

**NORFOLK ISLAND  
TENTH LEGISLATIVE ASSEMBLY  
MINUTES OF PROCEEDINGS  
WEDNESDAY 21 APRIL 2004**

**NORF'K AILEN  
DIISEM MENETS LARNEN WATHING HAEPN  
INAA  
TENTH LEJESLIETEW 'SEMBLE  
WENSDI 21 IEPRIL 2004**

1 The Legislative Assembly met at 10.04 am. The Speaker (Hon D.E. Buffett) took the Chair and read the Prayer

2 **CONDOLENCES**

Ms Nicholas recorded the passing of –

**Peter Francis Kerrish**

3 **QUESTIONS WITHOUT NOTICE**

**The Deputy Speaker took the Chair at 10.18 am**

Time for questions without notice having expired Mr Nobbs moved –

**THAT time for questions without notice be tended by 10 minutes**

Question put  
The House voted

**AYES, 7  
Mr D Buffett  
Mr Gardner  
Mr Donaldson  
Mrs Jack  
Mr I Buffett  
Mr Nobbs  
Ms Nicholas**

**NOES, 2  
Mr R Robinson  
Mr J Brown**

Motion agreed to

4 **PRESENTATION OF PAPERS**

The following papers were tabled:

1) Mr Gardner, Chief Minister, - Norfolk Island Annual Report and moved –

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

Debate ensued  
Question put and agreed to on the voices

- 2) Mr Donaldson, Minister for Finance –
  - a) Financial Indicators for March 2004
 Mr Brown moved –

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

Debate ensued

Question put and agreed to on the voices

- 3) Mr I Buffett, Minister for Land and the Environment – s.41 *Interpretation Act 1979 – Planning Amendment Regulations 2004*
- 4) Mr Donaldson, Minister for Finance – s.41 *Interpretation Act 1979 – Airport Amendment Regulations 2004*, and moved –

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

Debate ensued

Question put and agreed to on the voices

**Mr Brown left the Chamber at 11.25 am**

## 5 STATEMENTS

- 1) Mr I Buffett, Minister for Land and the Environment , by way of response to a question without notice at an earlier sitting of the House, gave details on the operation of the Waste Management Centre
- 2) Mr D Buffett, Minister for Community Services and Tourism, reported briefly on the Island's roads - conditions, maintenance and the budget process
- 3) Mr I Buffett, Minister for Land and the Environment , spoke to a question without notice at an earlier sitting of the House, on avoidance of the levy imposed for the Waste Management Centre

## 6 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

The Deputy Speaker reported Message No. 27 from His Honour the Administrator advising that on 26 March 2004 he declared his assent to the *Supplementary Appropriation Act 2003-2004 (Act No. 3 of 2004)*, *Airport Amendment Act 2004 (Act No. 4 of 2004)* and *Powers of Attorney Amendment Act 2004 (Act No. 5 of 2004)*

## 7 TOURIST ACCOMMODATION ACT 1984 – QUOTA FOR TOURIST ACCOMMODATION HOUSES

Mr D. Buffett, Minister for Community Services and Tourism, pursuant to notice – **Paper:** tabled (5), in accordance with the requirements of Section 8B(4)(d) of the *Tourist Accommodation Act 1984*, the report of the Gatekeepers Working Group dated 31 December 2003 and entitled *2003 Review of the Tourist Accommodation Quota*; and moved –

**That this House, having considered the Gatekeepers Working Group 2003 Review of the Tourist Accommodation Quota, in accordance with and pursuant to section 8B(4)(f) of the Tourist Accommodation Act 1984, approves the recommendation of the Gatekeepers Working Group “that it is not desirable, nor is there a need, to increase the current Tourist Accommodation Quota”**

Debate ensued

Question – That debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting – put and negatived

Mr Nobbs moved –

**THAT the motion be agreed to**

Question put and agreed to on the voices - Mr Robinson dissenting and Mr I Buffett abstaining

**8 PUBLIC SECTOR MANAGEMENT ACT 2000 – DETERMINATION TO AMEND THE HUMAN RESOURCES POLICY**

Mr D. Buffett, Minister for Community Services and Tourism, pursuant to notice Paper: tabled (6), a new draft version of Chapter 10 of the Human Resources Policy – Occupational Health and Safety; and moved –

**THAT this House, having considered the written comments of the Norfolk Island Public Service Board and the Norfolk Island Public Service Association in respect of the draft Chapter 10 of the Human Resources Policy, in accordance with and pursuant to sections 26 and 28 of the *Public Sector Management Act 2000* hereby makes the determination in respect of this Chapter 10 of the Human Resources Policy dated 21 August 2003, and produced by the Chief Executive Officer which amends the Human Resources Policy dated 21 February 2001 by replacing Chapter 10, and declares that a copy of this motion, signed by the responsible Executive Member and appearing in the Norfolk Island Government Gazette, shall be the instrument in writing of the Legislative Assembly for the purposes of paragraph 26(1)(d) of the said Act**

Debate ensued

Question put and agreed to on the voices

**9 SALE OF TOBACCO BILL 2004**

Debate resumed (Mr D. Buffett, Minister for Community Services and Tourism) from 17 March 2004 on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle on the voices – Mrs Jack abstaining

**Detail stage:**

Mr D Buffett moved that following amendments be taken as read and agreed to as a whole:

**Bill Title and Clause 1**

**All references to “2003” to be deleted and replaced by “2004”**

**Clause 1**

**Sub-clause 3(1) is amended by inserting the following definition after “smoking product” –**

**“Supply” when not falling within the definition of “sell” means to supply or offer to supply gratuitously in a non-commercial situation.”.**

**Clause 15**

**In sub-clause (1) replaced “in a specified manner” by “in a prescribed manner” and “within a specified period” by “within the prescribed period”**

**Clause 18**

**Paragraph 18(3)(b) to be replaced by**

**“(b) in the smoke free area, such that the number of signs displayed are sufficient that every person in the area can reasonably be expected to see a sign.”**

Debate ensued

Question – That the amendments be agreed to – put and agreed to, Mrs Jack  
abstaining

Question – That the remainder of the Bill be agreed to - put and agreed to, Mrs Jack  
abstaining

Mr D Buffett moved –

**THAT the Bill as amended be agreed to**

Debate ensued

Question put

Bill as amended agreed to on the voices, Mrs Jack abstaining

**10 HEALTHCARE REFERRALS**

Mr D Buffett on behalf of Mr Brown, sought leave –

**THAT the motion be withdrawn**

Question put and agreed to on the voices

**11 ADMINISTRATION POLICY RE. COMPETITION WITH NORFOLK ISLAND PRIVATE SECTOR**

Mr D Buffett on behalf of Mr Brown, sought leave –

**THAT the motion be withdrawn**

Question put and agreed to on the voices

**12 FIXING OF THE NEXT SITTING DAY**

Mr Robinson moved –

**THAT the House at its rising adjourn until Wednesday 19 May 2004  
at 10.00 am**

Question put and agreed to on the voices

**The Speaker took the Chair at 12.18 am**

**13 ADJOURNMENT**

Mrs Jack moved –

**THAT the House do now adjourn**

Debate ensued with Mr Robinson, Mr I Buffett, Ms Nicholas, Mr Nobbs and Mr D Buffett participating

**Paper:** Mr Nobbs tabled a letter written to Mr D Buffett and copied to Members which was signed by a number of residents expressing concern on proposed amendments to the Road Traffic Act

Mr I Buffett, Minister for Land and the Environment, moved –

**THAT a letter of Condolence be sent from this House to Fiji on the death of  
of Former President and Prime Minister Ratu Sir Kamisese Mara**

Question put and agreed to on the voices

**AND THEN the House at 12.37 pm adjourned until Wednesday 19 May 2004 at 10 am**

Gaye Evans

**Deputy Clerk to the Legislative Assembly**

**MEMBERS PRESENT:** All Members were present; Mr Brown leaving the Chamber mid morning