

**NORFOLK ISLAND  
TWELFTH LEGISLATIVE ASSEMBLY  
MINUTES OF PROCEEDINGS  
WEDNESDAY 19 DECEMBER 2007**

**NORF'K AILEN  
DIISEM MENETS LARNEN WATHING HAEPN  
INAA  
TWELWTH LEJESLIETEW 'SEMBLE  
WENSDI 19 DISEMBA 2007**

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

2 **CONDOLENCES**

Mr Tim Sheridan recorded the passing of –

**Timothy Keith Quintal**

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

3 **QUESTIONS WITHOUT NOTICE**

4 **PRESENTATION OF PAPERS**

The following papers were presented:

- (1) Mr Neville Christian, Minister for Finance – Financial Indicators October 2007
- (2) Mr Gardner, Minister for Tourism and Health – Inbound passenger statistics for November 2007 and moved –

**THAT the House take note of the paper**

Debate ensued

Question put and agreed to on the voices

- (3) Mr Neville Christian, Minister for Finance – Financial Indicators November 2007  
Mr Magri, Minister for Commerce and Industry moved –

**THAT the House take note of the paper**

Debate ensued

Question put and agreed to on the voices

5 **STATEMENTS**

- (1) Mr Gardner, Minister for Tourism and Health, acknowledged the recent Tourism Awards Night, the appointment of Mr Terry Weston as the General Manager of the NIGTB and acknowledged the valuable contribution made by the outgoing General Manager Mr Steve McInnes over the past two and a half years
- (2) Mr Nobbs, Chief Minister, gave an end of year summary on the achievements of the Twelfth Legislative Assembly since elected in March this year
- (3) Mr Magri, Minister for Commerce and Industry, confirmed that the Norfolk Island Government takes the matter of road safety seriously and gave a brief overview of an education campaign presently being mounted; he paid tribute to the input given by the Deputy Clerk Mrs Gaye Evans and year 8 students at the Norfolk Island Central School

6 **MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR**

The Speaker reported **Message No. 9** from the Acting Administrator advising that on 27 November 2007 he declared his assent to the Criminal Code Act 2007, the Criminal Procedure Act 2007, the Court Procedure Act 2007 and the Sentencing Act 2007

**7 REPORT FROM CHAIRMAN OF THE PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE**

The Speaker, in his role of Chairman of the Public Account and Estimates Committee, informed the House that the inquiry undertaken by the Committee to establish whether the cost, under the current arrangements, to maintain the public grounds and reserves in Norfolk Island provides value for money spent and whether current arrangements are capable of improvement, is nearing completion. He reported that the Committee has concluded its deliberations and the taking of evidence and the report to the House is currently being prepared

**8 SUPPLEMENTARY APPROPRIATION BILL 2007-2008 - MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR**

The Speaker reported **Message No. 10** dated 18 December 2007 from the Acting Administrator 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 2008"

**9 SUPPLEMENTARY APPROPRIATION BILL 2007-2008**

Mr Neville Christian, Minister for Finance, presented a Bill for an Act to authorise expenditure from the Public Account for the year ending on 30 June 2008 and moved –

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

Debate ensued

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

**10 PUBLIC SECTOR MANAGEMENT ACT 2000 - RE-APPOINTMENT OF MEMBER OF THE PUBLIC SERVICE BOARD**

Mr Nobbs, Chief Minister, pursuant to notice, moved -

**THAT this House in accordance with subsection 10(1)(a) of the *Public Sector Management Act 2000*, recommends that the responsible executive member re-appoint John Robert Hughes as a member of the Public Service Board for the period 22 December 2007 to 21 December 2009**

Debate ensued

Question put and agreed to on the voices

**11 ROADSIDE BREATH TESTING**

Mrs Jack, Minister for the Environment, Education and Social Welfare, pursuant to notice, moved -

**THAT this House requests the responsible executive member to bring forward legislation to amend the Road Traffic Act 1982 to provide that a police officer who has reasonable cause to suspect that a vehicle is being driven by a person under the influence of alcohol may require the driver to submit to a roadside breath test**

Debate ensued

Mr N Christian, by leave, moved –

**THAT all words after ‘member’ be deleted and the following inserted:**

**‘to determine the views of the community in respect of roadside breath testing by way of referendum’**

Debate ensued

Mr N Christian moved –

**THAT the question be put**

Question – That the question be put – put  
The House voted –

**Ayes 6**

**Mr Brendon Christian**  
**Mr Sheridan**  
**Mr Neville Christian**  
**Mr Nobbs**  
**Mr Gardner**  
**Mr Anderson**  
**Mr Magri**

**Noes 3**

**Mr Snell**  
**Mrs Jack**  
**Mr Anderson**

Motion agreed to

Question – That the amendment be agreed to – put  
The House voted –

**Ayes, 3**

**Mr Brendon Christian**  
**Mr Neville Christian**  
**Mr Magri**

**Noes, 6**

**Mr Snell**  
**Mr Sheridan**  
**Mrs Jack**  
**Mr Nobbs**  
**Mr Gardner**  
**Mr Anderson**

Motion defeated

Debate ensued 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

**12 TOURIST ACCOMMODATION ACT 1984 – PROPOSED TRANSFER OF TOURIST ACCOMMODATION UNITS FROM “AUNT EM’S GUEST HOUSE” TO “ENDEAVOUR LODGE”**

Mr Gardner, Minister for Tourism and Health, pursuant to notice, moved the motion appearing on the Notice Paper in his name, namely -

**That for the purposes of Section 15A of the *Tourist Accommodation Act 1984* this House resolves that the registration of three tourist accommodation units from the tourist accommodation house known as “Aunt Em’s Guest House” may be transferred from the place described in its current instrument of registration to portion 57d2, being the tourist accommodation house known as “Endeavour Lodge”, subject to compliance with the following conditions —**

- 1. Application for approval of change of ownership of the tourist accommodation house must be made in accordance with all applicable statutory requirements after the executive member’s approval of the transfer under section 15A(2) in accordance with this resolution.**
- 2. The premises to which registration is transferred must —**
  - (a) comply with statutory requirements for the ownership and operation of tourist accommodation;**
  - (b) comply with statutory planning and building requirements for the siting and construction of tourist accommodation;**
  - (c) must be constructed and maintained to a minimum 4 Star standard under applicable Norfolk Island tourist accommodation grading standards; and**
  - (d) that the relevant planning approval must be obtained within 12 months of the transfer approval**

Debate ensued

Question put and agreed to on the voices – Mr Magri abstaining

**13 TOURIST ACCOMMODATION ACT 1984 – PROPOSED TRANSFER OF TOURIST ACCOMMODATION UNITS FROM “AUNT EM’S GUEST HOUSE” TO “ALL SEASONS COLONIAL NORFOLK ISLAND”**

Mr Gardner, Minister for Tourism and Health, pursuant to notice, moved the motion appearing on the Notice Paper in his name, namely -

**That for the purposes of Section 15A of the *Tourist Accommodation Act 1984* this House resolves that the registration of two tourist accommodation units from the tourist accommodation house known as “Aunt Em’s Guest House” may be transferred from the place described in its current instrument of registration to portion 40c, 40d or 40o12, being the tourist accommodation house known as “All Seasons Colonial Norfolk Island”, subject to compliance with the following conditions —**

- 1 Application for approval of change of ownership of the tourist accommodation house must be made in accordance with all applicable statutory requirements after the executive member’s approval of the transfer under section 15A(2) in accordance with this resolution.**
- 2 The premises to which registration is transferred must —**
  - (a) comply with statutory requirements for the ownership and operation of tourist accommodation;**
  - (b) comply with statutory planning and building requirements for the siting and construction of tourist accommodation;**
  - (c) must be constructed and maintained to a minimum 4 Star standard under applicable Norfolk Island tourist accommodation grading standards; and**
  - (d) that the relevant planning approval must be obtained within 12 months of the transfer approval**

Debate ensued

Question put and agreed to on the voices – Mr Magri abstaining

**14 TOURIST ACCOMMODATION ACT 1984 – PROPOSED TRANSFER OF TOURIST ACCOMMODATION UNITS FROM “AUNT EM’S GUEST HOUSE” TO “BOUNTY LODGE APARTMENTS”**

Mr Gardner, Minister for Tourism and Health, pursuant to notice, moved the motion appearing on the Notice Paper in his name, namely -

**THAT for the purposes of section 15A of the *Tourist Accommodation Act 1984* this House resolves that the registration of two tourist accommodation units from the tourist accommodation house known as “Aunt Em’s Guest House” may be transferred from the place described in its current instrument of registration to portion 35f6, being the tourist accommodation house known as “Bounty Lodge Apartments”, subject to compliance with the following conditions —**

- 1. Application for approval of change of ownership of the tourist accommodation house must be made in accordance with all applicable statutory requirements after the executive member’s approval of the transfer under section 15A(2) in accordance with this resolution.**
- 2. The premises to which registration is transferred must —**
  - (a) comply with statutory requirements for the ownership and operation of tourist accommodation;**
  - (b) comply with statutory planning and building requirements for the siting and construction of tourist accommodation;**
  - (c) must be constructed and maintained to a minimum 4 Star standard under applicable Norfolk Island tourist accommodation grading standards; and**
  - (d) that the relevant planning approval must be obtained within 12 months of the transfer approval**

Debate ensued

Question put and agreed to on the voices – Mr Magri abstaining

**15 SUBDIVISION (AMENDMENT) BILL 2007**

Mrs Jack (Minister for the Environment, Education and Social Welfare), pursuant to notice, presented a Bill for an Act to amend the Subdivision Act 2002 and moved –

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

Debate ensued

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

**16 SENTENCING (AMENDMENT) BILL 2007 – DECLARATION OF URGENCY**

The Speaker reported that in accordance with standing order 158 the Business Committee has declared that the Sentencing (Amendment) Bill 2007 be dealt with through all stages at this sitting

**17 SENTENCING (AMENDMENT) BILL 2007**

Mr Gardner (Minister for Tourism and Health), pursuant to notice, presented a Bill for an Act to amend the Sentencing Act 2007 and moved –

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

Debate ensued

Question put

Bill agreed to in principle

Leave granted to dispense with the detail stage

Mr Gardner moved -

**THAT the Bill be agreed to**

Question put

Bill agreed to on the voices

**18 ABSENTEE LANDOWNERS LEVY (AMENDMENT) BILL 2007**

Mr Neville Christian (Minister for Finance), pursuant to notice, presented a Bill for an Act to amend the Absentee Landowners Levy Act 1976 and moved -

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

Debate ensued

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

**19 SUPREME COURT (AMENDMENT) BILL 2007**

Debate resumed (Mr Gardner, Minister for Tourism and Health), from 14 November 2007 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle

Leave granted to dispense with the detail stage

Mr Gardner moved –

**THAT the Bill be agreed to**

Question put

Bill agreed to on the voices

**20 COMPANIES (AMENDMENT) BILL 2007**

Debate resumed (Mr Neville Christian, Minister for Finance), from 14 November 2007 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle

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

**21 PUBLIC MONEYS (AMENDMENT) BILL 2007**

Debate resumed (Mr Neville Christian, Minister for Finance), from 14 November 2007 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle

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

**22 PUBLIC MONEYS (AMENDMENT NO. 2) bill 2007**

Debate resumed (Mr Neville Christian, Minister for Finance), from 14 November 2007 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle

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

**23 ADJOURNMENT**

Mr Anderson moved –

**THAT the House do now adjourn**

Debate ensued with Messrs Gardner, Magri, Anderson, Nobbs, the Speaker and Mrs Jack participating

Question put and agreed to on the voices

**AND THEN the House at 1.11 pm adjourned until Wednesday 16 January 2008 at 10 am**

Robin-Eleanor Adams

**Clerk to the Legislative Assembly**

**MEMBERS PRESENT:** All Members were present