

PRAYER

Almighty God we humbly beseech Thee to vouchsafe Thy blessing upon this House, direct and prosper our deliberations to the advancement of Thy glory and the true welfare of the people of Norfolk Island, Amen

Honourable Members, if you would feel more comfortable by taking your coats off this morning, then please do so

SUSPENSION OF STANDING ORDERS

SPEAKER Honourable Members, we convene this morning as a special meeting pursuant to the statutes that the required number of Members have asked that we have a special meeting and we are doing that and there is a formal motion in terms of the business that we are to transact. Chief Minister I turn to you

MR GARDNER Thank you Mr Speaker, I move that so much of Standing Orders be suspended as would prevent the House from only dealing with the matters listed on the Programme

SPEAKER Thank you Chief Minister

LEAVE OF ABSENCE FOR MR CHRISTIAN MLA

MR BROWN Mr Speaker could I provide the apology for Mr Neville Christian who will not be here today because of his involvement in the matters to be discussed

SPEAKER Thank you Mr Brown. Is leave granted Honourable Members. Leave is granted thank you.

The question before us is that proposed by the Chief Minister and I put that question to you

QUESTION PUT
AGREED

The ayes have it thank you

PRESENTATION OF PAPERS

Are there any Papers for Presentation this morning Honourable Members. Any Regulations to be tabled

MRS JACK Thank you Mr Speaker, in accordance with section 41 of the Interpretation Act 1979 I table the Animals (Importation of Certain Dog Breeds) Regulations 2004. Mr Speaker in talking to these regulations it is in order to clarify and give substance to the type of breeds that can be imported into the island and conditions for importation of those breeds thank you

MR BROWN Mr Speaker in accordance with section 41 of the Interpretation Act 1979 I table the Employment (Amendment No. 2) Regulations 2004

STATEMENTS

Honourable Members have we any Statements of any official nature

MR NOBBS

Thank you Mr Speaker. Due to the level of misinformation being circulated on the island in relation to Norfolk Jet Express it is important that as much fact as possible be made publicly available. The community is aware that during the term of the last Government an arrangement relating to the repayment of debt was negotiated with Norfolk Jet. Following the recent election, the present Government was informed by Norfolk Jet it was unable to meet its repayment obligations, negotiated with the previous Government. To assess whether further negotiations were in the best interests of the community the Government engaged an Australian accountancy firm. Following that review, negotiations between the present Government and Norfolk Jet commenced. The Government has now entered into a revised arrangement with Norfolk Jet. Full details of repayment details can not be publicly disclosed. However, a significant sum as part payment of the debt has been received with the balance consolidated into a loan arrangement. Norfolk Jet is required to pay interest and grant security over the balance. Current charges must be paid as they fall due. It is important that the community understands the Government's position in relation to such an important matter. Apart from the negotiated financial interest in the business, Norfolk Jet still remains our main carrier of our financial life blood - tourists. Norfolk Jet maintains confidence in its future and recognises it has management decisions to make. Going forward, the community can be assured that the current Norfolk Island Government will be monitoring very closely the performance of Norfolk Jet. At this stage the Government has established, with two other main players, Qantas and Alliance Airlines, much needed dialogue. If there is any change to the current arrangements, I will be the first to let the community know. Thank you Mr Speaker

SPEAKER

Thank you Mr Nobbs. Honourable Members, are there any further Statements this morning. It is my understanding that, that was the principal statement to be made but if there is anything further that is required we would consider that

MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR**SPEAKER**

Thank you Mr Nobbs. Honourable Members, I report to you Messages from the Administrator

MESSAGE NO. 4

On the 21st day of December 2004 pursuant to Section 21 of the Norfolk Island Act 1979 I declared my assent to the following, the Norfolk Island Language (Norf'k) Act 2004 and the Message is dated the 21st December 2004 and the message signed Grant Tambling, Administrator.

MESSAGE NO. 5

On the 16th day of December 2004 pursuant to Section 21 of the Norfolk Island Act 1979 His Excellency the Governor-General declared his assent to the Planning (Amendment) Act 2004 which was Act No 26 of 2004 and the Message is dated the 5th January 2005 and is signed Grant Tambling, Administrator.

MESSAGE NO. 6

Message No 6. On the 16th day of December 2004 pursuant to subsection 53(1) of the Norfolk Island Act 1979 His Excellency the Governor-General appointed the Honourable Mark Samuel Weinberg to be Chief Justice of the Supreme Court of Norfolk Island and The Honourable Susan Mary Keifel to be a judge of the Supreme Court of Norfolk Island and the Message is dated the 6th January 2004 and is signed Grant Tambling, Administrator

That concludes the Messages from the Office of the Administrator this morning Honourable Members

NOTICES

We move to Notices Honourable Members and there are two Notices for our attention this morning Honourable Members

EMERGENCY PROVISION OF CRUSHED ROCK AND AGGREGATE BILL 2005

MRS JACK Mr Speaker, I present the Emergency Provision Of Crushed Rock and Aggregate Bill 2005 and move that the Bill be agreed to in principle

SPEAKER Thank you Mrs Jack. The question before us is that the Bill be agreed to in principle and Mr Brown you have a point to raise

MR BROWN Mr Speaker I'll absent myself from the Chamber during this debate and I just wonder if you would note that

SPEAKER Yes Mr Brown. That will be noted, thank you indeed

MRS JACK Mr Speaker, I cannot stress enough the importance and need of crushed rock to this community and what helps to highlight this fact is the need for presentation of what could be seen as another Bill devoted to the accessing, crushing and movement of rock. A second Bill in as many months. This has been brought about by the previous Bill of similar type, namely the Quarrying and Related Public Works Act 2004 being challenged in the Norfolk Island Supreme Court being found to be null and void. Mr Speaker the Government, in fact this Legislative Assembly are extremely concerned that certain procedural matters were brought into question with the decision and as a result of that finding the Norfolk Island Government has instructed the Norfolk Island Administration's Crown Counsel to appeal that decision. I can confirm to the Norfolk Island community today that the necessary papers for this appeal were filed on 10 January 2005 at the Federal Court of Australia. Mr Speaker I will read from the explanatory memorandum in order to explain the intent of this Bill. This Bill is introduced to replace the Quarrying and related Public Works Act 2004. This Bill as described in the Preamble is intended to provide a degree of flexibility to deal with a serious situation concerning the non-availability of necessary materials for the construction of roads and of concrete works. The Bill empowers the executive member to invite applications to treat materials that have been quarried or otherwise extracted and which are held in stockpiles. If the member is persuaded that the materials so held are required in the public interest. A permit cannot be given for operation on more than 7 days: the permit must expire within 60 days; if the material is to be moved, the places to which it can be moved are restricted; work can only be done between the hours of 7:30 am and 5:00 pm; and if more than one person seeks permission to crush (or otherwise deal with the material) the persons must be treated as equally as possible. A day when work is done is described as a "working day" and is divided into two part days – any work done during a part day will count as the whole of that part. The 7 days permit therefore consists of 14 part days. The executive member may issue more than one permit and in that event, if there is or has been an existing permit for the same area, it must not be possible for more than 7 days work to be done on that area in any consecutive 21 days. Once granted the permit may allow material to be moved from one place to another and may include such other conditions as the executive member agrees or the Assembly requires. The Act provides that the Assembly can give approval to a proposal from the executive member before the Act receives assent and thereupon after assent that approval is as effective as if it had been given subsequently. If a permit is granted under this Act it cannot be objected to, and no action lies against the Administration arising out of it. No

compensation can be claimed in respect of any activity carried on in reliance of the Quarrying and related Public Works Act 2004. As the permit requirements are stringent and must be adhered to, a severe penalty provision is provided to ensure compliance with the conditions. Additionally, to emphasise the emergency nature of the Bill, the Act will eventually expire on 30 June this year. Mr Speaker that concludes the explanatory memorandum and I would just like to add that this Bill is not just a representation of the previous one. There has been some minor alternations brought about by queries raised in the day to day operation of the previous Act and so in order to remedy those concerns the following changes have been made. The new title to the Bill has no mention of the word "quarrying". The new title⁴ places greater emphasis of the intent of this Bill, that is, the emergency provision of crushed rock and aggregates. There is a new definition in this Bill, that of public works that reads, public works includes the purposes of the Administration and the public of Norfolk Island for the provision of road making, road repairs, building works and repairs, sewage disposal works and other purposes that require the availability and use of crushed rock and aggregates. Another new definition is that of "work" that reads, work includes the movement or start up of machinery required preparatory to performance of the work for which approval is given under subsection 1 whether or not any such work is in fact done. Another point of concern was the way that a working day is considered has been reviewed. A working day is from 7.30 am to 5.00 pm. There is no longer a down time in the middle of the day and as a result of the two half days that make up a working day the afternoon session has had one hour working time added to it thus a half day goes from 7.30 am to 12 noon and the other half of a working day goes from 12 noon to 5.00 pm. Clause 5 has been expanded on so as to clarify the original intent. Clause 6 now contains the new subsection No 2 that makes reference back to the Quarrying and Related Public Works Act 2004. Mr Speaker this clause makes it clear that no objections or claims can be made against the Administration if approvals are given under this Act and prevents claims in respect of actions taken under the Quarry and Related Public Works Act 2004 and as mentioned in the memorandum clause 8 is a sunset clause and means that the Act will terminate on 30 June 2005. Mr Speaker I mentioned earlier minor changes and I've gone through and highlighted those changes. There is however what I would consider to be a major change in this bill and that is the inclusion of a preamble. Mr Speaker if I could just take the time to actually quote the preamble as I feel it is of sufficient importance to do so and the preamble is this. That having regard to the lack of crushed rock and aggregates available for the use of the Administration and the residents of Norfolk Island and after full and due consideration of the issues the Legislative Assembly having determined that it is in the public interest for crushed rock and aggregates to be made available as a matter of public safety and public health, for an in connection with the maintenance and repair of roads and footpaths and the safe construction of building foundations building and septic tanks and the like, and being aware of the powers and duties of the Legislative Assembly to legislate for the peace order and good Government of Norfolk Island and bearing in mind the matters listed in the Second Schedule of the Norfolk Island Act 1979 Commonwealth and in reliance upon all of the powers in the said second schedule and all other provisions of the Norfolk Island Act 1979 thereby empowering them now and so the Bill goes on Mr Speaker. It is very important that preamble and as th⁴e clause notes even mention, it establishes the basis and justification for the Bill and seeks to make it quite clear that the bill relies on all the powers of the Legislative Assembly and not isolated ones. Mr Speaker I bring an urgent bill before the House as a matter of public health, public safety, public interest and good governance. I commend the Bill to the House and seek further debate thank you

SPEAKER

Thank you Mrs Jack. Honourable Members, the question before us is that the bill be agreed to in principle. Further debate.

MR GARDNER

Mr Speaker just a few brief words following on from the statements that I made in relation to this Bill in the support that I showed for the previous Bill which is the Quarrying and Related Public Works Bill of 2004 subsequently became an Act and as Mrs Jack has quite rightly said, was something that was subject to

challenge in the supreme Court of Norfolk Island and a matter that now is the subject of an appeal to the Federal Court of Australia, Mr Speaker I wholeheartedly support this bill. It is in the public interest that Mr Nobbs as Minister for Finance and Minister responsible for roads is able to deliver a roads programme to the people of Norfolk Island, that certainly is a matter of public safety and concern and a matter that needs our urgent attention as legislators of Norfolk Island. It is certainly my view that with the successful passage of this legislation today that any necessary approvals are given to the executive member recognising the emergency status of this legislation to make the necessary permit approvals and that is how I will be viewing that passage of this legislation Mr Speaker and as I've said, I wholeheartedly support its passage today through all stages to finalise this matter so that the island can get back to work and Mr Nobbs has the confidence to be able to go ahead and implement his roads programme utilising the funds that we've provided during our budget sessions in June of 2004, thank you

MR NOBBS Mr Speaker thank you. I won't take up a lot of your time in relation to this but we guaranteed when we were elected to this Legislative Assembly that we would have rock and that we would have it very quickly and we will continue if this is not successful, this particular Bill that we are putting through today, then we will just continue to continue to continue to keep such Bills before the House until such time as we achieve what is an essential item for the island. It's unfortunate that this issue of crushed rock has dragged on for some years but that's the way of the world now but we do need the product and as the Chief Minister said for our roading programme we definitely need a considerable quantity of rock and if we have to keep coming back, if there is opposition to this, we will just keep coming back and keep coming back until we do achieve what is an essential service for the island. As the Chief Minister said, I'm the Minister for Roads and I'm extremely embarrassed at the condition of the roads at the present time and my old truck is suffering no end to the problems on the roads, so Mr Speaker we need to address those issues but first we need rock to allow us to get on with it and I fully support what the Minister for Environment is doing and I would hope that this time we will be able to get more rock available to the island thank you

MR SPEAKER Any further debate Honourable Members. Mrs Jack I think we've concluded debate on the matter of the Bill being agreed in principle and I will turn to you for the motion that you foreshadowed to me in terms of continuing today

MRS JACK Mr Speaker thank you. I move that so much of standing orders be suspended as would prevent the Bill being passed through all stages today

MR SPEAKER Thank you Mrs Jack. Honourable Members, the question is that, that motion be agreed to and I put the question

QUESTION PUT
AGREED

MR SPEAKER That is agreed and we will proceed with this particular Bill today. If there is no further debate in respect of the Bill being agreed to in principal then I will put that question

QUESTION PUT
AGREED

The Bill is agreed to in principle. Do we dispense with the detail stage Honourable Members. Thank you. We dispense with the detail stage. I seek a formal motion in terms of finalisation of the Bill Mrs Jack

MRS JACK

Mr Speaker I move that the Bill be agreed to

MR SPEAKER

The question is that the Bill be agreed to. This is the final stage. Any further debate Honourable Members. I so put the question

QUESTION PUT
AGREED

The Bill is agreed to

FORM OF APPROVAL TO MOVE AND TREAT EXTRACTIVE MATERIAL

MRS JACK

Mr Speaker in accordance with clause 4 of the Emergency provision of Crushed Rock and Aggregate Bill 2005 I table a form of approval and move that the terms and conditions of the form of approval as tabled entitled "Approval To Move And Treat Extractive Material" be agreed to and approved

SPEAKER
Jack

The question is that the motion be agreed to Mrs

MRS JACK

Mr Speaker, this is just the form that after people have made an application to me seeking to gain access to the rock in order to crush it and treat it a form that must be filled in with any necessary conditions attached to it. I table the form

MR GARDNER

Mr Speaker I have no hesitation in supporting the approval of the form as presented by the Minister. Very clearly in its content it provides I think the necessary safeguards that many people are looking for in relation to crushing and certainly provides the necessary safeguards to ensure that the Government and the Administration achieve their aim of making crushed rock material available to persons on Norfolk Island and again to the Minister with responsibility for roads to undertake his works programme. It deals with a number of things including the breaking of oversized rock, screening of rock, the weighing of rock, various indemnities and insurances that are required to be put in place, issues such as workplace safety, cleaning the site these works are undertaken on, it deals with the purchase price of rock, and the identity of rock which is interesting but it certainly gives I think a very concise and clear overview of what is required from persons undertaking rock crushing activities in accordance with the approvals that will be provided by the Minister and Mr Speaker I do want to reiterate that the approval of this and the passage of the legislation are in my view, the necessary approvals from this House to the executive Member to be able to issue the permits. Again in light of the emergency nature of the legislation, thank you

MR NOBBS

Mr Speaker I just can only add that I know that the Minister has gone through this with a fine tooth comb all the details in this particular approval and I fully support it

SPEAKER

Thank you. Any further debate. I now put that question Honourable Members that the motion be agreed to

QUESTION PUT
AGREED

That Motion is so agreed

FIXING OF THE NEXT SITTING DATE

That concludes the Notices of our paper today that we've had a special meeting for so I look now to Mrs Boudan for a motion in terms of our next sitting day

MRS BOUDAN Mr Speaker I move that the House at its rising adjourn until Wednesday 9 February 2005, at 10.00 am.

SPEAKER Thank you Mrs Boudan. Is there any debate. The question is that the Motion be agreed to.

QUESTION PUT
AGREED

The motion is agreed, we've fixed our next sitting day

ADJOURNMENT

MR T BROWN Thank you Mr Speaker I move that the House do now adjourn

SPEAKER Is there any debate Honourable Members.

MR GARDNER Mr Speaker just briefly and details are scant as far as my office is concerned in relation to the incident at the Norfolk Island Airport yesterday but I just want to pass on my commendation to all the staff and the persons involved in the Emergency Management Plan and its inception yesterday in relation to the incident. They are to be congratulated on their professional approach and I just wonder whether the Minister for the airport and the Emergency Services Minister may be in a position to support those messages of congratulations and commendation to all involved

MR BROWN Mr Speaker the Minister for Finance and I both attended the airport yesterday. The Minister for Finance was present in the airport control room, I was present with the other Emergency Services group in their co-ordination centre and I would certainly like to endorse the words of the Chief Minister. The day was an extremely worthwhile exercise and the tasks of the various persons, notwithstanding that a number of normal people were away on holidays, were proficiently carried out, thank you

MR NOBBS Mr Speaker I would like to add my thought too. I would commend the guys and the ladies that undertook their various tasks but I would also like to particularly commend the pilot who I thought was very cool in a somewhat dramatic situation and also his crew and also the Norfolk Island end of the communications business as well. Yarm and his crew but I would also like to commend the relatives of the people on the plane. I thought that their presence and the manner in which they held themselves was excellent. There was an unfortunate incident, everything turned out fine in the end but it could have been far worse and I would like to thank the pilot of the light plane who held off and waited until the incident was over and the airport was clear but all in all Mr Speaker I think that everybody involved with that, did a great job, thank you

SPEAKER Thank you Mr Nobbs. Is there any further participation in adjournment debate Honourable Members. There being no further debate I put the question that the House do now adjourn

QUESTION PUT
AGREED

Therefore Honourable Members this House stands adjourned until Wednesday 9 February 2005, at 10.00 am

