

## **PRAYER**

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

We move to condolences. Mr Bates

## **CONDOLENCES**

**MR BATES** Mr Speaker, it is with regret that we record the passing of John Healy Ryves, who slipped away peacefully in his home in Anson bay, on Friday the 27<sup>th</sup> August 1999. Born in England, John at the age of 2 weeks migrated with his parents to Australia, where he was educated at Sydney Grammar School. John had a great affinity with the sea and was a skilled yachtsman skills, which served him well during World War 2, when he served in the Water Transport Division of the Australian Army. It was during the war years that John met and married June, with whom he shared a lifetime of love and commitment. Professionally John had a career as a refrigeration engineer, managing a large company in Sydney and travelling extensively throughout New Guinea. In 1964 John and family moved to Norfolk Island and settled comfortably into a new lifestyle at Anson Bay, raising horses and cattle. John's love of animals led him to veterinary studies and for 20 years, while there was no qualified veterinarian on the Island, he did all the veterinary work himself, providing an invaluable service to the community. John served as a member on 5 Norfolk Island councils between the years 1970 - 1979 and was a member of the first Norfolk Island Legislative Assembly from 1979 until his resignation in 1981. John was a most respected member of the Norfolk Island community and one of the highest accolades paid to him, was the awarding of a MBE. As a devoted family man, John Ryves will be sorely missed. To his wife June, to his daughter Dale and son Steve, to his grandchildren Kate, Sophie, Amelia, Jamie and Emily, to his great-grandchildren Jake, Emma and Amy and to his daughter-in-law Alison and his son-in-law Bob, this house extends its sincere sympathies.

Mr Speaker, this house also records, with regret, the passing on the 28<sup>th</sup> August 1999, in Auckland, of Mary Buffett nee Gordon. Born in New Zealand, Mary and her parents moved to Norfolk Island when she was quite young. Educated on Norfolk Island, Mary was awarded the Queen Victoria Scholarship, and after leaving school, worked for a lawyer on the Island, Mr Tustin. A lady of many talents, an excellent swimmer, a competent horse woman and the founding member of the Norfolk Island Girl Guide movement on Norfolk Island. Mary married Arthur Totos Buffett in Auckland in 1937. They had two sons, Philip and Peter, both of whom pre-deceased her, four grandchildren and one great-grandson. Mary loved Norfolk deeply, returning to Norfolk at least once a year, with plans to return to the Island permanently next year, sadly this was not to happen to Mary. To Totos and his family, this house extends its sincere sympathies.

Mr Speaker, it was with a deep sadness that this community learnt of the passing, in London on the 31<sup>st</sup> August 1999, of Louise Jane Beale nee Evans, the daughter of Francis and Lou Evans, sister to Hayden and Philip, wife of Andrew and mother of Ashley, Emma and Dominique. Born in New Zealand on the 7<sup>th</sup> February 1967, Louise moved to Norfolk with her family when she was 7 years old and attended the Norfolk Island Central School. A fine scholar, a keen sportswoman, particularly excelling in netball and horse riding, a girl guide, a dancing student in her younger years of Mrs June Rvyes, a young lady with a strong love of younger children, particularly those in need

of remedial teaching, with whom she devoted many hours of her time. These were just some of the attributes of a very special young Norfolk Islander, who was rewarded for these attributes when she was presented with the Young Citizens Award in the Australia Day Honors List. Louise went on to attend Epson Girls Grammar School in Auckland from the age of 13 and on completion of her secondary education attended Teacher's College in Armidale of N.S.W., where she graduated in 1987. She taught both on Norfolk Island and in England and it was while on a working holiday in England that Louise met Andrew Beale, whom she married on Norfolk in 1991, before returning to live in England, where their children were born. It was only six weeks after the birth of their son Dominique, earlier this year, that Louise was diagnosed with cancer, which was to claim her life just 12 short weeks later. Louise's unswerving faith in God and his purpose for her was a great comfort for Louise and to both her family and her friends. It was Louise's last wish that she return to her home, Norfolk Island, that wish is to be realised when her ashes are laid to rest on Norfolk Island, this Sunday the 26<sup>th</sup> September 1999. To Louise's family and friends, both here and abroad, this house extends it's deepest sympathy.

Mr Speaker, it is also with regret that this house records the passing of last Saturday the 11<sup>th</sup> of September of Stuart McDonald Guymer, who passed away at his home in Grassy Rd. Stuart came to Norfolk Island in 1979 and with his wife Angela where they were involved in various business enterprises. A member of the West Brunswick Salvation Army in Victoria, Stuart played cornet in the band. He joined the AIF, serving in No. 20 Signals Unit, Milne Bay until he transferred to the RAAF serving in No. 1 Wireless Unit in the South West Pacific Area until the end of the war. He continued in the RAAF "B" Squadron after the war in Thailand and Malaysia, a total of 29 years service. Stewart was a keen cricketer, an umpire for many years and a dedicated listener for every available cricket match. He relaxed with a game of bridge. A quiet, unassuming gentle man, Stuart will be missed by all who knew him. To his wife Angela and to their children and grandchildren, this house extends it's deepest sympathies.

MR SPEAKER Thank you Mr Bates. Honourable members as a mark of respect in the memory of the decease, I ask that all members stand in silence please. Thank you honourable members.

## **LEAVE**

MR SPEAKER Honourable members leave is sort for Mr Buffett, is leave granted. Thankyou.

## **PETITIONS**

MR SPEAKER Me move to petitions. Are there any petitions this morning?.  
There are no petitions.

## **GIVING OF NOTICES**

MR SPEAKER Are there any notices? There are no notices this morning.

## **QUESTIONS WITHOUT NOTICE**



job starts. Will it be the contract for the total job or for the employees contracted by the contractor who won the job.

MR SPEAKER Mr Robertson.

MR ROBERTSON Would you mind rephrasing that question.

MR McCOY Well to rephrase it, I am asking had all contracts been signed and sealed before the job started.

MR ROBERTSON The contract Cliff Management has one contract only and that is with the tenderor that was the most successful tender. There is only one contract.

MR SPEAKER Mr McCoy

MR McCOY Supplementary to that, then who is responsible for ensuring that the employers are all on contract before the job starts. Employees sorry.

MR SPEAKER Mr Robertson. While you think about that, could you take the Chair Mr Bates, so I can make myself available for questions.

MR ROBERTSON Thank you Mr Speaker. The actual method of employment, I presume you are talking on straight employment of people being used by the contractor. That's an issue, prior to all the contractors in the pre-selection tender basis, they were each given a copy of the current employment act and they were told to make sure their employees were within that act because it applies on Norfolk Island.

MR McCOY Thank you.

ACTING MR SPEAKER Further questions without notice. Mr McCoy

MR McCOY Thank Mr Acting Deputy Speaker. I have a question that I wish to direct to the Minister for Health, Mr Geoff Gardner. You have been working on a Health Review for Norfolk Island. What stage is that at and when do you think we will see a draft for that review.

ACTING DEPUTY SPEAKER Mr Gardner

MR GARDNER Thank you Mr Acting Deputy Speaker. Yes you are quite right John, we have been working on a review for sometime and we have been doing that in conjunction with the Department of Health in NSW. We are still at this stage of gathering information for that review and when I guess we are satisfied that there is sufficient information for them to be able to adequately address the Health Review on Norfolk Island they will be able to develop that final report for us.

ACTING DEPUTY SPEAKER Further questions. Mr McCoy



MR ION-ROBINSON No it is not required at all for applications to go before the building board. Category One applications dealt with by the secretary to the Planning Board and Category Two and Three obviously go through the Planning Board.

ACTING DEPUTY SPEAKER Thank you. Further questions without notice. Mr McCoy.

MR McCOY Another question for Mr Robinson. Thank you Mr Acting Deputy Speaker. Is the Whaler 2000 project still going ahead.

MR ION-ROBINSON Yes, the volunteers are putting in their time, a couple of hours each week and it is still going ahead. But I will look into it further and see what stage that are actually up to if you like.

ACTING DEPUTY SPEAKER Thank you Mr Ion-Robinson. Mr McCoy

MR McCOY Supplementary to that question, who actually owns the timber from the trees that were cut for that project.

MR ION-ROBINSON As far as I am aware, the people of Norfolk Island who own the boats I guess.

ACTING DEPUTY SPEAKER Mr McCoy.

MR McCOY How much funds do the Norfolk Island Government contribute to the project.

MR ION-ROBINSON Apart from actually donating the timber itself, I think they gave them \$2000 in the last years budget, plus the use of the shed developed.

ACTING DEPUTY SPEAKER Thank you Mr Ion-Robinson. Further questions without notice. Mr McCOY.

MR McCOY Thank you Mr Acting Deputy Speaker. Sorry Ric, but what funds are in your budget to maintain headstones in our cemetery.

MR ION-ROBINSON We have got \$3000 which is put aside for that. It's not moving fast enough for as far as alot of people are concerned, but we have to bring in an expert from a place called Tumbi Umbi, a letter cutter. Hopefully it will be done soon before it all fades away to nothing left to read.

ACTING DEPUTY SPEAKER Further questions without notice. Mr McCoy.

MR McCOY Supplementary to that, thank you Mr Acting Deputy Speaker, are you aware that the inscriptions on the headstones of our ancestors, who range from Bounty Mutineers and founders of the community, are now barely readable.

MR ION-ROBINSON That's what I was saying, hopefully we can get it done before they fade away and disappear.

ACTING DEPUTY SPEAKER Further questions without notice. Mr Gardner I was wondering if you could take the chair.

ACTING DEPUTY SPEAKER Thank you honourable members. Further questions without notice, Mr Bates

MR BATES Thank you Mr Acting Deputy Speaker. Question to Mr Smith, Minister for Finance. Does the Government intend to use the excuse that it cannot afford to pay a salary increase to its employees in its submission to the remuneration tribunal and if so how does it decide is priority when it comes to what it is prepared to fund and what it is prepared to fund.

ACTING DEPUTY SPEAKER Mr Smith

MR SMITH Mr Acting Deputy Speaker, the government hasn't finalised submission for the remuneration tribunal. I for one would not be one using it as a excuse for what ever is paid in the wage adjustment that's been talked about over recent months, I wouldn't be using that as an excuse. We have to look at things realistically and at a meeting of members on Monday when we were all here, the issue was discussed and we are to discuss it next Monday to assist the government in putting together such a proposal that we feel is necessary. I think that might answer Brian's question in total really.

ACTING DEPUTY SPEAKER Thank you Mr Smith and further questions without notice. Mr Bates.

MR BATES Supplementary to that one, thank you Acting Deputy Speaker, can I assume that the government is prepared to provide funding for additional top bracket salaried positions at the expense of a salary increase to its existing employees.

ACTING DEPUTY SPEAKER Mr Smith

MR SMITH I can't answer that at this point Mr Acting Deputy Speaker, the government doesn't have a view on that at this point.

ACTING DEPUTY SPEAKER Further questions.

MR BATES Question for Mr Robertson, responsible for the At Random lease or purchase. Could the Minister explain the current arrangements for occupancy of the At Random building and what is the intention for the use of the front section, which has virtually remained vacant since that taking up of the lease some months ago.

ACTING DEPUTY SPEAKER Mr Robertson

MR ROBERTSON Thank you Mr Acting Deputy Speaker. Discussions were held last week with the current owner of that property. We have had evaluations done and so has he. The variations between the evaluations is quite considerable, in the meantime the lease is continuing to run and that the administration are currently looking at putting in the social services of Norfolk Island into that area, which will include various of health and tourism, obviously the

accommodation side of it, so that the people that currently have to come down to this part of town and trap up two or three flights of stairs that will be negated and they will be put into there and I understand that there is currently a proposal being done by the administration and that will be proceeding with forth.

ACTING DEPUTY SPEAKER          Further questions, Mr Bates.

MR BATES                                  Further question to Mr Robertson, Minister responsible for the Cascade Cliff Project. Could the Minister advise how much longer the use of Cascade Jetty will be denied to locals and what arrangements are in place to compensate those who have suffered financial losses through the governments action in denying access to this facility, especially with accesses not being denied to other users.

ACTING DEPUTY SPEAKER          Mr Robertson

MR ROBERTSON                          Thank you Mr Acting Deputy Speaker. I presume that Brian is referring to two incidences that did occur, they were isolated cases. Prior to the cliff project being started, the people that used that area, the Cascade area, were all written to, which included the fishing club, and it was explained as to what would be happening. The only area that was allowed to continue would be the unloading of the boat, if weather conditions were such that they weren't able to unload at the Kingston area. We have had a couple of letters written to us from two people, that show concern that the fact they were being denied their right to proceed and use the Cascade jetty. We also asked that the fishing club leave the crane standing at the jetty, to be used in emergency situations. The fishing club chose to pull the crane down. The result of all that means that currently vessels that are coming to Norfolk Island, in the way of a supply ships, are able to have permission to unload at this stage. When the blasting starts and the rock then becomes, maybe, in a dangerous situation, then there would possibly be restrictions put on the unloading of the supply vessels at that time. We must realise that the safety of the people comes first and the last thing we need is for someone to have their head bopped on by a lump of rock falling off the cliff. That will be taken into consideration when those vessels arrive and to what situation the cliff is in at that time. The shipping agents have been asked to give at least 24 hours notice of a ship arriving so that assessment can be done and in the contract it says that it all cases the contract will endeavour to clear to allow the unloading to take place but it just depends entirely on the safety of what is happening with the rock above their heads at that time. So that's where we stand at this stage Brian. Those people by the way have been written to.

ACTING DEPUTY SPEAKER          Thank you Mr Robertson, further questions.

MR BATES                                  Thank you Mr Acting Deputy Speaker, part of the question was what arrangements are in place to compensate those who have suffered financial lose for the government's action. I don't know if Mr Robertson commented on that but.

ACTING DEPUTY SPEAKER          Mr Robertson

MR ROBERTSON                          Thank you Mr Acting Deputy Speaker. That's an interesting question in as much as now doubt we would like to see all of their books from the last two years to see exactly what return that they would be looking for. At the moment of course, the legal advice that we have received is that the government is not responsible for that.

ACTING DEPUTY SPEAKER Thank you Mr Robertson, further questions without notice.  
Mr McCoy.

MR McCOY Thank you Mr Acting Deputy Speaker. I have a question, I'm not quite sure who to direct the question to as it involves the Kavha area. The question is, is there an emergency phone in the vicinity of Cemetery Bay and if not, why not.

ACTING DEPUTY SPEAKER Thank you Mr McCoy. Your question should be directed to the Minister for Kavha, Mr Robinson.

MR ION-ROBINSON That's a good question, I don't know why not. There is one at Emily Bay of course, but that's not much use round at Cemetery though. I will get on to that and find out for you John.

ACTING DEPUTY SPEAKER Thank you Mr Robinson. Further questions, Mr McCoy.

MR McCOY Thank you Mr Acting Deputy Speaker. I have a question for the Chief Minister, Mr George Smith. How many houses are being rented by the administration as subsidized rental for staff employed by administration from offshore.

ACTING DEPUTY SPEAKER Chief Minister.

MR SMITH Mr Acting Deputy Speaker, we are getting that information at the moment, I have some of that already that Mr McCoy might be interested in, but we haven't got the total report back yet. As soon as it becomes available I am quite happy to give it to you John.

ACTING DEPUTY SPEAKER Further questions, Mr McCoy

MR McCOY Thank you Mr Acting Deputy Speaker. Supplementary to that question, what is the rent paid by administration for such houses and what is the required bond.

ACTING DEPUTY SPEAKER Chief Minister.

MR SMITH I am not to sure about the bond, but I understand and I stand corrected that anybody that, not anybody in certain situations people who rent a house, particularly somebody we may bring in, I understand they pay \$75.00 and we pay the balance, whatever the rental may be.

## QUESTIONS ON NOTICE

ACTING DEPUTY SPEAKER Further questions. No further questions without notice. Honourable members we now move to questions on notice. Are there any answers to questions on notice. Mr Robinson

MR ION ROBINSON Thank you Mr Acting Deputy Speaker. Question No 37 stands in my name from Mr McCoy. It reads, Can the Minister confirm that he has granted or is giving consideration to granting entry permits, whether TEP or GEP where the applicant is to be

employed in a new business as defined in the Government Policy document entitled “The Administration of Norfolk Island’s Immigration into Norfolk Island - A General Guide”. In accordance with the provisions of the Immigration Act the Executive Member is required to give consideration to all the merits in relation to an application and to take into account the Government’s policy document that I just mentioned which does not prohibit such application. Any such application that falls within the new business criteria would normally be referred to the Immigration Committee for its report and at the time Mr McCoy lodged that question in the House there was in fact one application that was before the Committee at that time and it was refused. Further than those details I will not go on air.

ACTING DEPUTY SPEAKER            Thank you Mr Robinson. Are there any further Questions on Notice. No. We move on

### **PRESENTATION OF PAPERS**

MR SMITH                                    Thank you Mr Acting Deputy Speaker. Section 2(b)(2) of the Customs Act 1913 makes provision for the Executive Member to exempt goods from duty where the duty payable is less than \$200. Section 2(b)(5) of the Act provides that where the Executive member has exercised that power he shall lay a copy of the exemption on the table of the Legislative Assembly and I so table this

MR ION ROBINSON                    Thank you Mr Acting Deputy Speaker. I would like to table a copy of an opinion on the Constitutional Relationship between Norfolk Island and the Commonwealth of Australia by Professor Crawford SC., Legal Professor of International Law at Cambridge. Professor Crawford is a recognised authority on International Law whose services are often retained by the United Nations as a special rapporteur to investigate cases such as ours. His most recent successful international case was against the Japanese on behalf of the Australian Government in relation to tuna fishing. As you will be able to see the opinion confirms that Norfolk Island is not an integral part of the Commonwealth of Australia therefore the Island need not be subject to the same laws as the States and Internal Territories that constitute the Commonwealth. I suspect that in 1979 the then Minister, the Honourable Bob Ellicott knew this, which is the reason why the Norfolk Island Self Government Bill was rushed through parliament with indecent haste. The following year the Commonwealth was to ratify the International Covenant on Civil and Political Rights which would have meant that the Commonwealth would have been bound to offer the people of Norfolk Island their unalienable right to self determination had self government, even of such a base kind, had not been instituted. In light of Professor Crawford’s opinion it’s easy to see why the Territories Office’s function, as stated in the official Commonwealth Government Directory is to “protect and enhance the Commonwealth’s interest in Norfolk Island”. In effect, this statement admits that whilst Australia has some authority it does not own the Island. Mr Acting Deputy Speaker, the conclusion that Professor Crawford arrives at on page eight of the opinion, “...for these reasons in my opinion, Norfolk Island is a separate external territory of the Crown in right of the Commonwealth of Australia. Constitutionally, it is not an internal Territory and thus not an integral part of the Commonwealth of Australia”. Thank you Mr Acting Deputy Speaker, I table that

MR ROBERTSON                            Thank you Mr Acting Deputy Speaker. I table the report of the Cascade Cliff Management Board from the period ending 13th July 1998 through until the 30th June 1999

MR ION ROBINSON Thank you Mr Acting Deputy Speaker. I would like to make a brief talk regarding the Government's Stock Health Programme and table the Paper. I move to table the Paper entitled Review of Norfolk Island's Stock Situation.

ACTING DEPUTY SPEAKER Thank you Mr Robinson. Do you intend to move that the House take note of the Paper?

MR ION ROBINSON If you so wish. I table the Paper and move that it be noted. At the March 1998 meeting of this House we passed the following motion regarding stock health on Norfolk Island, and that is, that this House directs the Minister with responsibility for Primary Industry to commission a suitable individual/organisation to conduct a review of the Norfolk Island meat production situation and provide recommendation to the areas where improvements can be made. I'm pleased to announce that the review is now complete. It was undertaken by a New South Wales Veterinarian, Mr David Gardner, no relation, during the April 1999 muster. In summary the report does not identify any major stock health problems in Norfolk Island but was able to suggest measures to be taken to improve stock health, instigate improved breeding programmes, improved pastures and generally enhance the economics of stock ownership on Norfolk Island. I have tabled this copy of the report and I would like at the same time to advise that two copies of the Report are available at the Norfolk Island Public Library and additional copies may be purchased at the Administration at the cost of \$10.00

ACTING DEPUTY SPEAKER Honourable Members, the question is that the Paper be noted

QUESTION PUT  
AGREED

The motion is agreed. Are there any other Papers for Presentation

MR ROBERTSON Thank you Mr Acting Deputy Speaker. I table the Inquiry into the Liquor Supply of Norfolk Island and move that the Paper be noted. A number of months ago, back in January, there was talk of setting up a review to look into the 1960 Liquor Act and the Sale of Liquor generally on Norfolk Island. The Assembly has agreed that this sort of thing should happen as so the Committee was established and first met on the 8th April. The Committee was made up of myself as Chairman, Ross Reynolds as Chairman of the Liquor Licencing Board, and Mrs Tosca Quintal. Meetings were held each Thursday through until the 16th of this month which meant that 24 meetings were held over that time, a further six informal meetings were also held at different times by the Review Group. There was a big variety of people who attended those meetings, and they've all been listed in the Report. The Terms of Reference was fairly straight forward. it was to examine, enquire and report on the importation, manufacture, supply and consumption of liquor on Norfolk Island in particular in reference to the adequacy of the Liquor Act 1960 to effectively and efficiently regulate premises, services and facilities associated with or ancillary to the sale, manufacture, supply and consumption of liquor so as to a) promote and prescribe responsible practices for the sale, supply and consumption of liquor and b) minimise harm arising from the sale, supply and consumption of liquor. 2) The commercial operations of the Administration's Liquor Supply Service including but not limited to a) the effectiveness and efficiency of the liquor supply servicing of purchasing, pricing, marketing and retailing policies and practices b) the implications of the current operations of the liquor supply service for Norfolk Island's Tourism industry and c) the appropriateness of the Administration's effective monopoly

over the importation of liquor into Norfolk Island and possible alternatives to that monopoly given the levels of revenue raised by the Administration from the liquor supply service. The Review Group was required to seek the views of members of the Norfolk Island community on matters within the Group's Terms of Reference and the Review Group shall table its report to the Legislative Assembly by June 1999. Unfortunately that was unable to happen because of three things really, the amount of submissions we received, the Inquiry itself was a little bit more far ranging than just a couple of months work and some of the issues that were discovered whilst the Inquiry was under way, which meant that we went for a further three months and hopefully would have concluded everything that was required of us. The recommendations are fairly straight forward. We have a couple of issues which are at the back of the report and goes on to the recommendations that would be made and they are fairly straight forward. We dealt first of all with the legislation and the main recommendation there is that a new Liquor Act be enacted with consideration given to the inclusion of the following provisions in the new legislation. Categories of Licence. It is recommended that the following categories of licence be created, 1) a general licence 2) on licence 3) club licence 4) special licence 5) manufacturers licence. There needs to be a new definition of licenced premises, more flexible trading hours, retention on entertainment premises. We recommend the new basis for calculating licence fees, the abolition of special permits, new categories of licences will create a special licence. Provision will be made for a user friendly licencing manual or handbook for licensees and the public. This is a similar sort of thing that's been done in the Employment Act in other areas which means that anybody that wants to get into the liquor business, which may be at the retailing side or restaurants and so forth can have a handbook which makes it a little easier for them to work and work within rather than trying to become lawyers and interpret the legislation. The Liquor Licencing Board, we recommend that they continue to grant the granting of licences. Entertainment permits be granted by the Executive Member or his or her delegate, there's no real change and the retention of most offences contained in the current Act with modification where necessary. The Liquor Bond itself was another issue. We can't get past the fact that although the Liquor Bond is a cash cow for Norfolk Island, in fact this last year I think we came up with just over a million dollars. We went through a number of issues in there and in fact the Committee spent quite some time in looking at variations that were put to it by members of the public and in alot of the actual submissions that came forward. The Committee is of the opinion that the operations of the Liquor Bond should remain under the control of the Norfolk Island Government. The staffing basically remain permanent as five employees. Most of the recommendations that follow on the Liquor Bond are on purely operations, which covered in the Terms of Reference, which classically said that the effectiveness of the Liquor Supply's purchasing, pricing, marketing, retail policies and practices, and those are the sorts of recommendations that came forward. One of the recommendations that we did suggest is that 30% of the concessions be abolished and that in its place a regular review of the price checking within the Australian and New Zealand duty free because that's where the competition is, be done on a regular basis and that's not hard now. For example, the New Zealand duty free prices are all up on the web and you are able to pick them up on a daily basis. Australia is a little bit behind in that respect but I understand that they are coming on line very shortly, and that gives us the chance to look at and see what our competitors are selling at and we suggest that we keep in close proximity to that. At the moment there's approximately 28.5% profit margin which we make off the 30% concession of grog that's sold but if we do a regular price check, having abolished the 30% we would then be able to keep it within the limitations as opposed by the opposition of Australian duty free places and actually increase our percentage. That's more explained in the report itself and there's alot more documentation pertaining to that. The marketing of course needs to be done from the Liquor Bond premises and we are recommending that a new broom sweeps clean and just the

fact that the broom is sweeping would have a big effect on it. We are asking that it be tidied up, cleaned up and made a presentation as alot of the other retail situations that are happening in town at the moment and that is there's an awful lot of properties in there which are all tarting up, cleaning up and tidying themselves up and the Bond needs to go into that marketing as well. The Report is there. It's not too hard to read. We've kept it reasonably short in as much as we've found that if you bring out a 300 page report people only read the last page of recommendations and don't read the rest. Accompanying that is a list of the submissions that we received, and there were a number of those sent in. We actually wrote about 30 something letters to the different people who we felt would be necessary, such as all the churches, the Chamber of Commerce, the magistrates, the police, the different people within the areas, the RSL, the brewing companies, those that are involved in the business, all of the hotels, the restaurants and they were written to individually, and of course there were adverts placed in the local paper and over the air on a regular basis when we first started asking for those submissions to come forward and there were alot. Not all were written, some preferred to keep a little bit anonymous on what they were doing and were quite happy to talk to us and put their views forward of which we took consideration of. Further to this submission there was another submission which will be kept down here. It's quite massive in content and it's from one of the manufacturers and that is available for anybody who wants to peruse it they can spend hours looking through this and it has been taken into consideration during the report by the Committee. This is now a public document and obviously the Members of this Assembly will look forward to people who read this, coming forward with other bits and pieces that they feel needs to be looked at as well. Thank you Mr Acting Deputy Speaker

ACTING DEPUTY SPEAKER Thank you Mr Robinson. I'm just wondering if you would be able to clarify for the records of the House, one matter and that is the two documents that you have sitting there are separate documents. Was it your intention that the second document has an attachment to be tabled

MR ROBERTSON Thank you, yes. That is actually a copy of the submissions which we haven't put into the main report. It's part of the whole thing. It's all part of one. Just that it was too bulky

ACTING DEPUTY SPEAKER Thank you Mr Robertson. The question is Honourable Members that the Paper be noted. Sorry. Mr Bates

MR BATES Thank you Mr Acting Deputy Speaker. I've just got my copy this morning and I haven't read it in all it's detail but just an overview, it seems like alot of hard work has gone into this and I think alot of good things are going to come out of it. I would just like to put one viewpoint forward and that's the situation regarding licence fees and I see that those recommended put two options there. One is really a user pay type of thing where the fee is only the cost of making the licence available and another is a licence which starts at \$5,000 for a general licence and \$1,500 for an on licence and \$1,000 for a pub licence but I've got to say that those types of fees which seem to be money grabs in a sense are things that I've been trying to get away from in my taxation system. Those types of charges are unfair and little to justify them. If somebody puts through a large sum at the present time well of course we are getting customs duty on that so that person who puts through a lot of sales contributes by customs duty. I don't think they should be penalised because their sales are high. They could certainly be charged a fee to get their licence whatever the cost is to them, to inspect their premises, but they shouldn't be asked to contribute further to the coffers. This Assembly is looking at a taxation reform. I think these are the types of

things that we must give consideration to and I certainly go along with the user pays system but certainly not as a money grabber on those types of things. I just mention that for Members to think about because no doubt we will be talking about those issues in due course, thank you

ACTING DEPUTY SPEAKER Further debate Honourable Members on the question that this Paper be noted. No, then I put that question

QUESTION PUT  
AGREED

That Paper is noted

MR SMITH Thank you Mr Acting Deputy Speaker. I would like to table and move the Paper be noted, the draft Human Resources Policy. Mr Acting Deputy Speaker I would just like to speak briefly to this paper. This is the document that has been coming along for quite some time in relation to Public Sector Management Bill and as I promised Members that I would have the Human Resources Policy available and discussed before we pass the Act. The document that I've got is still warm, it's just come off the printer not too long ago. I've got copies here for all Members. I don't intend for us to discuss it today except for me to mention that the Human Resources Policy is made up in the main from most of the APG's of the Administration, that is, the Administration Policy and Guidelines documents which have been around for quite some time. There are some additional things which are in this paper which will need to be discussed with not only Members of the Assembly but Members of the Administration but I think if I point out the headings of the document it might help the people in the service to know what it's about. It starts with the preliminaries of the document, the recruitment process, the hours of duty, payment, leave, workplace change and redeployment, retirement, code of conduct and conflict of interest and discipline. I encourage anybody in the Service to have a look at this because this is what we've been saying we are going to have in a proper form before we pass the Bill and I'm expecting that we will do that at the next Sitting of the House. I encourage Members when they get their copy to do likewise, thank you Mr Acting Deputy Speaker

ACTING DEPUTY SPEAKER Thank you Chief Minister. The question is that the Paper be noted

MR BROWN Thank you Mr Acting Deputy Speaker it would be very helpful if the Chief Minister could circulate that paper and then Members would be able to have a look at what it is that's the subject of this discussion. I think I just heard the Chief Minister say that this paper as far as I'm aware, none of us have seen before today, is the foundation of legislation which the Chief Minister proposes to deal with at the next Sitting of the House. Well I would just like to say that as I have not seen this Paper before today I would not like the Chief Minister to think that I in particular am going to agree to it. Secondly I would like to say that I would like to hear how this Paper has been prepared. I'm wondering whether it's a Paper that's been prepared for example with the assistance of knowledgeable people on the mainland in such areas, I understand that assistance was being sought from Mosman Council or is this a document which has in fact been prepared by the Chief Minister on the basis of the existing policy guidelines. Just looking at it it does seem to largely copy the existing documentation but it would be interesting to know just what the basis of preparation has been, thank you

ACTING DEPUTY SPEAKER Thank you Mr Brown. Further debate. The question is that the Paper be noted



John was telling me that they haven't got a meeting of the ATA because their members are all too busy. It only just shows that we are back on line and we intend to push that forward to approximately 8% for the year, thank you

ACTING DEPUTY SPEAKER Thank you Mr Robertson. Is there any debate Honourable Members on the question that the Paper be noted.

QUESTION PUT  
AGAINST

The ayes have it. That motion is agreed to. Are there further Papers. No

**STATEMENTS**

We move to Statements Honourable Members. Are there any Statements of an official nature this morning

MR SMITH Thank you Mr Acting Deputy Speaker. Although this Statement is actually a Question Without Notice reply, which is how we are dealing with these in the Sitting of the House, when we come to Statement time we are actually giving answers to Questions Without Notice that we have replies for and this one Mr Acting Deputy Speaker, I now provide the House with details of all travel expenditure funded by the Norfolk Island Government for the previous quarter which was 1 April to 30 June 1999 this is in accord with the policy that we have of providing the expenditure details for each quarter. I have now received from the Public Service the relevant expenditure details for the period and they are tabulated as follows. The Assembly and the other revenue funded entities, the Government Business Enterprises and the statutory bodies, for example the Hospital and the Tourist Bureau. The summary of all travel expenditure for that period, GBE's and Telecom \$13035, the revenue fund which is actually the Legislative Assembly in this case is actually \$8168, the Norfolk Island Hospital \$899.60, the Norfolk Island Government Tourist Bureau \$3079.24 and a total of travel expenditure for that period \$13,491.84. Mr Acting Deputy Speaker I wish to table the details that make up the travel expenditure that show the details of the officers name, airfares and destinations, travel allowance, purpose of the trip and report availability, thank you Mr Acting Deputy Speaker

ACTING DEPUTY SPEAKER Thank you Mr Smith. Further Statements. No. We move on

**MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR - NO 151**

Honourable Members, I have received the following Message from the Office of the Administrator, Message No 151. On the 18th August 1999 pursuant to Section 21 of the Norfolk Island Act 1979 I declared my assent to the *Road Traffic Amendment Act 1999* which is Act No 15 of 1999, dated the 18th August 1999 and signed A J Messner, Administrator

**NOTICES**

Honourable Members we now move on to Notices.

**PUBLIC SERVICE ACT 1979**

MR SMITH Thank you Mr Deputy Speaker I move that a) this House for the purpose of subsection 13(a)(1) of the Public Service Act 1979 recommends to the Administrator that Charisse Clarke and Brian John Check be reappointed as Members of the Public Service Board until 17 March 2000 and (b) that this House under subsection 13(b)(a)(3) of the Public Service Act 1979 resolves to reappoint John Thornton Pearson being a person referred to in paragraph 13(b)(a)(3) of that Act to be a member of the Public Service Board until 17 March 2000. Mr Acting Deputy Speaker even though The Public Sector Management Bill 1999 is imminent and the role of the Public Service Board will change it certainly is not going to be in the next week or so and these reappointments need to be done but I would like to thank Charisse, Brian and John very much for accepting the nomination again for a further extension and thank them for the job that they do. It's not an easy one, being on the Public Service Board

ACTING DEPUTY SPEAKER Thank you Chief Minister. Further debate Honourable Members. There being no further debate I put the

QUESTION PUT  
AGREED

The ayes have it, that motion is agreed to

## **REVIEW OF DEREGULATED TOURIST ACCOMMODATION INDUSTRY**

MR McCOY Thank you Mr Acting Deputy Speaker. I move that this House recognising that Norfolk Island is first and foremost the home of its residents, resolves to a) conduct a review to ascertain the impact of the deregulated tourist accommodation industry on the Island's unique ecology, environment and lifestyle and b) to impose with immediate effect the twelve month moratorium on approval of any further applications for tourist accommodation units

ACTING DEPUTY SPEAKER Thank you Mr McCoy. Any debate

MR McCOY Thank you Mr Deputy Speaker I move that the motion be noted

ACTING DEPUTY SPEAKER There is no requirement for that Mr McCoy if you wish to make comment

MR McCOY Thank you Mr Deputy Speaker some of the community and also of course some Members of the House may see my motion as an attempt to stop or stifle development on Norfolk Island. Mr Acting Deputy Speaker this motion is not about that at all. I would like to make it quite clear right here and now that I understand without growth the economy suffers. But it needs to be managed and controlled growth and change. Without managed control, growth and change of course the economy could grind to a halt and see Norfolk Island experience its own depression. Australia or the rest of the world for that matter does not have to be in depression for Norfolk Island to suffer our own depression. This motion as the Norfolk Island Government to step back and look at what is happening and for the community to put forward views or opinions in regard to exactly where we are heading with the tourism industry and how secure an investment made in the accommodation business will be for prospective investors. Mr Acting Deputy Speaker I

have concerns that we are not ensuring Norfolk Island has a viable tourism industry for future generations of Norfolk Islanders. I believe that if we continue along the path we are presently on economic hardships will fall upon the community and I will attempt to spell out why I confidently made such a broad and sweeping statement. Simply the very essence that brings visitors to Norfolk Island is being eroded away and that is the ecology, environment and lifestyle of the Island. In the area of ecology I draw your attention to just a couple of problems that have occurred or is being pursued in the name of tourism. Damage on Mount Pitt road, because that road or any road on Norfolk Island is not of a standard or width to take large vehicles. The continual grading and smoothing of roads along coastal cliff tops causing new water ways that take silt and mud over the cliff which kills off the vegetation leaving exposed areas for erosion to occur where there are no natural water courses. You only have to drive along the top of Puppy's Point, you will see what I mean, or down to Crystal Pool and you'll see what I mean in those two areas alone. Also a short drive past the Headstone Garbage Dump at any time of afternoon brings to mind the question, what are we doing to the environment here. A pleasant stroll down to Anson Bay or any coastal area of the Island will give you an answer. You'll see the garbage that is washed up on the beach from our burning pit. Incidentally some in the community wish to turn a blind eye and sadly think the visitors don't see our own rubbish washed up around the Island. Well the visitors do see the rubbish because they take the time to walk down to Anson Bay and other places. Lifestyle. Already there is a lack of private accommodation for rental on Norfolk Island and some of our own residents have had to sleep in their car at night and some don't even have a car to sleep in. Nowhere to live. No lifestyle. Enjoying the open space and freedom to stroll across other peoples properties in the rural areas has always been part of the Norfolk Island lifestyle. Primary industry is also part of Norfolk Island's lifestyle. I refer you to the Norfolk Island Plan, area No 3 Rural. The conservation values. No 1. Attributes of the natural environment or cultural heritage which are valued and should be protected. (a) The Island character. (b) Rural landscape character and amenities (c) Soil fertility and stability (d) Quality of water supply (e) Amenity protection from nuisance, noise, smells, rubbish accumulation and hazardous materials. Then we move down to No 2. The objectives of Rural Areas. The objectives of this area are (a) to preserve and enhance the visual amenity of the area and reduce the environmental impact of dwelling and other development (c) to provide for uses that inappropriate in the central area because of the need for visual and/or noise separation from dwellings. (d) to provide for the restructuring of old and inappropriate subdivisions. No 4 May be permissible with consent subject to more detailed consideration. This is my very point. Advertising structures, home industry, light industry including contractors, depots and yards, public works, rationalisation of existing parcels by resubdivision. Restaurants seating up to 50 people. Rural industry. Sawmills, timber yards, tourist accommodation up to a maximum of five units. Two dwellings on any site or warehouse. Now of course it would be nice to own your own accommodation units if you have a property in the rural area. consideration must be given to the ability of properties to connect to the sewerage under the Norfolk Island Plan and also, under the Norfolk Island Plan, as I've pointed out, it is quicker and easier to build up the rural area with tourist accommodation than anywhere else on the Island. Where I live in Allandale Drive is in the rural area but there is a possibility for six five unit complexes to be built in that area alone. In other words we have six private property owners down there who have every right to built five units on their property. In the rural area, of course some visitors may enjoy the sound of a chain saw or a tractor or lawn mower operating at 6 am. On the other hands, I guess we will all get on with the neighbours because they are only here for one week. Another area of serious concern is in the Island's infrastructure. Can the sewer treatment plant manage, for example, bigger, 2000 flushes at 7 pm. Also stage 2 of the Sewerage and Water Assurance Scheme has not happened. The Waste Management Strategy is not finished and has not been implemented. The funds for roads

maintenance is deficient and the roads are falling apart and washing away. Can the power generate and feed out electricity to all areas of the Island. Both the Cascade and Kingston wharves are in dire need of reconstruction. How many visitors can we cater to if the Cascade pier slips off the rock bed it sits on in the next cyclone. Also, in the Grants Commission you'll find they make reference to similar things. Chapter 6, page 120. The waste management procedures used on the Island was said to be an example of neglect of the environment. Although publicity brochures for the Island claimed that a specially designed waste disposal area on the Island ensures no harm is done to the eco system, the dumping of waste into the sea at Headstone is believed to be inconsistent with Commonwealth government undertakings and I ask people to take note of these things. They are inconsistent with Commonwealth government undertakings to the United Nations Conference on environment and development. Other practices apparently left over from the days of Commonwealth responsibility such as the burning of tyres, the dropping of car bodies over Headstone cliff and the outflow pipe dropping treated sewerage into the sea were all claimed to be detrimental to the environment. Moreover, the sea dumping process could harm the Island's tourist potential. As we observe this is an extract from the Grants Commission, rubbish could often wash up on nearby beaches. Chapter 10 page 212. No 12. Norfolk Island's revenue capacity depends critically on the viability of its economy. Norfolk Island clearly has a very vulnerable economy and any one of a number of developments could do serious damage. Another pilot strike is an example, or the collapse of an air service which would sharply reduce tourism. Greater economic stability requires the ability of the investment environment adequate quality of supporting infrastructure and greater diversification of industries. The provision by the government of economic infrastructure being harbour facilities, roads and a greater availability of power, would assist by providing respective investors with a service environment that improves Norfolk Island's competitive position. On page 214 Chapter 10 No 22, However, if Norfolk Island 's infrastructure were to continue to be run down the standard of services might become disincentive for tourists to visit the Island. A programme of infrastructure improvement would assist tourism and would probably help to attract other industries. It might well prove essential to the long term viability of the economy and the wellbeing of the community. Also I wonder why an environmental assessment was not called on for the whole of Norfolk Island before the tourist accommodation deregulation was put in place. In the past the Commonwealth Environmental Agency was consulted on a number of occasions. They were consulted when the Cascade Cliff Project was to begin. They were consulted when the airport was done. I wonder why they were not consulted on this occasion. Finally, we refer to Chapter 10, page 218 No 43. The Grants Commission Report says "in our view, change is needed. The Commonwealth has a responsibility to ensure that certain services are provided to Australians at appropriate levels and this is not happening on Norfolk Island. If the Norfolk Island Government were to do nothing to improve these services it should expect the Commonwealth to reclaim responsibility for them and some revenue powers to pay for them. If the Norfolk Island Government were to do nothing to improve its administrative capacity and infrastructure there would be a risk of the Island economy declining. Of revenue capacity falling and levels of services deteriorating. The Commonwealth could then be forced to take responsibility for a wider range of service provision and revenue raising for the Island. The level of independence for Norfolk Island would thereby reduce. I would just like to add at the end there, that at a previous Sitting of the House we celebrated twenty years of self government or a path towards internal self government. That is my reason for asking the Assembly and the community to stop and think about where we are heading with tourism. Thank you Mr Acting Deputy Speaker and I commend the motion to the House

ACTING DEPUTY SPEAKER  
debate

Thank you Mr McCoy. Honourable Members, is there any

MR ROBERTSON

Thank you Mr Deputy Speaker. I have no problems with a review which is part (a) of the resolution before this House. I do have a problem with part (b) and there's a number of reasons for that. The simple one is that if a moratorium was passed by the Assembly I believe that would be a relevant consideration. Now the relevant consideration is under section 7(4) of the Act and if somebody puts an application in to me I have to take consideration into all the relevant details and that would be part of it. I would then have to regard it when considering the application of any registration under subsection (3) of the Act. Now the motion would not have any force of law and I would still have to consider the merits of the particular application as well as other matters mentioned in subsection 7(3)(a) as well as the motion. In effect, the motion would basically just have a policy similar to the Immigration guidelines that operate under the Immigration Act 1980. The blanket application of policy without regard to the merits of particular applications would be seen as a non exercise of the decision makers discretion and would run the risk of being overturned in appeal. Mr Acting Deputy Speaker some of the issues that John has raised have already been well and truly started. I understand that the Minister for Health is well on the way with the waste management progression. The electricity is also well on its way. We are currently looking at the funding of a 2.3 mg generator to cater for the Island's needs. You may remember that this Assembly early in the piece put in a new generator and took an old one out, so all we did was a replacement. We are also looking, interestingly enough, at the establishment of any new accommodation is currently under mostly, the direction of the Planning Board which came into effect after deregulation was passed in the previous Assembly so if somebody wants to build a unit the application would come before me, I have to take into consideration a number of things but also in giving the conditional registration which means that they then fall into the clutches of the Planning Board which looks at whether or not they are on the sewer and if they are not then they insist that the type of sewerage that is put in is of that which has a friendly nature and I understand that most of the new places have to go into an envirocycle type system. It's not just a tank that runs on down into the ground. As far as the water part is concerned which has been a matter of discussion in many Assembly's as how to protect our environment on water, each and every one of those new accommodation places, unless they have total catchment to cover the number of persons they are applying for to have in those units, they don't get a licence, so these restrictions are in place. As far as the waste management side of it is concerned, as I've said, they've got the envirocycle or they are on the sewer. The ability, and I think if you go back through when deregulation first took place, there was a fairly strong move afoot to try and take from the clutches of the few at that stage the ability for people who live in Norfolk Island to go into some industry and accommodation was one of them. Just prior to that the deregulation of hire cars was an example. So when that deregulation took place there were a number of things happening. Provided, four things took place, and I think Mr Bates was on the Assembly at that time and he was of the view that you had to have sewerage in place, you had to have water, you had to have a few of the other things that you mentioned, all needed to be catered for. So under the conditional applications, one of those conditions are that you had to have negotiations and agreement with the electrical officer. If you can't get the power supplied well then bad luck. Just to see where we are going, I had a report done. to give you an example, the 1999 registration summary operating, works out at 59 houses, 476 units and 434 beds. Conditional, which still has to be effectively completed, is 14 new which comes to 213 units and 522 beds and to be processed is five new, 31 units and 73 beds. And its more interesting to note that in the 1996 Assembly, the previous Assembly when they were saying there needs to be accommodation and it needs to be of a high standard, and out of the 16 new ones

that have come on line since 1996 to date two of them are 2 1/2 star, and the reason for that is they are ecological types that are building for a specific type of tourist, eco tourism, there's By the Bay 4 1/2 star, Cobby's 4 star, Dii El Du 4 1/2 star, Haydon Blair House 4 1/2 star, Kingston Apartments 4 star, Norfolk Holiday Apartments 3 1/2 star, Peace Cottage 3 1/2, Summerhouse 4 1/2, Tau Gardens 4 1/2, Tintola 4 1/2, Christian's at Buck Point 5 star. Now they're all new ones and they've all come out at the expectations of what was asked of when it came in, that you needed a better type of accommodation to cater for the people who had the dollars. I'll give you another example. Not everybody gets them. I have cancelled conditional registrations for 91 units. 12 new cottages which came to 303 beds. Cancelled. Refused applications, 20 units, 74 beds. They've all been refused their applications and they were all change of use. They all had existing houses and they just wanted to put a dividing wall up or a garage and change the use. there's been a couple of outstanding applications for renewal conditions of registrations and they are going to be revoked as from the 30th September if nothing happens. One is for 20 units and the other is for 2 units and that 22 units and 48 beds. If nothing happens within the next few days, they are going to be revoked. The buildings that have taken place since the 1996 change, there have been conditional registrations applied for, come to 182 units, there's 9 change of use and 474 beds. The new tourist accommodation houses 8 and the others are 12 so what is happening is that there are a number of people already in accommodation who have jumped in very quickly and expanded their own units such as Callum Court, Crest, Cumberland, Cyathea Park, Dii El Du, Kentia Apartments, Ponderosa, Tau Gardens. They've all applied having got their first lot up. so you can see that it's not all been cream and cheese for all those who have applied for units. there's been a number who have been cancelled or stopped or taken off for other reasons. The other thing that comes into this is that there have been the view that anybody who goes into accommodation or any business for that matter, it's a commercial venture. They think they've got the biccies and they've got the wherewithall to make the thing happen, they go into it, whether it be accommodation, whether it be hire cars, or a hamburger joint, whatever it is, they go into that specifically because they think they can do better than somebody else. And we are saying, and have said for quite some time that the people on Norfolk Island the locals, the residents or whatever you would like to call them, must have the first option and these people do. They have a go. And the result of that is where we are today. Also the previous Assembly said there needed to be 340,000 bed nights and to effectively do that there needed to be between 250 and 300 new units on this Island by the year 2005 to ensure that the object put forward was achievable. We're on line to that. so as I said, I don't have any difficulty with looking at doing a review or looking at more and more of these figures just to see how far we are going with sewerage, power and so forth but I certainly do have an objection to part (b) of the motion. I'll leave that

MR BATES

Thank you Mr Deputy Speaker. I won't be voting on this because I have a couple of units under construction. I was part of a previous Assembly which lifted the moratorium and at that point in time I had no intention of getting into this but I agreed to it on the basis that other controls would be in place and they are building codes to say you can't put up six storey buildings and those codes are in place. You don't get approval for high buildings. Subdivision codes which means you can't cut up pieces of land into two smaller blocks in certain areas so you are restricted in that area and we also have the zoning codes and I think Mr McCoy has mentioned that you are allowed to put five units on a rural property. I think where the perception that some of those controls may have got out of kilter to some extent, in most of the zones there are certain categories. some things you can do by rights, some things you can do with approval and other things you can do after a lot of consultation and public meetings etc etc and you get approval and I think some of those departures may have been a little bit too easy. I think to have the zoning

areas there and the departure provisions are there but they should be I think very carefully looked at and only in real genuine cases where there are some real benefits to depart from the requirements of the codes should happen. I think they have been too loosely administered in the past. I certainly share John's concerns about the ecology, the environment and the lifestyle but those things that were introduced were intended to do that very thing, to protect those areas. Of course, any plan needs constant review and if our plan is not working, if the zoning in the rural area is not working then its up to us to amend our plan to whatever should work or if we are getting too much of a run on certain areas, amend the plan to make the controls through the plan. It is free enterprise and I think that was one of the problems before with the moratorium but provided the other controls are in place then I believe that they are the controls that should protect these things that Mr McCoy is concerned about. As I said, I will abstain from voting on this issue. I certainly have no problem with having a review to look at these things and if that review does say we should do something, then lets do it through our present provisions, our building codes, our subdivision codes, our zoning codes, our water restrictions and all these things which Mr Robertson has already mentioned

MR SMITH

Thank you Mr Acting Deputy Speaker. Firstly, I just want to clarify something that Gary said that we had done over the last couple of years, we had replaced one of the generators at the powerhouse that didn't really make any difference. I just need to clarify that. The generator that we replaced hadn't been used for seven years so we did actually increase the capacity at the powerhouse in effect. Only a small thing. I think John's motion is a good motion. This also happened at the start of our term. I believe one of the members had put up a moratorium on further approvals or on any accommodation I think it was, but I think the key to it is the plan that was devised by the last Assembly, that the approvals for new accommodation would be spread over I think it was five years and there was a paper that Gary had circulated quite some time ago that laid out the plan of where all the approvals were so that even if George Smith and John McCoy applied for some units today we may not get to build those for five years and that was especially calculated by the previous Minister so that you would avoid alot of problems with the building of many many units at the same time and putting too much pressure on the services. I assume that that is still in place and if we applied today we would be in line with everyone else. Gary will clarify shortly if that has changed, and then there would be concern because the community has been asking in recent times, just how far are we going with this expansion of tourist accommodation. I think we all should realise that we have needed to make some changes since the days of the early '80's when there was a freeze put on accommodation and there was very little built over the following 15 years and that's working fine but I understand from this morning, that if somebody wants to build a house you don't need to have that gazetted under the Planning Act. Now that may be fine in a sense that somebody can actually build a house without having to go through the Planning process or be gazetted but then that person could then apply for a tourist accommodation licence for that house and you could end up as John says, with your neighbour being not the person you thought it was going to be but a weekly neighbour. I think we do need to review just where we are going but maybe that's something that should be done on a constant basis and I don't know what concept we could use for that but it's always being reviewed and if it gets to a point that there is a problem like there obviously is with some people in the community now, that we can stop and say oh hang on, let's just make sure everything's going according to plan and if its all okay then we carry on. Gary you mentioned that you didn't mind a three month moratorium where in this motion its twelve months. I agree with that because that would be past our time but a three month moratorium would make alot more sense. Maybe Mr Acting Deputy Speaker I'll see what Gary has to say about the schedule of approvals over the five year time and that will help me quite alot

MR ROBERTSON Thank you Mr Acting Deputy Speaker. There's three points that the Chief Minister raised. The first one is yes, that's still in place we go through until 2004. Regarding the second one of building a house and then a little bit later chopping it in two or three or four, there have been six refused applications and each of them were change of use. To give you an example, they effectively were a house change and because I felt that they weren't keeping in line with what the actual direction of where the accommodation was going they were refused and there have been other similar situations which have been discussed and have been told that there's not much chance. but there have been two who have gone through and in those cases they had to come to the requirements of the Planning Board. As far as the three months, my reference is more that there needs to be a review of the first part of this question and it should only take three months, that was my reference, not to a moratorium because that was illegal from day one. I felt if there is to be a review then make it three months otherwise it will go on and on so a definite time was suggested. Don't forget that one of the things that I do have to consider is the financial ability to build. If they don't have the finances then that is also a reason for it not going ahead

MR ION ROBINSON Thank you Mr Acting Deputy Speaker. As you know the Norfolk Island Plan is under review at the moment. It has turned out to be such a monster it is going to take alot longer than we initially hoped it would. I agree with the first part (a) of John's motion, I think it makes alot of sense and it has been a concern of mine for some time but if we go ahead with that review and if Gary says it will only take three months I think we should be going to it. I have difficulty with part (b) of the motion at this stage. I don't think it should just grind to a halt because that would be more of a knee jerk type reaction rather than a considered and well laid out plan of attack so yes, I support the motion minus part (b) of it

MR GARDNER Thank you Mr Acting Deputy Speaker. I tend to agree with past speakers in supporting part (a), I have no trouble with that. As a matter of fact Members would probably remember that I debated at some length and with quite a bit of emotive vigour at the August sitting the need to address some of the real concerns surrounding tourism in general on the Island and touched briefly some of the issues that John has raised in his motion and in his accompanying speech. Just briefly to cover things like the problems associated with water and the problems of attaching water conditions to approvals, well that certainly made up a substantial amount of debate in the House I think between Minister Gary and John McCoy at an earlier sitting of the House in relation to a matter before the House dealing with tourist accommodation. There appears now that as a result of a recent administrative review tribunal process a need to put in place the necessary legislative footing if that is the wish of this House to seriously address the problem of water on already established buildings and tourist accommodation. Those options are now being developed by a subcommittee that has been formed as a result of that administrative review tribunal thing so just in that area things are being addressed and I'm fully in favour of that happening. Certainly there are other problems that do exist and John has touched on alot of those. supply of electricity, waste management, and John being a Member of the Waste Management Committee is certainly fully aware of the strategy that is being developed for that but I guess possibly a hint of caution and probably to answer some of the criticism I know is around in relation to the development of this Waste Management Strategy there have been a couple of reports that have been done in recent years and by previous Assembly's that were thought to be the answer, the be all and end all of our waste management problems here on the Island. Suggestions were made, partial strategies were developed from those reports, however, what's been clearly indicated is that some of the major recommendations from those reports if they had been implemented would have meant that

there would be no compliance with current environmental standards both within Australia and worldwide so we are attempting to be particularly careful about the road we take with waste management and certainly there's consideration being given by all Members to the fact that there's requirement for any strategy that is developed to be flexible enough to move with the times and change especially in relation to things like environmental standards. Electricity, well Gary has already touched on that, it is being addressed. Roads is another issue and that bears down heavily on the Members of the Assembly to make that conscious decision as to whether they are going to budget enough funds to actually do the roads up. It's a simple one We can just throw money at it and have six lane highways if we wish, if that's the feeling of the House. That's a matter for us to sit down and consider in exactly how that's going to fit in with our development of tourism and the strategy associated with it. There's also other related infrastructure and certainly requirements of the industry and I guess the one that's arisen just in recent times is the size of buses that we have on the Island and I certainly know that's a concern recently raised by George's initiative with the Youth Council at the School. Reading through a couple of their recommendations that one certainly was a high priority. I know my own children comment about the size of the buses and there are other people out there who have major concerns and that relates to the Duncombe Bay Road proposal that's going on and that is certainly something that I stand by. How we can be giving sanction t the upgrading of a road a Duncombe Bay where there are two terribly dangerous corners that lead into that new road that's going to meet standards and we are not addressing the standards outside and leading into that road at Duncombe Bay Road. Those are considerations. The size of the buses there make those corners almost impossible even for those size buses to get around. Those are issues that do need addressing. We need to really sit down and do that. I believe that part (a) of this motion certainly has substantial merit, maybe to take it one step further, at the appropriate time Mr Acting Deputy Speaker I would like to move an amendment to the motion and hopefully you will call on me at that time to move such an amendment. Just to comment, basically on that review I think it would probably be of merit if there were a paper to be developed addressing all of those concerns that John has raised, and other Members around the table have raised detailing the advances in those areas and the current status of those areas of concern raised and let's say if it's not dealt with in three months then I would probably support the reimposition of a quota system, in other words, deregulation of it. In other words, what I'm saying is we have given ourselves the opportunity to develop that paper, to table that paper, to actually have an in depth study into that and basically saying, well if we are not going to do that and it doesn't happen within three months then maybe we need to reconsider exactly where we are going with it and start to impose some of these restrictions that John was alluding to in the main body of his motion. I think that's probably all I want to say on that matter at the moment Mr Acting Deputy Speaker but maybe given the opportunity at a later time to modify or amend the motion as it sits

MR McCOY Thank you Mr Deputy Speaker, would it be appropriate at this point for me to move that this motion be made an Order of the Day for a subsequent day of Sitting, or the next Sitting on the 20<sup>th</sup> October

ACTING DEPUTY SPEAKER You may do that if you wish

MR ROBERTSON Thank you Mr Deputy Speaker, having listened to what's been said there's just one other little point regarding the water situation, I mentioned that all of those new accommodation units that have come on line since deregulation have all had specifications placed on them regarding water catchment. We haven't taken much into consideration of those existing. In early August I sent a letter to all accommodation proprietors stating that I would ask

them to allow a member of the Administration to go and inspect their properties to see just what the water catchment was and what their water requirements were. That is currently under way. To give you some idea of the original accommodation house that were on the Island, thirty of those places had both tank and bore water or tank and well and five of those were bore only. Whilst there may be only a tank and a bore what we are doing is going out and checking just how big that tank is, whether it's just a holding tank of 500 gallons or something to pump your bore water into so that it is easier to dispense is unknown, but that's done purely to start looking at the water area. New ones coming on line is fine, but for those that have been hanging around for quite a number of years just sucking it out of the ground is an area of concern that we are looking at and I'm putting it on notice that that's one of the areas which is currently under review as well so we are saying all of those thing. As for moving this forward with a report in three months, the motion sits on the table for another month, we've lost another month so I would rather see it go through now with the amendments as mentioned by Mr Gardner

**MR GARDNER** Thank you Mr Acting Deputy Speaker just to follow up on that last point of Gary's I think some of the concerns that are around are of significant enough concern that the move towards developing that paper within the three months is probably of the highest importance and I certainly wouldn't want to see that side of it delayed for another month. I think it's important that that paper be developed and reported back to the House within three months with the current status of a number of those issues associated with the concerns that Mr McCoy has raised.

**ACTING DEPUTY SPEAKER** Thank you Mr Gardner. Mr McCoy do you wish to move a motion that the matter be adjourned and resumption of debate made an order of the day for a subsequent day of Sitting. You have that opportunity if you wish

**MR McCOY** Thank you Mr Deputy Speaker, I have indicated that so I will pursue that and I so move

**DEPUTY SPEAKER** Thank you the question is that debate be adjourned and resumption of debate made an order of the day for a subsequent day of Sitting. Is there any debate on that. No then I put that question

QUESTION PUT

Would the Clerk please call the House

MR SMITH	AYE
MR BATES	AYE
MR ROBERTSON	NO
MR GARDNER	NO
MR ION ROBINSON	NO
MR McCOY	AYE
MR BROWN	NO

The result of voting Honourable Members the ayes three the noes four the adjournment motion is lost Mr McCoy. Mr Gardner you indicated that you may wish to amend the motion is that correct

MR GARDNER Thank you Mr Acting Deputy Speaker if I could seek leave to amend the motion before us

ACTING DEPUTY SPEAKER Leave is granted Mr Gardner

MR GARDNER Thank you Mr Acting Deputy Speaker, certainly the purpose for voting the way I did with the motion that was just moved by Mr McCoy was certainly to try and advance some of the matters contained in his motion without seeing any further delay in addressing some of these issues and developing that paper as I said before and maybe I could move Mr Acting Deputy Speaker that the words from this House remain in the substantive motion and that we replace the semi colon attached to the word lifestyle with a fullstop and delete part (b) of the motion

ACTING DEPUTY SPEAKER As I understand it Mr Gardner you're moving that all words after lifestyle be deleted from the motion and the rest of the motion stand

MR GARDNER Thank you Mr Acting Deputy Speaker, and don't forget the semi colon

ACTING DEPUTY SPEAKER Is there any debate?

MR McCOY Thank you Mr Acting Deputy Speaker. Part (b), from what I gathered from debate around the table was that we would only change part (b) and it would read to impose with immediate effect a three month moratorium on approvals. I realise that within the legislative boundaries of the Act that would not be binding so I would support Mr Gardner's amendment to remove the colon and put a fullstop after lifestyle and do away with the remainder

MR GARDNER Thank you Mr Acting Deputy Speaker, certainly there was a purpose in only dealing with part (a) and the preliminary wording of the motion and not dealing with part (b) in not dealing with part (b), in that if we were to deal in any way with part (b) and that part were to be defeated at this Sitting it would not be possible to bring before the House within the next twelve months a similar type of motion in regard to that but as I said to that in my previous debate on the matter, certainly if we can address part (a) and have something back before this House within three months all well and good, at least we are advancing some of those matter. If that doesn't occur certainly I would be supportive of rewording part (b) in a new motion probably for the reimposition of a quota if that were necessary but I don't think that is going to be necessary but I would be happy if we were to address part (a) of this motion and I certainly think that John would feel alot happier with it to

MR SMITH Thank you Mr Acting Deputy Speaker I'm happy to take up Geoff's amendment

ACTING DEPUTY SPEAKER Further debate? Then I put the question that the amendment be agreed to

QUESTION PUT  
AGREED

MR BATES ABSTAIN  
MR BROWN ABSTAIN

The ayes have it

Thank you. The amendment now becomes the motion. Is there any further debate on that. Then I put the question that the motion as amended be agreed to

QUESTION PUT  
AGREED

MR BATES	ABSTAIN
MR BROWN	ABSTAIN

The ayes have it

### **IMMIGRATION ACT 1980 - GENERAL ENTRY PERMIT QUOTA**

MR ION ROBINSON                      Thank you Mr Acting Deputy Speaker I seek leave to move a motion in the terms circulated to Members to vary the general entry permit quota

ACTING DEPUTY SPEAKER              Is leave granted? Leave is granted

MR ION ROBINSON                      Thank you Mr Acting Deputy Speaker. I move that for the purposes of paragraph 21(3)(a) of the Immigration Act 1980 this House resolves that the instrument executed by me on the 3rd March 1999 as varied on the 3rd August 1999 be varied by increasing the number of general entry permits that may be granted in the period 17th February 1999 to 16th February 2000 from twenty to thirty. Thank you Mr Acting Deputy Speaker in February 1995 the Legislative Assembly adopted a quota intake based on the desired 2% population growth. In light of this decision and in accordance with the resolution of the Legislative Assembly a determination was made that ten general entry permits may be granted during the period 17th February 1999 and 16th February 2000. On the 3rd August 1999 a variation of that determination was made to increase the quota from ten to twenty. It is interesting Mr Acting Deputy Speaker that since then the agreed rate of desired population growth is based commencing with the average population for the 1995 year of 1524 residents and general entry permits. Adding 2% each year in theory we should have got in 1996 1555, in 1997 1586, 1998 1618 and 1999 1650 and 2000 1683. The current population is 1530 so we are falling a long way behind that Legislative Assembly's rate of growth of 2% so for the first time in a long time this figure of thirty general entry permits will actually reflect the 2% desired increase

MR BATES                                      Thank you Mr Speaker, I just have a brief comment on that. I intend to support the motion but I just remind Members that there is a review taking place and I think Members may have been circulated with some of the comments in that. If that review is accepted or basically accepted by the Legislative Assembly there could be some changes to the requirements to be met for the various types of permits. there may be different categories of permits and whether that might start a bit of a rush on people trying to get in before the changes or whether it may cause some affect, I think we need to bear that in mind as we give greater consideration to the proposed changes and perhaps in February when the time comes to set the new quota we'll be further down the track in considering those things and be in a greater position to make a decision on just how many should be in the quota at that point in time. I just mention those things but I will support the motion

**MR BROWN**

Thank you Mr Speaker the Minister was quite correct when he said that some years ago the Legislative Assembly had resolved on a population policy which provided for a 2% annual growth in the population of the ordinarily resident. It was interesting to hear the statistics that the Minister quoted. I think the numbers were 1524 as the ordinarily resident population of the date the policy was set and 1530 today. A growth in total of six people and if one family left the Island that growth could turn into a decline. The Assembly has always hesitated in setting a quota providing for the full 2% growth in one hit and it's done that for a few reasons. One of them is that it is difficult to tell how many people are likely to leave in a year and therefore it is easier through the course of the year to set a new quota as and when that is necessary. In fact, what we have done from year to year is to set a quota which has, based on the numbers we've been given today, barely covered the number of people leaving the Island and I think it would be realistic to recognise that that is probably the case in the current year. After setting today's quota it is likely that we will have barely covered the number who have left the Island so we shouldn't be frightened about the quota number because it is in fact not a number which provides the 2% growth in the ordinarily resident population this year, it is a number which quite possibly provides for a much more modest growth once we take account of the number of people who leave the Island during the year. I have no difficulty in supporting it, but to such extent as any of our future planning has been based on that 2% per annum growth being achieved we certainly will need to review that future planning. Thank you Mr Speaker

**MR SPEAKER**

Is there any further debate? Then I put the question

**QUESTION PUT  
AGREED**

The ayes have it, I think the motion is agreed to

### **SUSPENSION**

Honourable Members today is nomination day and nominations get announced on the courthouse steps at 12.00 o'clock so I suggest that we suspend for lunch now, because we've got a lot more to go through the programme yet and we'll come back at 1.30 and so the House stands so suspended until 1.30

### **RESUMPTION**

Honourable Members we resume after our suspension for lunch and we are still at Notices.

### **FIREARMS AMENDMENT (NO 2) BILL 1999**

**MR ION ROBINSON**

Thank you Mr Speaker I present the Firearms Amendment (No 2) Bill 1999 and move that the Bill be agreed to in principle. The Firearms Amendment (No 2) Bill 1999 amends the Firearms Act 1997 to ensure that it fully complies with the resolutions of the Australian Police Ministers Council on firearms. Some aspects of the amendment place increased restriction on firearm owners, however, the Bill in conjunction with the proposed amendments to the Firearms Regulations also provides for further classes of firearms authorisation and also legalises a number of legitimate firearms activities which constitute offences under the current Act. In particular the amendments provide a licence class under which special clay target shooters can

possess and use a category c shotgun, which as most of you will probably realise is a pump action. Limit a category c licence holder to possession of one rifle and one shotgun, that's in that category c category. It applies a 28 day waiting period in respect of the issue of all licences and permits. Requires a condition of licence for mutually agreed inspection of a proposed firearms storage facility. It further defines contents and conditions of licences and permits, provides further controls for the possession or transfer of ammunition, places some further restrictions on firearms collectors, provides for reduced restrictions on heirloom and war souvenir firearms, streamlines regulatory provisions regarding visiting sporting shooters and firearms owners moving to Norfolk Island and provide legal protection for health workers who advise firearms authorities in good faith about the physical and mental condition of the holder of a firearm. I don't intend to go through all the individual clauses on this the Firearms Amendment (No 2) Bill 1999 Mr Speaker. As most people will realise it is an issue that's been around for a long while now and under pressure from the Commonwealth to make sure it complies with their Police Minister's Council we have no option but to do it. We have received verbal approval to our amendments from His Honour the Administrator and from the Attorney General's Department and it is only really a matter of receiving actual written approval that we are waiting on however, later on in the meeting I will be seeking leave of the House to pass it through all stages at this Sitting. That's all I'll say for now Mr Speaker

SPEAKER

Debate Honourable Members

MR BROWN

Thank you Mr Speaker am I right in understanding that there have been numerous past occasions when the Commonwealth has told us that the work we have done is fully in compliance with what they were requesting us to do and if that is the case what guarantee is there today that the verbal assurance most recently given by His Honour the Administrator and the verbal assurance most recently been given by whomsoever it may have been in Canberra, is going to be the end of the matter or are we at our next meeting yet again going to be asked to pass an urgent Bill in order to make yet further amendments at the beck and call of some person in Canberra

MR ION ROBINSON

Thank you Mr Speaker there comes a time in every altercation when you have to start taking the word of people. I have given them my word that if they approve it I will move to have it moved as an urgent Bill and consequently I accept the word of the Administrator that it will be approved. There is no doubt that with the effluence of time which is an appropriate word to use in this Bill we will need to make minor amendments. I don't know of any Bill that on reflection, does not require some amendments later on down the track.. It will be in our court and our decision as to what amendments need to be made, if any

MR BROWN

Thank you Mr Speaker I note the comment that it will be in our court to decide what amendments we are making. It's been in our court for some time and yet time and time again the Commonwealth has endeavoured to ram it down our throats, various amendments which it requires and although I note the Minister's comment that he accepts the Administrator's assurance that Canberra is happy, could anyone tell me what authority His Honour the Administrator has to bind the Commonwealth or is it a fact that if some person in Canberra decides that he or she wants to see further amendments His Honour will be put in a position where he must come to us and say, I'm terribly sorry, I know I gave you an assurance but my masters have told me I must now do something else

MR BATES Thank you Mr Speaker this is probably not entirely relevant to this amendment although I guess for the next stage in the firearms debacle this is probably the stage it needs to go through. I'm wondering if the Minister could give us just a bit of an idea for the members of the public just what might happen when this goes through and where he's going to find the money to compensate those people who have owned some of these firearms which have to be handed in, for many years and kept their noses clean and have caused no problems within the community and are going to be penalised now. Are they going to be compensated and by whom. Where are we going to get the money from

MR ION ROBINSON Thank you Mr Speaker. The Commonwealth have agreed that they will fund the buy back scheme as indeed they have done in the various States and Territories that constitute the Commonwealth of Australia. Upon this being assented to our Department here will receive the funds from the Commonwealth. They have estimated a figure of some \$500,000 to effect the buyback scheme and also to put in place the various methods of destroying the confiscated firearms. Knowing the way bureaucracy moves, I can't see it being done overnight so I can't give you a concrete time at this stage. These things need further discussion with the Commonwealth and hopefully we will have things in place, including the various forms and licenses and application forms well before December so that when it comes round to the new licencing period or when the current Act takes over we should be underway then with funds from the Commonwealth

MR BROWN Thank you Mr Speaker I wonder if there is some written document that can assure us that the Commonwealth is going to provide these funds. I'm sorry if I appear distrustful but we have seen time and time again causes to be distrustful in relation to this matter. Is there a letter that assures us these funds are going to turn up or is there a risk that the Norfolk Island government is going to be lumbered with the whole of the cost

MR ION ROBINSON Thank you Mr Speaker as Mr Brown knows, there are screeds of papers on this firearms thing. I could't put my hands on a written piece of paper although the Commonwealth did in fact pass an Act in their parliament over there to allow for the funds. I have not available to me at this time a piece of paper saying that they will pay for it however while it remains still in our ball court, if it does not come to pass I'm sure we could do something about it

MR BATES Thank you Mr Speaker this whole debacle was emanated by an unfortunate incident in Tasmania and I've heard on one occasion although I've got no proof of this, but one of the weapons used in Tasmania was a weapon that had been handed into the Police in the State of Victoria. Now I don't know whether that's true or not, but what guarantees are we going to have that the weapons that are handed in here and compensated for are not going to find their way into the hands of some other person who may really do some harm with them when I'm sure all the people who have to hand them in wouldn't even consider such action

MR ION ROBINSON Thank you Mr Speaker I share Brian's concerns except that the funds did include the cost of a drop saw, in fact I was asked if I wanted to personally be there and cut them up and I couldn't stand to watch such vandalism so I declined the offer but they will be cut up under police supervision here on Norfolk Island. Mr Speaker I seek leave of the House to take the Bill through all stages at this Sitting

MR SPEAKER Is leave granted Honourable Members. Leave is granted. I put the that the Bill be agreed to in principle

QUESTION PUT  
AGREED

The ayes have it, the Bill is agreed to in principle. Is it the wish of the House to dispense with the detail stage. Then I seek a motion that the Bill be agreed to

MR ION ROBINSON I so move thank you Mr Speaker

MR SPEAKER Is there any further debate? No. Then I put the question

QUESTION PUT  
AGREED

MR BROWN NO

MR BROWN Thank you Mr Speaker would you note my vote. I've voted against it because I'm simply not satisfied with the Canberra position at this stage

MR SPEAKER The ayes have it, the Bill is agreed. We move to Notice No 4

### **GAMING SUPERVISION AMENDMENT (NO 2) BILL 1999**

MR GARDNER Thank you Mr Speaker I present the Gaming Supervision amendment (No 2) Bill 1999 and move that the Bill be agreed to in principle. Mr Speaker this amendment deals with the issue of protection from release of information provided by law enforcement agencies and follows the form of similar controls in the New South Wales Casino Control Act. This protection is necessary to ensure co-operation from various law enforcement agencies in assisting in investigations and probity vetting of prospective licensees and their close associates. The amendment also includes a further provision restricting actions against the Administration or the Authority, a person engaged by either of those two bodies or any person performing any power or function under this or any prescribed Act arising out of the cancellation suspension or variation of gaming licences. Section 25 of the Gaming Supervision Act is repealed by this amendment and that section 25 for Members benefit is that section dealing with the confidentiality of information provided by law enforcement agencies Thank you

MR SPEAKER The question is that the Bill be agreed to. Further debate?

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

MR SPEAKER Thank you and I put that question

QUESTION PUT  
AGREED

Thank you the ayes have it, that debate is adjourned and resumption of debate made an order of the day for a subsequent day of Sitting. Mr Bates would you take the chair please

**CONVEYANCING AMENDMENT BILL 1999**

MR SMITH Thank you Mr Acting Deputy Speaker I present the Conveyancing Amendment Bill 1999 and move that the Bill be agreed to in principle. Thank you. The Conveyancing Amendment Bill 1999 amends the Conveyancing Act 1913 to provide that the fee payable in respect of registration of an instrument for the purposes of the Conveyancing Act is to be calculated in accordance with the Land Administration Fees Act 1996. Currently the fee payable on registration of an absolute sale or conveyance under the Conveyancing Act 1913 is the greater of \$20 or 2% of the amount of the consideration for the sale or conveyance. Under the Land Administration Fees Act 1996 the fee payable for registration of an instrument evidencing the transfer of an estate in fee simple or transfer of a crown lease is the greater of \$500 or 3% of the value of the consideration of the transfer. The fee payable for the registration of any other instrument is \$50. The Act provides that the existing fees will continue to apply to registration if the person paying the fee satisfies the Registrar of Lands on the basis of documentary evidence required by the Registrar that the person entered into an agreement for the transfer before 22 September 1999 and was bound on and from that date to make or accept the transfer and the consideration for transfer is not less than the unencumbered market value of the property interest transferred or the transfer is a transfer between related persons for a bona fide consideration. Mr Acting Deputy Speaker it is my intention to move that the debate be adjourned when everybody has had their say

Acting Deputy Speaker  
to in principle. Further debate

Thank you Mr Smith. The question is that the Bill be agreed

MR SMITH Thank you Mr Acting Deputy Speaker I move that debate be adjourned and resumption of debate made an order of the day for a subsequent day of Sitting

MR SPEAKER

Thank you and I put that question

QUESTION PUT  
AGREED

Thank you the ayes have it, that debate is adjourned and resumption of debate made an order of the day for a subsequent day of Sitting.

**STATUTES (FEES REMISSION) BILL 1999**

MR SMITH Thank you Mr Acting Deputy Speaker I present the Statutes (Fees Remission) Bill 1999 and move that the Bill be agreed to in principle. Thank you this one has been dealt with in other ways and this is a new Bill that takes into account some other things that we had on the programme for the last Sitting but there were a couple of technical faults with what we had there so this has come back in this new Bill which is called the Statutes (Fees Remission) Bill

1999 and just to go through the explanatory side of it, the Bill provides for duty on the importation of motor vehicles other than motor cycles to be calculated on the rates applicable before the commencement of the Customs Amendment No 2 Act 1999 if the importer had contracted for the purchase of the motor vehicle before 24 June 1999 and similarly Land Administration Fees on the transfer of estates in fee simple or crown leases to be calculated on the rates applicable before the commencement of the Statutes Amendment Fees Act 1999 or if the person paying the fee had contracted for the transfer before 24 June 1999 and the consideration for transfer is not less than the unencumbered value of the property interest transferred unless the transfer is between related persons for bona fide consideration.

ACTING DEPUTY SPEAKER            Thank you Mr Smith. Is there any debate? Mr Smith

MR SMITH                                Thank you Mr Acting Deputy Speaker, I move that debate be adjourned and resumption of debate made an order of the day for a subsequent day of Sitting

ACTING DEPUTY SPEAKER            Thank you and I put that question

QUESTION PUT  
AGREED

Thank you the ayes have it. Debate is so adjourned and resumption of debate made an order of the day for a subsequent day of Sitting

## **ORDERS OF THE DAY**

### **TOURIST ACCOMMODATION OWNERSHIP ACT 1989 - APPLICATION BY RESORTS INVESTMENTS MADE UNDER SECTION 7 OF THE TOURIST ACCOMMODATION ACT 1984 FOR CONDITIONAL REGISTRATION FOR EIGHTEEN ADDITIONAL UNITS**

Mr Robertson you have the call

MR ROBERTSON                        Thank you Mr Deputy Speaker. I was away at the last meeting when this matter was brought back into the House and following a number of different actions the meeting did not proceed with it and the matter was adjourned until another day. This in itself has made a slight problem. I have received advise from Legal Counsel to this following effect. This application was referred to the Assembly under subsection 4(4)(c) of the Tourist Accommodation Ownership Act 1989 because the owner had or would have if the application were granted more than a trigger market share. The application was originally included in the Notice Paper for the Assembly held on the 23rd June 1999 and has been adjourned at each subsequent meeting without a resolution under subsection 4(5) of the Act. Subsection 4(6) of the Tourist Accommodation Ownership Act 1989 provides as follows. If the Legislative Assembly within sixty days after the referral to it of an application does not pass a resolution under subsection 5 the



Interpretation Act 1979 to increase the amount of the fee unit from \$10 to \$15. The amendment also provides for the annual automatic indexation of fees in accordance with the Retail Price Index. The remainder of the Act varies a number of fees charged by fee units under a number of Acts so that generally those fees are adjusted according to the variation in the Retail Price Index since the date on which the fee was last set and certain fees are increased by greater than the Retail Price Index in accordance with the recommendations of the Finance Committee of the Legislative Assembly and a minimum of two fee units which is \$30 is established for the undertaking of basic administrative actions and standard fee are established for registered searches and provision of copies of documents. fees under the Water Assurance Charges Act 1991 remain unchanged and complementary amendments to various regulations will be required to make appropriate adjustment to fees set in fee units by regulation. Members might recall that there were a couple of concerns that came out with some of the charges that we were setting and Mr Brown in particular raised the question of the Auctioneers Licence that was felt was a little steep for somebody that may only want to do an auction only once every two or three years and possibly for a charitable purpose at that so the detailed stage amendment will raise that issue and actually make it only one fee unit will be payable for charitable purposes. Also it has a tidying exercise for the Land Administration fee and the third part of the amendment will relate to the reduction of the annual fee for a sale of food licence and the associated charges with that. I don't think I have any more to say on that at the moment Mr Acting Deputy Speaker but I would like to make an amendment at the appropriate time

ACTING DEPUTY SPEAKER Thank you Mr Smith. The question is that the Bill be agreed to in principle, is there any debate. There being no further debate I put the question

MR SMITH Thank you Mr Deputy Speaker if I could just say something. No. I've sorted that out and will address it when we come to it

ACTING DEPUTY SPEAKER Thank you Mr Smith. The question is that the Bill be agreed to in principle, is there any debate. There being no further debate I put the question

QUESTION PUT  
AGREED

Thank you the Bill is agreed to in principle. Honourable Members we now move to the detail stage and Mr Smith I look to you to move the detail amendments dated 22nd September 1999 as previously circulated

MR SMITH Thank you Mr Acting Deputy Speaker I've asked if we can go through the detail stage with each area because there's some changes to the clauses in the detail stage

ACTING DEPUTY SPEAKER The question is that the detail stage amendment No 1 be agreed to. Is there any debate? I put the question

QUESTION PUT  
AGREED

I think the ayes have it. Clause 2



whether it be with licencing or renewals, maybe doesn't serve us as well as is intended to and certainly the point of both George and Ric in relation to the fees are correct in that I'm supportive of a reduction in this if it is demonstrated that we aren't properly administering our necessary legislation and inspection regimes. I guess this is another area that requires a long hard look and certainly I'm encouraging of the Minister for Immigration and Resource Management because the public health matters that this addresses fall under this portfolio and I'm supportive of trying to assist him in addressing this issue and trying to deal with it in a responsible manner. The question that came about at the Finance Review Committee meeting of which I am a Member was to look at the subject of fees for sale of food licences and renewal of licences from two angles. One was a comprehensive across the board licence fee, a one off licence fee and hence I think the figures have been pencilled in here between that meeting and between being tabled in the House on a previous occasion that the \$400 and \$200 sounded fair enough however, there was another option that certainly held some merit and that was to have some sliding scale of fees for the inspection and renewal of sale of food licences in other words, looking at establishing a basic one off fee being x dollars. Really basically to cover the handling of the application itself, but when it came to the inspection side of things and taking into consideration the fact that we do have small cafes that may operate with just a fridge and a counter and maybe one domestic or commercial stove against the inspection requirements required for a substantially larger establishment, namely a hotel that have substantially larger premises that require a heckova lot more time to inspect adequately, that there should have been a sliding scale of fees imposed. In other words, a fee per hour over and above what would normally be expected. Certainly that has merit too but I guess at the end of the day Mr Acting Deputy Speaker its a matter of revisiting this one, setting policy and certainly putting the resources in place, especially the human resources in place and certainly the guidelines in place to ensure that if we are trying to administer these types of things and we are going to be charging fees for them then we should make sure that they are done properly. Thank you Mr Acting Deputy Speaker

MR BROWN

Thank you Mr Acting Deputy Speaker I have some difficulty in supporting this proposed amendment. I'm a great believer in a level playing field. I think that everyone who chooses to be in the business of selling food or supplying liquor should comply with the same rules and I think that a very important part of the licencing process both for food and for liquor should involved ensuring that those rules are being complied with. In the Norfolk Island environment for example, people are able to supply liquor contrary to the law I should add Mr Acting Deputy Speaker, but they have nevertheless been supplying liquor and justifying it by saying well we don't charge extra for the liquor, it's free. Those same people do not provide the various facilities which the law requires licenced premises to provide. I think that when we are charging a fee to a person that person deserves to have the same law applied to everyone that's in the same business and frankly if we are going to do that properly I can't see it being done for less than \$400 per year in terms of sale of food licence. The second thing that disturbs me here is the precedent that the Chief Minister appears to be wishing to set whereby if a group comes down and complains about the price of something the Chief Minister immediately wants to reduce it. Now that's not a satisfactory way to go about government. I think that if there is to be a reduction it should be on the basis that the Chief Minister works out the time that's involved throughout the course of a year in licencing and supervising the holder of a sale of food licence and working the fee out on that basis rather than simply saying, gee we thought we should put it up to \$400, that's what was recommended to us by a committee that we appointed, but since you've all complained, we'll reduce it to \$200. Now I should add Mr Acting Deputy Speaker I have a pecuniary interest in the sale of food licence and in relation to the sale of beverage and I'm speaking against that interest in

saying that in my view \$400 at this stage should not be reduced because we do not have the information in front of us to know whether a reduction or an increase ought to be applicable, thank you

MR SMITH Thank you Mr Acting Deputy Speaker, my experience with this John is what I based that on and I had a food licence for fourteen years and I know how much time is spent on inspecting a premises. I think it's a weak argument to use against doing what I'm doing here to say ooh, maybe we should count up the hours that people put into doing these inspections. If that's the case Mr Brown, that should have been done twenty years ago if there was a concern. Why leave it twenty years to then raise that as an issue. However, I will read out a letter, that wasn't actually sent to me, it was sent to the Minister for Health, Mr Geoff Gardner from James Kemp, the Secretary of the Hospitality Association of Norfolk Island and they say, at our last meeting held on the 10th August all members registered a protest and were clearly dismayed at the advertised increase in the sale of food licence fee from \$50 to \$200 and the increase in a new sale of food licence fee from \$100 to \$400. The points raised and we would like to bring to your attention were as follows, no formal notification of the increase was received by HANI or its members, the rise represents a very substantial increase. We appreciate that the government needs to raise funds but this is way over the CPI increase and represents a substantial increase to the small operators on the Island. Why hasn't the increase been added to our renewals over consecutive years and years to come. It would be greatly appreciated if you could kindly make a response to our members that I could present at the next meeting which will be held at the 2nd week of September. I would also like to request a list of all those whom hold sale of food licences and liquor licences so that we could involve and inform them of our activities. If this was going to make a large difference to the budget I would certainly be agreeing with John but its not going to make that big a difference to the budget in the real sense and I don't think it's going to make any difference to how much time is spent inspecting premises because we put the fee up and I don't think that's going to mean that they are going to spend more time doing inspections. However, I thought it was fair and just. That's my view and obviously some other Members agree with that. Members who don't hold that same view, well that's fine. Thank you Mr Acting Deputy Speaker

ACTING DEPUTY SPEAKER Thank you Mr Smith. Is there any further debate on detail stage amendment No 4. There being no further debate I put the question

QUESTION PUT  
AGREED

MR BROWN NO

That amendment is agreed

Clause No 5

MR SMITH Thank you Mr Acting Deputy Speaker I just need to point out that there is now a change to the clause there as Members will note. The words will now read "omit seven fee units and substitute 6.6 units". That's all I need to say on that

ACTING DEPUTY SPEAKER Are Members clear on that. There are two changes that word "clause" after "omit" that is no longer there it just reads "omit even fee units" and instead of "3.3

fee units” it reads “6.6 fee units”. Are Members all clear with that? There being no further debate on detail stage amendment No 5 I put the question

QUESTION PUT  
AGREED

The ayes have it. That finishes all the amendments. The question is that the clauses as amended be agreed to

QUESTION PUT  
AGREED

The ayes have it. The question is that the remainder of the Bill be agreed to

QUESTION PUT  
AGREED

The ayes have it. Mr Smith I now seek a motion that the Bill as amended be agreed to

MR SMITH Thank you Mr Acting Deputy Speaker I so move

ACTING DEPUTY SPEAKER Any debate. I put the question

QUESTION PUT  
AGREED

The ayes have it, the Bill as amended is agreed to

### **BOOKMAKERS AMENDMENT BILL 1999**

MR ROBERTSON Thank you Mr Acting Deputy Speaker. I introduced this Bill into the House on behalf of Mr Gardner, the Minister for Health who was away at the time. As he is sitting beside me I pass to him

MR GARDNER Thank you Mr Acting Deputy Speaker. Gary’s quite correct he introduced this one and the next one, the Gaming Amendment Bill in my absence at the sitting of the House on June 23rd. Mr Acting Deputy Speaker the Bookmakers Amendment Bill 1999 amends the Bookmakers Act 1998 by inserting provisions for the collection from licensees of a levy covering the cost of the Norfolk Island Gaming Authority and the administration and enforcement of the Act by the Administration and making a number of miscellaneous amendments to further regulate the conduct of bookmaking on Norfolk Island and providing for the making of regulations exempting persons approved by the executive member from the operation of the Act in respect of bets taken on local races or events from persons situated on Norfolk Island

ACTING DEPUTY SPEAKER The question is that the Bill be agreed to in principle. No further debate. I put that question that the Bill be agreed to

QUESTION PUT  
AGREED

MR BROWN ABSTAIN

Thank you the Bill is so agreed to in principle. Honourable Members we now move to the detail stage and Mr Gardner I look to you to move the detail amendments dated the 17th September 1999 previously circulated

MR GARDNER

Thank you Mr Acting Deputy Speaker. These detail stage amendments simply provide for the setting of the administration levy by condition of licence. Again this deals with not only this Bill but the next Bill that's before the House and I just ask Members if they bear that in mind when they move on to that secondary Bill. When both these Bills were introduced in the House back in June there was some concern and I think Mr Acting Deputy Speaker you had raised some concern about just how this was going to be structured. Basically I say the collection of levy, these detail stage amendments provide for the necessary flexibility in the legislation to allow the Authority to deal with each applicant on a case by case basis dependent on their size, their turnover and certainly is an easier way of handling the administrative levy costs and how we recoup those costs. A fairer way, a way that we are able to give thorough consideration to the people being licenced here for gaming operations and considering their size and the fact that they probably need to make a profit and that the very small operators aren't burdened with an inordinate amount of levy which would soon send them away. We are trying to encourage people to be on Norfolk Island operating under both the Bookmakers and the Gaming Acts, we certainly don't want to discourage them by having some sort of non parity in the levy that they are paying. We are at detail stage amendments Mr Acting Deputy Speaker. I propose to move the amendments one at a time to give the Members the opportunity to vote on each amendment and therefore I move detail stage amendment No 1 be agreed to and just by way of some assistance I do know that Members have these detail stage amendments before them but certainly for the benefit of listeners this amendment provides for the inclusion in the principle Act of the power to include provisions in a gaming licence providing for the payment by a licensee of administration and enforcement costs of the Authority and the Administration and I move that detail stage amendment No 1 be agreed to

ACTING DEPUTY SPEAKER  
agreed

The question is that the detail stage amendment No 1 be

QUESTION PUT  
AGREED

MR BROWN ABSTAIN

MR GARDNER

Thank you Mr Acting Deputy Speaker I now move to detail stage amendment No 2 and once again for the benefit of listeners this amendment deletes proposed provisions relating to the charging of an administration levy. This matter of course is now being dealt with in the conditions of individual licences referred to in the previous amendment and I move that detail stage amendment No 2 be agreed to

ACTING DEPUTY SPEAKER  
agreed

The question is that the detail stage amendment No 2 be

QUESTION PUT  
AGREED

MR BROWN

ABSTAIN

Both clauses are agreed then the question is that the clauses as amended be agreed to

QUESTION PUT  
AGREED

MR BROWN

ABSTAIN

The ayes have it. The question is that the remainder of the Bill be agreed to

QUESTION PUT  
AGREED

MR BROWN

ABSTAIN

I now seek a motion that the Bill as amended be agreed to

MR GARDNER

Thank you Mr Acting Deputy Speaker I so move

ACTING DEPUTY SPEAKER  
final debate. No.

The final question is the Bill as amended be agreed to. Any

QUESTION PUT  
AGREED

MR BROWN

ABSTAIN

That Bill as amended is agreed to, thank you

### **GAMING AMENDMENT BILL 1999**

We are resuming debate on the question that the Bill be agreed to in principle and Mr Robertson you have the call to resume

MR ROBERTSON

Thank you Mr Acting Deputy Speaker. As is with the previous item I introduced this Bill into the House on behalf of Mr Gardner, the Minister for Health in his absence and I pass to Mr Gardner to continue

MR GARDNER

Thank you Mr Acting Deputy Speaker. The Gaming Amendment Bill 1999 amends the Gaming Act 1998 by inserting provisions for the collection of a levy covering the costs of the Norfolk Island Gaming Authority and the administration and enforcement of the Act by the Administration and also makes a number of miscellaneous amendments to further regulate the conduct of interactive home gaming on Norfolk Island. Mr Acting Deputy Speaker rather than be repetitive and certainly discuss the same issues that I discussed with the previous Bill I will be moving at the appropriate time amendments at the detail stage and Members were circulated with those amendments as well, last week

ACTING DEPUTY SPEAKER

The question is that the Bill be agreed to in principle. No further debate. I put that question that the Bill be agreed to

QUESTION PUT  
AGREED

MR BROWN                      ABSTAIN

Thank you the Bill is so agreed to in principle. Honourable Members we now move to the detail stage and Mr Gardner I look to you to move the detail amendments dated the 17th September 1999 previously circulated

MR GARDNER                      Thank you Mr Acting Deputy Speaker. Once again I propose to move the amendments one at a time to give the Members the opportunity to vote on each amendment. In essence these are identical to the amendments other than that they refer to different sections and clauses of the Bill and I therefore propose that detail stage amendment No 1 be agreed to

ACTING DEPUTY SPEAKER              The question is that the detail stage amendment No 1 be agreed to, is there any debate

MR GARDNER                      Thank you Mr Acting Deputy Speaker again for the benefit of listeners who may have missed the previous explanation for the amendment in the Bookmakers Bill, this one refers to the Gaming Amendment Bill 1999. This first amendment provides for the inclusion in the principle Act of the power to include provisions in the Gaming Licence providing for the payment by a licensee of administration and enforcement costs of the Authority or Administration

ACTING DEPUTY SPEAKER              Thank you Mr Gardner. Any debate? No. The question is that the detail stage amendment No 1 be agreed to

QUESTION PUT  
AGREED

MR BROWN                      ABSTAIN

The ayes have it. Detail stage amendment No 1 is agreed. Detail stage amendment No 2

MR GARDNER                      Thank you Mr Acting Deputy Speaker I now move to detail stage amendment No 2 and once again for the benefit of listeners this amendment deletes proposed provisions relating to the charging of an administration levy. This matter of course will now being dealt with in the conditions of individual licences referred to in the preceding amendment and basically with both of those amendments it clarifies just how the administration levy will be attached to a licence and it will now be in conditions rather than built into the body of the Act and I move that detail stage amendment No 2 be agreed to

ACTING DEPUTY SPEAKER              The question is that the detail stage amendment No 2 be agreed to

QUESTION PUT  
AGREED

MR BROWN ABSTAIN

Detail stage amendment No 2 is agreed to  
The question is that the clauses as amended be agreed to

QUESTION PUT  
AGREED

MR BROWN ABSTAIN

The ayes have it. The question is that the remainder of the Bill be agreed to

QUESTION PUT  
AGREED

MR BROWN ABSTAIN

I now seek a motion that the Bill as amended be agreed to

MR GARDNER

Thank you Mr Acting Deputy Speaker I so move

ACTING DEPUTY SPEAKER  
final debate. No.

The final question is the Bill as amended be agreed to. Any

QUESTION PUT  
AGREED

MR BROWN ABSTAIN

That Bill as amended is agreed to, thank you

### **FIXING OF THE NEXT SITTING DAY**

MR McCOY

Thank you Mr Acting Deputy Speaker I move that the House  
at its rising adjourn until Wednesday the 20th October 1999 at 10.00 am

ACTING DEPUTY SPEAKER  
the motion be agreed to

Thank you Mr McCoy. Any debate. I put the question that

QUESTION PUT  
AGREED

Thank you that motion is so agreed

### **ADJOURNMENT**

MR ION ROBINSON  
do now adjourn

Thank you Mr Acting Deputy Speaker I move that the House

ACTING DEPUTY SPEAKER

Thank you Mr Ion Robinson. Any debate



