elsewhere than at the hospital if that person is the recipient of a benefit under the *Social Services Act 1980*.”.

(3) Following subsection (2) insert—

“(2A) The executive member may, after consulting authorised optometrists, issue general guidelines to optometrists about the policy to be adopted by them in making referrals.”.

(4) Following subsection (4), insert—

(5) An authorised optometrist must comply with subsection (1A) and with any rules issued under subsection (2A).

(6) If satisfied that that an authorised optometrist has failed to comply with subsection (5), the executive member may direct that the optometrist must not issue any referral under section 18 for such period not exceeding 12 months as the executive member determines.

(7) An optometrist who fails to comply with a direction under subsection (6) commits an offence.

Penalty 100 penalty units”.

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 Gardner moved –

THAT the Bill as amended be agreed to

Question put

Bill as amended agreed to

11 HEALTHCARE LEVY ACT 1990 – INCREASE OF MEDICAL EVACUATION LEVY

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

THAT the Legislative Assembly in accordance with subsection 6(3) of the Healthcare Levy Act 1990 approves the determination of the executive member that the medical evacuation levy payable in accordance with paragraph 6(1)(b) of the Act be increased by \$7.50 to \$32.50 and that the amount so increased be payable from the next levy day, namely, 1 March 2010

Debate ensued

Question put and agreed to on the voices

12 ROAD TRAFFIC (AMENDMENT) BILL 2010

Mr Magri (Minister for Commerce and Industry), 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

Paper: Explanatory Memorandum tabled

Debate ensued

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

The Speaker suspended the sitting at 12.55 pm until 2.30 pm

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

13 PROVIDENT ACCOUNT (AMENDMENT) BILL 2010

Mr Nobbs, Chief Minister, pursuant to notice, presented a Bill for an Act to amend the Provident Account Act 1958 and moved –

THAT the Bill be agreed to in principle

Paper: Explanatory Memorandum tabled

Debate ensued

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

14 CHILD WELFARE (AMENDMENT) BILL 2010

Mrs Jack, Minister for the Environment, Education and Social Welfare, by leave, presented a Bill for an Act to amend the Child Welfare Act 2009 and moved –

THAT the Bill be agreed to in principle

Paper: Explanatory Memorandum tabled

Debate ensued

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

15 PLANNING ACT 2002

Debate resumed (Mrs Jack, Minister for the Environment, Education and Social Welfare) on the question – That the motion be agreed to

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

16 SOCIAL SERVICES (AMENDMENT) BILL 2009

Debate resumed (Mrs Jack, Minister for the Environment, Education and Social Welfare) from 15 December 2009 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle on the voices

Paper: **Detail stage amendments dated 21 January 2010 tabled**

Detail stage:

Mrs Jack moved –

THAT the detail stage amendments dated 21 January 2010 be taken as read and agreed to as a whole

Debate ensued

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

17 FIXING OF THE NEXT SITTING DAY

Mr Brendon Christian moved –

THAT the House at its rising adjourn until Tuesday 16 February 2010 at 10 am

Debate ensued

Question put and agreed to on the voices, Mr Gardner dissenting

18 ADJOURNMENT

Mr Anderson moved –

THAT the House do now adjourn

Debate ensued with Mr Nobbs and Mrs Jack participating

Question put and agreed to on the voices

AND THEN the House at 4 pm adjourned until Tuesday 16 February 2010 at 10 am

Robin-Eleanor Adams
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present