

**NORFOLK ISLAND
TWELFTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
TUESDAY 16 FEBRUARY, 3 AND 5 MARCH 2010**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
TWELWTH LEJESLIETEW 'SEMBLE
TUUSDI 16 FEBYUWERI, 3 & 5 MAACH 2010**

- 1 The Legislative Assembly met at 10.02 am. The Speaker, Hon Lisle Snell MLA, took the Chair and read Prayers before suspending the sitting until 10 am on Wednesday 3 March 2010

Sitting suspended at 10.03 am

The sitting resumed on 3 March 2010 at 10.02 am, the Speaker taking the Chair

2 CONDOLENCES

Mr Sheridan recorded the passing of –

**Gerardus Hendrikus Aafjes
Delores Pearl Wotherspoon
Joan Margaret Nobbs
James Frederick Christian Mitchell**

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

3 QUESTIONS WITHOUT NOTICE

4 PRESENTATION OF PAPERS

- (1) Mr Nobbs, Chief Minister – Declarations of Residency granted during the 12 months period up to and including 31 December 2009
- (2) Mr Gardner, Minister for Tourism and Health – Norfolk Island Government Tourist Bureau Act 1980 - Directions for Accounting Guidelines
- (3) Mr Christian, Minister for Finance –
- a) Financial Indicators January 2010
Mr Gardner, Minister for Tourism and Health, moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- b) Response to a question on notice asked at an earlier sitting re the Emergency Service Centre Budget
Mr Gardner, Minister for Tourism and Health, moved –

THAT the House take note of the paper

Debate ensued

Question put and agreed to on the voices

- (4) Mr Gardner, Minister for Tourism and Health – Sentencing (Parole) Regulations 2010
- (5) Mr Christian, Minister for Finance, made a statement about the audited financial statements and gave notice that he would be seeking to have the sitting suspended at the conclusion of Order of the Day No. 3 to allow for tabling on 5 March 2010 of the audited financial statements which had just been received
Mr Sheridan moved –

THAT the House take note of the statement

Debate ensued
Question put and agreed to on the voices

- (6) Mr Nobbs, Chief Minister, tabled the Employment (Amendment) Bill 2010 and the Explanatory Memorandum to the Bill, which is available on www.info.gov.nf. Mr Nobbs read the Explanatory Memorandum into hansard and recommended that the next Assembly consider the issues addressed in the Bill

5 STATEMENTS

The following statements were made –

- (1) Mr Nobbs, Chief Minister, referred to the joint submission sent in response to the Commonwealth exposure draft Territories Law Reform Bill 2010, which contains far-reaching implications for the future structure and operation of self-government in Norfolk Island;
- (2) Mr Gardner, Minister for Tourism and Health, provided an update on availability of swine flu vaccinations and negotiations with Norfolk Air and Our Airline of provision of a stretcher on the aircraft for medical evacuations

6 APPROPRIATION (AMENDMENT) BILL 2009-2010 - MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR

The Speaker reported **Message No. 37** from the Administrator dated 1 March 2010 advising that in accordance with the requirements of section 25 of the Norfolk Island Act 1979, he recommends to the Legislative Assembly the enactment of a proposed law entitled "A Bill for an Act to amend the Appropriation Act 2009-2010"

7 APPROPRIATION (AMENDMENT) BILL 2009-2010

Mr Christian, Minister for Finance, presented a Bill for an Act to amend the Appropriation Act 2009-2010 and moved –

THAT the Bill be agreed to in principle

Debate ensued
Mr Christian moved –

THAT so much of standing orders be suspended as would prevent the Bill being considered through all stages

Question put and agreed to in accordance with standing order 244
Question – That the Bill be agreed to – put
Bill agreed to on the voices
Leave granted to dispense with the detail stage
Mr Christian moved –

THAT the Bill be agreed to

Question put
Bill agreed to on the voices

**The Speaker at 12.45 pm suspended the sitting until 2 pm
The House resumed at 2 pm, the Speaker taking the Chair**

8 MOTION BY LEAVE - IMMIGRATION ACT 1980 – SETTING OF QUOTA

Mr Andre Nobbs, Chief Minister, by leave, moved -

THAT for the purposes of subsection 21(1) of the Immigration Act 1980, this Legislative Assembly resolves that it be determined by instrument in writing that 100 General Entry Permits be granted during the period 17 February 2010 to 16 February 2011

Debate ensued
Question put

The House voted –

AYES, 8

Mr Snell

Mr Brendon Christian

Mr Tim Sheridan

Mrs Jack

Mr Neville Christian

Mr Nobbs

Mr Anderson

Mr Magri

NOES, 1

Mr Gardner

Motion agreed to

9 MOTION BY LEAVE - CUSTOMS ACT 1913 - EXEMPTION FROM PAYMENT OF CUSTOMS DUTY

Mr Christian, Minister for Finance, by leave, 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

Uniforms

- amount of duty applicable \$584.80

Material for Netball Courts

- amount of duty applicable \$798.72

Column 2

Importer/conditions

Norfolk Island Masters Rugby League

Conditions: Nil

Norfolk Island Netball Association

Conditions: To be used to resurface the Netball Courts

Debate ensued

Motion agreed to, Mr Brendon Christian and Mr Anderson abstaining

10 ROAD TRAFFIC (AMENDMENT) BILL 2010

Debate resumed (Mr Magri, Minister for Commerce and Industry) on the question – That the Bill be agreed to in principle

Mr Brendon Christian moved –

THAT debate stand adjourned

Question put

The House voted –

AYES, 7

Mr Snell

Mr Brendon Christian

Mr Tim Sheridan

Mrs Jack

Mr Neville Christian

Mr Nobbs

NOES, 2

Mr Gardner

Mr Anderson

Mr Magri

Motion agreed to

11 ROAD TRAFFIC (AMENDMENT) BILL 2010 – REFERRAL TO 13TH ASSEMBLY

Mr Brendon Christian, by leave, moved –

THAT this House recommends to the 13th Legislative Assembly that it give early consideration to the Road Traffic (Amendment) Bill 2010 dated 11 January 2010 and the foreshadowed detail stage amendment dated 10 February 2010 adjourned by this House on 3 March 2010, both of which proposals address important issues concerning road traffic safety

Debate ensued

Question put and agreed to on the voices

12 CHILD WELFARE (AMENDMENT) BILL 2010

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

Question put

Bill agreed to in principle on the voices

Leave granted to dispense with the detail stage

Mrs Jack moved –

THAT the Bill be agreed to

Question put

Bill agreed to on the voices

Mr Sheridan left the meeting at 3.05 pm

13 PLANNING ACT 2002

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

Paper: Mrs Jack tabled amendments dated 22 February 2010 to the draft plan laid before the House on 15 December 2009

Mrs Jack moved the following amendment:

THAT all words after “THAT” first occurring be deleted and the following substituted

–

“in accordance with subsection 12(4) of the Planning Act 2002, this House resolves that the draft plan laid before this House on 15 December 2009, as amended by the document tabled in this House on 3 March 2010 by the Minister for Environment, Education & Social Welfare, being a revised version of the Norfolk Island Plan originally approved on 25 February 2004 as most recently amended on 18 November 2009, 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 12 March 2010”

The Speaker at 3.25 pm suspended the sitting until 1 pm on Friday 5 March 2010

The House resumed on 5 March 2010 at 1.02 pm, the Speaker taking the Chair

14 AUDITED FINANCIAL STATEMENTS FOR YEAR 2008-2009

Mr Christian, Minister for Finance, tabled the following documents –

- Financial Statements (audited) for the year ended 30 June 2009 compiled under the International Financial Reporting Standards (IFRS);
- Independent auditor’s report;
- Financial Statements for year ended 30 June 2009 (Audited) for the Administration of Norfolk Island (in-house financial working document);
- Revenue Fund and Government Business Enterprises – summary of budgets and funds flow including stock in hand revised 26 February 2010;

Mr Neville Christian moved –

THAT the House take note of the papers

Debate ensued

**The Speaker suspended the sitting for 10 minutes at 1.43 pm due to broadcasting failure
The House resumed at 1.45 pm, the Speaker taking the Chair**

Mr Gardner, Minister for Tourism and Health, moved –

THAT the papers also be printed

Mr Sheridan left the meeting at 2.20 pm

Question put and agreed to on the voices

15 SOCIAL SERVICES (AMENDMENT) BILL 2009

Debate resumed (Mrs Jack, Minister for the Environment, Education and Social Welfare) on the question – That the amendments dated 21 January 2010 be agreed to
Mrs Jack by leave withdrew the amendments dated 21 January 2010, tabled the detail stage amendments dated 10 February 2010 and moved –

THAT the amendments be taken as read and agreed to as a whole

Debate ensued

Mrs Jack moved the following amendment to the amendments dated 21 January 2010 –

THAT proposed item 4 (c) be deleted and the following substituted –

**“(c) has, for not less than 5 years immediately before making a claim
been continuously both**

- (i) a resident as defined in the *Immigration Act 1980*; and**
- (ii) ordinarily resident in Norfolk Island.”**

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

Question – That the amendments as amended 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

Mrs Jack moved –

THAT the Bill as amended be agreed to

Question put

Bill as amended agreed to on the voices

16 ADJOURNMENT

Mr Gardner, Minister for Tourism and Health, moved –

THAT the House do now adjourn

Debate ensued with all Members participating other than Mr Sheridan who left the meeting earlier in the sitting

Question put and agreed to on the voices

AND THEN the House at 3.05 pm stood adjourned

Robin-Eleanor Adams

Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present