

PRAYER

Almighty God we humbly beseech Thee to vouchsafe Thy blessing upon this House, direct and prosper our deliberations to the advancement of Thy glory and the true welfare of the people of Norfolk Island, Amen

If gentlemen would feel more comfortable without their coats this morning, please feel free to take them off

SUSPENSION OF STANDING ORDERS

MR GARDNER Mr Speaker, I move that so much of Standing Orders be suspended as would prevent the House from only dealing with the matters listed on the Programme

SPEAKER Honourable Members that is the question before us

QUESTION PUT
AGREED

Suspension of Standing Orders is agreed amongst all members. We move on to Order of the Day No 1

ORDER OF THE DAY**IMMIGRATION ACT 1980 – DETERMINATION OF GENERAL ENTRY PERMIT QUOTA FOR PERIOD 17 FEBRUARY 2002 TO 16 FEBRUARY 2003**

We resume debate on the question that the motion be agreed to. Chief Minister

MR GARDNER Thank you Mr Speaker. This is on the Notice Paper in Mr Brown's name on the resumption of debate. Mr Brown has indicated that he will be here later on during the meeting and I take up the carriage of this matter. I will be, as I alluded to at the previous Sitting, moving at an appropriate time to amend the motion by deleting the number 30 and inserting 35 as being the number of the General Entry Permits to be granted during the quota period and I might talk to that if I may. The number that I'm alluding to reflects the content of the paper prepared by the Immigration officer dated the 15th January this year which was circulated to all members and reflects my intention to amend the motion as indicated during debate on this matter at the January 20th Sitting of this House. The period the 17th February 2002 to the 16th February 2003 is the primary reason for the special sitting today. On radio this morning I made mention of the fact that members had agreed on Monday of this week to this meeting to avoid any potential problem that may arise as a consequence of no quota having been determined and the period between the expiration of the current quota which is due to expire on the 16th February which is tomorrow and the determination of a further quota proposed for the February 20th Sitting of this House. Mr Speaker a similar window of potential existed this time last year and was not addressed in the same manner as we are dealing with it today and the quota itself was at that time dealt with at the normal sitting date so that window of opportunity, those four or five days appeared at the same time last year. We've moved I guess to make sure that the t's are crossed and the l's are dotted. Mr Speaker when you look at that paper there is quite a deal of information that's contained in there relating to the numbers of GEP's and giving the background and the basis for the recommendations contained in that which stand together with the recommendation that I've made today as far as that amendment is concerned for a setting of a number of 35. I understand Mr Speaker that there are approximately 18 potential holders of the General Entry Permits that are subsisting or awaiting the outcome of a quota. In other words, those persons have been right through

our Immigration process and have been approved as meeting the guidelines or the criteria required for them to enter into this community as a permanent part of this community. The last determination of a quota was in September of last year which was a matter which you brought to the House yourself Mr Speaker as then Minister for Immigration. Therefore approximately six months have passed since that determination was made and that's why today I am supporting the determination of 35. It is reasonable to expect a similar number of the General Entry Permit applications requiring quota positions in the next six months. However, that six month timeframe co-incides with the proposed finalisation of the Immigration Review to be undertaken by the stakeholders. That group includes the people sitting around this table; members of the Legislative Assembly, officers within the Administration and Legal Services and Immigration Officers and the community at large. In conjunction with what I have proposed is the reconvening of the joint Commonwealth Norfolk Island Taskforce on Immigration. I've spoken to members of the Legislative Assembly on the draft Strategy that has been prepared which is soon to be circulated upon tidying of some of the terminology and the terms of reference contained in that paper and I expect that to be completed within the next week so it can be circulated to members. I need to say that I've spoken to members about that. That paper contains an action plan, identifies the action officers, it clearly identifies the time frames and the cost implications of what we are attempting to do with the review of immigration. The timeframe for finalising the Review and dealing with legislative amendment is August of this year and with a proposal for full implementation of the legislation and our new Immigration structure occurring by October/November of this year. Before I'm pounced on by members and certainly the listening public and reminded that previous executives and Assembly's have had similar thoughts and said similar things, I think it's important to identify that the Norfolk Island Government under your tutelage Mr Speaker as the then executive member had given similar undertakings, we had progressed a long way down that track and had actually got to the stage of passing legislation through this House. Unfortunately that legislation or the assent to that legislation was withheld by the Commonwealth last year and it has required us to go and revisit or rethink how we are going to deal with our review of Immigration and overcome the continuing problem of sitting around the table year after year and having the same squabbles and same gripes about how we set an Immigration quota and hence the proposal to reactivate the joint task force to give more surety to what we are trying to achieve with Immigration and that's going to require a very long hard look at what we do with the 2% policy and whether that's adequate and remains adequate or whether we need to think of a better system at how we look at controlling our population levels here on the Island. If Mr Speaker, we were to stand by that 2% growth Immigration policy that was set which to my knowledge we haven't stood by since 1996, then the quota that we would need to set today to bring things up onto an even footing would be closer to 180, not 35. My figures might be slightly out there, but that's my calculations. Mr Speaker it's also important I think, to point out something that I've observed in the last couple of days by digging around in some of the files. In relation to what impact the setting of quota does as to those that stay on the Island to take up permanent residency and it's interesting. The example that I'll give is in relation to a paper that I'll be tabling in the House next week which I'm required to do under the Immigration Act which reports on the declarations of residency for the year ended 31st December 2001. If we look at the period that corresponds to the issue of the original the General Entry Permits that were issued, servicing those declarations of residency, in other words, going back five years and six months from the period that those residency declarations were made we would see that the total number of the General Entry Permits that were issued back in the 1995-96 period totaled some 97. Under quota there were 50, under Section 18 which is the special relationship in the Immigration Act there were 47. My report that I'll be tabling next week Mr Speaker indicates that declarations of residency made in the corresponding period was a total of 32. In other words, 33% of all of those that obtained the General Entry Permits in that period went on to obtain full residency and if they haven't received residency by now, those the General Entry Permits have lapsed. That's just an interesting observation. I support the 35, even

though I haven't formally moved that the motion be amended at this stage, and I would like at this time to provide other members of the Legislative Assembly the opportunity for some input, thank you

MR I BUFFETT

Thank you Mr Speaker. I've heard what the Chief Minister and the Minister responsible for this issue has said but I would wish to make just a couple of comments. Firstly I intend supporting the quota and the amendment that he has suggested. The comments I wish to make are these. We have continually used this magical figure of 2%. I think we should start placing it in the context of where it started and where we are at with it. The 2% figure originated out of a report that was done by one Vice Chancellor of the University of New England in 1974. Now 1974 was before we had a couple of things that really mattered in Norfolk Island. That is, before we commenced the path of self government; before we had a plan for the development and strategic use of our finite resource called Norfolk Island. I note what the Chief Minister has said in progressing his Immigration Review and hoping to reach some finality with it so that there is some certainty at least by September of this year. Mr Speaker I also make some comment that I believe we are dealing with Immigration issues in isolation of a couple of key factors and those key factors are basically what effect Immigration is having on the sustainability of Norfolk Island in terms of its resources, in terms of where we want to be in the immediate future and the long term future of the Island. I think we need to take a little more holistic view of some of these issues and given the fact that I will be tabling the new Norfolk Island Development Plan at the February 20th Sitting and given that we are about to embark on at least a five year period with that Plan, I believe that as part and parcel of the review, and I will be bringing some suggestions to this House Mr Speaker during the next six month period, that we certainly cannot progress much further along this track of dealing with Immigration in isolation of the real matters that are of concern to Norfolk Island and that is, where we want to be with population in the year 2004, 2005 or be it 2010. We need to understand the ramifications of what the population will do, what it might not do. The fact of life is that populations seem to have a cycle that reflects the economic booms and busts of Norfolk Island and I think there are more innovative ways of dealing with the population that come and stay in Norfolk Island and the population that want to make Norfolk Island truly as a long term place to be and to remain until we all part to a far better place, they tell me. Mr Speaker in the context of that, I have had some preliminary discussions with some of the Boards that operate under my particular executive responsibilities in terms of planning. I have certainly had some discussions with some of the members of this House and the views are emerging in trying to look at this issue, immigration, what we do with planning, how we develop Norfolk Island as a global issue. Mr Chairman, as I said earlier, I intend supporting this quota. I do have a personal belief that the quota is – I'm not too sure whether it's serving the purpose or whether we should be looking at it a little bit more innovatively but I will discuss that at another time in conjunction with other matters that I foreshadowed. Mr Speaker I have nothing more to say this morning except that I will be supporting the proposal to approve the quota of 35

MS NICHOLAS

Thank you Mr Speaker. For some time this Assembly has been setting an annual quota and on many occasions that quota is redetermined during the ensuing twelve months. Certainly on some occasions. Very roughly over the past sixteen years, about 364 places have been allocated to General Entry Permit positions on the quota as I understand it. That's roughly again an average of 22 or 23 people per year and that doesn't include the special relationship approvals. Last month I said that there had been an increase in the previous twenty years of 114 in the permanent population of Norfolk Island, that's according to census statistics and I suggested then that there was food for thought in that figure. That means that at an average of say 23 persons, only an average of 6 per year remain. Now we have to ask ourselves why? There are no doubt a great number and variety of reasons and I ask you to look dispassionately at the letter written by Balson in a recent edition of the Norfolk Islander. Scott Balsan among many others was caught by weather delays a week or so

ago, and he put his time to good use writing a few home truths which he entitled A Word in Your Ear. This fourth time visitor claimed to be angry about the lack of interest shown by us, the residents, in his and others dilemma when he and others were stranded here for a number of days. Now I'm among the first to acknowledge that if everyone who has ever been stranded anywhere wrote letters to the local papers we would not be reading anything else. But this was a constructive letter and I believe he's saying a lot of things that we need to consider. I wonder how many people listening today remember the days when retail proprietors invited their visitors to their homes simply for a drink, a cuppa, a chat, a barbeque or even for dinner and I certainly remember those days well and there no doubt whatever that we've moved well away from that philosophy. The five o'clock rush to get out of Burnt Pine is pretty obvious and there are a number of factors at work here. We have a restrictive immigration policy and for years the only way that many have been able to come and live on Norfolk Island with permanency in mind is to purchase a business. It doesn't matter whether or not that's what they want to do or even whether or not that business utilize their skills to the full. That's what they were stuck with doing if they wanted to live on Norfolk Island. Is it any wonder that as soon as possible those people employ someone else to be out front. Needless to say, there are long term business proprietors who continue to spend time out front and I would suggest to you that they're frequently considered the most successful businesses on Norfolk Island. We manage in our Immigration Policy to discriminate against the wealthy. Why. Just because they want to live in this glorious place. Mind their own business and live quietly in late or even early retirement. Or even heaven help us they may wish to want to contribute. We discriminate against the professional because there may be no existing business for them to purchase. We do nothing to encourage the skills and it goes on. Those holding temporary entry permits are not encouraged or even permitted to make a commitment to Norfolk Island. They are actively discouraged. Virtually all holders of the General Entry Permits go into private enterprise and then we wonder why we have to go offshore for professional or particularly skilled people to fill jobs in the Public Service. We could be building our own resident base and it's time we began to realise that. The Minister for Land and the Environment said to me the other day, quite apart from what he said in the House this morning, we have to Plan even if we have to lock ourselves away in a room for a week and get this sorted out. Now he's probably right. He usually is. Should we be actively encouraging people with skills. If so. What should those skills be. Should we allow retirees. If they themselves are covered in terms of medical insurance and so on, why not. Are they? Have they proven to be such a bad risk? We certainly seem to need skilled, semi skilled workforce, but when someone is a good employee why must they lose them when three years are up. I'm fully aware that issues of natural justice arise in such situations when someone's been living here for a number of years but is it so bad to offer someone who has a proven track record in this community, some degree of stability in their lives with us. Maybe a larger pool of permanent residents is going to care more about Norfolk Island and its future. Think for a moment about the increasing impact that this policy is having, as Minister has already referred to, on planning. Perhaps not just land planning but the school, the hospital. Forward planning goes out the door. You're not sure how many pupils are going to be there in three or four years time. There's no constant figure moving forward. It's ever changing. I'm prepared to support the quota figure of 35 which has been mentioned, if not put forward yet. In fact I've probably been persuaded to do so on the basis that Immigration really is under scrutiny and it really is, and that the Minister presently has the power to redetermine the figure once we've made some decisions in this regard. I intend to support the future amended motion of 35 Mr Speaker. I thank you

SPEAKER

Thank you. Chief Minister I think maybe you might make your proposal now. There have been a number of members who are alluding to your proposal

MR GARDNER Thank you Mr Speaker. I will formally move then that the number indicated in Mr Brown's original motion being 30 coming before the words the General Entry Permits be deleted and the number 35 inserted in its place

MR BROWN Mr Speaker I'm delighted to support that amendment

MR NOBBS Thank you Mr Speaker I won't be supporting the actual motion or the amendment. I thought that I would move a motion that nil the General Entry Permit be issued for the current period but I think it's a waste of time however I would like to talk briefly on this. I think other speakers have alluded to the need for a review of the Immigration Act. It's been going on for some time. I believe that one of the ways, and I've said this each year or twice yearly when this debate comes up, that the only way to get this thing really moving is to get everybody behind it, and that's been a problem, and say there will be no the General Entry Permits for the current year and then I believe things will start moving. Immigration is one of the keys to the Island's future. It's been spoken of that it impacts and there's a problem in relation to the various facilities that we have on the Island including the school and the like. It certainly does, but I really can't see why we have a situation where we have the General Entry Permits which virtually automatically gives people the right of residency and I'm not going through the numbers. I know the numbers have been talked about this morning that the number of the General Entry Permits that are issued in each year and the number in five years or six years or whatever the time limit we may have on them afterwards, the number of people who have taken up residency. That surely shows that there is a serious flaw in the whole system. It's been said that we force people to apply for the General Entry Permits and I believe that's definitely the case. There is also a suggestion in the community that regardless of all the sitting down, and I do feel that we waste our time considerably each year setting this quota because it's somewhat of a Talkfeste, but there's a feeling in the community with quite a large number, that regardless of the number we set here or regardless of what happens, or regardless of who is the Minister responsible, that if somebody wants to come and live on the Island they'll come here come hell or high water and that's all there is about it, and they can do that through a number of avenues and I won't go through that, but that's the fact of life and therefore we need to bring some stability and some security into the Immigration system because there's been talk about people needing security from the outside. There are people who need security on the inside. They never seem to get a run here. People wanting to come in, fine and good. But I listen to people saying how the land situation now, they can't buy. It all goes back to the immigration situation. That's my personal belief and it's one of the basis that we have to get right. I'm pleased that the Minister has suggested that it can be done by September. That would be fine. If, as Minister Buffett says, we have to lock ourselves away for seven days or ten days or whatever it is, then I don't care, we just need to get it done because this Immigration Review commenced probably years before that, but I think it formally commenced in 1997 and I think Mr Brown was the Minister at the time from memory or Mr Robinson I forget now, but it's been floating around since then and we need to tackle it. As I say, I believe we should set a quota of nil for the year and look at the thing. Once the Immigration Act has been reviewed and there's a need to review the Act, I know that we've done the Policy, but there's a need to review the Act, and it's been said that something will happen by September and I'm pleased that that will happen, but I believe firmly that we are wasting our time in this particular exercise, until we actually get on and review the legislation. It's a really sad day as far as I'm concerned to have to come down here and go through this sort of situation where we could actually be spending the time looking at our Immigration Act

MR GARDNER Thank you Mr Speaker I'm heartened by Mr Nobbs' words that he is overwhelmingly supporting the course of action that we are taking in reviewing Immigration. I too have been frustrated for the last few years in having to sit around the table time and time again. As I indicated earlier in my debate

both yourself and previous Ministers had attempted to set time frames, work through the process. I think you got the closest of anyone of getting there by actually having some legislation that would have given more surety to what we were trying to do which probably would have addressed the concerns that have been raised around the table today and I'm pleased that I haven't heard anyone speak against the process being continued and certainly I'm supportive if it requires our locking ourselves away behind doors for seven days to nut this out but not just us. As I alluded to this morning, it's not just us the members of the Legislative Assembly. It's involving the community as well and I think that's the secret to it. I think that at the finalisation of the process we are probably not going to be required to come down here, and we are required to come down here and talk about these things by statute at the moment so as far as a waste of time, it's a waste of time that we've brought upon ourselves or the previous Assembly's have brought upon us by allowing the legislation to be as it is. That is what we are looking at amending and I thank the members for their support this morning

MRS JACK

Mr Speaker thank you. I also am reassured that at the end of Mr Nobbs' speech he said he was in favour of the review taking place. As for his proposal, I find it very counter productive as what this Legislative Assembly is attempting to do is an interim measure at moving forward, at looking at immigration. I also wonder at his use of land. Was he referring to it as a finite resource or saying that the sales of land are going to so many outsiders when in actual fact in the lead up to the election at the evening that we gave talks at the Colonial Hotel the previous 100 sales of land, buildings, real estate on the Island, only five had been to people offshore. Referring to the proposal before us today, I also note that the immigration officer has asked for 35 General Entry Permits be issued and goes on to say that 30 have already been processed and are awaiting quota to be set. I'm concerned that that leaves only five vacancies for the year even though we know we can sit again and set another quota. I also found it of interest to note that 23 are also being processed under the section 18 or special relationship provisions. I know that we can sit and set more numbers for the quota but I don't like tackling this issue in what I see as a knee jerk reaction. To me that is not being proactive and dealing with the problem and I am concerned that in dealing with the quota in this manner we are failing the future needs of the community. It is a stopgap measure. However, as has been noted, a thorough review of Immigration is underway and hopefully this Legislative Assembly will be different to so many others and come to a resolution that will stop so many Immigration issues becoming social issues. Just how many people are trying to move to Norfolk? If one were to look at the past ten years, how many then were on temporary entry permits and changed their status to the General Entry Permit. How many showed what I would call a true financial commitment and moved here by buying a business, usually a house as well. Of those how many moved here and subsisted, meaning that they had fulfilled all their entry requirements and were here working their business that they had purchased waiting for the setting of a quota. The community needs a wide range of people moving onto the Island. There is a need to look at the present and future demographic needs. The island cannot survive with isolationist views. We need new blood, fresh ideas, new commitment. A drive, an impetus on the Island which when they play on those who are already here, it's a combination of ideas and it can invigorate people. Otherwise we become stale and nobody wants to come here, visitor or resident. We cannot hold to ransom those people who are already here who want to sell, can only find a buyer offshore and then can't proceed with the sale because of unrealistic or unworkable quota limits so I support this motion, in fact I'll probably up it, but I'm quite happy with any amendment which is for 35 thank you

MR SMITH

Thank you Mr Speaker. The Immigration Act has probably been one of the most talked about Acts within the Norfolk Island Legislative Assembly. As far as I can remember anyway. I recall sitting here last February and saying something like "we are going through the same old stuff again and again, we regurgitate arguments and the debate about how many quota permits should

be issued” and that has gone on for years, but I’ve realised in the last twelve months that that is part of the process. It is a very important issue Immigration for various reasons. One is to contain the population obviously. If there were no controls you can imagine, or maybe we can’t imagine what Norfolk Island would be like, but the other thing about the Immigration Act, as far as I remember it was set up to protect the residents who live here, now whether that be the people who were born here or the people who became residents through the proper processes once they attain that status the Immigration requirements were to protect to a degree people who are permanently here and not take opportunities away from them. Of course the reality of immigration these days is that it’s really determined by the amount of work on the Island and the amount of businesses that can be bought and sold. I remember a discussion probably five or six years ago when Nadia Cuthbert son was the Minister when there was an attempt at that time to say look, we couldn’t get rid of any the General Entry Permits or the quota numbers. We had a surplus and it was thought that we should encourage people to take them up and there weren’t any people to take them up because there wasn’t work available, there weren’t businesses available at that particular time I guess so it changes from time to time but in reality it does depend on those two things unless you have different categories of people like perhaps children who aren’t going to work or retired people who also aren’t going to work and they would be able to move here and increase the population. At the time the discussion was about increasing the population by 2% of what the number was at that time and it was an interesting debate at that time but of course it’s never been achieved because you can’t increase the population unless you increase the business activity that creates more work or other business opportunities and that is the reality and I think that has developed through these last few Assembly’s, the acceptance of that. Many of the people who move to Norfolk Island replace people who leave. I remember looking at a list of residents some three or four years ago and it was amazing the amount of people who were residents who had gone and unless you look at something like that, you don’t even think about how many people have gone through the process of being processed as a resident and have gone and the Chief Minister referred earlier this morning to the fact that even with the General Entry Permit applications only 30% go on to residency and I think he was talking about over the five years. And that’s not very much. I think we tend to overdramatise Immigration quotas ourselves as members of the Legislative Assembly because we feel strongly about it. There’s been emotional times, emotional debate about the General Entry Permit quota but Chloe touched on something that’s quite dear to my heart in relation to Immigration. It’s all very well us doing all the things we do with Immigration but until recently there’s been little to encourage our own people and this has been a matter of debate, even last year, our own people in being trained into positions where if we don’t have anybody we have to import somebody to do it. The same with the school, the school process. If we don’t educate our own people to a degree where they can go on to take up the professions that are required in Norfolk Island or whatever training they need, we are wasting our time, because if we are not going to do those two things we have no choice but to forever import people to do the work that our own people could be doing. But there has been a recognition in the last couple of years about those two things and we are fortunately making those changes. Certainly with the school, that is really happening in that sense, in the Public Service training has now become a major issue at long last. Once we do that, that will help ease the burden if you like of the Immigration Act. But it is also interesting to note and I think the Chief Minister said that there are already 18 people who theoretically have their the General Entry Permits but are awaiting quota so we are doing our quota in hindsight and we have done that for some years. Most of the positions will already be taken up by the time it comes to the House and I think we all know that that’s happened for quite some years. In fact, I think what happened originally was a quota was going to be set for twelve months in advance so that over that twelve month period if there was 20 or 30 or whatever they would be taken up during that time but I don’t think the last time we did it, which might have been September, I think the positions were already taken by the time we actually passed the motion so it’s interesting, if we said no, we won’t increase the quota at all, it just leaves us in a peculiar situation where we’ve kind of approved

subsisting applicants who can stay subject to our saying yes or no to a number. I'm also pleased to hear the things that the Chief Minister has said about the Immigration changes that are going to come about this year and it's been difficult to get that to fruition but I'm quite sure that is going to happen this year. With also the possible changing of the types of permits and that's also been suggested. I'm not too sure if that's part of what the Chief Minister is going to do in his responsibility as Immigration Minister where you can have a different type of permit which will take also some of the pressure off the need for people to actually apply for a the General Entry Permit just so they can extend their time here with perhaps some of them not really intending to stay for a long time on Norfolk Island but would like to stay longer than the temporary entry permit situation allows them. Having said that I guess I want to be as brief as the Chief Minister and the Minister for Lands and I do support the increase to 35 in this instance, particular with the changes that are to occur in this calendar year with immigration

MR I BUFFETT Thank you Mr Speaker I take it that the Minister for Community Services and Tourism in his initial opening remarks was not suggesting that the Immigration Act was one that was discriminatory in any fashion and that it wasn't designed especially to protect the people living in Norfolk Island. My understanding is that the special reason why Norfolk Island has an immigration regime was to achieve two things. Those two things were, the law was designed for us to be able to manage our population in line with the Island's physical and economic capacities. Now when I addressed this House earlier on I mentioned the need not to deal with Immigration in isolation. I just needed to make that comment, that I believe we have done that too often to a certain degree had knee jerk reactions to Immigration problems, dealt with them in isolation of where we are all going and I just needed to make that comment in respect of what I understand, and I stand to be corrected Mr Speaker, what I understand to be the reason why Norfolk Island has special Immigration laws or we are allowed to have special Immigration laws and also understanding that it's still a schedule 3 matter under the Norfolk Island Act which is our constitution but we have all the rights and responsibilities to manage our Immigration

MR BROWN Mr Speaker I always have a feeling of amazement when I listen to debates about the General Entry Permit quotas. Particularly because it continues to show how little many members know about the subject. We are talking about the setting of a quota for the issue of permits under Section 19 of the Immigration Act. Now that is the only area in the whole of our Immigration regime where we actually exercise control. There is absolutely no control on people who hold residency coming back to the Island. There has never in the last twenty years been a person have his residency taken from him on the basis that he had been away from the Island for five years, ten years whatever period and hadn't shown an intention to come back. There is absolutely no numerical control on the number of Section 18 permits that we issue, that's the special relationship permit and there is absolutely no numerical control on the number of temporary entry permits that we issue. Absolutely none. So we shouldn't sit here trying to create fear and worry within the community. In my view Immigration is a responsibility which falls within our self governing powers. It is our obligation to run it properly and it is certainly our obligation to just keep quiet if we don't know what we are talking about and if we do know what we are talking about we should be intelligently and fairly getting about the task. Now I think there is substantial lack of understanding of how the General Entry Permit process works. I think it was the Minister for Tourism who just told us that most of these GEP's had already been granted. What happens when someone makes an application for a GEP is their application is lodged with the Immigration Officer. He does some preliminary work and he send it to the Immigration Committee. The Immigration Committee deals with that application and makes a recommendation to the Minister and if the Minister decides after considering all of that, that he would like to grant a GEP but there is no position on the quota, what the Minister actually does is that he refuses the application. He refuses it. And he says, I have decided to refuse this application on the grounds of quota. Please let me know if

you wish your application to subsist, and then the application is able to sit there awaiting availability of a quota position. But as I said, we don't exercise control over any of the other forms of permit. We shouldn't get too fussed about this. It is a necessary provision for people to obtain a longer than TEP permits if they are wanting to come and enter into the business community and until such time as we allow TEP's to be granted for longer periods then we allow them at present, we have got to allow people who are presently here on TEPs to apply for a GEP if they wish. I have absolutely no difficulty in supporting the number 35 for today. I have absolutely no difficulty in saying to members that I intend to move a motion partway through the year to set an additional quota because quite clearly this number is not an appropriate number for the whole of the year but it is an appropriate number to set today

MRS JACK Mr Speaker it's just a query I have with the Minister for Tourism, Community Affairs and Health on a couple of times he used "our own people" in referring to employment or finding work or helping "our own people" and I was just wondering what he means by the term "our own people" in this immigration matter

MR DONALDSON Thank you Mr Speaker. I understand that what we are talking about today is there are people here on the Island who have applied for a GEP, met all the qualifying criteria and have been allowed to subsist subject to quota. I believe that it's their reasonable expectation that this Assembly will continue with the policy as adopted in the previous Assembly's and that is that a number of GEP's be granted each year based on a 2% population growth or thereabouts. I further understand that the number of quota positions that we are asked to approve today is less than the 2% growth but sufficient to clear those persons who have been approved or allowed to subsist subject to quota. I'll therefore support the quota number requested. In doing so I would like to state that I believe my support for the population growth is based on social issues and not economic issues. I don't see the acceptance of this quota number to be a threat to the culture, traditions or lifestyles of Norfolk Island that have been protected in the past due to a protective and restrictive immigration policy. I see this quota as being a balance between the protection of a culture that the previous Immigration Acts have done and the need to develop Norfolk Island along the lines where it becomes self sufficient. I'll be supporting the quota of 35 and I look forward to the forthcoming immigration review

MR SMITH Thank you Mr Speaker just one or two things which have come out of the debate which refer to me in the debate that I have had here this morning. Mrs Jack has asked the question, how do I define "our own people" as far as what we are talking about here. I'm talking about "our own people" and that includes everybody who is here as opposed to somebody that hasn't yet arrived or who may be wants to be part of this community by applying for a permit and as I understand it, and maybe Mr Brown is right, maybe I've misunderstood what Immigration is all about because I understood that for each part of the immigration regime which includes residency, general entry permits and TEPs, in each of those categories there was a process and starting with the TEPs if somebody wants to come here and work, if there is already somebody here who can do the job, as I understand unless the regime has changed, unless there is somebody here who can do the job and who applies for that job, then they should have first choice before a permit is given to somebody coming in. Likewise with GEP's and likewise as residency and that's what I refer to as "our own people" in that sense, and in the sense of Immigration. Mr Brown also made comment about some of the members around the table misunderstanding Immigration. If he has referred to my misunderstanding, or referred to part of my debate in relation to those GEP applicants and I said applicants that subsist, I can't speak anything like Mr Brown in my debate, but I meant the same thing and I think Mr Brown knows that. What I was referring to is that if there is somebody who has gone through the process and is only waiting for a quota position, they are here. If that's what Mr Brown was referring to,

where my misunderstanding is, I don't misunderstand it at all, I just can't put it in the same way that he does

MR GARDNER

Thank you Mr Speaker. I don't mean to delay debate or the finalisation of this matter today but I just want to touch on a couple of points if I may that have arisen around the table. I think Minister for Community Services and Tourism touched on the factors surrounding economic activity and how they determine population levels. And that's quite correct. I believe that that's true. We've seen in recent years the development of further tourist accommodation, more tourist activity on Norfolk Island and the development of that business has required servicing by people to service units, to provide services to the Island and the businesses that have been established to service that have a requirement for human resources so there is a natural progression which has been in recent years, offset by improvements in technology. We haven't needed as many people to do bookwork because you've got computers that have replaced two or three people so there's been a balancing. The Minister for Tourism and Community Services also mentioned what Immigration is all about. I think it goes a little further than just being the protection of Norfolk Island or the gatekeeper role and I heard this in some debate to do with the boatpeople matter in Australia and what the role of Immigration in Australia was and a similar role for Immigration in most other jurisdictions. It's not just the gatekeeper role. It is also a role to facilitate the development of business and the development of a community as a whole so there's two roles which Immigration has. Mr Brown touched on the lack of control in other areas and he's quite right about that. There is a lack of control in other areas. I think it seems to be overlook from time to time that we are talking about maybe 18 persons subsisting on a list at the moment who as far as criteria is concerned, they've met all those criteria that would lead to them in normal circumstances with the quota being available, being provided with a GEP. We seem to overlook those other factors. Those who have come in under special relationships. I mentioned that about special relationships back in 1995-96 being some 47 persons that came in under special relationship. So that was outside of the quota so effectively there are about the same number coming in under special relationship as quota. But I think the Minister for Land and Environment and Mrs Jack may have touched on what is really the crux of this matter and this is the planning. I've spoken to the Minister for Land and Environment about that at quite some length about where we go with planning and how we drag together all the bits and pieces that make the whole system work and one of those important issues that we can't leave outside of that planning process is population and Immigration and we need to try and knit those together in a better way than we have. The new industry or the development of new business on the Island is an interesting one and I just want to take some time to expand on that if I can Mr Speaker. I've talked to various members about that around the table but it's interesting to consider. We've been actively pursuing the development of internet gaming on the Island, we have an active interest in pursuing the development of a trade centre and it's been called an Offshore Finance Centre or a Cybercentre on the Island. Actively looking at something that doesn't make us so totally reliant on the tourist industry for the Island to progress. That brings with it these planning matters and the concerns that are raised over planning issues and as a hypothetical example Mr Speaker, if we were to develop whatever business it was, I'm not going to name one, but if we were say requiring human resources in the area of say 500 to run a new business like that, we would need to consider not only what we do with Immigration in that role but how that effects planning. If we are going to have 500 people here running gaming enterprises or offshore finance centres or whatever the business may be, maybe even increase tourism, we have to look at those 500 people realistically. At least half of those having spouses which is another 250 which is added to that 500 pool and at least half of those persons with spouses having children who need educating in the school and looking at average family numbers it could probably be argued that you are looking at two children for each of those families so potentially we are looking at probably looking at another 250 children that might need educating at the school. This is where I say that what we are doing with

business, that what we are doing with Immigration and planning are so intertwined that we can't separate them and that we need to give those consideration under what we are doing because of the infrastructure requirements and resources that are required. As I said earlier, we are tied to dealing with this issue by statute at the moment Mr Speaker. We need to walk through how we are going to amend that to be able to move away from this direction and maybe consider the bigger picture and how it's going to control Immigration in the future, thank you

SPEAKER Thank you. Further debate Honourable Members The question is that the amendment be agreed to. The amendment is the Chief Minister's figure of 35. Is there any further debate on the amendment

MR GARDNER If there is no further debate Mr Speaker then I would move that the amendment be agreed to

SPEAKER Thank you. The question is that the amendment be agreed to

QUESTION PUT
AGREED

MR NOBBS NO

We will record that Mr Nobb's is against. The amendment is agreed to Honourable Members.

The question now is that the motion as amended be agreed. Is there any final debate?

QUESTION PUT
AGREED

MR NOBBS NO

Mr Nobbs is against. The motion as amended is agreed to thank you. We've concluded Order of the day and we move on

FIXING OF THE NEXT SITTING DATE

MR DONALDSON Thank you. Mr Speaker I move that the House at its rising adjourn until Wednesday 20 February 2002, at 10.00 am.

SPEAKER Thank you Mr Donaldson. Members will obviously recall that this is the date that we had earlier set. This is the special sitting that we are upon now. Is there any debate. The question is that the Motion be agreed to.

QUESTION PUT
AGREED

ADJOURNMENT

MR BROWN Mr Speaker, I move that the House do now adjourn

SPEAKER The question is that the House do now adjourn. Is there any debate Honourable Members? No adjournment debate. Honourable Members the question is that that motion be agreed to

QUESTION PUT
AGREED

Therefore Honourable Members this House stands adjourned until Wednesday 20 February 2002, at 10.00 am.

