

**NORFOLK ISLAND
THIRTEENTH LEGISLATIVE ASSEMBLY
MINUTES OF PROCEEDINGS
WEDNESDAY 23 JUNE 2010**

**NORF'K AILEN
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INAA
THERTIINTH LEJESLIETEW 'SEMBLE
WEDNESDI 23 JUUN 2010**

- 1 The Legislative Assembly met at 10.04 am, the Speaker, Hon Robin Adams MLA, took the Chair and read Prayers
- 2 **LEAVE OF ABSENCE FOR MRS GRIFFITHS MLA**
Leave of absence unanimously extended to Mrs Griffiths
- 3 **NOMINATION OF ACTING DEPUTY SPEAKER**
The Speaker advised that in accordance with standing order 9 she had nominated Mr Sheridan to act as Deputy Speaker
Paper: Speaker tabled the Instrument of Nomination
- 4 **QUESTIONS WITHOUT NOTICE**
- 5 **ANSWERS QUESTIONS ON NOTICE**
Responses were provided to :

Question No 22 from Mr King to Mr Buffett, Chief Minister asking –
Is it a fact that Federal Minister O'Connor's letter of 1 June 2010 which the Chief Minister has indicated was sent as a result of his recent trip to Canberra, made no reference at all to the Canberra visit and that no undertaking to review the Territories Law Reform Bill was given by the Federal Minister as a result of recent Norfolk Island Government representations in Canberra?

Paper: Mr Buffett tabled the House of Reps Hansard on the Territories Law Reform Bill

Question No 23 from Mr King to Mr Sheridan, Minister for Community Services –
Can the Minister advise the basis on which the Social Awareness Committee is formed and the basis on which it operates, and the extent, if any, of any overlap with the statutory functions of the Social Services Board?

Question No 24 from Mr King to Mr Anderson, Minister for Finance and The Attorney-General
Is it a fact that a statutory officer of the public service is required to exercise his or her own independent discretion and judgement in making statutory decisions; and
Is it a fact that seeking guidance or discussion from the Minister or government is an abrogation of that statutory officer's own independent discretion

Question No 25 from Mr King to Mr Nobbs, Minister for Tourism, Industry & Development –
Will the Minister table all correspondence from the regulatory authority CASA in relation to dispensations and exemptions from the requirements of runway end safety measures?

Question No 26 from Mr King to Mr Nobbs, Minister for Tourism, Industry & Development –
Will the Minister table copies of any press releases or statements wherein the community was advised of the best estimate of a passenger ship being able to unload at Norfolk Island?

Question No 27 from Mr King to Mr Nobbs, Minister for Tourism, Industry & Development –
Is it a fact that the powers and functions of the Tourist Bureau are established by law and that it is not open to the Minister to arbitrarily interfere?

5 PRESENTATION OF PAPERS

The following papers were presented:

- 1) Mr Anderson, Minister for Finance and The Attorney-General –
 - a. Customs Act 1913 – Approved exemptions
 - b. Financial Indicators for May 2010
- 2) Mr Nobbs, Minister for Tourism, Industry & Development – Inbound passenger Statistics for May 2010

6 CUSTOMS ACT 1913 - EXEMPTION FROM PAYMENT OF CUSTOMS DUTY

Mr Anderson, Minister for Finance and The Attorney-General, pursuant to notice, moved -

THAT, under subsection 2B(4) of the Customs Act 1913, this House recommends to the Administrator that the goods specified in the first column of the Schedule imported by the person specified opposite, and on the conditions mentioned, in the second column of the Schedule be exempted from duty -

SCHEDULE

<u>Column 1</u> <u>Goods</u>	<u>Column 2</u> <u>Importer/conditions</u>
Medical Supplies/Equipment - amount of duty applicable \$1,462.57	St John’s Ambulance Conditions: Nil

Debate ensued
Question put and agreed to on the voices

7 TOURIST ACCOMMODATION ACT 1984 – TRANSFER OF ONE UNIT FROM “THE BOUNTY LODGE” TO “BUCK’S POINT HOUSE”

Mr Nobbs, Minister for Tourism, Industry & Development, pursuant to notice, moved –

THAT for the purposes of section 15A of the *Tourist Accommodation Act 1984* this House resolves that the registration of one tourist accommodation unit from the tourist accommodation house known as “The Bounty Lodge” may be transferred from the place described in its current instrument of registration to portion 34i2(a) Martins Road, being the tourist accommodation house to be known as “Buck’s Point House”, subject to compliance with the following conditions:

- 1. Application for registration of a 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. be equivalent to and maintained at a minimum 3 ½ Star standard under applicable Norfolk Island tourist accommodation grading standards; and
 - d. any relevant planning approval must be obtained within 12 months of the transfer approval.

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

8 TOURIST ACCOMMODATION ACT 1984 - TRANSFER OF ONE UNIT FROM “CASTAWAY HOTEL AND APARTMENTS” TO “HIDEAWAY RETREAT”

Mr Nobbs, Minister for Tourism, Industry & Development, pursuant to notice, moved –

THAT for the purposes of section 15A of the *Tourist Accommodation Act 1984* this House resolves that the registration of one tourist accommodation unit from the tourist accommodation house known as “Castaway Hotel and Apartments” may be transferred from the place described in its current instrument of registration to portion 153i4(a) George Hunn Nobbs Road, being the tourist accommodation house to be known as “Hideaway Retreat”, 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. be equivalent to and maintained at a minimum 3 ½ Star standard under applicable Norfolk Island tourist accommodation grading standards; and**
 - d. any relevant planning approval must be obtained within 12 months of the transfer approval.**

Debate ensued

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

9 TOURIST ACCOMMODATION ACT 1984 - TRANSFER OF ONE UNIT FROM “THE BOUNTY LODGE” TO “BALL BAY HOUSE”

Mr Nobbs, (Minister for Tourism, Industry & Development, pursuant to notice, moved -

THAT for the purposes of section 15A of the *Tourist Accommodation Act 1984* this House resolves that the registration of one tourist accommodation unit from the tourist accommodation house known as “The Bounty Lodge” may be transferred from the place described in its current instrument of registration to portion 49e3 Collins Head Road, being the tourist accommodation house to be known as “Ball Bay House”, subject to compliance with the following conditions:

- 1. Application for registration of a 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. be equivalent to and maintained at a minimum 3 ½ Star standard under applicable Norfolk Island tourist accommodation grading standards; and**
 - d. any relevant planning approval must be obtained within 12 months of the transfer approval.**

Debate ensued

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

10 MOTION BY LEAVE - NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ACT 1980 - RE-APPOINTMENT OF MEMBERS TO THE NORFOLK ISLAND GOVERNMENT TOURIST BUREAU

Mr Nobbs, Minister for Tourism, Industry & Development, by leave, moved –

THAT this House in accordance with section 4 of the *Norfolk Island Government Tourist Bureau Act 1980* recommends to the executive member that he re-appoint —

**Nadia Cuthbertson;
Morgan Evans;
David Sanders; and
David Porter**

to be members of the Norfolk Island Government Tourist Bureau for the period commencing 1 July 2010 to 31 December 2010

Debate ensued

Question put and agreed to on the voices

11 ROAD TRAFFIC (AMENDMENT NO 2) BILL 2010 – DECLARATION OF URGENCY

The Speaker reported that in accordance with standing order 158 the Business Committee has declared that the Road Traffic (Amendment No 2) Bill 2010 be dealt with through all stages at this sitting

12 ROAD TRAFFIC (AMENDMENT NO 2) BILL 2010

Mr Sheridan, Minister for Community Services, pursuant to notice, presented a Bill for an Act to amend the Road Traffic Act 1982 and moved –

THAT the Bill be agreed to in principle

Paper: Mr Sheridan tabled the Explanatory Memorandum to the Bill

Debate ensued

Question put - Bill agreed to in principle – Mr King dissenting

Detail stage:

Question – That Clause 1 be agreed to – put and agreed to on the voices

Question – That Clause 2 be agreed to – put

The House voted –

AYES, 6

Ms Adams

Mr Snell

Mr Sheridan

Mr Buffett

Mr Nobbs

Mr Anderson

NOES, 2

Mrs Ward

Mr King

Question – That Clause 3 be agreed to – put and agreed to on the voices

Question – That Clause 4 be agreed to – put and agreed to on the voices

Question – That Clause 5 be agreed to – put and agreed to on the voices – Mrs Ward and Mr King dissenting

Question – That the remainder of the Bill be agreed to – put and agreed to on the voices – Mr King dissenting

Mr Sheridan moved –

THAT the Bill be agreed to

Question put and agreed to on the voices – Mr King dissenting

13 PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL 2010

Mr Buffett, Chief Minister, by leave, presented a Bill for an Act to amend the *Public Sector Management Act 2000* for the purpose of clarifying matters concerning the public service of Norfolk Island and in particular the powers of the Public Service Board and the status of its decisions, clarify and establish procedural issues, and other matters related thereto and moved

THAT the Bill be agreed to in principle

Paper: Mr Buffett tabled the Explanatory Memorandum to the Bill

Debate ensued
Mr Buffett moved –

THAT debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting

Question put and agreed to on the voices

14 APPROPRIATION BILL 2010-2011

Resumption of debate (Mr Anderson, Minister for Finance and The Attorney-General), on the question - THAT the Bill be agreed to in principle

Deputy Speaker took the Chair at 12.11 pm

Paper: Ms Adams tabled the Vision Statement adopted in 1995 by the House and titled “Advancement of Internal Self Government – Maintaining the Vision”

Question put

The Speaker resumed the Chair at

Bill agreed to in principle on the voices
Leave granted to dispense with the detail stage
Mr Anderson moved –

THAT the Bill be agreed to

Question put and agreed to on the voices

15 CHILD WELFARE (AMENDMENT NO 2) BILL 2010

Resumption of debate (Mr Sheridan, Minister for Community Services), 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 Anderson moved –

THAT the Bill be agreed to

Question put and agreed to on the voices

16 FIXING OF NEXT SITTING DAY

Mr King moved –

THAT the House at its rising adjourn until Wednesday 28 July 2010 at 10.00 am

Question put and agreed to on the voices

17 **ADJOURNMENT**
Mrs Ward moved –

THAT the House do now adjourn

Question put and agreed to on the voices

AND THEN the House at 1.15 pm adjourned until Wednesday 28 July 2010 at 10.00 am

Gaye Evans
Acting Clerk to the Legislative Assembly

MEMBERS PRESENT: All Members were present except Mrs Griffiths by leave