

**NORFOLK ISLAND  
ELEVENTH LEGISLATIVE ASSEMBLY  
MINUTES OF PROCEEDINGS  
WEDNESDAY 18 MAY 2005**

**NORF'K AILEN  
DIISEM MENETS LARNEN WATHING HAEPN  
INAA  
LEWNTH LEJESLIETEW 'SEMBLE  
WENDSI 18 MIEH 2005**

1. Legislative Assembly met at 10.01am, the Speaker, Hon David E. Buffett AM, took the Chair and read the Prayer.

2. **CONDOLENCES**

Mr Tim Brown, Deputy Speaker, recorded the passing of –

**Jeanette Catherine Holland**

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

3. **STATEMENTS**

- 1) Mrs Jack, Minister for the Environment, -
- a) reported that judgement in favour of the Administration had been handed down on the matter of the legitimacy of the Emergency Provision of Crushed Rock and Other Aggregate Act 2005; the appeal by the Administration against the Supreme Court Judgement in respect of the Quarrying and Related Public Works Bill 2004 was heard before the Australian Federal Court on 16 May and judgement is awaited;
  - b) made a statement in respect of remarks made at the March 2005 sitting by Mr John Brown MLA in which he inferred that Administration officers might have deliberately delayed processing of planning applications;
- 2) Mr Nobbs, Minister for Finance, clarified a number of misunderstandings about the Norfolk Sustainability Levy that were circulating in the community
- 3)

**Mr Brown joined the meeting at 10.10 am**

4. **PAPERS**

Mr Nobbs, Minister for Finance, tabled the Financial Indicators for April 2005

5. **MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR**

The Speaker reported **Message No. 11** from the Administrator advising that on 26 April 2005 he declared his assent to the Evidence (Amendment) Act 2005, Legal Aid (Amendment) Act 2005 and Departure Fee (Amendment) Act 2005 and reserved for the pleasure of the Governor-General the Norfolk Island Planning and Environment Board (Amendment) Bill 2005 and the Planning (Amendment) Bill 2005

6. **SUPPLEMENTARY APPROPRIATION (NO. 2) BILL 2004-2005 – MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR**

The Speaker reported Message No. 12 from the Deputy Administrator dated 13 May 2005 recommending to the Legislative Assembly the enactment of a proposed law entitled "A Bill for an Act to authorise supplementary expenditure from the Public Account for the year ending on 30 June 2005"

7. **SUPPLEMENTARY APPROPRIATION (NO. 2) BILL 2004-2005**

Mr Nobbs, Minister for Finance, pursuant to notice, presented a Bill for an Act to authorise supplementary expenditure from the Public Account for the year ending on 30 June 2005 and moved –

**THAT the Bill be agreed to in principle**

Debate ensued

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

**8 APPROPRIATION BILL 2004-2005 – MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR**  
The Speaker reported Message No. 13 from the Deputy Administrator dated 13 May 2005 recommending to the Legislative Assembly the enactment of a proposed law entitled “A Bill for an Act to authorise expenditure from the Public Account for the year ending on 30 June 2006”

**9 APPROPRIATION BILL 2004-2005**  
Mr Nobbs, Minister for Finance, pursuant to notice, presented a Bill for an Act to authorise expenditure from the Public Account for the year ending on 30 June 2006 and moved –

**THAT the Bill be agreed to in principle**

Debate ensued

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

**10 PLANNING ACT 2002**  
Mrs Jack, Minister for the Environment, pursuant to notice, 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 2002, last amended on 9<sup>th</sup> 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 20<sup>th</sup> May 2005**

Debate ensued

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

**11 EXEMPTION FROM PAYMENT OF CUSTOMS DUTY**  
Mr Nobbs, Minister for Finance, pursuant to notice, moved -

**THAT, this House recommends to His Honour the Administrator that, acting in accordance with section 2B of the *Customs Act 1913*, he exempts from duty under section 2 of *Customs Act 1913*, goods within the following specified classes of goods —**

Plant and equipment, and spares for those items, and all materials (excluding fuel and oil) which are imported into Norfolk Island for or in connection with works for the Norfolk Island Kingston Pier Refurbishment Project,

**on condition THAT:**

- 1. written details of all such plant and equipment, and spares for those items, and all materials and their date of arrival on Norfolk Island are provided to the Collector of Customs, in accordance with the directions of the Collector of Customs; and**
- 2. unless sold after importation, such plant and equipment, and spares for those items, and materials shall not, except with the executive member’s written approval, be used otherwise than for or in connection with works for the Norfolk Island Kingston Pier Refurbishment Project; and**
- 3. subject to any approval granted by the executive member under condition 2 herein, or unless sold after importation, the plant and equipment, and spares for those items, and all materials shall be exported from Norfolk Island upon completion of the works for the Norfolk Island Kingston Pier Refurbishment Project; and**
- 4. where the plant or equipment, spares for those items, or any materials are sold in Norfolk Island duty shall be payable on the value at the date of importation into Norfolk Island of any such plant and equipment, spares for those items, or materials in accordance with section 2C of the *Customs Act 1913*; and**
- 5. where there is any dispute as to whether plant or equipment, or spares for those items, or materials are goods within the specified classes of goods herein, the decision of the Collector of Customs shall be final and binding**

Debate ensued

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

**12 AIRPORT (AMENDMENT) BILL 2005**

**Mr Nobbs, Minister for Finance, pursuant to notice, presented a Bill for an Act to amend the Airport Act 1991 and moved –**

**THAT the Bill be agreed to in principle**

Debate ensued

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

**13 PROCUREMENT OF FULL-TIME COUNSELLING SERVICE FOR NORFOLK ISLAND**

**The Speaker having drawn the House's attention to the provisions of standing order 72A in its application to the matter now before the House, Mr Brown moved –**

**THAT so much of standing order 72A be suspended as would preclude open discussion on the matter**

**Question put**

**The House voted –**

**AYES, 2**

**Mr Tim Brown**

**Mr John Brown**

**NOES, 7**

**Mr Buffett**

**Mr Gardner**

**Mr Sheridan**

**Mr Nobbs**

**Mr Christian**

**Mrs Jack**

**Mrs Boudan**

Debate resumed (Mr Sheridan) from 20 April 2005 on the question – That the motion be agreed to

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

**14 HEALTHCARE LEVY (AMENDMENT NO. 2) BILL 2005**

Debate resumed (Mr Brown, Minister for Community Services) from 20 April 2005 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**

**Mr Brown moved –**

**THAT the Bill be agreed to**

**Question put**

**Bill agreed to on the voices**

**15 FIXING OF NEXT SITTING DAY**

Mr Sheridan moved –

**THAT the House at its rising adjourn until Wednesday 15 June 2005 at 10 am**

Question put and agreed to on the voices

**16 ADJOURNMENT**

Mr Brown, Minister for Community Services, moved –

**THAT the House do now adjourn**

Debate ensued with Mr Sheridan and Mr John Brown participating

**AND THEN the House at 12.48 pm adjourned until Wednesday 15 June 2005 at 10 am**

Robin-Eleanor Adams

**Clerk to the Legislative Assembly**

**MEMBERS PRESENT:** All Members were present