

**NORFOLK ISLAND
TENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
THURSDAY 19 AUGUST 2004**

**NORF'K AILEN
DIISEM MENETS LARNEN WATHING HAEPN
INAA
TENTH LEJESLIETEW 'SEMBLE
THERSDI 19 ORGAS 2004**

- 1 The Legislative Assembly met at 2.00 pm, the Speaker (Hon David E. Buffett) took the Chair and read the Prayer.

2 PRESENTATION OF PETITIONS

The following Petitions were presented to the House:

- 1) Mr Donaldson presented a Petition from certain electors of Norfolk Island requesting the Legislative Assembly amend the Road Traffic (Amendment) Bill to –
 1. Not make the wearing of seatbelts compulsory
 2. Not implement random breath testing; and
 3. Not prohibit people over the age of 5 years from sitting down in the tray of a truck (with sides of 300 mm or more) while the truck is in motion
 There are 325 signatories to the petition
- 2) Mr Gardner presented a Petition from certain electors of Norfolk Island who support the Norfolk Island Legislative Assembly re-instating a “First Past the Post” voting system whereby each elector is given one vote of equal value for each candidate of their choice, to fill the number of vacancies created by any election called for by the Norfolk Island Legislative Assembly
There are 49 signatories to the petition.

3 QUESTIONS WITHOUT NOTICE

The Deputy Speaker took the Chair at 2.09 pm

4 PRESENTATION OF PAPERS

The following papers were tabled:

- (1) Mr D. Buffett, Minister for Community Services and Tourism -
 - a) Mental Health Regulations 2004
 - b) Mental Health (Amendment) Regulations 2004
- 2) Mr Donaldson, Minister for Finance – Airport (Amendment No. 2) Regulations 2004

5 MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

The Deputy Speaker reported –

Message No. 33 from the Administrator advising that on 12 August 2004 he declared his assent to the Criminal Law (Amendment) Act 2004 and the Mental Health (Amendment) Act 2004

Message No. 34 from the Deputy Administrator advising that on 17 August 2004 he declared his assent to the *Administrative Review Tribunal (Amendment No. 2) Act 2004*, the *Interpretation Amendment Act 2004* and the *Telecommunications (Amendment No. 2) Act 2004*

6 ANNUAL REPORTS BILL 2004

Mr Buffett (Minister for Community Services and Tourism), pursuant to notice, presented a Bill for an Act to make provision with respect to the preparation and presentation of annual reports by the Administration and public sector agencies and for related purposes and moved –

THAT the Bill be agreed to in principle

Paper: Mr Buffett tabled the Explanatory Memorandum to the Bill

Debate ensued

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

7 LEGAL AID ACT 1995 – REPORT TO EXECUTIVE MEMBER

Debate resumed (Mr Brown) on the question – That the paper be noted, namely the Report to the executive member for the period 1 January 2004 to 30 June 2004 under subsection 31(4) of the *Legal Aid Act 1995* and clause 12 of the Memorandum of Understanding between the Commonwealth of Australia and Norfolk Island

The Speaker took the Chair at 2.38 pm

8 SELECT COMMITTEE INTO ELECTORAL AND GOVERNANCE ISSUES

Debate resumed (Mr Brown) from 23 June 2004 on the question – That the Report be adopted

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

The Deputy Speaker took the Chair at 2.55 pm

9 FIREARMS AMENDMENT BILL 2004

Debate resumed (Mr Buffett, Minister for Community Services and Tourism) from 11 August 2004, on the question – That the Bill be agreed to in principle

Bill agreed to in principle

Leave granted to dispense with the detail stage

Mr Buffett moved –

THAT the Bill be agreed to

Debate ensued

Question put

Bill agreed to

10 LEGISLATIVE ASSEMBLY (AMENDMENT NO. 1) BILL 2004

Debate resumed (Mr Gardner, Chief Minister) from 11 August 2004, on the question – That the Bill be agreed to in principle

Bill agreed to in principle

Leave granted to dispense with the detail stage

Mr Gardner moved –

THAT the Bill be agreed to

Debate ensued

Question put

Bill agreed to

11 LEGISLATIVE ASSEMBLY (AMENDMENT NO. 2) BILL 2004

Debate resumed (Mr Gardner, Chief Minister) from 11 August 2004, on the question – That the Bill be agreed to in principle

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

12 PUBLIC MONEYS AMENDMENT BILL 2004

Debate resumed (Mr Donaldson, Minister for Finance) from 11 August 2004, on the question – That the Bill be agreed to in principle

Question put

Bill agreed to in principle on the voices – Mr Robinson absent from the Chamber

Leave granted to dispense with the detail stage

Mr Donaldson moved –

THAT the Bill be agreed to

Question put

Bill agreed to on the voices – Mr Robinson absent from the Chamber

13 LEGISLATIVE ASSEMBLY (REGISTER OF MEMBERS' INTERESTS) BILL 2004

Debate resumed (Mr Brown) from 11 August 2004 on the question - That the detail stage amendments dated 16 July 2004 and circulated to Members be taken as read and agreed to as a whole

Mr Gardner moved –

Clause 3 – amend the definition “financial benefit” by replacing “member under” with –

“member determined in accordance with paragraph 8(1)(c) of”

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

Question – That the amendment 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

Mr Gardner moved –

THAT the Bill as amended be agreed to

Question put

Bill as amended be agreed to

14 APPOINTMENT OF ADDITIONAL STANDING COMMITTEES

Debate resumed (Mr Nobbs) from 11 August 2004 on the question – That the amendments proposed by Ms Nicholas to Mr Nobbs' amendments be agreed to

Amendments proposed by Ms Nicholas withdrawn by leave at the request of Ms Nicholas

Ms Nicholas moved –

THAT all words after “standing order number 20:” at the end of line 1 of his amendment be deleted and the following substituted:

“20A. An Impact of Bills and Subordinate Legislation Committee, to consider Bills and subordinate legislation referred to it by the House shall be appointed as soon as practicable after the opening of a new House. The Committee to consist of three permanent members and an alternate member to act when a permanent member is unavailable due to illness; is off Island; or nominates to be absent due to a conflict of interest or some other reason.”

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

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

Question – That the motion as amended be agreed to – put and agreed to on the voices

15 ROAD TRAFFIC (AMENDMENT) BILL 2004

Debate resumed (Mr Buffett) from 23 June 2004 on the question – That the Bill be agreed to in principle

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

16 FIXING OF THE NEXT SITTING DAY

Mr Brown moved -

THAT this House at its rising adjourn until Wednesday 22 September 2004 at 10 o'clock in the morning

Question put and agreed to on the voices

17 ADJOURNMENT

Mr Robinson moved –

THAT the House do now adjourn

Question put and agreed to on the voices

AND THEN the House at 4.36 pm adjourned until Wednesday 22 September 2004 at 10 am

Robin-Eleanor Adams
Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present