



KAVHA's own expertise in that area. It is important in relation to this that my colleague the Minister for Planning will obviously need to be fairly active in ensuring that this type of activity doesn't happen again. Certainly within KAVHA because of its significant heritage value but anywhere else on the island and really Mr Speaker it's imperative that even the highest levels of Government, in this case the Commonwealth of Australia, are not seen to be abusing our statutory and legislative requirements on Norfolk Island and making assessments which in my view Mr Speaker they are not qualified to make and in future any works that they propose to undertake should be referred to the relevant authorities on Norfolk Island for proper assessment and necessary approvals. As I said there has been no planning permission sought, no reference to KAVHA sought, no consultation with the Conservator of Public Reserves and limited consultation with the Project Manager of KAVHA who had raised some significant concern with it and had drawn it to my attention yesterday. Mr Speaker one other very important matter in relation to his and I know that the good offices of the Administrator have indicated to me that they believe that they have a position in relation to all of these things but the email that I received this morning further advise received from the Planning Officer, bearing in mind that this was advise sought from them well after the event, was that development approval would be required for those works. They have an interpretation that seems to indicate that we probably need to do something with our plan to clarify a few issues. My reading of the plan and the attached documentation is very clear. Matters of heritage items need to be dealt with in a completely different fashion to other applications of a similar type elsewhere on the island and significantly there has been absolutely no reference made to the Plans of Management to all of these things but the email that I received this morning further advise received from the Planning Officer, bearing in mind that this was advise sought from them well after the event, was that development approval would be required for those works. They have an interpretation that seems to indicate that we probably need to do something with our plan to clarify a few issues. My reading of the plan and the attached documentation is very clear. Matters of heritage items need to be dealt with in a completely different fashion to other applications of a similar type elsewhere on the island and significantly there has been absolutely no reference made to the Plans of Management to the Government House Reserve. Very clearly in that document if the office had bothered to read that document they would have read that any excavation taking place in that reserve must have before works are undertaken, a Plan of management as far as the excavations and archeological type digs are concerned. That is a must and it must be done under the supervision of the conservator or the Project Manager of KAVHA. I don't think I need to say anything more on that. I'm particularly aggrieved I think of the situation in an era where we are trying to improve accountability and transparency that even the most senior levels of Government, in this case the Commonwealth Government, are stepping outside I guess the boundaries of what is expected of all other people on Norfolk Island

MR CHRISTIAN Thank you Mr Speaker, I direct my next question also to Mr Gardner as Minister responsible for Suits By and Against the Administration, legal matters. Minister under normal situations a lawyer or solicitor cannot commence an action unless he or she receives instruction from a client. Minister could you inform this House whether the Legal Services Unit of Administration seeks instructions from the Government or relevant office of the Administration before commencing any actions other than criminal actions

MR GARDNER Mr Speaker I can only speak for those matters in my area and I'm very clear in my own mind that before commencing proceedings in courts that those matters are usually discussed with me. As I said I can only speak in my areas of responsibility but I don't see that, that would be any different in other areas

MR CHRISTIAN Thank you Mr Speaker, a supplementary. I suppose what I'm asking the Minister to confirm or otherwise is that the Legal Services Unit cannot go off on its own tangent and drive itself. It must receive instructions from somebody

MR GARDNER Mr Speaker I understand that's correct

Are there any further Questions without notice? No. Then we move on to Presentation of Papers Honourable Members

## PRESENTATION OF PAPERS

MR NOBBS Mr Speaker I have papers here in relation to Virements of funds and it is specifically related to the Budget Review which we just completed. Mr Speaker you will recall on the 10<sup>th</sup> November I indicated that there would be a budget review as soon as possible. This has now been completed and it takes account of receipts and expenditure to the 31<sup>st</sup> December which is the halfway point of the current budget. The budget was commenced by the previous Government on 1<sup>st</sup> July 2004 with an approved deficit of \$257,500. The budget review has been completed with a deficit of \$2,138,600. This is an increase in deficit of \$1,881,100. people may ask why the dramatic change in the deficit figure. The primary cause was a revaluation of the original revenue estimates. The revaluation found a reduction in revenue of \$1,737,000. this is some \$144,000 short of the total increase in the deficit of \$1,881,000. Two major factors are responsible for reduction in income estimates. Telecom annual dividend to the revenue fund is normally around \$1.2m and the original 2004/05 budget, that is the original budget for this year contained this figure. Unfortunately the dividend paid by Telecom to the revenue fund as required by the last Government in the last financial year, that's 2003/2004 was \$2.85m, an increase of \$650,000 over normal. This has left Telecom cash strapped and that's a conscious decision taken to rectify the problem and no dividend will be paid by Telecom this financial year. This item alone cut revenue by \$1.2m. the second area of revenue concerned was with land titles and miscellaneous fees. The original estimate was \$600,000 but sale to date provide an expectation of \$250,000, a reduction of \$350,000 in revenue estimates has resulted. Revenue from various other taxes has been reduced by some \$100,000 as has revenue from fees and charges to the tune of some \$103,000. whilst the revenue estimates have been cut there are a number of expenditure items which were known but not funded in the original budget or subsequently required additional funding. Major items of such expenditure are, a teachers salary increase on the 1<sup>st</sup> January of \$149,300. additional funding for medivacs \$60,000, patient travel fund increase \$25,000, social services benefit increase \$160,000, increase to the cost of goalers \$40,000, crown litigation cost increase \$50,000, additional police costs \$33,000, special fund for tourism which was passed at the last special meeting of the House \$150,000 and the PSA wage claim in the order of \$60,000. This totals some \$727,300. adjustments have been made to the original budgets. Savings have been identified resulting in a figure of \$727,300 being reduced to \$47,200. as a consequence there's been some significant cuts and I thank those concerned for their co-operation and effort. Purchases made in June and carried forward to 2005, this financial year, for payment amounted to \$96,900 and have also been included. Notwithstanding all that we are still left with a significant deficit and as you've asked before, what of the future. There is no way in the world we can even contemplate such a deficit in the upcoming 2005/2006 financial year. This is the third deficit budget in the past four years. In the last 16 years I think half have been in deficit and half have been in surplus. We talk of a balanced budget. Nil budget that I can find has ever been balanced. It's either in deficit or surplus and as I say, three of the last four including this one, will be in deficit. Telecom being a large part of the problem has assisted by not taking a dividend this year but the entity has problems which must be addressed. Investigations which have commenced will continue to address both expenditure and revenue bearing in mind that we now commence the development of the 2005/2006 budget. Initially the Government is attacking the problem through the following. A taskforce comprising Members of the Public Service Association and representatives of the Government has been established following agreement in the recent Remuneration Tribunal. It will be assessing the Administration's operation to look at productivity and efficiency issues. This in my view will involve a requirement to look to the operation and many functions of the Administration. It must include a review of the necessity of each function, its operation, can it be done better, can it be done another way. This taskforce will report monthly and has until the 20<sup>th</sup> May to complete its report. Another strand is assessing the proposal to have Government Business Enterprises operate more on business lines. This is also referred to as a Corporatisation proposal. This proposal is looking specifically at the Government Business Enterprises and looking at not only added efficiencies and management regimes but also revenue raising aspects. My original

interest in this, the Corporatisation came from the Grants Commission when in its 1997 Report the commission questioned whether it was appropriate to have the Government Business Enterprises operating within the Government departments and under the direction and control of the Chief Executive Officer or whether there may be benefits in Corporatisation. Concurrently the Government is also running various ministerial reviews in relation to social services, health, education, tourism, which I recognize as some of our main individual areas of expense. Some are fairly advanced whilst others need work. Looking at the various threads outlined, it is doubtful if these will identify savings or additional revenues which will be adequate for the sustainability into the future of services as demanded by the community. But I'm confident that it will all help. Thus in concert there is a need to look at revenue raising. Considerable work has been done on revenue raising mechanisms but for some reason, we're either shelved or put in a bottom drawer. It is intended that from a revenue review certain proposals may be considered appropriate for further development leading to some specific recommendations. May I say in closing that the forecast I made a few years ago when previously in this position have arrived. This Legislative Assembly is charged with the onerous task of placing the ship on an even keel but it can only do so with the help from not only the public service and other service providers but also the community at large. Unfortunately the pressure is on. With the next budget only five months away we do not have the luxury of time. That luxury has long gone. My view has always been that it is essential that we look at our processes and procedures to ensure that they are actually required, operating effectively and funds are being expended in the most cost efficient way before we increase the take. It has been too easy in the past to increase the take whilst not reviewing those other segments. Thank you Mr Speaker

MR BROWN

Mr Speaker I move that the paper be noted

Mr Speaker

Thank you Mr Brown. The question before us now is that the paper presented by Mr Nobbs be noted. Mr Christian you have the call

MR CHRISTIAN

Thank you Mr Speaker, I think it's fair to say that Mr Nobbs has found himself along with the rest of us in a very difficult situation at this budget review time. Mr Nobbs with the support of the majority of Members has decided to run a \$2m deficit and there is justification for doing that but I don't totally support the process and I would like to expand on some of my reasons. We find ourselves in a situation where we are looking down the barrel of a \$2m deficit for this year. The main reasons for that as Mr Nobbs has said, is that general revenue estimates have not been met and in addition, Telecom is not able to provide its normal \$1.2m per year dividend. The main reason Telecom finds itself in that position is that the last Government took an additional dividend of \$650,000 so they basically skinned out this year's dividend and that's caused us some difficulty. Members out there in the community listening would be wondering well, if we are going to run a \$2m deficit where's the money coming from and I think an explanation should be forthcoming and I'll attempt to explain that as I understand it. The Appropriation Bill that we pass every year authorises a certain expenditure whatever that figure might be but income comes in as it comes in and as I understand it from discussions that we have had, it accumulated reserves that are treated as income in this year so what we are going to be doing is funding the \$2m plus deficit for the remainder of this financial year by dipping into the accumulated reserves from past years. As I understand it, that reserve figure stands more or less around \$3m. however when you apply accrual accounting principles to the \$3m about \$500,000 of that \$3m are assets that haven't been converted to cash therefore, no available cash is in the till. What that means is that we will be skinning out \$2m of the remaining \$2.5m in cash. The difficulty I have Mr Speaker is that I don't believe the \$2.5m was really ever there. It's there but it's only there because it hasn't been re-appropriated in a sense to where it came from. We have year in year out not properly funded depreciation. We've run deficit budgets by taking extra large dividends from the Government Business Enterprises that could afford them but we've never paid back the loan so my view is that the \$3m we are talking about in consolidated reserve isn't a cash reserve in the true sense. What I would have preferred to see Mr Nobbs do to give us the funding to continue for the rest of the year rather than shifting money around by virements which obviously has to include the money that's in the accumulated reserves, is to come forward with, I suppose you can't call it a

Supplementary Appropriation Bill because that means additional, but a new Appropriation Bill which actually cuts the amount of money that the Legislative Assembly will spend for the remainder of this year to match our income and I think that's responsible financial management rather than dipping into reserves that aren't really reserves. Thank you

SPEAKER  
noted.

Is there further debate? The question is that the Paper be

QUESTION PUT  
AGREED

The Paper is noted. MR CHRISTIAN Thank you Mr Speaker,

MR GARDNER Mr Speaker I table the Annual Report for the Administration of Norfolk Island for the financial year ending June 30<sup>th</sup> 2004 and move that the paper be noted. Thank you Mr Speaker as has been practiced in the last two or three years when I've had the role of tabling Annual Reports for Norfolk Island, we've almost caught up to date, well we are up to date now, which I think is excellent news and I think that was partly driven by Mr Nobbs in a previous life with an extensive effort to try and bring our reporting mechanisms up to speed and I'm pleased to report that basically we are there. Mr Speaker as I've done on previous occasions, I usually read the letter of presentation of the Report to myself from the Chief Executive Officer and again I propose to do that today and the letter reads as follows –  
Dear Chief Minister,

I am pleased to submit the 2003/2004 Annual Report for the Administration of Norfolk Island. In last years report I commented on the large number of Administration positions that were held on a temporary basis. I am pleased to advise that this situation has now been resolved and I particularly thank our Human Resources Section for their work carrying out these recruitments in a professional and timely manner.

The Administration of Norfolk Island continues to manage a broad range of diverse activities that, with few exceptions, cover the services provided by all three tiers of government on the Australian mainland.

- The following are but some of the major projects and initiatives undertaken in the 2003/2004 year:
- Development and implementation of a revised organisational structure
- Development and implementation of improved Occupational Health and Safety arrangements
- Development and implementation of an Ethics Program
- Entering into a funding agreement for the refurbishment of Kingston Pier and the development of an Asset Management Plan
- Carrying out a telecommunications infrastructure upgrade
- Commencing a Norfolk Island Counseling Service
- Implementing new claims management software for the Island's Workers Compensation Insurance Scheme
- Developing and implementing a Port Security Plan
- Accepting and commencing airport passenger security screening operations
- Achieving Norfolk Island obligations under the Land Initiative
- Implementing the Norfolk Island *Planning Act 2002* and associated Land Initiative legislation
- Completing the Electricity Powerhouse sound-proofing
- Installing a new emergency power generator system for the hospital and airport
- Carrying out under-grounding of the power supply in Ferny Lane
- Completing the building of the new Waste Management Centre and commencing improved waste management operations

Considerable progress was also made with the development of a corporate planning framework scheduled for implementation in the 2004/2005 financial year.

Again I extend my thanks to the staff of the Administration and Government Statutory organisations for their commitment, professionalism and, most importantly, achievements throughout 2003/2004.

I present the report for tabling in the Legislative Assembly, following which it will be made available to the public.

Yours sincerely,

Luke Johnson

Chief Executive Officer

Mr Speaker I think it's clear with the last paper that was tabled that there has been a significant amount of activity on Norfolk Island during that period and each in their own way have contributed to I guess, our financial difficulties that we are faced with. Improved waste management systems, putting in counseling services, looking at new power generation equipment for the hospital and the airport, the land initiative legislation and all of those types of things. We have been very conscious over time that we need to bear in mind with the adoption of any new initiatives in Norfolk Island the try and assess just what the cost implications of adopting those new and improved measures are going to be. I guess the results that Mr Nobbs was speaking about previously with the previous paper have indicated to us that maybe we haven't managed that process particularly well and as Mr Nobbs and I think Mr Christian have both turned around and acknowledged that it will require the support of not only all Members of this Legislative Assembly but also the Public Service and the community in general to stop, think very carefully about their wants and desires going forward to ensure that if there are needs and additional measures that need to be put in place for the improvement of our lifestyle for living on Norfolk Island then there will be a cost that attaches to those things. Without wanting to burden everybody with an extensive spiel on this I would like to thank the Administration for the preparation and timely fashion of the Annual Report. Mr Luke Johnson who is no longer with us as Chief Executive Officer for his efforts over that period of time and to my colleagues both around this table and on Norfolk Island for their assistance in ensuring that Norfolk Island finds its way into yet another financial year albeit with some difficulties that we are actively setting our minds about addressing. Thank you

SPEAKER  
noted.

Is there further debate? The question is that the Paper be

QUESTION PUT  
AGREED

The Paper is noted. Are there further Papers

MR NOBBS Mr Speaker I table the Revenue Fund Financial Indicators for December 2004 and January 2005 and whilst we spoke of the December indicators through the budget review because those were the figures that we used so I won't repeat any of the figures in regard to that, but I would like to comment quickly on the January figures. In relation to income at the 31<sup>st</sup> January 2005 the revenue fund has an overall income to 99% of the revised budget that is, \$42,000 short of the current proposals. As far as the expenditure is concerned, all known creditors and outstanding orders raised in 2004/2005 at the end of January is on a pro rata basis. About 9%, or \$516,000 under the revised budget. That's all I need to say on those Mr Speaker

MR GARDNER Mr Speaker I table the Inbound passenger statistics for December 2004 and for January 2005 and move that those papers be noted

SPEAKER

The question is that the paper be noted

MR GARDNER Mr Speaker as I've spoken about in this forum previously there has been significant concern not just by my colleagues around the table but certainly within the community about the direction that our inbound passenger statistics have been taking, more so in recent months but particularly so over the last twelve months or so. It is with no pride that I report to the House as I did on radio yesterday, in a radio interview with the Broadcast Manager that the inbound passenger statistics for January, this month just gone, are

the lowest recorded monthly inbound passenger statistics for Norfolk Island that exist on this chart that we have which covers the last five year period. I think though that it is important that we add there that January is traditionally when looking at these figures, a low period for visitation to Norfolk Island, only matched in some instances by the July monthly figures that are provided to us so historically we are in a low period in January normally but it is disturbing to see that our numbers are significantly down and when I talk significantly I'm talking 500 or 600 persons other than one year we are only about 100 down on that which was 2001/2002 but significantly down on figures for what is traditionally a low period on Norfolk Island. Mr Speaker there has been a deal of activity over recent times to address that. There's been certainly a lot of consultation on my behalf with my colleagues, and with the industry in general about what we do to turn that around. What has resulted from those consultations was a series of meetings that I've attended both in Sydney and Brisbane over the last couple of weeks and I've had the experience of being a participant in delayed flights to Norfolk Island and I've seen how that's been handled, trying to get into Norfolk Island and I think that all those persons involved in those delays should be applauded for their hospitality and their attention to persons traveling on those delayed flights. The reports I've received may be it's not the same at this end and obviously that something that we need to concern ourselves and a matter that was of concern in my recent meetings in both Sydney and Brisbane and basically I have tied with these figures some general reflections on the initiatives that have been put in place to try and return our tourism figures to their normal position. When I talk about the arrangements and the consultations that have taken place, it really had its genesis back before Christmas in a number of discussions both with the airline and with Norfolk Jet Express and its management and also the provider of aircraft to Norfolk Jet Express, Alliance Airlines and a germ of an idea was hatched. It maybe at this time you had the decision makers in the industry responsible for getting people to Norfolk Island sit around a table and maybe thrash out the marketing and promotion strategy taking us forward that will address these problems and concerns. With that in mind the meeting was arranged in Brisbane which occurred last Friday, was hosted at Alliance Airlines boardroom and I'm grateful to them for making the space and time available in Brisbane but we were fortunate in attracting what I consider to be the four major wholesalers providing services to Norfolk Island who were able to attend that including Norfolk Jet Holidays, Fastbook Holidays, Tal Pacific Holidays and Oxley Travel as well as my attendance as the Minister for Tourism and the Chairperson of the Norfolk Island Government Tourist Bureau Mrs Jacqui Pye as well in attendance was Norfolk Jet Express and obviously Alliance Airlines. That gave the industry, those participants, an opportunity to consider a whole raft of things that have been identified as maybe being weaknesses in the link of promoting and marketing tourism on Norfolk Island and the delivery of a viable industry to this island. They included such items as the location of tourism Norfolk Island whether it be on island or elsewhere, the role of tourism Norfolk Island in Norfolk Island, the way that people go about the marketing of Norfolk Island, how tourism Norfolk Island spend their dollars, how the industry go about increasing numbers and for each of them to make a profit because it's important for us to realise that without making a profit we are not going to have too many people who are going to participate in that type of industry. Also addressed were issues of capacity, fare structure, how the infrastructure on Norfolk Island needs to develop and this is an industry view, industry standards on Norfolk Island which deal with issues such as accreditation, the seasonality of supply to Norfolk Island, the stability of the industry in Norfolk Island and the air services to Norfolk Island. How the industry get travel agents back on board because there seems to have been a sad lack of confidence in Norfolk Island as a tourism destination, how we get the tourist or the visitor back on board, how we establish better communication between the airline, the aircraft providers the wholesalers and the industry on Norfolk Island, how we go about instilling confidence in people that these regular meetings will actually have some benefit and that they should continue on a regular cycle and how we go about participating in the review of the Unity 2005 document which is our primary policy document for tourism to Norfolk Island. As you will appreciate, those matters certainly encouraged people to talk at some length about each and every one of those issues and it was important that it was a no holds barred conversation that allowed the people to be very free and frank in their discussions and I can assure all of my Members and those listening that those discussions were particularly free and frank and there were things that I think each of us in our own right would have preferred not to have heard but it was important that we all heard them. At the same time as we were working through that a

list was put to together of the participants around the table as to an agreed position on things and what we should be concentrating our efforts on as regards the Government, the airlines, the industry on Norfolk Island, the wholesalers. The first of those was a view that there needs to be a look at the outsourcing of the Visitors Information Centre and how you can make that more productive and basically get a better bang for our buck. Outsourcing in other areas has taken place where people actually tender for that service and then they are free to provide their own level of branding etc to the information services provided and I think the examples were given where some entrepreneurial type people have got into and are actually doing very well in providing a Visitors Information Centre. The argument also being that in 25 years of the operation the Norfolk Island Government Tourist Bureau Act there's been little done to review and revise the legislation the structure and everything else related to that where we have seen a significant change in the environment for the operation of tourism on Norfolk Island in those 25 years. It basically hasn't kept up to speed and so there has been an agreed position that we seriously consider and that will be this forum, myself and the Minister and input from the industry and the Tourist Bureau about how they go about restructuring the Visitors Information Centre and the Tourist Bureau itself. The second matter that was dealt with was the recruitment of Mr Bruce Walker's replacement at the Tourist Bureau, as my colleagues will be aware, he has resigned from that position. That position he vacates at the end of this month and discussion about that role and certainly not intended to be any criticism of Mr Walker in that role but whether that role has served us well and how best to go about recruiting to that role and the type of person needed. The industry has agreed that there needs to be an appointment of a professional marketing person based predominantly in Australia who reports to the Board. Now that brings back to each of our minds the activities undertaken by Bob Doyle who filled a similar role to that and prior to that Ian Menzies and the industry believe that, that has been a most successful thing that has provided an improvement in the quality and number of people coming to Norfolk Island. We abandoned that in 1997 or 1998 or thereabouts. I'm not sure but obviously we decided at that time, or the Minister and the Tourist Bureau at that time decided that they wanted something different. Now there is an argument that it is important that you have somebody who is a professional marketing person who is out there able to co-ordinate media, able to co-ordinate wholesalers, travel agents and the like, to ensure that we get again the best bang for our buck. The third matter that was agreed was the consideration of the legislative structure and I've touched on that a little with the Norfolk Island Government Tourist Bureau Act that's served us well since 1980 but a need to revisit that. Also questions were raised about that, about the collection of departure fees, how to modernize and improve that and also the Government had confidence that it's going to receive the dollars and cents at the end of the day. It is seen as a major turnoff to visitors to Norfolk Island on their departure to be paying a \$30 departure fee. It's been argued that maybe it's better to build that into the ticketing and prices that they pay up front and I appreciate and certainly the industry appreciates that the Kiwi's still enjoy charging a departure fee for the time spent in New Zealand but it is seen as just a small part of the problems that we encounter. The next matter that was agreed and there was significant debate about this based on Norfolk Jet's declared position that they were going to be providing six Fokker 100 flights out of Australia as their base limit for this year and obviously when you do your mathematics and you look at loading factors, that really only had the potential to deliver to Norfolk Island somewhere in the region of about 22,000 passengers out of Australia in this next twelve months period. Combine that with obviously the very good results we are getting out of New Zealand at the moment, where expectations are upwards of 9000 and approaching 10000 for this next year, that would give us a maximum number of visitors to Norfolk Island in this year of some 32000. We've talked about financial difficulties. We've talked about our revenue estimates being down. Well with those figures in this financial year and in the beginning of the next financial year, again you don't need to be a mathematician to realise that our figures would be significantly down and would be something that we would need to pay particular attention to as far as our budget processes are concerned. The industry agreed that the current capacity that Norfolk Jet have indicated to us which is inclusive of those six flights plus the additional flight of the 737 on Saturdays out of Australia up to and including Bounty Week which is traditionally the beginning of our low season to Norfolk Island, will combine with Air New Zealand provide approximately 900 seats into Norfolk Island on a weekly basis which is a significant improvement over that, that we were staring down the barrel of only a couple of weeks ago. In saying that, there is significant

pressure on Norfolk Jet and Alliance airlines to find the mechanisms to provide the necessary capacity to Norfolk Island and addressing concerns such as freight capacity to the island which is important, something that we can't overlook. I believe that Alliance airlines have sharpened their pencils and have given clear undertakings that they are prepared to provide whatever assistance they can to Norfolk Jet Express to ensure that capacity if demand is there will be provided and I'm certainly comforted by that. The next matter agreed to was the value of the meetings that we've had to date and a need to instigate a regular cycle of meetings from the industry to review what has happened, and to look at, if things do go off the rails, how they can be approved, and that's been recommended that that happen on a six monthly basis. The next matter that was agreed to was the need obviously again, will require the input of my colleagues in the industry on Norfolk Island and also the industry players off shore to look at accreditation on Norfolk Island of service providers, and the like on Norfolk Island to ensure that there is consistency in the information that's provided to our visitors to the island, that there is consistency in the way that they are treated whilst on Norfolk Island and that those that are providing that standard necessarily get the proper accreditation to be able to hang their shingle up with pride to say that I am a good provider and a reliable provider of services and this gets back to a question that Mr Christian asked of me in the House a couple of months ago in relation to what we do with tired or underperforming accommodation on Norfolk Island and whether the Government would consider either buying out those properties or repealing licences or doing whatever is necessary to improve the face of accommodation on Norfolk Island but that is something that's obviously needs to be considered in that round of consideration of the matter of accreditation on Norfolk Island. That said, there were a couple of other matters that I think are important and would be welcomed by the local industry and certainly I am very encouraged by the participants enthusiasm to hold a marketing meeting with that same group of people on island on the 27<sup>th</sup> February to the 1<sup>st</sup> March, an opportunity to hold a Marketing Meeting with the express intention of addressing the traditional low markets through winter, that's from Bounty Day onwards so as to encourage Norfolk Jet Express and Alliance to provide extra capacity to Norfolk Island and extra numbers. That marketing meeting will be held on island. The details still have to be thrashed out but the Tourist Bureau will be co-coordinating that meeting here but it is intended that the industry participants involved will be in a position by then to very clearly detail to our local industry on Norfolk Island promotion and marketing activities for that period of time and with a bit of luck that's going to instill the necessary confidence back into Norfolk Island's industry to unite and take up swords so that we remain a viable entity going forward. That will be an opportunity for the wholesale industry, the airline industry, the airline provider, the Norfolk Island Government Tourist Bureau to address directly to the industry on Norfolk Island their plans for the future and how the marketing will proceed and that is linked obviously to the \$150,000 supplementary appropriation that was provided for marketing and promotion to the Tourist Bureau at the last sitting of this House a couple of weeks ago. The last matter in instilling some confidence is that Alliance have been very generous as a significantly reduced cost in providing and aircraft to the Norfolk Island Government Tourist Bureau to bring in 75 passengers on the 2<sup>nd</sup> and 3<sup>rd</sup> April which is the quiet period between the end of Easter and the beginning of the school holidays on Norfolk Island to bring in what is called a mega family or familiarization to Norfolk Island of a number of the wholesalers preferred retail agents around Australia, to come in here to familiarise themselves with Norfolk Island so that they are in a stronger positions to be able to sell Norfolk Island and tied with that a somewhat of an incentive scheme but for the dollars and cents that Alliance have offered it was agreed by the industry that it would be a significant boost, particularly at that time, leading into the quiet times over the winter period to lift Norfolk Island's profile and hopefully a significant effort in trying to ensure that numbers are up in what is traditionally our very quiet time of the year. That's really a report on the outcomes of those meetings. That's very positive. I'm very enthusiastic about it. I'm not about to go out beating drums and saying all our problems have been solved. I'm obviously very cautious about it but I am a lot more confident today than I was two weeks ago leading into these meetings and wondering just where we were going to be placed and what we were going to achieve over the short, medium and long term as far as tourism to Norfolk Island is concerned. These things are not going to happen overnight but they will happen. I am confident that the industry have taken on board the difficulties that have been experienced over the last twelve months or so, and one thing I would just like to raise, is something that I raised with Members on Monday, was my

shock that some of our major wholesalers to Norfolk Island have done no, and when I say no, I mean no significant press advertising for some fourteen months to Norfolk Island. I haven't really quite got to the bottom of that yet. The wholesalers haven't shared with me the reasons for that but one of these days I will find it out, but they are now committed to enjoining the Tourist Board and the airline in making sure that proper press advertising is out in the marketplace, that Norfolk Island is seen by people and encouraged to visit Norfolk Island. With that said, that's my report on the meetings that I've attended and I believe very positive outcomes to date but we can't sit on our hands. We have to be active and continue to pursue the marketing and promotion of Norfolk Island and that certainly will help in the long term to resolve everybody's issues as far as our financial sustainability and viability is concerned.

**SPEAKER** Thank you Chief Minister. The question is that the paper be noted. Is there further debate? The question is that the Paper be noted.

**QUESTION PUT  
AGREED**

The Paper is noted. Are there further Papers. We move to Statements

#### **STATEMENTS OF AN OFFICIAL NATURE**

**MRS JACK** Mr Speaker, I would like to make this statement in connection with the Bill I introduced in the House in January, the Emergency Provision of Crushed Rock and Aggregate Act 2005 and state that an application has been lodged in the Supreme Court of Norfolk Island seeking declarations to the effect that the Emergency Provision of Crushed Rock and Aggregate Act 2005 was null and void and that the issue of approvals by the Executive Member were beyond power. The originating application No 1/2005 and an affidavit in support of application were filed and served on the 27<sup>th</sup> January 2005. Under the Suits By and Against the Administration Act 1979 section 11 provides that where a suit is pending in the Supreme Court of Norfolk Island involving the interpretation of the Norfolk Island Act 1979 it is the duty of the court not to proceed until and unless a reasonable time has elapsed for consideration by the Administrator of the question of intervention in that suit. I would just like to state that I have been informed that the Supreme Court of Norfolk Island will be receiving submissions in respect to arguments by the parties of the validity of the Act in the next few weeks and it is anticipated that a decision will be handed down in early March, thank you

**MR NOBBS** Mr Speaker thank you. Just a short statement in relation to the airport overlay to bring the community up to date. A representative of the company GHD which has been charged with developing a plan for the overlay and being involved in the selection process of a successful tenderer recently visited the island. He provided a comprehensive overview of the project and briefed the Legislative Assembly and Members of the Airport Advisory Group on progress and current status of the project. The tender process was held up as you will recall by the estimated price and consequential arrangements negotiated in relation to a loan to assist in the project being short of the actual tender price. A renegotiation of the loan arrangement has been completed allowing the tender process to continue. Mr Speaker there is a preferred tenderer and negotiations are progressing in relation to the finalization of the tender process. No contract has been signed to date. Given the projected time frame to provide the rock, which will be the first major component of the job, then actually commencing and completing the overlay it is anticipated that the project will not be completed before March 2006, thank you

**MRS JACK** Mr Speaker, I am pleased to say that as a result of negotiations between the Administration's lawyers and Kaipara an agreement with Kaipara has been reached in relation to a major part of litigation against SMEC and Kaipara. The claim against SMEC is still proceeding. Part of the Kaipara agreement is that Kaipara will come back to Norfolk Island and pursuant to a compliance order issued under section 81 of the Planning Act 2002 sort the fill in the Middlegate Oval to recover good rock. In terms of the island this is a

great outcome however I understand that those living in close proximity to the Middlegate Oval may be effected. I intend to write to neighbours advising them of the details of the proposed works and I am unable to provide full details of the settlement because of confidentiality provisions. It is proposed that the work will commence on or about 21<sup>st</sup> February 2005 and be completed as soon as practicable however people realise that the works will be subject to weather conditions. Throughout the works Kaipara will be required to comply with the environmental conditions imposed in the original specifications for the Cascade Cliff Safety Project. Specifically those relating to noise, dust and sediment control. Authorised persons will monitor the works on behalf of the Administration thank you

**MR NOBBS** Mr Speaker a brief statement on the Appointment of Chief Executive Officer. Whilst the selection process for the replacement of Mr Luke Johnson as CEO is still progressing I wish to update the community as far as is possible under constraints of the selection process. The current status is that interviews have been undertaken by a panel comprising Mrs Jack, Mr John Brown and Mr Graeme Donaldson and a preferred candidate has been selected. As there is the ability for non preferred candidates to lodge an appeal, we are currently in the period when appeals may be lodged. Further developments are dependent on what transpire in the appeals process, thank you

**MR NOBBS** Mr Speaker I would just like to make a statement on road reconstruction. Following difficulties experienced with some roadwork's of late, I have instructed the Service that it is essential that in any future road construction or reconstruction programmes that A) the Administration be seen to be doing the right thing regardless of what commitments or otherwise it may have under the island's laws. I believe if a private individual is required by law to do certain things then Admin should also do them. The ability to work outside the law should only apply to emergency circumstances. B) neighbours of the worksite are fully informed and consulted before a sod is turned. A meeting on site with neighbours would be nice. C) the community is advised well in advance of a project commencing, plans and a brief is made available, specific issues such as traffic flow are considered, a public display is mounted and comment is sought. D) Administration be prepared to revise the project if there is significant adverse comment, particularly if there is a suggested better way of doing things. E) a proper public relations campaign be initiated immediately prior to a project commencing which continues as the project progresses. It is essential that in any road program that full co-operation of the community and particularly regular users of the road is achieved, thank you

## **MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 2**

**DEPUTY SPEAKER** Honourable Members I've received the following Message from the Office of the Administrator which is Message No. 9 and reads that on the 1 February 2005, pursuant to section 21 of the Norfolk Island Act 1979, I declared my assent to the following, the Supplementary Appropriation Act 2004-2005 which is Act No. 2 of 2005 and that is dated the 1<sup>st</sup> February 2005 and signed Michael Stevens, Deputy Administrator

## **REPORTS OF STANDING AND SELECT COMMITTEE**

**MR D BUFFETT** Mr Deputy Speaker, I table the Interim Report by the Impact Of Bills And Subordinate Legislation Committee. It's an Interim Report on the Liquor Licensing Bill 2005. Mr Deputy Speaker, this is the first Bill referred to this newly established committee. I explained that the examination of the Bill and its liquor licensing components is substantially complete. Progressively through the process of examination the need for cross referencing of planning and development approvals in a range of circumstances became apparent. For example, in some instances it may be possible to circumvent planning requirements by obtaining a Liquor Licensing Permit and this is not thought to be desirable and some further consultations need to be done and the Committee needs to consult further on those particular matters prior to a final report. The final report is expected for the next cyclic sitting which I think we can achieve in March, at which time I'll walk through more closely on behalf of the

Committee Members the finalised recommendations. In the interim, I table this interim Report. Thank you Mr Deputy Speaker

MR NOBBS Mr Deputy Speaker I move that the Report be noted. I thank the Committee for their efforts. I understand that they've been to considerable length in preparing and hearing submissions and the like. What is proposed and that is all I wish to say, is that if the Report is available and tabled by the next Legislative Assembly meeting or tabled at the one following regardless, the intention is, and I spoke to the Chairman earlier this morning about this and what is proposed is that it will be table and it will be left for a month before any debate is undertaken on that so that Members of the community can have a look at it, Members of the Legislative Assembly can have a look at it and then we can proceed from there. Thank you

SPEAKER Honourable Members, in respect of that matter the question is that the Report be noted

QUESTION PUT  
AGREED

That Report is noted. Thank you. We move to Notices Honourable Members

#### **EMPLOYMENT ACT 1988 – APPOINTMENT OF PERSON TO EMPLOYMENT CONCILIATION BOARD**

MR BROWN Mr Speaker I move that for the purposes of subsection 65(2) of the Employment Act 1988, this House resolves to appoint Stephen John Nutley being a person with relevant qualifications and experience, to the Employment Conciliation Board for the period 9 February 2005 to 8 February 2008. Mr Speaker there is a vacancy on the Employment Conciliation Board at present and there is a need to appoint a person to fill that vacancy. Mr Nutley has been recommended by existing Members of the Board and I am very pleased to support that recommendation. I seek the agreement of the House to the appointment

SPEAKER Thank you Mr Brown. Further debate Honourable Members. There being no further debate I put the question

QUESTION PUT  
AGREED

That motion is agreed thank you

#### **EDUCATION BILL 1981**

MR BROWN Mr Speaker I move that the resolution of the Legislative Assembly on 2 December 1981 that the Education Bill 1981 be approved, be repealed. Mr Speaker back in December 1981 the First Legislative Assembly approved the Education Bill 1981. That was intended to update the legislation regarding education in Norfolk Island. That previous legislation is now somewhat over fifty years old. Unfortunately the Commonwealth has not up until this time chosen to assent to the Education Bill 1981 and my recommendation to Members is that the Bill should now be repealed as it is now almost twenty-five years old itself and it is time for us to prepare and introduce a new Education Bill in order to bring Norfolk Island into current times. I seek the support of Members to the motion

SPEAKER Thank you Mr Brown. Further debate Honourable Members. There being no further debate I put the question

QUESTION PUT  
AGREED

That motion is agreed thank you

### **PUBLIC SECTOR MANAGEMENT ACT 2002 - RE-APPOINTMENT OF MEMBERS OF THE PUBLIC SERVICE BOARD**

MR NOBBS Thank you Mr Speaker, I move that this House, in accordance with subsection 13(1) of the Public Sector Management Act 2000, recommends that the responsible executive member re-appoint the following persons to the Public Service Board and to the respective positions appearing beside their names for the period 24 January 2005 to 23 January 2007, Gisele Robyn Huxley, Member and Charles Brent Hattersley, Deputy Presiding Member. Mr Speaker Members are well aware I believe that both Gigi and Hat are both long serving Members of the Public Service Board. I think they've been on there for four or five years now from memory and they've put themselves up again for nomination and I fully support them and thank them very much for their efforts in the past and look forward, if the Legislative Assembly approves their appointment, to working with them in the future. Thank you Mr Speaker

SPEAKER Thank you Mr Nobbs. Any debate Honourable Members. There being no further debate I put the question

QUESTION PUT  
AGREED

That motion is agreed thank you

### **NORFOLK ISLAND BROADCASTING AUTHORITY ACT 2001 – RE-APPOINTMENT OF MEMBER TO THE BROADCASTING AUTHORITY**

MR NOBBS Thank you Mr Speaker, I move that for the purposes of subsections 7(2) and (3) of the Norfolk Island Broadcasting Authority Act 2001, this House recommends to the executive member that Chloe Barbara Nicholas be re-appointed as a member of the Broadcasting Authority for the period ending 19 February 2008. Mr Speaker Chloe's been a Member of this Board since its inception although it met very irregularly but it is now, its been reconstituted and we have a full membership and in the past month or so there have been two meetings, and I fully support this nomination. She's a very active Member of the process

SPEAKER Thank you Mr Nobbs. Further debate Honourable Members. There being no further debate I put the question

QUESTION PUT  
AGREED

That motion is agreed thank you

### **PLANNING ACT 2002**

MRS JACK Mr Speaker, I move that in accordance with subsection 12(4) of the Planning Act 2002, this Legislative Assembly resolves that the draft plan (VARIATION 1-2005) laid before this House, being a proposed variation to the Norfolk Island Plan 2002, last amended on 23<sup>rd</sup> June 2004, and deemed to be the Plan under section 8 of the Planning Act 2002 be approved; and that for the purposes of subsection 13(1) of Planning Act 2002 the date of commencement of the approved Plan be 11 February 2005. Mr Speaker as required under the Planning Act 2002 section 12(1) I table for the Legislative Assembly a) a copy of the Draft Plan and b) a Report about the public consultation undertaken in relation to the Draft Plan including copies of any submissions about the draft plan received in the course of such consultation. Two public consultations were taken Mr Speaker, the first between 11<sup>th</sup>

June 2004 and 25<sup>th</sup> June 2004 and two submissions were received. The second public consultation was the 12<sup>th</sup> January 2005 to the 8<sup>th</sup> February 2005 and while two letters were received Mr Speaker and will be treated as submissions, technically they did not follow the approved format for submissions but they will be considered and deserve to be considered. Mr Speaker this motion deals with the development application made under clause 93 of the Norfolk Island Plan 2002. Clause 93 enables use or development for additional purposes on certain land. This means that under clause 93 prohibited development may be assessed as permissible with consent, use or development should it be consistent with applicable environmental clauses and provisions in the plan. It is proposed that clause 93 be enacted for development application No 34 for a veterinary establishment and ancillary kennels on portion 43s5 off Cascade Road. The proposed variation to accommodate a veterinary establishment on this portion is appropriate because in accordance with provisions of the Norfolk Island Plan 2002 the development application has been lodged in accordance with clause 93, it has been assessed under the requirements of the Planning Act 2002 and the Norfolk Island Plan 2002, it is considered to be consistent with the environmental provisions of the Norfolk Island Plan, it is considered to be an appropriate use of the land, it is not considered to change the intent of the Plan and it has been recommended for approval subject to conditions by both the Chief Executive Officer under delegation and unanimously by the Planning and Environment Board. Mr Speaker as stated previously there have been submissions against this proposal. Concerns range over vehicle parking, effluent disposal, odour concerns, visual amenity and the one that has caused the most concern, possible nighttime noise. It appears that the submitters major concern in relation to noise is the operation of the kennels and the noise that may emanate from these kennels, especially in the evening. All these issues went before the Planning and Environment Board and that group felt that with suitable conditions placed on the application, neighbours concerns had been adequately dealt with. The proposal went back to gazette for the further 28 days that allowed for more submissions and two more submissions were made. I would like to note here Mr Speaker that these submissions were from people who had made prior submissions and the concerns that seem to remain on the list is the concern over possible night time noise due to the kennels. Mr Speaker the Planning Officer contacted a number of residents living in close proximity to the existing establishment on Cascade Road. These residents were adamant that they are not at all adversely impacted by the traffic noise or odour as a result of the Veterinary Clinic. I have contacted all the persons within the immediate area of the current veterinary practice, and no one has reported any trouble with night time noise and this is with the construction of the current kennels at a much different level to what is proposed. Currently the kennels are on a concrete slab, open wire mesh on two sides, a third side is one layer of hardy board nailed to a wooden frame, while the fourth is the actual outside of the main building which is hardy board attached to a timber framework with a sheeting type of material lining the room inside. The roof of the kennels is of green plastic ripple sheeting. No solid construction, no soundproofing and despite this, neighbouring residents have stated that they are not adversely effected by the existing clinic. The proposed clinic would be located further from neighbouring residences than is the current situation, have a variety of conditions placed on its construction and operation and would not in the Board's estimation, have significant impact on the local area of nearby residents. A view I share Mr Speaker. Just let me read out the noise mitigation measures that are built into the proposal and its that all dogs and cats would be locked up on the enclosed sections of the kennels at night time. These enclosures would be constructed with concrete blocks and insulated marine ply. Vents above the doors could also be closed and sealed in the event of a noisy animal. All marine ply sections of the kennels would be insulated with recycled rubber. The roof would be insulated with either recycled rubber, polystyrene or fiberglass bats. Recycled rubber is the preferred material as it recycles the waste product generated on Norfolk Island that is, the shredded car tyres and does not process the health threatening qualities of both polystyrene and fiberglass bats. However insulation material shall be determined in consultation with the Administration's health and building surveyor prior to the commencement of construction and this requirement has been included as a condition in the recommended instrument of approval. The Administration has also contacted the Norfolk Island Block Factory to question the ability to obtain MPA or Strength and STC Sound Transmission Class ratings on concrete blocks produced on Norfolk Island. It was advised that MP ratings were available and blocks should have a minimum strength rating of 20 MPA. This has been included as a condition in the

recommended instrument of approval. STA ratings are not available and therefore sound emissions from the proposed kennels could not be determined prior to construction of kennels but could be measured once the kennels were operational. It appears that the STC of concrete blocks on Norfolk Island cannot be measured beforehand owing to the nature of concrete block construction here on Norfolk Island Mr Speaker. As a result it will be necessary for the applicant to do as much as possible beforehand during the construction however post conditions have also been placed on this project that will allow the Administration to measure and monitor and require the applicants to mitigate if necessary and these conditions have been passed through legal to ensure that they are enforceable. With regards to the other issues raised in the first two submissions I'll just add that for visual amenity concerns during the development of the site a condition is that these be maintained in an orderly manner for both visual aesthetics and Occupational Health and Safety considerations. Traffic and Access. No parking shall be permitted outside the boundaries of the development site. Landscaping to be undertaken in accordance with condition 213 of this approval and shall be maintained to a satisfactory condition as determined by the manager land use and environment. Waste, waste including but not limited to pathological waste and dry waste from the kennels sump box shall be disposed of at the waste management centre in a manner agreed with waste management centre staff. This is a current condition with the current practice and also with the other Vet that has just set up. Infrastructure. There's another condition here that says the applicant shall operate the development in a manner that will minimize the emission of odour from the development site which creates a nuisance and the definition of nuisance here has been taken from the Norfolk Island Plan in which it means nuisance which causes or is likely to a) cause danger or harm to the health safety or welfare of any person or b) relates to unreasonable or excessive levels of odour. The compliance orders are that compliance with all conditions contained in this approval shall be monitored by an appropriate authorised officer of the Administration of Norfolk Island and construction, there have been two new definitions included so that you have construction of the actual house as well as construction of the kennel block as well is being covered. Mr Speaker, given the first hand reports by all the current local residents that the current clinic is not noise and the mitigation measures that can be built into the proposed structure and the availability of further mitigation measures post commissioning should noise prove to be a problem for surrounding residents, I believe that this proposal should be agreed to. And one final point that I would like to make is this, that during the debate of the implementation of the Norfolk Island Plan in the last Legislative Assembly I remember the then Minister and Environment Ivens Buffett talking of how this plan was not to be set in stone, that it was to be fluid in concept in order to allow for possible changes as the needs and requirements of the community change and not to have to wait for another five year period to occur for those changes to happen and it is for that very reason that clause 93 was included and I see this development application as such a reason because ten metres away from the edge of this portion lies rural zoning, and in that zone, that application would be permitted with consent and we wouldn't be sitting here debating this development application and as stated previously I believe this proposal should be agreed to but I look forward to hearing other Members views on this matter, thank you

MR BROWN

Mr Speaker I've received two letters today, one from Mr and Mrs Hallett and one from Mr and Mrs Peter Christian. I don't know whether all Members have received similar letters but these letters follow up at least two previous objections that have been made by these particular neighbours and in my view we should not lightly discount them. The difficulties that I see are firstly that the kennels are presently in another location where they are not upsetting the neighbours from what Mrs Jack has said and I'm not sure why it is that the kennels can't stay there, particularly as they are not upsetting the neighbours. The second thing is that the kennels really are a 24 hour 7 day per week business. If we were talking of Monday to Friday from 7 to 5 then it may not be greatly unreasonable to say to neighbours well we think on the basis of business hours extending only through Monday to Friday and only between 7 and 5 and having regard to the fact that rural land is close by it's a reasonable request, but where it is 24 hours per day 7 days per week, maybe we should think a little more about that. I wonder whether we should have a different view if the kennels were deleted from the project. If there were no kennels as part of the project then we would be looking at a Veterinary practice, a house which clearly would only operate in quite restricted hours and

would hopefully not be objectionable to the same extent. Mrs Jack has mentioned shredded rubber being used as a noise reduction method. I would certainly be interested in seeing scientific indications to the extent that shredded rubber would assist in that regard. Mrs Jack told us that the strength of concrete blocks should be at least 20 MPA but she told us that it's not possible to test a concrete block to ascertain its sound reduction properties and I would have thought that it would have been quite possible to carry out that test. Firstly it would be possible to obtain those measurements in respect of mainland blocks. I have no doubt at all that those details would be available and secondly it would be possible if someone was going to use a Norfolk Island block to send that block away and have it tested for the same purpose. I would prefer to not deal with this matter today. I realise that people want to get on with their construction but I think that I would prefer to see it adjourned until our next meeting so that if other Members of the community who have not had anything to say to date do have something they want to say they will have the opportunity to do so and so that we can be assured that the neighbours of the existing kennels are not simply saying look they are no trouble at all in order to get the kennels shifted to another part of the island in the fairly solid knowledge that there's no-one else going to be renting the exiting kennels as boarding kennels, Thank you

MRS JACK

Mr Speaker, Mr Brown raised a few issues and I'll just answer a couple of them. Looking at the application without the kennel component. Apparently Administration has discussed with the applicants the possibility of removing the kennel component of the proposal or at least limiting the animals to be housed in the kennels to recovering animals and the applicants have stated that the kennels were an essential part of the veterinary practice and they could not consider removing any aspect of the application. Also, it should be pointed out that if anyone else had bought this property they could move in with 13 dogs because we don't have laws on limiting the number of animals or pets on a portion. Mr Brown did mention the soundproofing aspect of the blocks. Apparently because of the way the blocks are made on Norfolk, or so I'm led to believe, sometimes they have different basic raw materials used or the composition varies and so you can get inconsistencies in the blocks and so to get a firm sound transmission class can't be done unless they perhaps imported those blocks from offshore. As for the third one where Mr Brown said leaving it on the notice paper for a month, the actual motion does mention the 11<sup>th</sup> February and that is why it has to be one way or the other today because of the way it's been put on the motion paper.

MR NOBBS

Mr Speaker the proponents and also Mrs Jack knows my position in relation to this. I'm a bit of a stick in the mud. I think that once we've made a plan and it's not long been in, we should stick to it. Certainly there are some provisions where it's essential that a plan be changed, and we are looking at the next item on the agenda is precisely one of those but I don't believe that at this point we should be changing the plan. Whether it's ten yards or ten metres or 100 miles from the next zone it doesn't really matter because it never rains all over the world. Somewhere it stops and somewhere it finishes and for the purpose of this plan it stops at the point that it does, that particular zone, and we go on to the next one, so my view Mr Speaker is that we should leave it. We talk about the ballooning of the bureaucracy here, I've seen it elsewhere, where the planning branches become huge because of the number of changes in a particular plan that goes on from time to time. I've been involved in several fights I guess you should call it where plans that we thought were reasonable plans, that the whole suburb where we were living in thought that things were to be progress along a certain line all of a sudden there's an application there for a four to five storey building and what's more, it was changed even though the whole suburb and surrounding suburbs didn't want it, there was a politician involved and he wanted it and that was that. Finished. So I have great concerns in having the ability to change particular plans and so I won't be. I don't think there's a need for any changes in the plan at the moment. In a year or so if there's a need for a review of it well we review it then and go through the process. It need not be five years. If there is such a need we should do it at that point in time but as far as this section is concerned, and I'm going to change my vote as far as the next one is concerned because it's a straightforward mistake but this one is a distinct change in the plan and I think that once you start this sort of thing rolling, where are we going to end up

MRS JACK Mr Speaker, another issue with Mr Brown that I forgot to mention. The two letters that he referred to. They are included in the document that I tabled. They did come in yesterday and they have been included as I said in the documents that I tabled and form part of my consideration Thank you

MR SHERIDAN Mr Speaker Thank you. I would just like to echo Mr Nobbs thoughts on the plan in general. I believe a lot of people have gone to a lot of trouble to present this plan in 2002. a lot of work's gone into it and just to vary away from the plan, I know there are facilities in there to vary the plan, but I believe the principle thing to really think about is really the principle aim of the Norfolk Island Plan and its in the first paragraph where it states that it recognises Norfolk Island as first and foremost home for its residents provide for development which is consistent with the protection of Norfolk Island's natural environment and it goes on to say the preservation of the character and quality of the landscape experience and also the development of pleasant and functional places in which to live, work and recreate. Now it goes on further there in the rural residential zone and it particular precludes veterinary establishments so I believe they've gone to a lot of thought there and they've precluded that for a specific reason which may be they are the only ones who know or we have to do a bit of research to find out but considering the objections that we have received, there were two letters and it must be noted that one of those letters was signed by twelve individuals or one of the letters that I did see was signed by twelve individuals of all residents who live down in that area. Now these residents have lived there for generations enjoying their peaceful surroundings and yes, they do feel aggrieved that their surroundings will change and I think that we must weigh that in our considerations to their enjoyment of their way of life, the way they enjoy their after hours activities in that area and its for that reason that I find that I would not be able to support this submission today. Thank you

MRS JACK Mr Speaker, I appreciate Mr Sheridan's debate but if you are going to look at the peaceful lifestyle that they inhabit don't forget that some of those people also have tour companies go onto their property, have band practice in the shed, have low impact business admittedly going down there but they also cause impact and its not just purely residential only area

MR BROWN Mr Speaker indeed I have noticed in the material that I have been provided with that there is reference to commercial use in the area. I think the reference was to a tennis racket restringing business. Now let's be a bit serious Mr Speaker. A tennis racket restringing business is not a greatly intrusive business. There is reference to another business hosting tour buses. Not for progressive dinners at night but hosting tour buses during the day. I don't know how many days per week but that's not a greatly intrusive type of use either. I don't think that we should discount the complaints that have been made just on the basis that someone restrings some tennis rackets, someone plays lovely music in a shed for a short time on occasion and someone else generates a little income to put food on the table by welcoming visitors to their home during daylight hours. We are talking of quite different things. I think that I've listened to what Mr Nobbs said and what Mr Sheridan said and I do think that we have to be careful that we don't simply take a view that we'll be a rubber stamp every time one of these applications is made. It may be that upon proper consideration a decision is made that there should be an agreement to the proposed variation of the plan and I know that the words are it is proposed that the Norfolk Island Plan 2002 be varied so this is far more than just an approval, this is actually a request to agree to variation of the plan. I propose after the Chief Minister has spoken to move an adjournment of the matter for a month so that there can be full consideration and so that we can be provided at the very least with evidence of the sound deadening qualities of the shredded tyres and of the concrete blocks and perhaps in that time we can be provided with a revised suggested plan for the construction of the kennels so that the matters to which criticism has been raised, for example that the concrete block walls do not totally enclose the kennels, can have another look

MR GARDNER Mr Speaker I've listened with interest to Members comments. Lots of it I agree with and other bits I'm not quite so comfortable with but very clearly as Mrs Jack said, the purpose of the Norfolk Island Plan was not something that was

going to be locked in stone and we couldn't go back and revisit. Clearly there are provision within the plan for variations to be considered. Variations to be made and different processes. People can apply to have the plan varied if they believe they have a strong case to vary the plan. This forum can generate through the responsible Minister variations to that and in my view Mr Speaker this forum is seriously going to have to consider making significant variation as far as rezoning and other things are concerned as far as the Norfolk Island plan is concerned well in advance of its five year statutory requirement to review it. I don't need to tell this community about crushing and the difficulties that we have associated with crushing. We've gone through a very lengthy planning process to try and achieve satisfactory crushing outcome for the island and as Mr Brown is using the argument in this area as far as a few dogs are concerned, significant representation was made to me as an approving Minister in a previous Government about the impacts that crushing activity might have elsewhere on the island is something that obviously we had to take on board, consider, and weigh up as to the long term benefit for the community against a whole lot of other criteria. That we've done. We are paying the price for that because probably when we put together this plan we didn't appropriate consider zoning requirements and the like for Norfolk Island. And look. Nobody is to blame for that. It's a huge undertaking to put this together. The Norfolk Island Plan has been on the books for the best part of five years and has been worked through steadily and we've attempted to address everything but sure as God made little green apples there's always going to be problems that arise, even with the best intentions in the world and thinking that we have it right. Clearly we haven't got it right and there are matters that need to be dealt with and some of those matters include some of the frustration that's encountered that I thought was pretty easy. Throw a few more resources at it and you can deal with planning applications and subdivision applications in a timely fashion. It's not quite that easy. On paper the Norfolk Island Plan and the Norfolk Island Planning Act 2002 were meant to provide more efficient mechanisms over and above what existed in the 1996 plan for Norfolk Island. On paper it looked good. It looked like it could be achieved but I think in practice I think we found it completely the reverse. Now that is not the blame of any particular officer or individual at all I think simply that we've gone and adopted a system that appears at the moment and certainly from the level of frustration that's been demonstrated in the community, an unworkable system. It is just not delivering on what it was intended to do. We're talking about a vet practice here and I've been down to Brian and Gail's place and seen their vet practice and when you turn up there you're not greeted by an enormous noise of cats and dogs screaming and fighting and bickering and that sort of thing. I've never heard of a complaint from down there. There may well be. Just as I've never heard of a complaint from Candice's practice up near the school. It's a vet practice and people come and go and there's traffic and it's next to a school and next to a fish and chip shop and on the back of a private dwelling but I've heard no complaints about that and I look at the proposed conditions that have been put forward as far saw any approval is concerned and I think to be fair they are quite reasonable conditions. They either get met or you don't have the kennels. End of story. If there are complaints. There are complaint mechanisms put in place for consideration. Now those are mechanisms that are proposed to be put in place for something as Mrs Jack said, because even if the kennels weren't there there's nothing to prevent a person moving into any place on the island and taking three or five or six different pets with them and having them meowing or barking or doing whatever in the back yard or having very noisy cows looking for their calves on properties next door bellowing away endlessly at night time. Do we want to put muzzles and mufflers on the cows. There is proposed to be conditions imposed on this thing that either can be met or won't be met and if they are not met the kennels fail to exist and it's argued well look, there's more than one vet. Well there is more than one vet and a very sound proposal has been put forward about sound proofing and trying to ensure that people's quality of life is not burdened or encroached upon. No different to how we deal with crushing. No different to how we deal with a whole host of other matters. You are looking at how you can find a resolution to a problem, being considerate and aware of the fact that we live within a five by three mile environment and believe it or not we have to embrace some of those things as we have to embrace it sometimes, as I said, about crushing. If we don't resolve that Mr Speaker we've got to come back to this House and we are going to end up in my view having to rezone sections of Norfolk Island that are going to allow for noxious type industries, not like a dog shelter or a veterinary clinic but for the more intrusive noxious industries that we all clearly recognise are such but so that it doesn't effect

the whole viability and running of Norfolk Island into the future. I've heard what Mr Brown has said and I believe that as far as the motion is concerned the date is not necessarily an important thing. It is something in my view, reading it, I believe can be varied and I would be supportive of giving us an opportunity of looking a little bit longer and harder at this and I would be happy to go down and I would like to talk to Peter and Margaret and Rick Hallett and those rather than just a letter that says a whole lot of things, go down and observe for myself exactly what it is because we are being asked not just to give an approval here but to significantly change a plan that we've adopted with all the best intentions in the world and I agree with Mr Brown. It's not a decision that you can take lightly but its one that we need to give some solid thought to as we would give some solid thought to as I've said whether its crushing, or other things that in hindsight are appearing now and things that we haven't catered for in the Norfolk Island Plan and we seriously are going to have to sit down and address over the next short period. One of those is the issue of community titling or strata titling so that we are able to get our aged care facility up and running that Mr Richards has been so passionate about and as been so solidly supported by the Legislative Assembly. We are going to have to do something about that and that is about changing the plan and its also about changing the Planning Act 2002 to enable that to happen because without us doing that we won't have that aged care facility that we've given so much support to over the years. That's all I have to say on it but I think we do need to give this some further consideration today and in the intervening period to try and find a resolution to a problem that obviously the Gartrell's have got, the neighbourhood have got and I think the island as a whole have got in relation to the Plan. Thank you Mr Speaker

MR BROWN

Mr Speaker I move the adjournment

SPEAKER

The question is that this matter be adjourned and made an Order of the Day for a subsequent day of sitting

QUESTION PUT

AGREED

That matter is so adjourned

## **PLANNING ACT 2002**

MRS JACK

Mr Speaker, I move that in accordance with in accordance with subsection 12(4) of the Planning Act 2002, this Legislative Assembly resolves that the draft plan (VAR 2-2005) laid before this House, being a proposed variation to the Norfolk Island Plan 2002, last amended on 23<sup>rd</sup> June 2004, and deemed to be the Plan under section 8 of the Planning Act 2002 be approved; and that for the purposes of subsection 13(1) of the Planning Act 2002 the date of commencement of the approved Plan be 11 February 2005. Mr Speaker again under clause 12(1) of the Planning Act 2002 I table a copy of the draft plan and a report about the public consultation undertaken in relation to the draft plan including copies of any submissions about the draft plan received in the course of such consultation. Mr Speaker this is a one page report. It had one public airing and that was because it was not a development application attached but merely a correction of a cartographic error and no submissions were received. In the report is listed the background to the reason for this error or highlighting the error and it states that in the Norfolk Island Plan 1996 portion 152a was zoned for rural purposes. The draft Norfolk Island Plan 2002 zoning maps dated 19<sup>th</sup> February 2001, 29<sup>th</sup> March 2001 and February 2002 all depicted portion 152a as being zoned rural and the draft zoning map that was placed on public exhibition between 6 July 2001 and 28 September 2001 depicted portion 152a as being zoned rural and somewhere between February 2002 and March 2003 when the final zoning map was being prepared, a cartographic error has occurred which altered the zoning of portion 152a from rural to conservation. This error was not detected before approval of the plan by the Legislative Assembly on the 25<sup>th</sup> February 2004. Mr Speaker as I said I see this as a housekeeping error and ask the Members approve this correction. Thank you

MR BROWN Mr Speaker mistakes happen from time to time. A similar mistake happened at the last plan when a particular block of land which was intended in every version of the plan one saw to be special uses and lo and behold someone at a convenient time produced one on which that block of land was coloured green instead of yellow. Something similar has happened on this occasion. What we should do is promptly fix the problem. I propose to support the motion and I move that the question be put

MR NOBBS Mr Speaker if we explain to the public that it's an error, the block next door is actually owned by the National Park and Wildlife Service and is actually a conservation area so it's obviously an error. I don't think there's anything of significance in that

SPEAKER Thank you Mr Nobbs. Mr Brown I'm going to proceed directly to putting the question unless you have a difficulty with that

QUESTION PUT  
AGREED

That motion is agreed thank you

#### **IMMIGRATION ACT 1980 - DETERMINATION OF GENERAL ENTRY PERMIT QUOTA FOR PERIOD 17 FEBRUARY 2005 TO 16 FEBRUARY 2006**

MR BROWN Mr Speaker I move that for the purpose of subsection 21(1) of the Immigration Act 1980, this Legislative Assembly resolves that it be determined by instrument in writing that 35 General Entry Permits be granted during the period 17 February 2005 to 16 February 2006. Mr Speaker we are required by legislation to set a quota each February. Members will recall that just a short time ago we set a further quota for the year ending 17 February 2005 and we need to now address precisely what quota we wish to set for the period from 17 February, that is the 17<sup>th</sup> of this month, through until the 16<sup>th</sup> February next year. Mr Speaker I'm aware that Members have differing views about this. Some Members are of a view that they would prefer to await the finalization of the population review, and there's some soundness in that view. Other Members are of a view that having increased quota in recent weeks in order to cater for everyone who had been approved, there is not a need for a quota to be set at the present stage and some of those Members would prefer to see a nil quota. We certainly do have the ability to reconsider the level of any quota from time to time during the year and if Members set a nil quota or a quota smaller than 35 there's nothing to stop us reconsidering that at a time of our choice during the next year. Some of the issues that I think we need to take into account are firstly we do currently have a population policy which intends to allow for a growth of up to 2% in the permanent population each year. That growth has certainly not been achieved since the policy was set in February 1996 and in the years since that time, the quotas have varied between 30 and 48. the General Entry Permit quota is not the only means by which someone can obtain a General Entry Permit. Members will be aware that the special relationship clause is a clause which enables persons who can establish that they have a special relationship with Norfolk Island to obtain entry outside of the quota. The Immigration Officer provided a memorandum on the 27<sup>th</sup> January in which he endeavoured to demonstrate both the current situation in relation to . The Immigration Officer provided a memorandum on the 27<sup>th</sup> January in which he endeavoured to demonstrate both the current situation in relation to quota and the growth in the permanent population in the years since 1996. that growth in terms of residents has been very marginal. In the 1995 year according to the figures provided to us which have been extracted from immigration statistics there were 1365 residents and 209 General Entry Permits giving a total 1574. The number has risen and fallen in subsequent years. It rose to a maximum in 2002 of 1625 and it fell in 2003 to 1609 and the statistics for 2004 showed a figure of 1610. if we look at that 2004 figure of 1610, that compares with the number which would have been allowed by the existing policy of 1821 so firstly we are a long way short of the existing policy of 1821. so firstly we are a long way short of the existing policy and secondly the numbers have grown by only 36 in the ten year period since 1995, so it's a growth of 3.6 people per year compared to a growth of just over 30 per year which would have been allowed by the policy. Now the policy as it presently stands

suggests that we will allow a growth of up to 2%. It doesn't instruct us to go out and seek to achieve that growth. It simply says that we will allow it and so to such extent as anyone might say to us well look your present policy's a failure because the numbers have hardly changed, it's not actually a failure Mr Speaker because it wasn't aiming at achieving the increase. It's simply as I said proposed to allow it in those years when there were applicants for the positions. Mr Speaker we do need to set a figure today, be it nil, 35 or fifty and I'm aware that one of our members would be happier if a quota of 50% and the thinking there is that we should particularly in the business community be facilitating the sale of businesses by people who wish to retire, wish to leave the island or may simply need to sell the business because they are ill. Similarly, there will be people within the community who wish to sell houses and leave the island for various reasons and the issue of general entry permits might facilitate the wishes of those people also. I'm not aware Mr Speaker of anyone being on the subsisting quota list at present. It could be that subject to compliance with certain conditions up to six persons may go onto that list during the course of the next month or so but if Members were of a mind to set a quota of zero today and to revisit that at our next meeting I could not say to you that it will to my knowledge create any great inconvenience to any person but I would urge Members to be prepared to actually set a meaningful quota for the year be it now or in a months time rather than take a view that we will set a quota of nil for the full year because a full year nil quota would certainly create very substantial hardship during its term, thank you

MR NOBBS

Mr Speaker I'll be voting for a nil quota as I have done for the last seven years because I feel that there is a grave need and I will say it again to look not only at the population policy but the whole Immigration Act and Policy as well. It's fine to say that, and I know it's been said to me, that we stop everything if there was a nil policy, we wouldn't be selling businesses and what have you, we could fix that right now. I could write you out an amendment to the Immigration Act which would facilitate that and that's by the issue of a permit for a person who buys a business is issued a business permit full stop. Once they sell the business well that's the end of the permit. Simple stuff. Very simple. As far as the 2% increase I've always been against that because I believe that the economic climate of the island is a major contributor to the population. It's pretty obvious. It has been for years and years. If you want to increase the population by 2% well get the dole here. It would go up then for sure but the present arrangements now are that you have to work for your dollar and that's what sets the population and it's happened to me in the past and I hope it doesn't happen to me in the future, but it's happened to me in the past. No jobs. Ta ta Norfolk. Homesickness sets in the next day but that's life. That's what it's all about. We are very limited by the economic activity on the island and that limits the population unless we do something drastic which I wouldn't like to see happen, thank you

MR CHRISTIAN

Thank you Mr Speaker, I'm aware that Mr Nobbs supports a zero quota and I'm also aware that I think Mr Sheridan supports that and my view of late has come to support their view but for totally different reasons and I'll try and elaborate on that for a moment. All of the population policies that we've had formulated in the past is based on a premise, a misguided one I might add, that population growth of itself brings prosperity. In my view a growth in population with an economy that remains at one size can only lead to a reduction in prosperity unless that person coming to the community brings with him or her external income and that external income remains for the duration of their stay in Norfolk Island. Having said that I'm happy to support the proposal that's before us at the moment to allow 35 GEP holders because as Mr Nobbs has quite correctly stated economic conditions has proven to be the leveler so whilst we may well approve 35 in the next twelve months, in reality if we look at the figures that have been provided since 1995, we are about where we should be in a population growth sense or where we should have been, back in 1998 so Mr Nobbs has quite correctly stated that in the absence of prosperity and jobs people come and people go so I suppose in a net sense, what I'm saying is that you can approve 35 but this time next year I suspect our population will be fairly well at the same level that it is today so we've achieved by economic means a nil population growth so on that basis I'll support the motion

MRS BOUDAN

Thank you Mr Speaker. Presently I'm not in favour of setting a quota for General Entry Permits. I firmly believe that we should be awaiting

finalization of the Norfolk Island population policy review, that discussion paper. We have just approved 13 General Entry Permits and I think we should just wait and not set anything at this particular time

MR T BROWN Thank you Mr Speaker I would actually see a quota set as a negative number but if this is not possible I'll take the number that's close as possible, thank you

MR BROWN I'll consider myself told Mr Speaker. Mr Christian hit the nail on the head when he said that even if we set a quota of 35 it's likely that our total population number will be little changed in twelve months time and statistically we have seen that we need to set a quota of not less than 30 each year in order to stand still because indeed some people do leave for all kinds of reasons so if we choose to set a quota we choose less than 30 for the whole year, it is likely that we will actually see negative population growth during the next twelve months. Mr Christian, Mr Nobbs and I believe Mr Sheridan have all expressed concerns at differing times today or at other times, about the potential impact of immigration on areas such as social services. And I must acknowledge Mr Speaker that what they say is correct. There have been some dreadful immigration decisions over the years which have led to a virtual explosion over time of the cost of social welfare. There have been numerous people who have come here at a time when they are close to retirement, run their business for five years, sold the business and as soon as they had been on the island for the requisite ten years applied for pensions. This doesn't only happen in the business community. It happens also and in fact to a far greater extent in the area of persons who hold temporary entry permits and move to General Entry Permits and one of my concerns in the Administration of our immigration regime is that a greatly reduced level of scrutiny is given to persons moving from Temporary Entry Permits. If you want to come here to buy a business you've got to demonstrate that the business is viable. You have to demonstrate that you have reasonable financial means and so forth but time and time again, looking back through old records, it is clear that people moving from Temporary Entry Permits have often had little more than a car and \$100 in the bank. And if that is not a recipe for a social welfare requirement in later years, I'm not sure what is. The school is another example Mr Speaker. At present we do not charge school fees, we have for many years but no longer, allowed ourselves to be run by the New South Wales Teachers Federation. We have been told by the New South Wales Department that because of the Memorandum of Understanding we must simply accept whatever we are told we must pay, be that as a result of the number of teachers, be that as a result of the number of head teachers, be that as a result of the pay increases that are granted by the New South Wales Department or whatever but without the slightest doubt immigration puts a drain on the cost of education. Having said that I'm not sure that we can avoid the problem. I think we can manage the problem but I don't think that we can really avoid it. If we wanted to go back to a fortress Norfolk Island concept and try to do away with immigration altogether, we would without the slightest doubt need to be prepared to accept that we would not be able to maintain the standard of living which is presently enjoyed on the island. We don't know to what extent that standard of living would reduce, but Mr Speaker, there is absolutely no doubt that it would reduce substantially so I'm conceding that there are difficulties. I'm conceding that I don't presently have the answer to all of those difficulties, but I'm also saying that we do need to set a quota of some level today. I'm conceding Mr Christian's point that if we set a quota of 35 it is likely that an equivalent number of people will have left the island by this time next year and that the net gain will have been zero but I'm suggesting that if we choose not necessarily today, but on a full year basis, to set a quota of nil we will in effect be guaranteeing that the island's permanent population will reduce by something in the 30-35 region during the course of the next year

MRS JACK Mr Speaker, Mr Brown and Mr Christian have definitely highlighted concerns and I agree with them on the need to have a figure set and not a zero figure. Mr Brown highlighted concerns of population impact on the school and on social welfare. One considers my portfolio's of planning and the environment to see how unguarded immigration could effect our resources, our reliance on the infrastructure problems of building out some of the areas, of the electricity requirements, telephone, the need for adequate water

supplies, the hassles for Mr Nobbs on the roads, I mean immigration effects everyone's portfolio within this Government but I agree that we must set a number and I'm prepared for that number to be 35 and I totally agree that we'll probably end up with a negative figure anyway. People are leaving the island and it's not just the Temporary Entry Permit holders who are leaving, it's the General Entry Permit holders and already the residents and we can't have a sustained negative impact as Mr Brown has highlighted. The effects on our standard of living would be catastrophic. The effect, combined with the reduced income from tourism, that this would have for Mr Nobbs would be catastrophic. We've got to start being innovative and I think when we start looking at population policies that instead of just saying that you can only come in and operate a business that's already existing, in some areas we should be able to go out and for a better term, headhunt. I mean we have money going off shore in the way of dental technician. Why can't that sort of business come here. You can come in if you are a dental technician. Keep the money on island. The expertise and broaden our base that way. It's just an idea but as I say, look I'll support 35, thank you

MR GARDNER

Mr Speaker just a few comments. I'm certainly interested in the debate and as I think we are all aware, this is the eighth time that a number of us have sat around this table and had the same debate. Some more and some less, but it's something that we always have great difficulty in dealing with every year. Attempts have been made in the past to have population policies developed and I think Mr Christian was mentioning before that we've been trying to struggle with that for twenty-five years or thereabouts and we haven't really achieved something that's delivered what it was intended to deliver. I'm sympathetic to all the views, to increase, to stay the same, or whatever. If you say nil and you're serious about saying nil, immediately you need to in my view look at repealing those sections of the Immigration Act that would allow people to subsist for example. Subsisting is very interesting because it's usually what drives us to have to look at maybe providing a supplementary quota each year and as was evidenced at the last sitting of the House there were some 13 supplementary quota positions that were made available to clear up the subsisting side of things. There's not certainly from my recollection a great percentage of the general entry permit positions taken up by people coming directly from outside of Norfolk Island. I think it would be fair to say and I stand to be corrected here that the bulk of quota positions are taken up by people on island who have come in as Temporary Entry Permit holders and I think in some instances have even come in as visitors and stay during the process and been granted General Entry Permits and they've seen the attractions of Norfolk Island they feel they can make a contribution and participate, there's a business there's an opening, there's an option for them to pursue and they do that and they do that with vigour. Whilst we have the subsisting provisions it makes it very very difficult to try and control population in that a person applying for a General Entry Permit quota especially if they've been here on a Temporary Entry Permit and I know Mr Brown is considering or has asked Members to give consideration to extending the term of Temporary Entry Permits I think up to eight or ten years or thereabouts, John if I'm correct there, and that significantly increases opportunities for people that may or may not wish to go to a General Entry Permit status but when they are on island and when they do apply for General Entry Permits the current provisions of the Act if we turn around and say no sorry there's no quota provisions available you can't get your General Entry Permit they are then empowered under the Act to write and seek to subsist. If we take a view that there's no positions and so therefore we are not going to grant you a General Entry Permit come hell or high water the provisions are there for appeal. Now if we don't provide a quota we could end up with just as many people subsisting forever and a day as if we have provided a quota provision. So its not just as simple as looking at the quota today and saying let's make it zero or 35. the impact on the community as far as the footprint that people live is going to be just as great whether you set one or you don't set one and I've always argued that the population on Norfolk Island is driven by economic activity within the island itself and as I've already said this morning tourism numbers are in decline, I would expect that we will notice that if we haven't already seen that in our population figures, a reduction. Something that's following the course of decline in tourism numbers. Now if all these efforts that we are going to improve tourist numbers over the next few months pay off, you're likely to see a demand for people wanting to come back into the island as people look for getting extra staff, or become a little bit more entrepreneurial and decide there's going to be new businesses or new tourism type activities

open on the island and of course, they all have to be staffed. The education impact again is another question and again, I stand to be corrected here, but when you look at the breakdown here between quota positions and compare that to the 21 odd special relationship General Entry Permits that have been issued over the last six months or so or thereabouts, it would be interesting to do an analysis of just how many of those General Entry Permits for example provided under quota actually bring with them school age children who have an impact on our education system, compared to the 21 special relationship permits of which only from recollection, generally relate to younger type people who have young children or school age children who are coming in on special relationships. Now I don't think at all that we are proposing that we are going to do away with special relationship provisions because education's causing us a bit of a problem because we find special relationship delivers to us a lot of younger people that are child bearing age or who have young children. So it's a very very complex situation we find ourselves in dealing with, with quota and there's no simple answer. The answer's not setting zero, the answer's not setting 35 and somehow we have to find that answer. Again I quote Mr Christian who said we've been struggling with it for 25 years and we haven't got it right. We've tried all sorts of various policies and things over the time. We've had retirement policies. Well that's come back to bite us where we've seen people who have had the wherewithal have come into the island, that was abandoned by a previous Legislative Assembly but even those people who have come in with the wherewithal because of unfortunate circumstances from time to time have found that the wherewithal that they had has disappeared. They've invested unwisely or other things have come into being and suddenly those people that we thought would never be a burden on our system have ended up being so. But it's interesting to reflect and I just leave this with you Mr Speaker, that I think I was a person all those many many years ago that may have had less than 100 and probably didn't even have vehicle when I got my General Entry Permit. Thank you

MR NOBBS Mr Speaker I'm a little heartened by this discussion this morning because it looks as though we might be going to look at things which would be very good and so I'm going to move the following amendment if I may, that after 'that' the second time occurring that the number '35' be '0' and the date '16 February 2006' be deleted and replaced by '1 May 2006'. That in my belief if we are serious about it will give an opportunity to look at exactly where we are going because the implications really are not small as far as the education, social services and all those issues are concerned which Mr Brown is actually look at, at the present time and we need that completed and I think immigration being in the mix is very important in that area and it gives us a bit of time and if nobody is being disadvantaged at this point in time

SPEAKER If I could just be clear on the date you've amended '1 May 2006'

MR NOBBS Mr Speaker no I'm sorry. May 2005. I nearly got it through!

SPEAKER I didn't want to lead you in the matter but I wanted to be sure that was your intent. I just want to give clarity to what the amendment before us is, in terms of notice number 7, is to delete '35' and insert '0' and the second date, that is the '16 February 2006' replaced by the date '1 May 2005', that's the amendment in front of us Honourable Members,

MR BROWN Mr Speaker I wonder if Mr Nobbs might be prepared to amend his proposed amendment so as to leave the date '16 February 2006' in place but put after it 'with the intention that the House will review the General Entry Permit quota at its May 2005 meeting'. The reason I ask if Mr Nobbs might be prepared to make that amendment is that my recollection is that we do need to set the quota for a period of a year and I think that the words I've just given will achieve what Mr Nobbs is after. My own position Mr Speaker I would prefer to see 35 but I will respect whatever is the will of the House and to such extent as its necessary for me to provide information to the House in the period up until May if the amendment is passed I'll be pleased to do that

MR NOBBS Mr Speaker I'm quite prepared to alter my proposed amendment. I hadn't realised that you had to set it for a year

SPEAKER Honourable Members, but if I could give clarity now to the amendment that is in front of us. It is that the figure '35' be altered to '0', the dates on the original motion that is '17 February 2005 to 16 February 2006' remain in place and there are additional words following "2006" the words be added "with the intention that the House will review the GEP quota at its May 2005 sitting". That's the amendment at the moment Honourable Members,

MR SHERIDAN Mr Speaker I fully endorse what Mr Nobbs has just suggested to have a '0' quota and review it in a few months and also as the Chief Minister has indicated talking about General Entry Permits most of those we may assume come from applicants coming through the Temporary Entry Permit system. Now I'm of the belief that those are the types of people that we should encourage to get their General Entry Permits because they tend to be younger and they are fully integrated into the community at the end of their five year Temporary Entry Permit and they obviously have good work ethics or they wouldn't still be here otherwise. What I would like to see is that a review of the General Entry Permit system take place and a separate quota be set for people coming off Temporary Entry Permits onto General Entry Permits. I would fully support that and if that were a separate figure that would utilise people on the Temporary Entry Permit system to come through and at the end of their system after five years they know whether or not they want to stay on the island and then they convert to a General Entry Permit and therefore onto residency further down the track. The problem I see with the General Entry Permit system how it is now, is that generally the people who are granted these permits are of the middle to older age group. As Mr Brown has correctly stated, may not necessarily be a burden on the community at the time of gaining their General Entry Permit but have the potential to become a burden on the community simply because of their age, later down the track and sooner more than later. I believe that our population is already aging and we have to try and encourage younger people to reside here permanently. Just looking at the figures for the last ten years we have never achieved the 2% growth and I think it was an unrealistic figure. It's like our bed nights of 340000. we haven't achieved that in the time and again an unrealistic figure. I think they should both be reviewed and for immigration maybe a 1% growth would be more appropriate. In the last ten years I think our total percentage was .94 over the last ten years and that's close to 1% and in the next ten years if we work on that figure of 1% per year we would increase the population by another 153, an average of 400 Temporary Entry Permit holders on the island at any one time, in the year 2014 we would have just over 2200 people on the island. Now I believe that is quite sufficient to cater for our industries at this point in time. I believe that the permanent island population should be around the 2000 mark and we are at that mark at this point in time and to try and encourage rapid or maybe not so rapid but increased population growth. I don't believe that our services and our facilities and our infrastructure on the island will be able to cope. So just with those few brief words I would support Ron with his '0' quota for now and with the ability to review it in a few months time

MRS JACK Mr Speaker, as I recall there could be a possibility, and I was talking to the Minister last night over this, of several people who are currently undergoing problem applications, or difficult applications, now that situation may be corrected. I don't know. I'm not aware of the case in any detail at all but I think '0' for that time is just adding more uncertainty. Now whether it comes off or it doesn't I have no idea but I feel that setting that '0' is a very mean I suppose attitude and I couldn't support that. Straight out, '35' General Entry Permits be granted as it states there and that's my view and that's what I'll be sticking to

MR BROWN Mr Speaker I wonder if Members could give me their views as to if we assume that there was to be a nil quota as to what view I should take about applications which over the course of the next few months are recommended for approval by the immigration committee. Firstly in a situation where the people are already on the island and are towards the end of Temporary Entry Permits and may in fact be beyond the life of their maximum term on Temporary Entry Permits, should I issue further short term Temporary Entry

Permits to such persons or should I decline to do that and what should I do where people wishing to enter the business community and perhaps where there are somewhat extenuating circumstances even, reach the stage of the committee recommending approval but knowing that there are no quota positions available. Again, should I provide a Temporary Entry Permit to such people which is what has happened on occasions in the past or should I stick to the policies and guidelines which basically say that it is inappropriate to issue a Temporary Entry Permit to someone who is wishing to come on a General Entry Permit. I suppose you don't need to give me that guidance today but I certainly would like to receive it in the event that a nil quota is set because I'm aware that some Executive Members in the past have taken a fairly liberal approach, some have taken a much more strict approach, my own approach at present is a much more strict approach and so in deciding just what the quota should be, be it minus something, nil or 35 we probably need to give a little thought to that issue

MR GARDNER Mr Speaker that raises an interesting question and I think as far as an Assembly is concerned we probably would be looking to want to prefer the more strict approach. Now the reason that I say that, is if we don't take the strict approach, the exercise that we are going through in determining a quota is just absolute nonsense because if you are going to be liberal and say look there's no General Entry Permits available and we'll just give everybody a Temporary Entry Permit the concerns that Tim and Lopyy have got and Ron and Tim Sheridan have just aren't going to be addressed because all you are doing is just further complicating the whole issue in my view. It's just slipped my mind now Mr Speaker but there was something that Tim Sheridan raised earlier that I thought was an important thing to consider but at the end of the day if Mr Brown is looking for guidance I don't see that we can be sitting here saying no we are going to have a zero quota position but all those people who want to come to Norfolk Island can stay anyway. It's something that doesn't give me a great deal of comfort. We have to be serious about what we are doing and we have to say well look there's a Temporary Entry Permit that's available to you, you've got five years on that. The next step in wanting to stay on Norfolk Island is application for a General Entry Permit and as legislators we are in a position and we say there's going to be no General Entry Permits the message that we have to send to people is that there are no Temporary Entry Permits available, you have used up your time and its time to go. Now that might appear harsh but I think we are now in a bit of a corner that we can't move aside from that. That's unfortunate but really what it does is it forces us into a position to really seriously address the problems that we have and come up with some resolution to those as we've been attempting to do again as Mr Christian said, for the last 25 years. Trying to get it right but obviously there's problems and there's concerns and setting a zero quota is not going to send a positive message to anyone. Just as we can say now we'll go through to May with zero and we'll vary it, so too we can set 35 and I think it's agreed by the majority around the table, that we can set 35 and at the end of the day its probably going to mean that we are going to have a static population but by the same token, by setting 35 we can revisit that in May and we can vary that downward. I think we need the safety net as far as the quota is concerned in reflecting the debate that's occurred around the table today and I believe I'm supportive of that but to review that in May rather than to set zero

MRS BOUDAN Thank you Mr Speaker. My concern is for the population of Norfolk Island and are we sufficiently resourced to maintain the population on the island. The figures for the 31<sup>st</sup> January from immigration show that without the visitors there were 2491 people on the island and if our population is going to steadily grow, I see, it includes the visitor component which was 427 so our population as at the 31<sup>st</sup> January is still over 2000 and if we are going to expand on our population are we really sufficiently resourced to maintain our population. That's where my concern lies. Thank you

MR CHRISTIAN Thank you Mr Speaker, I've listened with interest to the debate and I've listened with interest to the debate and Minister Brown has highlighted some of the concerns that would happen in his area if a zero GEP quota was set and what that does is highlight a slight difference with what we are talking about. On the one hand we are talking about the issuing of GEP's as a method of population control, but population control should also be an issue on its own and once you reach that target whatever that may be and I've

expressed my view earlier that no matter what quota we set we seem to have a net growth of almost zero and that achieves the objectives of some of the Members sitting around the table but setting a General Entry Permit quota of nil turns us into a detention centre that prevents people who want to leave from leaving because no one can take their place. Now in the past we had a very brilliant system that operated and it was called the compensating departure scheme. Now that was scrapped because of some bad press and perceptions that it wasn't working properly but nevertheless it's a mechanism that should still be in our immigration system in one form or another so that if you reach a population target whatever that target may be, and somebody wants to leave and someone come in so the net change is zero or close to zero that process should be able to occur and I would be quite happy for Mr Brown to come forward with some proposal in one shape or another which would allow the reintroduction of something like the compensating departure

MR GARDNER Mr Speaker forgive me but I did remember the point that Mr Sheridan had raised in relation to this debate and it's to do with impact on infrastructure and the environment and things like that. I guess the footprint that we all leave when we traipse around Norfolk and he made mention of the 340,000 bed nights being an unrealistic figure but it was something that was adopted by a Legislative Assembly in 1995 and formed the basis of a document called Unity 2005 and with current visitations to the island Mr Speaker that 340000 bed nights translates to some 48000 visitors to the island. Now based on last years figures that's 10000 visiting our shores than visited our shores last year. Do your math and that equates to 70000 bed nights and I think unless I'm wrong, that equates to the equivalent of 200 extra people on island roughly at any one time on an equivalent permanent basis. Now this gets back to the arguments and discussions that we've had as an Assembly early in the term of the life of this Assembly about the necessity to get our population policy right. What is it that we want to achieve and how we build the tourism industry around that to ensure that we have a viable community from here on in and I think some of the views that have been expressed are that if we settle on what our permanent population is going to be then we are able to determine the level of visitation to the island that is going to provide a safe, secure and viable community around us but if we are going to go charging off after 340000 bed nights which is something that we've all aspired to over the last ten years as far as Assembly's are concerned, the direct impact, the equivalent impact of that is by increasing our population by an extra 200 persons. Now do we want to do that as far as tourism is concerned, as far as infrastructure and things like that. Certainly it would provide dollars and cents but necessarily along with that 200 extra persons is going to be carrying with it allied costs and that is the impact, the extra people to service that so it's sort of chicken and egg stuff at the end of the day but again just another example of the economic factors that impact so strongly on population numbers on Norfolk Island

MR BROWN Mr Speaker the Chief Minister raises some interesting issues and I've had a discussion along those lines on a number of occasions. Where is it that we should be looking for growth. Should it be in our permanent population or should it be in our visitor population. We need to recognise that for a growth of that size in our visitor population we need no more buildings, there's no more rural landscape that would be churned up with houses built on it and whatever, there would be no additional requirement for social services, no additional requirement at the school. To some extent you would expect there would be an additional requirement at the hospital but that would be a requirement for which people would pay fees and I would understand an argument that growth in visitor numbers may be preferable to significant growth in our permanent numbers. Certainly no one is suggest that we should be looking today for a growth of 200 in our permanent numbers. I think anyone who carefully thought about the issue would recognise that we are going to badly need to achieve the growth that the Chief Minister mentioned in our visitor numbers because without that there is going to have to be a radical rethinking of the island's economic situation. Downsizing of the Public Service would be almost unavoidable if we don't start to achieve that growth and massively higher local taxation would be another consequence. Mr Speaker I've found all of the debate today most interesting. I have nothing further to add



I'm happy to call the House but I think that amendment is lost

We now have in front of us the amendment Honourable Members, which is Mr Nobbs amendment

#### QUESTION PUT

I'm happy to call the House but I think the Noes have that too. We will call the House

MR BUFFETT	NO
MR GARDNER	NO
MR SHERIDAN	AYE
MR NOBBS	AYE
MR CHRISTIAN	NO
MRS JACK	NO
MR TIM BROWN	AYE
MRS BOUDAN	AYE
MR BROWN	NO

The result of voting Honourable Members the ayes four the noes five. The noes have it thank you, the motion is lost

We have in front of us the motion as originally appeared on the notice paper. Any further debate in respect of that matter before I put the question

MR GARDNER Mr Speaker I just wonder whether it would assist some Members and also provide some direction and encouragement for the Legislative Assembly as a whole to continue to consider this matter and I have no doubt that Mr Brown as the Executive Member will actively pursue resolution of some of the concerns that have been raised around the table today that if we were to amend the original motion to indicate that we will review our progress on this matter by say the 1<sup>st</sup> May or the May meeting whether that might assist some Members just by giving some weight so that we don't forget about it for the next twelve months as a group and give serious consideration to obviously some of the annual and regular concerns that were raised in relation to the setting of the quota

MR BROWN Mr Speaker whether or not it forms part of the motion it is certainly my intention to progress the population policy discussions during the course of the next three weeks

MR NOBBS Mr Speaker I'm sure that it will be brought up from an economic point of view in the next four or five months that we have before the next budget

SPEAKER Any further debate Honourable Members. The question before us is that the motion be agreed to

#### QUESTION PUT

Would the Clerk please call the House

MR BUFFETT	AYE
MR GARDNER	AYE
MR SHERIDAN	NO
MR NOBBS	NO
MR CHRISTIAN	AYE
MRS JACK	AYE
MR TIM BROWN	NO
MRS BOUDAN	NO
MR BROWN	AYE

The result of voting Honourable Members the ayes five the noes four. The ayes have it thank you, the motion is agreed to

### **SUSPENSION**

Honourable Members, I'm going to suggest to you that we pause for lunch and return at 2.15 pm and in that context could I just draw attention to two matters. One is that Notice no. 14 will seek to be discharged from the notice paper. In terms of Notices that is actually not on your Programme No 1 which is the Immigration Amendment Bill and there is an amendment to that particular piece of proposal

### **RESUMPTION**

Honourable Members, we resume our meeting this afternoon after lunch and we are at Notices

### **ROAD TRAFFIC (AMENDMENT) BILL 2005**

MR NOBBS Mr Speaker I present the Road Traffic (Amendment) Bill 2005 and move that the Bill be agreed to in principle

SPEAKER The question is that the Bill be agreed to in principle

MR NOBBS Mr Speaker this could be known as the two Tim's bill because it reflects the motions that we brought in my Mr Tim Brown and passed by the Assembly in December and I don't think we need to go through that and the other part of it really relates to an anomaly which dates back to 1982 which was identified by Mr Tim Sheridan so it's been corrected. A change to paragraph 14(d)(1)© by changing the time within which a registration plate on a vehicle registered in the Commonwealth of Australia or in New Zealand must be changed from 12 to 3 months to conform with the time which such a motor vehicle must be registered. I don't think I need to go into this in any further detail. We had a fairly lengthy discussion on it at the December meeting and it really reflects Mr Tim Brown's amendments to the Road Traffic Amendment Act 2004 and the remainder of that Act has now commenced apart from the amendments that were passed, thank you

SPEAKER Thank you. Is there further debate at this time. Mr Nobbs I return to you

MR NOBBS Mr Speaker, I move that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

SPEAKER Thank you. Then I put the question for debate to be adjourned for a subsequent day of sitting

QUESTION PUT  
AGREED

The ayes have it thank you, that motion is adjourned.

### **TELECOMMUNICATIONS (AMENDMENT) BILL 2005**

MR NOBBS Thank you Mr Speaker I present the Telecommunications (Amendment) Bill 2005 and move that the Bill be agreed to in principle

SPEAKER The question is that the Bill be agreed to in principle

MR NOBBS Mr Speaker as you are aware and as Members may or may not be aware the Telecommunications Act provides that local telephone calls cannot be

charged. That's one point. The second point is that we've had difficulties with the trunking system, it's been the subject of a few letters in the paper of late and I have a recommendation from the service to reduce the traffic on the trunking system that a charge of 20 cents per call to and from a fixed or mobile line be implemented and for that to happen its necessary for this principal Act to be amended. The amendments proposed will apply only to mobile phone trunking systems and not to the normal phone system. Thank you Mr Speaker

MR GARDNER

Mr Speaker I don't support the thrust of this Bill in any form or fashion. I have had some major difficulties with it in that an attempt to charge the use of a system to try and reduce the usage on it is something that I don't really think at the end of the day is going to deliver the desired outcome. I have a view if we are worried about safety aspects in the emergency communication system that we should either abandon entirely the trunking system as a defacto mobile phone system on Norfolk Island and return it to its use for which it was originally intended which was the emergency services provision. Other option that I understand are available is that in the case of an emergency access to those lines by other than identified phone numbers, in other words the emergency system can be turned off and nobody has been able to tell me yet whether that's something that's prepared to be investigated or utilised and whether at the end of the day whether it's practical or not. Another fear I have about charging just this and leaving local phone calls alone is are we then going to be faced with some of the problems and bureaucracy with looking at social welfare recipients wanting to have some reduction in the charges and fees that might apply to this from their private home number if they need to ring the hospital, if they need to ring a doctor, if they need to ring the emergency services and on and on and on it goes. I see its really going to cause a lot more problems than I believe it's going to resolve and I can understand that there's one benefit of it that we could probably look at, and that is the income received from the 20 cents per call charge that's going to be levied on this. I need to consider just what impact that's going to have on the Administration services for example if electricity are using theirs for the purpose that they hold onto them for and that's nine times out of ten in field work and things like that. Do we have to revisit the GBE budgets to make sure that their communication dollars and cents are adequate to cover the remainder of the financial year. There's a whole host of issues that arise because of this type of legislation. I appreciate the intent of it but I just don't believe at the end of the day it's going to deliver what we are seeking it to deliver. I don't believe that can happen and if it is a matter of dollars and cents and hopefully it's not a matter of putting in additional revenue raising measures, it's way off the mark in the fact that tweaking at the edges of potential sources of revenue is not the way to address our long term revenue problems, so with my brief words I think I've made it fairly clear that I'm not greatly supportive of this mechanism and I'll leave it at that

MR NOBBS

Mr Speaker I need to respond. It's not, it's a recommendation in an attempt to reduce the use of the trunking system until such time as the consultancy for telecommunications which is supposed to start this week and I don't know whether it has or not, but it's supposed to, and has a look at various options. There are other options of course in relation to this but I just take the people back about three or four years, when this issue was actually first notified to the Legislative Assembly that we had some problems in the area and it was about the time that the mobile phone, the digital system and the referendum and there was a proposal put then that regardless of what happened in the referendum there would need to be changes to the system, one we would need to charge for the trunking system to cut down on the use of it and the second one was that we weren't to put any additional people on the system. I don't know what happened in the term of the last Government but we have got a fairly serious problem and yes we can switch them off if they go through and manually switch every number that's not listed as an emergency number, off, at the time of an emergency and that is another option but it can't be done with just the flick of one switch as far as I understand. This is a stop gap measure and I'm neither here nor there on whether it goes through but we have a problem with the system. The other option of course is to cut all those off from the emergency services numbers and that will include I think, quite a number of telephones within Administration itself so it's up to the Legislative Assembly what we do with this but that's the proposal that I'm putting to you now purely as a stop gap measure.

It's not a revenue raising exercise, but its really to slow the use of the system down and I don't know. That's just a recommendation Mr Speaker

MR BROWN Mr Speaker if my recollection is correct, it was a little bit later than the referendum about cellular phones that discussion took place about whether everyone but the emergency services should actually be taken off the mobile trunk radio and if my recollection is correct the decision was made to maintain the mobile trunk radio service but to charge for it. I don't know why it is that the charging regime was never implemented but on the basis that, that was the decision that was made, that many years ago, I feel bound to support its belated implementation at this stage but I think that there are a number of issues. One is, should the mobile truck system continue at all. Much of the concern about the cellular phones was that they were intrusive. But cellular phones are nowhere near as intrusive as the mobile trunk radios and there is little that one can see that is more dangerous then the number of people who drive around Norfolk Island speaking into their mobile trunk radio as they drive. That's unsound in terms of safety. I agree that if a charge is introduced the largest bills will probably be going to the Administration. And I don't know how the Administration proposes to separate business calls from private calls but they'll need to figure out how to do that because I don't think it's appropriate for the Administration to be exempted from the charges. If we are thinking that a 20 cent charge is going to stop people from using the mobile trunk radio then I think we are kidding ourselves. Forty cents per half minute might give them cause to think and that would be not greatly different to the charges one pays on the mainland for the use of the cellular phone there but in any even the bill has been tabled today. There's going to be no decision made about it today. I'll be interested to hear whatever views might be put to me over the coming months in relation to it but at the moment I'm inclined to support it

MR GARDNER Mr Speaker Mr Brown is quite correct in what he said about the decision to look at charging for the mobile phone system shortly after that referendum but that was in the context of payment of a further four channels so that the revenue raised from that charging mechanism would provide the extra four channels to be used by the emergency services. Certainly that's my recollection of the reasoning and because for some reason the telecommunications provider on the island didn't advance that and I'm not sure of the reasons for that, I understood it was going to cost something like \$17000 to put those extra four channels in place. I've been advised in more recent time s that it's significantly higher than that but why that wasn't pursued I don't know and I'm unable to shed any light on it but certainly my understanding of the charging mechanism was so that it was going to fund the extra four channels for the system for use on Norfolk Island and I was quite happy with that but without those extra four channels being provided I tend to agree with Mr Brown. When people have invested the best part of \$1000 in each of those handsets they are not about to abandon the mobile trunking system on Norfolk Island because there's a charge attached and again, I don't really believe it's going to achieve the outcome that is desired. I think we need to look at it or come at it from a different angle and if there is a separate system entirely that can be utilised and I understand they are available, not necessarily a telephone system but a radio communications system, maybe that's something that should be given thought before we go and do something that is probably going to come back and haunt us at the end of the day

MR SHERIDAN Mr Speaker I believe the intent of the amendment won't work principally because the reason for the amendment is to allow the emergency services people access to the mobile lines when they need them. I believe as the airport incident that we had a couple of weeks ago, I believe that by charging them people may very well reduce their calls but in the time of an emergency no matter what the cost they are going t5o hop on the mobile phone and make that call anyway so the intent of the amendment will not be served. Human beings are funny creatures and we all like to gossip and they'll get on that phone and make the call anyway no matter what the cost, Thank you Mr Speaker

SPEAKER Thank you. Is there further debate at this time. Mr Nobbs I return to you

MR NOBBS Mr Speaker, I move that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

SPEAKER Thank you. Then I put the question for debate to be adjourned for a subsequent day of sitting

QUESTION PUT  
AGREED

The ayes have it thank you, that motion is adjourned.

### **FUEL LEVY (AMENDMENT) BILL 2005**

MR NOBBS Mr Speaker I present the Fuel Levy (Amendment) Bill 2005 and move that the Bill be agreed to in principle

SPEAKER The question is that the Bill be agreed to in principle

MR NOBBS Mr Speaker is intended to clarify section 22 of the principle act which may imply that the revenue from the fuel levy must be used for the broad general purpose of the Administration and cannot be directed to specific areas. The bill does not directly or indirectly dispose of public moneys which is something that is only affected by an appropriation law. Rather the bill is intended to enable the Government to direct that funds received from the fuel levy must be isolated and paid into a particular head of Administration services fund or of the reserve fund. The powers to direct that moneys be paid to a particular head of a fund is found in part two of the Public Moneys Act 1979. the payment of moneys into a fund does not imply that the moneys can be withdrawn in the absence of an enactment that provides such authorization. Mr Speaker that's from the explanatory memorandum. With the intention to isolate the funds and ensure that money from the fuel levy and vehicle registration are expended on the roads which people have wanted done in the past, it was necessary to clarify section 22 of the Fuel Levy Act and therefore this amendment is sought

MRS JACK Mr Speaker, it is my intent to support Mr Nobbs in this motion. I did question whether the amount of money gained from the fuel levy and vehicle registration was greater or less than the amount going to be expended on roads and ensured that it is less, in fact more money is added to those two amount so to isolate those moneys and put them where I agree with Mr Nobbs, the community wants them spent on the roads, I have no problem with that so I will be supporting this today and in the future

MR BROWN Mr Speaker when the Fuel Levy was originally introduced if my recollection is correct it was at a time when Mr Jerry Aafjes was a member of the Legislative Assembly and it was introduced in order to increase the amount of funding available for roadwork's. There was no time that it was intended to be the total of the funding available for roadwork's so I'm pleased to hear that Mrs Jack has made enquiries and that it is still the case that we are spending more than the fuel levy in roadwork's. My great hope though is that we will start to see results from what we spend rather than a continuation of what has happened in the past where more and more toys have been purchased and less and less work has been done

MR NOBBS Mr Speaker Mrs Jack is perfectly right and I think in this financial year there's \$96000 additional funding to the registration and fuel levy moneys. In response to Mr Brown I would love to see more spent on the roads but they are not really spent on toys, what they are, they are the work horses of all the various different sections around the place, including the Legislative Assembly who may wish to shift a chair from one place to the other or some other form of activity including putting up the tent, the marquee and those sort of areas and that's what we have to get away from and Mr Christian and I talked about this and it's something that we have to get a Programme going in the next financial year and make sure that the guys time is spent on actual roadwork's, thank you

MR BROWN Mr Speaker I meant no criticism of any of the road crew in what I had just said so I had better clarify that, thank you

SPEAKER Thank you. Is there further debate at this time. Mr Nobbs I return to you

MR NOBBS Mr Speaker, I move that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

SPEAKER Thank you. Then I put the question for debate to be adjourned for a subsequent day of sitting

QUESTION PUT  
AGREED

The ayes have it thank you, that motion is adjourned.

### **NORFOLK ISLAND HOSPITAL (AMENDMENT) BILL 2005**

MR BROWN Thank you Mr Speaker I present the Norfolk Island Hospital (Amendment) Bill 2005 and move that the Bill be agreed to in principle

SPEAKER The question is that the Bill be agreed to in principle

MR BROWN Mr Speaker this bill is introduced in order to clarify and update the Norfolk Island Hospital Act 1985. Clause 38 of that Act had been thought to create problems because in the time required to present the hospitals accounts and report it was not possible to complete an audit. The bill therefore increases the time for the accounts and reports to be made from two months to three months, therefore tying in with the Annual Reports Act 2004 and emphasises that the accounts and reports are not required to be audited before presentation and makes the Annual Reports Act apply to the Hospital Report. I should stress that sections 40 and 41 of the Act continue to require that the accounts presented under section 38 be audited and that various matters in the report be assessed by the auditor thank you

SPEAKER Thank you. Is there further debate at this time. Mr Brown I return to you

MR BROWN Mr Speaker, I move that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

SPEAKER Thank you. Then I put the question for debate to be adjourned for a subsequent day of sitting

QUESTION PUT  
AGREED

The ayes have it thank you, that motion is adjourned.

### **HEALTHCARE LEVY (AMENDMENT) BILL 2005**

MR BROWN Mr Speaker I present the Healthcare Levy (Amendment) Bill 2005 and move that the Bill be agreed to in principle

SPEAKER The question is that the Bill be agreed to in principle

MR BROWN Mr Speaker this Bill is introduced in order to broaden the meaning of de facto spouse in order to conform with more modern domestic arrangements and to cover a potential loophole in the granting of exemptions where it appears possible for a person resident on a Temporary Entry Permit to apply for exemption if part of their time living in Norfolk Island has been as a visitor during which time they were not earning and thereby meet the income test. The Bill therefore extends quite considerably the meaning of defacto spouse to include persons in a marriage like arrangement and the Executive Member is satisfied that the criteria set out is met. The bill also provides that the a person seeking exemption from the levy must have been resident in Norfolk Island for six months on a permit other than a visitors permit before an exemption can be granted

SPEAKER Thank you. Is there further debate at this time. Mr Brown I return to you

MR BROWN Mr Speaker, I move the adjournment

SPEAKER Thank you. Then I put the question for debate to be adjourned for a subsequent day of sitting

QUESTION PUT  
AGREED

The ayes have it thank you, that motion is adjourned.

#### **INTERPRETATION (AMENDMENT) BILL 2005**

MR GARDNER Thank you Mr Speaker I present the Interpretation (Amendment) Bill 2005 and move that the Bill be agreed to in principle

SPEAKER The question is that the Bill be agreed to in principle

MR GARDNER Mr Speaker this bill is introduced to bring the provisions of the law of Norfolk Island with respect to the service of court processes in line with the facilities available. In some jurisdictions Mr Speaker the service of documents must be affected personally while in others service by mail is acceptable. In Norfolk Island the service of documents by mail has not been practicable because there is no mail delivery to the home or business addresses. The Bill therefore expands the process by which documents can be served to include court process such as complaints, writs, summonses and subpoenas in the Court of Petty Sessions and Tribunals where personal service may be required and allow service in Norfolk Island to the post office box number of a person or business or corporation. Some protection is provided where a person is not on Norfolk Island at the time of service and service is delayed until their return or until the court is satisfied that they were actually served. The amendments do not cover documents served under other legislation where it is already clear that service by mail is acceptable. In order to make it quite clear the amendment provides that the section applies despite section 146 of the Court of Petty Sessions Act that relates to the service of default summonses for debt, thank you

MR NOBBS Mr Speaker I have a question. Didn't we deal with this in the last Legislative Assembly

MR GARDNER Mr Speaker we dealt with a related but not similar type matter in the last Legislative Assembly which was pretty specific. This is more general for the service of documents by post

SPEAKER Thank you. Is there further debate at this time. Mr Gardner I return to you

MR GARDNER Mr Speaker, I move that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

SPEAKER Thank you. Then I put the question for debate to be adjourned for a subsequent day of sitting

QUESTION PUT  
AGREED

The ayes have it thank you, that motion is adjourned.

### **SUPREME COURT (AMENDMENT) BILL 2005**

Honourable Members, you will see on the paper the Supreme Court (Amendment) Bill 2005 but the Chief Minister has indicated to me that he will seek to have this matter discharged. Do you want to speak to the matter before I seek the House's approval for it to be discharged

MR GARDNER Mr Speaker if I may just to explain the circumstances for my wishing to have the matter discharged from the Programme. In the development of this piece of legislation and its provisions it was deemed appropriate that with the appointment of the new Supreme Court Judges in this case Judges Susan Kyfel from Queensland and Chief Justice Mark Weinberg from Victoria that our legislative provisions regulations be brought into line with those appointments to ensure that the domicile state or territory of those Supreme Court judges in actual fact had the ability to be able to have the Supreme Court of Norfolk Island sit in those jurisdictions. Some many years ago and I haven't the exact dates now there were regulations passed under the Norfolk Island Act 1956 and they were acted upon by the then Governor General to make regulations under that Act for the Supreme Court of Norfolk Island to sit in other jurisdictions other than Norfolk Island and included the ACT, Victoria and New South Wales. In the preparation of this document it was assumed that we could make regulations and enact the necessary legislation to include Queensland only to find at the last minute that, that potentially could conflict with the provisions of the Norfolk Island Act 1979 where very clearly it states that the Governor General's responsible for where the court may sit outside of Norfolk Island other than the case of criminal matters and hence the reason or wishing to remove this matter from the Programme so that we can address those necessary provisions for the court to be able to sit in Queensland through their appropriate authorities, in this case, that would be via the Minister for Territories to the Governor General to ask him to make the necessary regulations. That doesn't prevent at a further time Mr Speaker me wanting to revisit the ability to make rules of court etc and provide that those provisions in the legislation but again before I proceed with that matter we just want to ensure that by doing that we are not conflicting with other legislative provisions that may already be in existence and that we are not empowered to over-ride by passage of legislation in Norfolk Island

SPEAKER Honourable Members, are we agreed that the matter be discharged from the Notice Paper. Yes we are agreed. That is so discharged.

Honourable Members, we have completed notices and we have one Order of the Day although that doesn't appear on the blue Programme but it is on our Notice Paper, which is the Immigration Amendment Bill 2005 and Honourable Members, we resume debate on the question that the Bill be agreed to in principle and Mr Brown has the call to resume and there is foreshadowed an amendment that you may want to address in some way

### **IMMIGRATION AMENDMENT BILL 2005**

MR BROWN Mr Speaker Members will recall that on the last occasion on which we discussed this matter, there was identified a need to look at whether the Bill was to deal with section 18 applications or section 19 applications or both and at an appropriate time I will move an amendment in order to make it clear that rather than just referring to section 18 the Bill should have referred to section 18 and to section 19 and there is an additional small

amendment as well. Mr Speaker apart from dealing with those issues, the other issue that I would like to deal with today is the suggestion that has been made to me by some that part of this Bill is discriminatory in its nature. It has been suggested to me by some that to have a requirement that anyone other than an Australian or New Zealand citizen or resident or a resident of Pitcairn Island be here for a number of years before being eligible to make application for a General Entry Permit is discriminatory. Well firstly let me talk of the situation with residents of Pitcairn Island. It does not infringe as I understand it the Racial Discrimination legislation to positively discriminate in relation to a very small group of people. I don't accept that this bill is discriminatory in any event but even if it was, there would be nothing wrong with discriminating in favour of the residents of Pitcairn Island. As it is Mr Speaker, residents and citizens of Australia and New Zealand are able to apply and the question mark relates to persons from other places. In earlier times Mr Speaker as you are aware there was a Memorandum of Understanding between the Norfolk Island Government and the Commonwealth Government under which an applicant for a General Entry Permit had his application referred to the Commonwealth authorities and they made extensive checks and they made comment before we progressed further. In recent years the Commonwealth's view has been that, that Memorandum of Understanding no longer exists and so a person coming from anywhere else in the world is no longer checked by the Australian authorities. In fact at present all that such a person needs is to be able to produce a multiple entry visitors visa to Australia. One could expect that if they were a convicted drug lord they would have difficulty getting a visitors permit but there are many many other classes of people who might not be suitable as General Entry Permit applicants to Norfolk Island. The only way that we can overcome that is to do one of two things. Either to say such persons can't apply at all and then there's certainly not a need to check them because they can't apply, or we can say well look, once such a person has been here, for a number of years on a Temporary Entry Permit and we've had the ability to observe them well at that stage we will allow them to apply for a General Entry Permit. I don't see that in any way as being discriminatory apart from the fact that it shows that we have gone out of our way to find a way for such persons to be able to make an application rather than simply say, sorry, you can't do it. I don't wish to add any more to what I've said today and on the previous occasion but at the appropriate time I will move the amendment

MR NOBBS Mr Speaker we were talking earlier today in relation to the quota that we needed to look at the whole mix of things. I thought that's what was coming out but I wasn't too sure but anyhow and I believe that this falls squarely into that mix, this particular piece of legislation so we need to look at it in light of an overall view of things in general and my suggestion would be that it be made an order of the day for another day of sitting if we are fair dinkum to use a reasonable Australian terminology that if we are fair dinkum at looking at immigration

MR BROWN Mr Speaker it's in the House's hands in that regard Mr Speaker

SPEAKER Mr Nobbs you've really foreshadowed that you would want to make it an order of the day so I think there is no further debate

MR NOBBS Mr Speaker can the amendment be moved first

SPEAKER In a procedural sense Mr Nobbs the amendments that have been foreshadowed would come at the detail stage. We are not at the detail stage yet

MR GARDNER Mr Speaker I'm very pleased that Mr Brown has clearly tried to explain the purpose of this and certainly on reflection over the last three years as the Minister responsible for immigration I do appreciate the tremendous difficulty in being able to try to satisfy yourself as the primary decision maker as to the soundness of an application that's coming forward particularly when it's coming out of the immediate region, for example, Australia or New Zealand. Now in that time I believe that I had to deal with applications that came from the United States and may have come from South Africa and other areas of the

world and it is particularly difficult especially for the Members of the Immigration Committee who are asked to make recommendations in relation to these things to be able to get substantive verification of documentation from international sources. It's a particularly difficult thing to do and at the end of the day we simply don't have the resources available to us to be able to verify those. In the past there has been an opportunity provided through a far greater resource and mechanisms, that of the Australian Commonwealth to provide that verification for us so I do appreciate the difficulty for us and understand that this is a way to give us more certainty and surety by ensuring that people go through a slightly different system than that which is enjoyed at the moment. Certainly the verification of documents out of both Australia and New Zealand are difficult at times but certainly far more achievable than they have been from other international destinations

MR NOBBS Mr Speaker, I move that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

SPEAKER Thank you. Then I put the question for debate to be adjourned for a subsequent day of sitting

#### QUESTION PUT

Would the Clerk please call the House

MR BUFFETT	AYE
MR GARDNER	AYE
MR SHERIDAN	AYE
MR NOBBS	AYE
MR CHRISTIAN	NO
MRS JACK	AYE
MR TIM BROWN	AYE
MRS BOUDAN	AYE
MR BROWN	NO

The result of voting Honourable Members the ayes seven the noes two. The ayes have it thank you, that motion is so adjourned. Thank you

Honourable Members, we have concluded our substantive business for the day Honourable Members, and we now move on

#### FIXING OF NEXT SITTING DAY

MR CHRISTIAN Mr Speaker I move that the House at its rising adjourn until Wednesday 16 March 2005 at 10 am

SPEAKER Honourable Members is there any debate. No, then I put that question that the motion be agreed to

#### QUESTION PUT AGREED

Thank you. We've set our next Sitting day. We move to adjournment

#### ADJOURNMENT

MRS BOUDAN Mr Speaker, I move that the House do now adjourn

SPEAKER Honourable Members the question is that the House do now adjourn. Is there any debate

MR CHRISTIAN Thank you Mr Speaker, during the course of this meeting Chief Minister Gardner referred to the serious difficulties being experienced with the Administration's 2002 Development Plan. Despite the best intentions of its architects the Plan has proven to be expensive to operate, both in staffing and dollar terms. It has failed to effectively serve the community and is now a real barrier causing a decline in building activity and therefore a reduction in public and private sector income. Mr Speaker I am aware that a petition will be shortly circulating within the community calling for a return to the 1996 Plan and I urge Members of the electorate to sign the petition and we might yet get to soar with the eagles and eat the turkeys for thanksgiving lunch

MR T BROWN Mr Speaker I presented a petition earlier today signed by five hundred and twenty nine persons. Now it is against our Standing Orders to debate a petition but I now give notice that at the next sitting I will be moving a motion to address the concerns expressed

On a different note I would also like to wish the surfers well for their upcoming competition. I hope all runs smoothly for you and you get the waves and results you want

MR GARDNER Mr Speaker I too just wish to acknowledge the efforts of various sporting organizations in the island who through obviously their efforts have contributed to a very welcome upturn in numbers to Norfolk Island and I think as far as numbers are concerned, I think the best week we've enjoyed for there years but that is being contributed to by the outstanding success of the advertising for the International Clay Target Shoot by the local Clay Target Association where they have increased their participation this year from I think 100 entries last year to 164 or thereabouts this year plus spouses and partners who may have attended with them and as Mr Tim Brown has alluded to there is a surfing competition later this week certainly not the same sorts of numbers that the Clay Target Association have attracted to the island but they are to be commended on their initiative in wanting to hold their surfing championships here and I would welcome participants from Tonga, Samoa, New Caledonia and New Zealand Maori team and of course a local Norfolk Island team and wish them well and also acknowledge the efforts of the Golf Club who are holding their veterans tournament next week albeit with reduced numbers,. Those efforts from our sporting clubs and associations on the island are to be commended because certainly whilst we are facing decline in numbers they are actively out there pursuing an increase in numbers and participation on the island and as I've said they should be commended for their efforts and I thank them very much for those efforts

SPEAKER Thank you Mr Chief Minister. Further debate. Honourable Members, I put the question that the House do now adjourn

QUESTION PUT  
AGREED

This House stands adjourned until Wednesday the 16<sup>TH</sup> March 2005 at 10.00am

