

**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

Thank you Honourable Members. Please feel free to remove your coats if you would feel more comfortable this morning. Are there any Condolences?

**CONDOLENCES**

MR McCOY Thank you Mr Speaker. It is with regret that we record the passing of Lionel Charles George Brookland Hill on 30<sup>th</sup> January at the Hospital. Lionel was born on the 7<sup>th</sup> June 1927 in New Zealand's South Island and went to school in Temuka with his sister Lesley. He then went into the ATC and the Public Works Depot when he learnt welding. Around 1948 he went deer shooting and also worked as a guide on the Milford Track. Later he worked in Queenstown on the ski fields in winter and did mining-prospecting in the summer. He built boats in Picton until 1965 when he disappeared from his family's contact. In that same year Lionel came to Norfolk Island to build boats. He loved the Island and left only once in 1980 to represent Norfolk for five days in Noumea. Lionel built boats; worked as a plumber, a builder with Restoration, grew kentia palms and worked with the late Jack Fitzpatrick on hydroponics. He could turn his hand to most things. Lionel loved the outdoors and loved shooting even from a young age and had many guns and many trophies. In 1974 Lionel was a foundation member of the Norfolk Island Club, which became his second home. He was a very private man and enjoyed his own company. To Lionel's sister Lesley and to his friends on Norfolk Island this House extends its deepest sympathy. Thank you Mr Speaker

SPEAKER Thank you Mr McCoy. Honourable Members as a mark of respect in the memory of the deceased, I ask that all members stand for a period of silence please. Thank you Honourable Members.

**LEAVE**

Honourable Members leave is sought for Mr Bates. Is leave granted? Leave is granted thank you

MR GARDNER Thank You Mr Speaker I Move That So Much Of Standing Orders Be Set Aside As Would Prevent The House From Only Dealing With The Matters Listed On The Programme. The Matter That Is Listed On The Programme, The Tourist Accommodation (Quota and Registration) Amendment Bill 2001 I believe is a matter of significant national importance and I believe it is only appropriate that today's deliberations should deal primarily with that and it should be given the attention that it deserves

MR NOBBS Thank you Mr Speaker I move that the question be put Mr Speaker

SPEAKER Yes, if there is no debate I'll get straight towards that. The question is Honourable Members that the motion be agreed

QUESTION PUT  
AGREED

The ayes have it thank you

**MESSAGE FROM THE OFFICER OF THE ADMINISTRATOR – NO 13**

Honourable Members I will just before we proceed further report this Message from the Administrator, it is Message No. 13, on 1 February 2001 pursuant to section 21 of the Norfolk Island Act 1979 I declared my assent to the Public Sector Management Amendment Act 2001 (Act No 1 of 2001), the Executive Powers (Removal of Doubt) Act 2001 (Act No 2 of 2001) and the Immigration Amendment Act 2001, (Act No 3 of 2001) and the message is dated the 1<sup>st</sup> February 2001 and signed A J Messner, Administrator

Honourable Members in respect of the one matter that Members have decided to bring forward this morning I report that the Business Committee has determined under Standing Order 158 that the Tourist Accommodation (Quota and Registration) Amendment Bill 2001 be declared urgent and its passage expedited

**NOTICES****TOURIST ACCOMMODATION (QUOTA AND REGISTRATION) AMENDMENT BILL 2001**

MR SMITH Thank you Mr Speaker. I present the Tourist Accommodation (Quota and Registration) Amendment Bill 2001 and move that the Bill be agreed to in principle and I would like to table the Explanatory Memorandum to the Bill.

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

MR SMITH Thank you Mr Speaker. This Bill was introduced for a number of culminating factors both within the community and by virtue of interdependent legislation. The Government has been responsive to community concerns to protect the reputation of the tourism industry in Norfolk Island, and to limit the impact of tourism development upon the Island's resources and fragile environment.

This Bill ensures that the responsible executive member may obtain all relevant information concerning those who have the management of tourist accommodation houses, and enables action to be taken to suspend or cancel the registration of a manager, should that person be unfit for the task in terms of the current Act. For sometime, the Act has recognised that persons who are habitual drunkards, have prior convictions, or are consistently in breach of the Act, are not appropriate to manage a tourism facility. The Bill extends that caveat to all owners who are managers as well. The Bill maintains a certain discretion in the hands of the executive to determine whether any individual case deserves suspension or cancellation of management registration.

The Bill further enables the Legislative Assembly to fix a quota in relation to the maximum number of tourist accommodation houses in any category. Previously this was only available to accommodation houses, which were not registered under section 7 of the Act (eg. Hotels). The Bill specifically targets tourist accommodation units, but enables a quota to be imposed on any category. A guideline for the exercise of discretion when imposing a quota is contained in clause 6. The Assembly must take environmental and resource issues into account. The Bill sets a quota as a commencement quota, enables a current application to subsist until a quota position becomes available, and deals with compensation issues for those affected.

Mr Speaker Members will be well aware that during the past week a petition has been promoted among the community to do certain things. The organisers of the petition kindly informed me of their intention to run such a petition and have kept me informed about its progress over the week. As Members also will be aware I was at the same time promoting the thought of having today's meeting to introduce the motion that I have

today moved. As this meeting and this motion was really only agreed to by Members on Monday, I was not in a position to share my intentions with the organisers of the petition but instead requested an indication of the results of their petition by yesterday and only yesterday was I able to advise of this meeting and I've been given this morning a running total of the petitioners signatures, even though the petition as I understand it will run until the end of this week. I also understand that the petition will most probably be formally be presented at the next sitting of the House in two weeks time. I would like to thank those involved for obliging me with the results as I feel the community needs to know what support there is or otherwise for the Assembly taking such an action this morning. Mr Speaker the figures that I have been given in relation to that petition this morning has shown that there is good support for this petition amongst the community. There are possibly forty people who have been approached who have declined to sign but the petition at this point in time has a total of 726 signatures. Out of that 726 the signatories on the electoral roll total 564. There are other people who are on the petition papers who are not on the electoral roll, but interestingly some long term residents who may have been off island for a while whose names have been temporarily removed and such things. I thank the people who have been running the petition for sharing that information with me because I think it's an important factor in the Members deliberations this morning on this particular motion. The tourist industry is what provides for Norfolk Island. Over the past thirty to forty years' tourism is what has given Norfolk Island a means by which the Island could be self-sufficient. Although small beginnings in the early days, the industry has developed into a million-dollar and quite sophisticated alternative to what in other Pacific Islands have known as subsistence living, sadly. Tourism really started moving along when Qantas ran their more frequent air services in the mid sixties, from once a fortnight to once a week. The Kingfisher and Paradise Hotels as I recall were the large properties at the time, with many other smaller guesthouses sprinkled around the Island. Who knows now, how many beds were available then. Some may remember, and it might still be in the archives but I don't know. I simply can't remember, but I do recall though when some were built, like Fletcher Christian apartments, the Hotel Norfolk, which was previously, the Glen Lyon and Felachita, a think it was before that. Sandlyn Lodge, Hillsdene and Torrie Glen and most of those smaller places have disappeared over the years. I recall that the South Pacific Hotel was built around 1966 and from what I remember it was the only purpose built hotel that has been built over the time of tourism. Paradise had previously been a guesthouse and from what I understand that was called Deweyville and the Kingfisher Hotel had been the Cable Station and what is now the Colonial was previously a small guesthouse. Other developments occurred through the 70's and early 1980's and finally action was taken by the Legislative Assembly of the time by introducing a quota but as far as I remember, not much new accommodation was constructed during the period of the quota. So Mr Speaker, from what I remember, the quota was introduced to put a hold on tourist accommodation until the Water Assurance Scheme was installed. That quota remained in place until 1996 or 97. The then Minister for Tourism, Mike King, encouraged the Legislative Assembly to partially deregulate tourist accommodation to achieve certain goals. From what I recall the intention was to provide an opening for younger Norfolk Islanders to become involved in what was previously a closed shop in the industry. it was also to promote competition in the industry in lifting standards and importantly, to reintroduce a proven recipe to lift the island's flagging economy of the time, and that was with more visitors. The new Tourism Policy was adopted by the then Legislative Assembly which included the proposal that new accommodation should be allowed to provide us with bed nights equalling 340,000 by the year 2005. Ironically that move was overshadowed by another move that has had a dramatic influence since 1997, one of the major carriers to Norfolk Island, that is Ansett Airlines, retired from the Australian routes which were taken over by two newcomers to Norfolk Island. Norfolk Jet Express and Flight West Airlines and the effect of that was dramatic. It was the first time there was real competition on the Australian route and Norfolk Island certainly benefited and it is still doing so. By mid 1997 little new accommodation houses had actually been constructed but the numbers at that time were already looking promising because of this change in the airline situation. Yet, it was only two years before that the

Legislative Assembly of the day was trying to lift a flagging economy to the point where, from what I remember, the Minister for Immigration was facing the dilemma of having nobody on the Immigration quota and an inquiry had been commissioned to look into the serious problem of unemployment and underemployment. In other words, there was no investment being made in Norfolk Island. When deregulation was introduced it was intended that construction of any new accommodation was to be staggered over a number of years to prevent a building shock and provide constant employment for all who would be involved in the industry. I seem to recall that the Minister had intended that only resident tradesmen would be used during this construction phase. Something that appears to have gone out the window and possibly wasn't an option when one considers the building of the Airport Terminal for example, which occurred in the previous Assembly. But the philosophy was a good one and at the time it made sense. I really don't know what happened to the staggered approach to building tourist accommodation but it has left us with a difficulty that has brought me to introducing this motion today. Mr Speaker, this Legislative Assembly was elected on the 28<sup>th</sup> February last year. Not quite one year. Within a few weeks, on the 22<sup>nd</sup> March the Legislative Assembly adopted a motion which put a moratorium on any new applications for tourist accommodation. That was in our first three weeks. I think in that short time there were possibly four or five applications for tourist accommodation that were lodged, possibly because there was a whisper out there that the new Ninth Legislative Assembly might close it all off. Who knows. All the rest of the conditional registrations were already approved conditional from the previous Government. Condition registrations as I'm coming to understand, has been a misnomer and should never have been called that, but the process was as follows. If an application was made it was made under the Tourist Accommodation Act to ensure that if it were to pass the planning regime it would need to satisfy the requirements of the Tourist Accommodation Act. I can say that it is my view that that should never have happened like it did, because it has become misleading to the degree that once a conditional registration was given, it was an approval to build tourist accommodation. In fact it wasn't and that has been the case, and what is more, as Minister for tourist accommodation I am required under the Act, that if an application satisfies the Tourist Accommodation Act, it states that I shall register the accommodation house even if it isn't built. That is what a conditional registration is. Over the past twelve months there has been enormous pressure on the Minister for Health and myself to stop further construction of tourist accommodation which was not possible for us to do under the legislation. Every step of the way we have followed legal advice and carried out what we were required to do under the law. I have stated on many occasions that we would not do anything but follow the law, as it would be wrong for us to do otherwise. It is not acceptable when a Member of the Norfolk Island Government would consider doing something that is not allowed under Norfolk Island law and we've stuck to that. It would have also been unfair in many cases if we were to go down that track, but ironically and in hindsight, if we hadn't introduced the moratorium the results may well have been different. The Tourist Accommodation Act is unhelpful and messy and needs a complete overhaul. Introduced in 1984 it was really obviously designed as an Act to administer the existing accommodation of the time. Certain it is not helpful in administering what we have now. I've held the view for many years that an appropriate amount of expansion would continue to provide Norfolk Island with the needs of this community. And that has certainly proved to be true. There would though be a time when that is no longer an option. Maybe that time is here. Maybe it's not but the alternative keeps alluding us. As tourism is going to get to a point where it can no longer provide we as a community will be faced with a more expensive cost of living. There's no doubt about that. Now we may think the cost of living is already too high but we ain't seen nothing yet. The bulk of the Norfolk Island resident population is still in my era. That's some of us around the table Mr Speaker. Between 40 and 60. That's the largest section of the community. The baby boomers as we've been known as. As we all start to arrive at the retirement age the costs will certainly increase and I'm not necessarily referring to pensioners but the cost of us not being in the workforce, the cost of medical expenses for the smaller age group that are following us. We haven't been encouraging our younger generations to be part of the community. We've actually

been exporting them until recently. There is a change that is taking too long where the encouragement for school students to go through to Year 12 and to consider getting appropriate careers that are suitable to Norfolk Island and that there is a future here for them if they want it, but there is a cost attached to that happening too. The cost of the investment into Norfolk Island's future. Likewise the availability of employment for those who are already in the workforce. When things are going well, there is employment. When they are not, there is none. So the Island needs a real time income that currently only tourism can provide. Already our revenues have been improving as a result of the changes over the last three or four years. We have had record visitor numbers and Norfolk Island really has boomed but on the other hand we should not fool ourselves that that will go on forever and a day. Those of us that have been around for a long time have seen the pendulum swing both ways and we've seen the change in fortunes. Usually though as a result of events in Australia or New Zealand. There is no doubt in my mind that that will occur again but hopefully not too soon and to be even more sombre I guess, the indications are that things might not be all that good in world circles currently and I hope that it doesn't have any effect on our neighbouring countries because we would once again be affected. Having said all that Mr Speaker it all needs a balanced approach to ensure that our reaching for a better future does not damage Norfolk Island in the process. By damage I don't necessarily mean only environmentally. I don't necessarily mean just population numbers. I mean support. support for the very industry that provides. Now if the community gets to a point that it becomes uneasy with what they see is happening, real or imagined, it is time for us to pause and to evaluate. Whatever we do we must do it with the community with us and not behind us with a big axe. The way in which development has appeared to have occurred has caused heartache for some residents. It has caused heartache to developers and it has caused real dilemmas for the Planning board and it was never meant to be that difficult for anybody. I have learnt that being in the Government and as a Member of the Legislative Assembly we need to lead and show the way. but there is little Point in leading on an issue if the community has not followed us down the same road and we are heading somewhere else. I believe that many in the community in the past months have become unsettled for many reasons. I sense that and I believe that the proposed motion will help to settle down concerns, but then I guess on the other side of the fence those who may be caught up by this motion may be fearful that they may lose what they already have and that is the reason for introducing a quota. it does not cancel everyone's condition registration. If agreed in it's current form it will be dealt with by quota. I have no hesitation in adjusting the quota where appropriate in the future but it will be done with the consent of the majority of the Members of the Legislative Assembly or otherwise. Discussions have already been taking place about a revision of the Tourist Accommodation Act and the Planning Review is in place and I believe is almost complete. I think some of the answers to the problems will lie in those two projects. It is my intention to try and get a revised Tourist Accommodation Act and relevant legislation into the March sitting if that is possible and it will make it easier to administer and that is what I'm looking to do. Mr speaker the proposed amendment and quota is designed to take into account all those registered and operating tourist accommodation houses as well as those who have gone through the planning process and already have planning approval under the Planning Act. If that is acceptable to the House that will result in a quota of 617 tourist accommodation units in the quota. That number is made up of the 520 operations and 97 who have planning approval. That number includes one large property that should be completed soon. I've only scratched the surface of many many subjects on which I would like to say much more in relation to tourism and tourist accommodation and the community but I've tried to keep this to a minimum as today is probably not the day to try and draw the big picture, certainly as I see it, and where I see Norfolk Island heading in. I thank the Members for being patient with me through this process leading up to this meeting and this motion and I would also like them to acknowledge the efforts of Sarlu and Jason who have worked hard to get as much information to us in such a short time and to the Legislative Draftsman and our Legal Counsel for the work they have done at very short notice to bring this Bill together and finally I would not like to think that people would think this is a Bill that is doing

something sneaky. It's unusual for the Legislative Assembly to have a special sitting, especially at very short notice. It has happened within each Assembly I believe and sometimes the time comes when a Legislative Assembly has to make that decision to at least meet whether they agree to a motion or not that is put before the House. The important thing is that the Legislative Assembly at least meets. Mr Speaker I will rest at this point and let other Members express their views but I commend the Bill in its current form

MR BROWN Mr Speaker I thought other Members would have something to say about such an important question

MR NOBBS Mr Speaker I move that the Member be no further heard and I base that on pecuniary interest and I understand that pecuniary interest has to be decided by a motion of all Members

SPEAKER I'm just examining Mr Nobbs the Standing Order that you have drawn attention to

MR NOBBS 69[c]

SPEAKER 69[c] Honourable Members is the Standing Order that the Chief Minister has drawn to my attention. It says that a motion may be put that a Member be no further heard subject to Standing Order 74 and I'm just trying to cross reference that. 74 says this. A motion may be made that a Member who is speaking except a Member giving a notice of motion or formally moving the terms of that motion allowed under Standing Orders be no further heard and unless it shall appear to the Chair that such a motion is an infringement of the rights of the Member such a question shall be put forthwith and decided without amendment or debate. Honourable Members it appears from what is provided there that a Member can make that proposal and the House then decides it on its own account as to where that will lie and that I am obliged to put it forthwith and without amendment and without debate. So I will do that Honourable Members. There is one Member who is not in the Chamber at the moment and I am offering him the opportunity to return

MR BROWN Mr Speaker if my recollection is correct there is something in those Standing Orders about infringement of the Members rights and I trust that you as the Speaker will give consideration to that also

SPEAKER Yes Mr Brown. I do hear what you say and indeed I read that part to the House just now. My interpretation of that is that this is a matter that the widest perimeters of the House may examine and consider and make some final assessment of. Honourable Members then I put the question to you that a Member be not further heard which is the terms that the Chief Minister has proposed and I'm obliged to put that forthwith

#### QUESTION PUT

MR SPEAKER Would the Clerk please call the House.

MR BUFFETT	NO
MR NOBBS	AYE
MR COOK	AYE
MR MCCOY	AYE
MR GARDNER	NO
MR WALKER	NO
MR SMITH	NO
MR BROWN	NO



the Minister is trying to achieve that, then that will be a good thing. I have no difficulty with that, but I do have difficulty with the fact that so few of those receiving that quite expensive training are actually being trained for jobs that exist in the community. There's no point us turning out six electricians per year if there's not employment for them. There's no point us turning out six carpenters if there's not employment for them. There is every point in turning out 80% of those students as people with training in the hospitality industry, but until such time as that happens I don't believe that the suggestion that Years 11 and 12 will justify this legislation is valid. We've talked of availability of employment. Certainly there's availability of employment in the hospitality industry but this Bill does not do much for that. The Minister spoke of in effect, budgetary difficulties, of life getting tougher, of things being more expensive. But if every time someone takes a petition around, if every time that occurs we are going to introduce some knee-jerk legislation, where will it end Mr Speaker. What if people take a petition around about gaming. Now many have strong religious beliefs about gaming. If it is suggested to us that gaming really isn't the right way for Norfolk Island to be earning revenue and our gaming stream ends because we pass knee-jerk legislation to revoke our existing legislation in that area. Where will we be? Where will we be if some take a view that smoking and drinking are inappropriate sources of taxation? Where will we be if some take a view that dirty phone calls are inappropriate and make no mistake, we make money out of that sort of thing at present. What if a petition goes around to get rid of the FIL? Where will we start governing as distinct from simply knee-jerk responding to community pressures of the day. We cannot have government by petition! This Bill deals with two issues. It deals with building new accommodation and it deals with management. It doesn't deal with another very topical issue at present and that is ownership. Now it is topical at present. There are suggestions that a certain large property is actually owned by someone different to the person who has obtained the approval. There's no petition about that and therefore this Bill hasn't sought to deal with it. Is it suggested that that sort of thing is appropriate whereas other things are not? Who knows? I have difficulty in supporting the passage of the bill in one day. I have difficulty in supporting the proposed section 8(b). I do not have any difficulty in supporting the general concept of the Bill in terms of both management and reducing the number of approvals provided that people obtain proper compensation but without the guarantee of that proper compensation I think I will find it necessary to in fact oppose the Bill notwithstanding that I realise that the petition indicates that for whatever reason a large proportion of the population has signed the petition, thank you

MR SMITH

Thank you Mr Speaker I feel I should speak at this point. I really was going to give other Members the opportunity before I spoke again but John has raised a couple of important things. Well, Ron's motion raised an important issue, that being the conflict that Mr Brown may have but John and I don't always agree and we've had some good fights over the years but I'll defend his right to speak, till the end however, that needs to be considered when it comes to the vote on this particular motion and it is really up to the Members whether Mr Brown's vote should be allowed or not and I don't want to get into that. But a couple of things have been said. The compensation issue of the Act. The reason I don't have any difficulty with the compensation that is provided there is because this does not say, and I said this in my early debate, this does not put somebody out. It does not take away their right to have conditional registration; it does not take their land away from them and to use section 19 of the Norfolk Island Act I find interesting, because that could apply to many many things if it was to be interpreted that way. However John is a legal man and I'm not, so he may be right but I don't think that what we are doing here today is taking away people's rights to the degree that the Administration would be liable for any compensation. I'm surprised that Mr Brown was arguing against Year 12 and other issues that I raised as it was actually in support of what he has as his own philosophy. I was saying that to have things like that we have to accept that there have to be some changes in the industry, in particular with tourist accommodation or however we raise the funds. I wasn't arguing on the other side of the case and Mr Brown may not have realised that when I was talking that I was trying to present a balanced view as to why we needed to have money

and why we need to do what we do with tourist accommodation. The issue of the ownership of any accommodation on the Island should not be raised in the context if it looks like a Member is pointing to a certain property on the Island and I don't know, it might be Mr Brown's own property that he's talking about but I don't know. I don't think it should be raised as an opposing view on this particular Bill that is designed to do certain things. Mr Speaker I really only want to talk on the compensation issue because I don't fee that what I've proposed here is going to require anybody needing to go for any compensation except for perhaps the registration fee that somebody may have paid and they haven't built and when the conditional registrations expire in July they may have been affected in that way and they certainly probably would be able to apply for a refund of some of their fees

SPEAKER

Thank you further debate Honourable Members

MR McCOY

Thank you Mr Speaker. Just briefly on the compensation part seeing it's so topical at the moment I believe Mr Brown has told the Legislative Assembly that we should be compensating where a person or a corporation has gone out and made a commercial or financial decision to expend money prior to achieving planning approval and I appreciate that to gain planning approval a certain degree of expenditure would have to be carried out to get plans drawn up but I stress that is a commercial decision that every individual has the right to make and in making that commercial decision the individuals or the corporations have to realise and I 'm sure that they do, that they have to achieve that final step and that is to get planning approval and I wonder how that would stand up in Mr Brown's view or in a Court of Law as to weather the Government has breached a person's rights. But on saying that I would like to move on to how I feel about this amendment in total. I do support the amendment. I support it with some degree of concern but my basic reason for supporting the amendment from a layman's point of view is that we have unleashed a monster on the environment of the Island and if we let this monster continually ravish Norfolk Island as it has over the last two years we are destroying exactly what Norfolk Island has to offer to visitors and for that reason, I do believe that we have to do something now. We have to shut the gate before this monster chews up too much more of Norfolk Island. In saying that I would like to express my concerns, and to some degree I agree with Mr Brown, it is somewhat a knee jerk reaction but it did not have to be. Of course the reason it is a knee jerk reaction is the retrospective nature of the amendment and lack of information or statistics that Members of this the 9<sup>th</sup> Legislative Assembly has been presented with the make a true and full analysis of the effects of the deregulated tourism accommodation industry. This demonstrates in my mind, poor Government and I am concerned with the message that this type of action or inaction sends out to the Commonwealth. I would like to remind Members of the community and Members of this House that at the sitting of the 8<sup>th</sup> Legislative Assembly in September 1999, fortunately I'm still here to blow my trumpet, I proposed a moratorium on a further approval of tourist accommodation units for twelve months whilst the review of the effect of that deregulation of the tourist accommodation industry was having. Unfortunately the motion was amended and passed and a preliminary assessment was carried out and presented to the Legislative Assembly in a short six weeks. In March 2000 this Legislative Assembly enacted a tourist accommodation moratorium be in place for twelve months whilst a review of the deregulated tourist accommodation industry was carried out. the moratorium basically prohibited the processing of new tourist accommodation applications with no effect on existing conditional approvals to proceed to planning application and in most instances as we've seen to approval. The moratorium Act has a sunset clause, or in other words, expires next month. There is within the Act an ability to extend the moratorium for a further six months. As mentioned the tourist accommodation moratorium Act expires next month. To date there has not been once piece of information, paper or document presented to the Members by the Minister for tourism, Mr Smith, as to where the review is at, even though questions has been asked of the Minister during Questions Without Notice in previous Sittings and the Minister has asked for input from other Legislative Assembly Members but quite clearly,

it is in Minister Smith's bailiwick and it is therefore up to Mr Smith to drive the review and come back to the Legislative Assembly with answers and solutions to imminent problems associated with the deregulating of the tourist accommodation industry and Mr speaker, this has not happened and I am deeply disappointed. I am also disappointed that we are today causing an amendment to be made to the Tourist Accommodation Act 1984 driven by motion and public outcry rather than by review assessment and good governance. There are of course two parts of the Bill being debated today and I have thus far, nor do I intend debating the tourist accommodation registration portion of the bill but confine my debate to the quota portion of the Bill. There are a couple of questions I believe from the information that I have in front of me, that there are 60 units where applications have been made and have not lapsed. 50 of those units were subject to a public meeting on the 23<sup>rd</sup> January this year seeking approval in principle for the development of these units. Can the Minister for the interest of the listening public inform the House that if the 50 units to which I refer, will or will not be included in the quota. There is also a pending application awaiting KAVHA Board consideration. I understand that this application has been approved by the Planning Board so therefore may have planing approval as it is, under the Planing Act 1996. Will this application be in or out of the quota so could the Minister for Tourism or the Minister for Planning provide some information as to how these two applications may be affected, thank you

MR GARDNER Thank you Mr Speaker just if I may answer a couple of those queries of John's in relation to a couple of the applications that have been made current and have not lapsed. One is awaiting KAVHA Board approval and until that is forthcoming that approval is deemed under the legislation not to have been approved because it hasn't been signed off. As far as the other ones are concerned, George may wish to comment further on this but the application for 50 units that was the subject of a public meeting my understanding and reading of the Bill as it is, is that that would not be included in the quota

MR SMITH Thank you Mr Speaker in relation to that question and those answers of Geoff's, the information that Mr McCoy is looking for is in the Bill and it is in the information that was given, or I hope John has a copy of the list of tourist accommodation that would be included. The Bill proposes, and I said this before, that any accommodation that is already operating and is registered would be included in the quota as would those that have planning approvals. Now that number is 617. In the bill you will see that there is a blank space where at the end of the detail stage, that number has been left blank in case the Members take a different view and want to include a different number. What Mr McCoy is referring to is the next category of tourist accommodation who have applications before the board but have not been approved. It has not been my intention to include those in this quota because if we are to go down that track today we might as well include all the rest and then we are back to where we started from. The other things that John has raised I do note that John has said that he is going to support the concept of this motion and is agreeable to it. I do take issue with John about not having been provided with any information. I do recall that I wrote a personal letter to John about the moratorium

SPEAKER Order. Minister I do understand that you keep referring to John and I assume you mean Mr McCoy. May I just point out that Mr McCoy has offered you the courtesy of referring to you as Minister and Mr Smith in all circumstances and it might be courteous if you respond accordingly

MR SMITH Thank you Mr Speaker for correcting me in that. We do seem to have got into the habit in informal meetings where we do call each other by our Christian names but it doesn't occur in the House and I do apologise for that to Mr McCoy. I was saying that I had written a letter of my personal views about tourist accommodation and what I felt should be done with it. There have been questions raised in the House on various occasions at which time I have given an update of where the review of tourist accommodation moratorium is going. I've also tabled possibly not in

the House but with Members the instructions from the Chief Executive Officer to the staff of the Administration to do what they have to do. all Members should have received a copy of that and if Mr McCoy did not get a copy I will ensure that he does. But that is not the point of today's meeting. I take Mr McCoy's points. I know that he tried to introduce a moratorium motion in the previous Legislative Assembly which is nothing really to do with this Legislative Assembly except that I think he really did try at that time to do certain things and the majority of the Legislative Assembly at that time didn't accept it and that's what it is all about. What I'm doing here today I've heard two members say it's a knee jerk reaction. to what? This issue has been around for quite a long time. it's not knee jerk. What may be considered to be unusual is calling a meeting on short notice and it doesn't fit in with the scheduled amount of meetings that the Legislative Assembly has but that is appropriate. I wouldn't like people to keep raising the issue that it's a knee jerk reaction to I think even one Member suggested, to a petition. For heaven's sake. Geoff and I have been through hell with this thing over the last eleven months. It's not as if it's a knee jerk reaction to what's going on in the community. I needed to make those comments

MR SPEAKER

That was Mr Gardner you were referring to!

MR SMITH

That was Mr Gardner, yes. Sorry Minister. It's a bad habit I seem to have acquired Mr Speaker and I'll try and get rid of it

MR BROWN

Mr speaker the Minister for Tourism has told us that because the quota exists no one is losing any of his or her rights. Now with respect that is a bit artificial. what bank is going to provide loan funds to enable someone to build his five units if at the end of the day he goes on a quota list of unknown duration to see if they can be registered. Because that seems to be what is being suggested. The true impact of this legislation is to kill off anyone who isn't already in the quota save perhaps for the interests of the situation where someone might have sufficient funds to build his four or five units and might build them and be prepared to wait whatever period of time until if at any time it happens, he comes up in the quota list. I suggest to Members that the practical result of the proposed legislation is that anyone not included in the quota will be ruled out. Now that is the case unless it is intended that from Legislative Assembly to Legislative Assembly we'll sort of sway with the breeze and if five or six people come along to a Member and say hey, I want to build some tourist accommodation such and such has got plenty, I want to get into that game and the Legislative Assembly then increases the quota. Well if that is the intention what is the point of the bill at all. The Bill is either to solve a perceived problem or it's not. If all it is, is a public relations exercise where the Minister can say to someone, look don't worry, although we're making it look as if you are not going to be able to build, we've got this fancy little quota system and in a few months time once everything quietens down and we get rid of John McCoy and a few of those other blokes who didn't want any expansion in the tourist industry we'll slip it through and you'll be right at that stage. I don't think that's what the Bill aims at. I don't think that's what any Member around the table things the Bill should be aiming at. mr McCoy expressed a view that people should accept the fact that there's a cost involved in the planning application. he's quite right in that regard and in the event that someone lodges a planning application and the application is refused, by the relevant Minister after consideration by the Planning Board and after going through all of the Planning process, then apart from exercising his appeal rights the person can't complain. But with respect it is a very different situation where we have an existing structure, a person has been given a condition approval under the Tourist Accommodation Act, relying on that approval he has spent money on having plans prepared, he has submitted those plans to the Planning Board, or there's a few scenarios there, but let's assume that he's submitted plans to the Planning Board and before the board and the Minister complete their consideration the Legislative Assembly says sorry, all bets are off. Even though you had the right to expect that your application would be dealt with, we are now saying that it will not longer be dealt with. I assume that's what we are saying, or alternatively, perhaps we are saying it can still be



as a layman to know whether 8b is in contention or not. Mr Brown has given us a certain argument this morning. The Minister is giving us the contra argument. As we are asked to consider this today, I don't have the opportunity to go away and try and find out for myself what the implications of that are. However, I do support the thrust of this Bill and as I said I do have some three small amendments which I believe should be made. Would it be appropriate for me to elucidate what those amendments are. Thank you. If Members would look at page 2 and go to item 2, it says the leading subsection 53 and substituting the following and it's got No 3. In making an application for registration under subsections 2 or 3. I have approached the Legislative Counsel and that should read 1 or 2. The second one is a change of a word in 6 on page 5 at the top of the page on 6(4)(v), saying registration under subsection 7(4)a and not in operation for which planning approval has been sought. I would much prefer to see the words applied for instead of sought. I think that sought is a little wishy washy and not definite and the third one is on the savings and transition No 8 in subsection three of that, no compensation is payable by the Crown in respect of anything done or arising out of and it should read this section of the Act, not section 9 of this Act. And the following subsection 4a notwithstanding section 10 and it should say notwithstanding section 3 the Executive Member may on application. Those are the three amendments that I would like to see made to this bill prior to its being passed through the detail stage today

MR NOBBS

Thank you Mr Speaker I would just like to make a statement in relation to a motion I passed earlier. It was not an attempt at silencing Mr Brown but it's really in relation to concerns within the community and overseas up to Government level in relation to pecuniary and similar types of interest appearing to emanate from this place. I made my position and point very clear in relation to a motion which I believe would impact on my Membership of this Legislative Assembly in relation to a motion Mr Brown moved a few months ago. I took the opportunity then and I would do it again, to leave the room because I don't believe that I by being involved in such a debate, I should be allowed to be involved in such a debate, let alone vote on it but that's my position and I should make it known that Mr Bates who also I believe has an interest in this motion, has excluded himself from today's meeting. In relation to a couple of issues that have been brought out. My position is this, I think Members of the Ministry at the time we were sworn in will agree that I advanced the notion that we should have a moratorium on tourist accommodation and this quite thankfully, they accepted and it went to the Membership and the Membership of the Legislative Assembly also did it, so I've had a real interest in this from the outset from being actually appointed into my current position. The Minister responsible relates to issues which have been brought before himself and the Minister for Health and Environment. I can assure them that myself, and I would believe that Mr Cook in his previous role and also yourself now Mr Speaker in your current role, have not been left out of the loop as far as these concerns from the community have come forward. However, I've said from the outset when we established the moratorium that we should be looking at the overall picture as far as tourism, not just the accommodation side of things which is a major issue. We should be looking at the whole issue and I believe the Minister responsible, Mr Smith has been doing that and I would like to thank him for the support he gave me in relation to the moratorium because he was actually the guy who was left to carry it, but I thank you for that Mr Smith. My position is this, and I spoke about it on the radio on Friday I believe, although I've been misquoted on more than one occasion in relation to my radio interviews, but I did say and it was printed in the paper, that we must if we are looking at stopping the current arrangements that are in place and under the moratorium Act we should look very closely at the cost to the Island. Most people think that that's a cost to the people who are building the tourist accommodation. There's another cost and I think one of the Members mentioned it this morning, and it may have been Mr Walker, in relation to the impact on the economy on employment and the economy in general. These are the issues that must be weighed up and whilst I don't believe that any decision I make, and I'm going to support the Minister on this motion and his Bill, but in doing so I think it's not a knee jerk reaction. We needed an indication from the community that there were prepared to wear the consequences and I believe that

without holding a referendum the best judge would be a petition and it has been mentioned this morning that over half of the electorate have responded and signed the petition. I haven't signed it myself because I didn't think it was appropriate, and there would be quite a few others so it would be well over the 50% of the electorate who have given an indication that they support this type of action and consequently I believe that we should progress it. As I said, there will be a cost but I'm assured by Minister Smith that the minimum exposure to the Island is the proposal that's put together in this Bill. I agree that there are avenues of litigation available to people and people should realise this and there will be if the case is lost, expense to the community. In relation to the economy we have several issues. Employment, purchase of goods entering the Island for the construction of these sites, and our figures have increased dramatically in the past year or so in relation to that but I think what has happened really is that in lifting the embargo on tourist accommodation in 1994/5 I don't think there was enough thought given to the proposal. We hadn't really brought in the Norfolk Island Plan. The Plan hadn't been tested and being on the Planning Board on the time of the last Legislative Assembly I can assure you that we were horrified as Members of the Planning Board in some of the issues that were coming out in an untested and not very well thought out Plan. There's an amendment going on at the present time under Minister Gardner and I commend him for this. There will be I hope massive changes in the Plan. I would also hope that there will be massive changes in the tourist accommodation registration Act because there is a major need in that as well. One Member spoke of ownership this morning, there's the registration issue which must be cleared up. There are heaps of things in this particular Act that need fixing and I understand that this will be done. One of the problems that I have, I don't believe that in dealing with this that we are actually making the quota and the lifting of the quota tight enough but I believe that this will be done because it really impacts on other legislation and that is the Norfolk Island Plan and the Planning Act which as I just said, Minister Gardner is redeveloping so I would be prepared to support the present Bill and put it through on the basis that we look at tightening up the quota system so that people are aware that there will be a cost in relation to this sort of proposal. There are something like, the Minister said 114 units that are not caught in the loop so to speak that have lost out, so there will be some reduction in work, there'll be reduction in duty and the like but bearing in mind that a lot of the employment in the construction industry it seems to be, foreign guys coming in from offshore and I don't think this was the idea in the first place but not a lot of thought was given to it. We talked a lot that we would progressively let out licences to construct tourist accommodation but it just went through the roof and all were done at once with the result that the local men couldn't keep up with the work and we had to bring in people from outside to assist. We need for our work force, a steady construction regime. I think the Government has to look at particular issues at a time to put out projects that are essential, and should be funded, and we should be looking at that from an economic development and as far as that is concerned for the Island. As soon as we get a treasury based operation in place then we can stop working on a knee jerk reaction system at the present time. What we are doing now with our budget is to get money flowing in from the construction of tourist accommodation, then we are immediately inclined to blow it whereas we should be looking at the future as to where we are actually going and how we are going to replace it. If we bring in this and slow down the tourist accommodation construction, then how are we going to fund or make arrangements for a general and peaceful transition into other construction areas. I think it can be done. I'm sure it can be done and there are a number of items on the board so to speak that will need funding and that will be another cost to the Island but I just wanted to say really, that I support the bill and I would hope that Members will see their way clear. My support is with the proviso that there's a lot of tightening up to be done in relation to the tourist accommodation Bill itself, but it has to be done in conjunction with the planning procedures and I would hope that the two Ministers concerned, and I know they will take this on and develop it in the future, thank you

MR COOK

Thank you Mr Speaker I don't wish to say very much. The reality of a number of aspects of this matter has been drawn to the attention

of the House and to the community by various speakers and I don't think any purpose is served in my reiterating a number of those with which I agree in principle. I was one of the persons who supported the moratorium which was enacted by legislation of this House in March of last year and I just want to remind if I might, Members of this House and the community that what the purposes of that moratorium Act were. The objects of the Act were to prohibit the acceptance of or consideration of applications for new registrations of tourist accommodation Houses during the period that this Act is in operation for the purposes of providing a period to reassess the impact of tourism on the management of resources and waste and to review the tourism industry and to initiate legislation in the best interests of the industry and the people of Norfolk Island. Now I've heard Mr McCoy of course raise matters relating to his intense disappointment at the fact that not a great deal of material has emerged that could assist us in finding out exactly what the impact may have been as was intended back in March of the deregulation that had taken place and the rather severe escalation in the tourist accommodation unit building availability that was happening on the Island. The situation is of course that that material hasn't come forward. We act here as I understand it in this House as a Government. True it is that Ministers have areas of responsibility in which they should have oversight and work in and endeavour to apply themselves and they have responsibilities which must be met but we are a Government and we are a total body of persons here in this Legislative Assembly who have responsibility for the Government of this community and I find it therefore a little difficult to be able to be accepting of the situation that one particular person in the Government should be singled out for some particular criticism when we are all responsible to the community for the way in which we may have acted in relation to this particular matter of the moratorium Act and tourist accommodation however, in saying that I still accept of course that the system is that Ministers do have areas of responsibility. In my experience when I was a Minister, the Minister for tourism did seek to encourage material to be gathered and brought forward as best it could be but unfortunately time seems to have, as it does in so many aspects of Government, got away in this particular situation. The moratorium Act can of course be increased by another six months if that becomes the resolution of the House and that may have to be considered carefully having in mind whatever eventuates in this particular passage of this Bill by the House or not but what I'm concerned about and I speak only particularly about the quota matter and matters that are touched upon by Mr Brown about compensation, I don't wish to be in a situation that I'm tendering any form of legal advice to the House and I wish to avoid that in every way but I find it difficult to understand how the provisions of the Norfolk Island Act which deal with resumption of land and acquisition on just terms can possibly provide some basis of compensation but that's only a matter that I draw attention to as Mr Brown has mentioned that as a possible consequence of this Act being passed or coming into force. When one examines the fixing of the quota, it is seen quite clearly that the resolution this House has to pass results in the House fixing a maximum number of accommodation units which must be not less than the sum of the registered constructed and operating tourist accommodation units and the number of registered tourist accommodation units which are granted and in force under subsection 7 4 a in respect of which an application for planning approval has been granted, is current, and has not lapsed. We are told that that number is 617 units in total and so the number of the quota must be not less than 617. But then in addition to that under the terms of the Act the Legislative Assembly shall have regard to the number of tourist accommodation units which are at the time registered constructed and in operation, registered under 7 4 a, and not in operation for which planning approval has been obtained and registered under 7 4 a, and not in operation for which planning approval has been sought but not approved. Now the impact which those units mentioned in subparagraph 2 and 3 above may have on the environment, community infrastructure and resources, the development or implementation of the Norfolk Island Plan under the Planning Act 1996 or any other matter which the Legislative Assembly reasonably considers relevant. Now it does seem to me that not only does one take into account as a minimum number the figure that I've already mentioned but one has to take into account those particular factors, and they do provide a very real opportunity for this House to look at a total situation of the

tourism industry on Norfolk Island, where it's going and whether additional numbers of units which are waiting in the wings as it were or may come forward may bring about a desirable or undesirable result when all those factors are considered. I think it is an important development that the quota which has to be fixed and it wasn't in this way dealt with in the Act previously, does require that very careful assessment. I've had the experience as this House and the community well knows of being in the Immigration area in the time that I was a Minister, and it was a bit of the situation of the tail wagging the dog because there was very considerable impact which occurred in the area of Immigration by reason of the rather considerable proliferation of housing accommodation and the matters of providing for construction of accommodation units and the catering and management or otherwise that goes on in respect of providing for the increased number of visitors coming to the Island and the result of those matters and one has to obviously consider the whole question of immigration and the population of Norfolk Island is very much bound up with the fundamental concepts which this Act does raise, that is, the consideration of just exactly how many visitors we might be prepared to allow for and provide for on Norfolk Island and the impact of the actual construction and building of units in an environmental sense and the infrastructure sense and so forth. I feel that I will be able to support this Bill. I realise that it doesn't really do other than put the brakes on a situation and allow for a continuing and ongoing examination which simply must occur. This Government cannot put off any longer the obligation and duty to all concerned, everybody involved, the whole community and those involved in the tourism industry to examine these matters responsibly, to assess the factors which are referred to, particularly this quota determination which is made and to come up with an appropriate figure. I am not necessarily so satisfied that it would remain at the figure of 617. It may very well do so on proper assessment but there's nothing to prevent this House when it has collected all the appropriate material considering the matter as it is bound to under this law. That would be fair to everybody concerned. If the outcome is that the quota remains at 617 so be it, and that would be a proper decision that this House has made after considering all the evidence that is available. If there is some increase in that number, and don't forget that 617 is the minimum, well that again would have to be the result of a very full and complete examination of that material. This Government has the responsibility of looking at this situation and making decisions and I believe appropriately making decisions without delay and I am confident that the Minister for Tourism and the Minister for Planning in light of recent meetings which have taken place where the community has taken the trouble to come forward and very clearly expressed its concerns about the development and so forth, all these matters really raise issues that this Government must take into consideration very carefully when determining where we are going with tourist accommodation. I don't find myself quite so restricted in my concerns about the matter of compensation. I like Mr Brown being a lawyer am concerned about people who have established rights. I rather think that the rights in this case as Mr McCoy has spoken of, are matters which arise more from taking commercial risks than necessarily having acquired distinct and very clear rights under the law to a situation continuing to attain such as the holding of land and matters of that kind. So having said what I've said I am prepared to support the Bill but I really urge this Government to proceed without any delay whatsoever of getting the fullest and most complete information it can to enable it to carry out what is an important and much needed determination of exactly where the tourist industry is going with accommodation on Norfolk Island

MR GARDNER

Thank you Mr Speaker I would just like in my introductory remarks to touch on some of the comments that have been made around the table by some of the other Members. Firstly the Chief Minister's proposed motion to not have a Member heard. I think in my initial introductory remarks when we came into the House regarding the matter of dealing only with what is on the Programme that I indicated that this is a matter of national significance and I think in such cases it is vitally important to everybody to have a balanced argument and to understand the complexities of it, to hear from all of those concerned and I think in the debate that Mr Brown entered into in this matter he has been fair in that debate, there certainly wasn't as far as I was

able to indicate, any degree of bias or otherwise. he was certainly looking at a lot of the points from a legal perspective and certainly looking at a lot of the points from the point of view of consistency and also fairness and equity and I think it's important that all Members have an input and certainly if Mr Bates was in the House today I would have no difficulty in hearing from him because I think it's important that we canvass all of the issues so that we are able to make a properly informed and balanced decision on the future of this Bill before us today. Mr Brown earlier today seemed to believe that this was some sort of knee-jerk reaction. Well I certainly take some issue with that in that for many months, and certainly for the full life of this Legislative Assembly we have struggled with what we were going to do with tourist accommodation. How we were going to handle it. What the future was. We instigated a lot of reviews and looked at a lot of questions, and I say struggled. We've struggled to date to come up with an adequate and appropriate answer and this is probably the closest we've got to it with the introduction of this Bill to the House today. It certainly has not been brought about just because there was a petition circulating in the community, as I'm sure the Minister for Tourism and Commerce will attest to, this has been a matter that has been discussed at executives for the last few months and certainly a suggestion I made to the Minister for Tourism and Commerce well before Christmas on the re-imposition of the quota as possibly being an option to pursue in relation to being able to stem the development that was happening so that it gave us the breathing space to be able to look long and hard at what was happening on the Island. As far as Mr Brown's comments as far as chopping everybody off in midstream, really I look upon the quota as being an instrument not too dissimilar to a moratorium in that a moratorium prevents you from doing something for the time being and a quota is similar, it's just a different usage of words and requires I think different mechanisms to alter the moratoriums that has been put in place in a couple of instances that has been done by legislation and they have an expiry date. This quota doesn't have an expiry date but doesn't prevent the issue of a quota either upwards or downwards to be dealt with by the House as a piece of legislation would be. Getting back to the question of consistency, fairness and equity. I do have an issue with that question in the way the bill has been put together. I think we've all sat here whether we've been Minister's or Members of the Legislative Assembly and claimed that we are trying to be as consistent as we possibly can and I think certainly on the whole in my term in the Legislative Assembly I haven't seen any Members act other than consistently. Certainly nothing that's been brought clearly to my attention and it raises that question of compensation and bits and pieces. We've got three clearly demonstrated moratoriums that are in place that have allowed any application that had been submitted to be dealt with by a statutory authority or body namely, subdivision, crown lands dealings, and tourist accommodation conditional registration to be dealt with if they were in the system. We've stepped aside from that consistency in this Bill, and there's probably good and valid reason for doing that, but it just needs to be pointed out that we've stepped aside from that consistent application in this case and it possibly needs further debate and consideration. I move to some of the comments Mr McCoy made. He mentioned something about poor Government that it was poor Government that hadn't dealt with the issue of the tourist accommodation statistics and the conditional registrations that were in place. Well I sure as hell know that in the life of this Legislative Assembly and certainly in the previous Legislative Assembly in response to questions in the House, statements that are made by previous Ministers that we were all aware, so was the whole community aware that some 200 if not more tourist accommodation conditional registrations were out there. So it's not just that somebody else should pick up the baton and run with it, and I've picked up on Adrian's point that he made before about it's not good pointing the finger. We have a collective responsibility in dealing with this and I'm pleased, I'm excited almost, by the response we have had in the community from the petition because I read that as being support for the attempts that the Legislative Assembly has made in recent months with the moratoriums that we've imposed to say okay, let's come up with something that's concrete that's going to work because there have been a lot of attempts in the last few months to try and control the problems associated with the deregulation of tourist accommodation. Bruce touched on in his debate the issues to do with the tourism plan that was developed and the ten

year tourism plan. Certainly, there's been a lot of debate about the impact of one of the large developments that's currently under way on the Island. Certainly in the community. that tourism plan that was developed I understand back in 1995/96 Mr Walker may well have been involved in the Tourist Bureau at that time, was that the Assembly of the day which would have been the 7<sup>th</sup> Legislative Assembly was fully supportive of one further large tourist accommodation development on the Island. Now that may well be one of the justifications that was used to step outside of the objectives and conditions and bits and pieces of the Norfolk Island Plan with that approval. I'm not entirely clear as to the justifications that were given. I certainly don't have the file before me in the reasoning that was given and the reasoning from the Planning Board in those early days for approving that development to go ahead but it's just an indication that there was a tourism plan that was developed, it was supported by the Legislative Assembly being the spokesperson and the representatives of the community for the establishment of such a facility and I believe having attended the public meeting in relation to that, even though granted, the situation has changed as far as the ownership and bits and pieces were concerned but certainly I perceived at that meeting that there was overwhelming support for that development to go ahead and no doubt in letters to the Paper and other delegations that have been made to Members of the Legislative Assembly and the Government that those feelings have changed and have been brought about by maybe a change in circumstance, a change in impact, who knows the reasons for the changes and thoughts that have been. But we get back to the deregulation and the occurrence of deregulation in the 7<sup>th</sup> Legislative Assembly. that was driven by industry and community to deregulate. Industry which was the airlines, tourist accommodation proprietors, feasibility or otherwise of flying planes in or not flying planes in and what the magic numbers were, driven by the industry and that they could see there was a requirement for upgrading and that was probably one of the benefits or spin-offs of deregulation that we've seen a significant increase and I think the Minister for Tourism in just recent weeks has indicated that the level of three and a half star accommodation on the Island prior to deregulation was about 80% of total accommodation on the island was below three and a half star, since deregulation there's been a complete turn around in that and somewhere in the region of 80% now is three and a half star accommodation or better so I think that's been one of the spin-offs of it. But we go back to the community driving this. The community could see the benefits of this, the building industry could see benefits, things were appearing in those days as I recall to be a fairly depressed situation. The building industry were looking for more work, there was a desire at that time to look at employment issues. I think during that period the Employment Register was developed because there was concerns about unemployment, so there were a whole host of reasons why this thing came about and sure enough, I think in deregulation there was much debate amongst Legislative Assembly Members, among the industry about the safeguards that were needed and had to be provided and highlighted. Well that came about in early 1997, early in the life of the 8<sup>th</sup> Legislative Assembly when the Norfolk Island Plan and its attendant legislation were commenced and that set out the objectives and listed the areas of concern that needed addressing under the plan. However, I think as the Chief Minister pointed out the Plan had a few holes in it. There wasn't a great deal of debate about the implementation of the plan. I think when it came to the House there were debates about different sections and bits and pieces but looking at it from a holistic point of view the whole Plan and the attendant legislation that went with it, I really don't think because of the enormity of it, that people were able to fully grasp the impacts that were going to flow from it and so we ended up with something that was less than ideal and I think that's been accepted that it was a less than ideal document but a damn good try at trying to put something in place that would control unintended development and unintended impacts from planning initiatives. Included in those requirements for the Norfolk Island Plan were things like looking at water catchment, how you could maximise water catchment, and that's been developed and is now used as the guidelines by the Planning Board in their approvals for tourist accommodation or indeed for private residences. Those sort of issues are being addressed. Infrastructure. Now how that is dealt with by the Planning Board is that there is a Member of the Service who is

appointed by the CEO to sit on the Planning Board who is to report on the impact of infrastructure to the Board so that that can be properly taken on board, properly deliberated at Board level before a decision is made. Now I need to point out that as far as I'm aware, there has not been an issue of electricity that's been taken up that has led to the refusal of an application. In other words the indications that have come through have been that there has been adequate electricity for all those developments whether they be tourist accommodation, tourist related, commercial or domestic nature so the Planning Board who certainly have copped a lot of blame in recent months about the tourist accommodation issue have undertaken with the information that they have to do the best possible job they can and I can't fault them on that. They've done a sterling job. As far as other matters are concerned, we've been talking about the number of cars and buses and bits and pieces on the roads well there's been a lot of talk about that, endless debate over the past few years on big or little buses, things with wings or skids or whatever they may be and those issues have yet to be dealt with. There's been talk about tare weights and the impact of those. Recent planning conditions that have been attached to at least one application in recent times has been that there needs to be very careful attention paid to the standard of access and roadways. That may well be a matter that goes to ART but they are things that the Board have taken on board, they are conscious of the concerns and they have submitted time and time again I think responsible solutions to some of the problems that have been raised and certainly some of the concerns that have been echoed in the community. As far as waste management is concerned which is another matter dealt with under the Norfolk Island plan a little bit wishy washy in that it is not really specific about waste management, that is something that we are all aware of as being dealt with at the moment with the Waste management strategy and the implementation process. That's a matter for debate in the House probably at the next sitting regarding the Draft Waste Management Strategy and certainly it is something that we need to encourage the whole community to get in behind and make sure that that issue is properly addressed and it is being addressed. I think the Chief Minister touched on the Sewerage Scheme during debate earlier today. The advice that I've received today seems to indicate that the Water Assurance Scheme or the sewerage system that was put in place operates at about 50% capacity because it was designed and built to accommodate further expansion in the sewered area. You go back to the Norfolk Island Plan and you say look any development outside of a certain size or shape or colour or whatever it may be that is in a non sewered area must have an impact assessment done, and that has been done for tourist accommodation because that is a requirement for that to see how that's going to be catered for but that sewerage system was designed and developed for a much greater capacity than it currently has at the moment and we'll probably see more moves I think in the draft Norfolk Island Plan that's being developed toward a clearer move towards ensuring that future development may take place in those central and commercial zones. There's been debate about the UniMelb Report and why wasn't that picked up back in the 7<sup>th</sup> Legislative Assembly. Well I think quite frankly people were scared off by the \$890,000 price tag that went with it because there had been no budgeting, no allowance to plug any of that into place. And it's probably a good thing that it didn't go ahead at that time, simply because the most significant financial outlays were to do with the pitburner and as Members would be aware in the information that's been circulated about the current waste management strategy that those pit burners are no longer environmentally acceptable and have been decommissioned elsewhere. The difference with what we are doing at the moment is that funding has been sought under the natural heritage trust. We've received \$250,000 from that. A proposal is to use accumulated Water Assurance Scheme funds as seeding funding to put in place the Waste Management Strategy as it currently stands and to look at the implementation of a waste levy to cover the ongoing costs of establishment and depreciation of the whole thing so there's been a slightly different way in approaching it this time in that we've looked at the funding first rather than the wish list first and I think we are in a position that we are able to give that serious consideration and there's really no impediment that I see to the establishment of a complete and environmentally responsible waste management system for the Island and for that to happen this year. As I said before that's going to require full community

support but that is probably one of the really big areas of concern as far as the community and certainly myself and other Members of the Legislative Assembly are concerned with future and further development on Norfolk Island. Mr Speaker early in the year 2000 in the life of this Legislative Assembly this Assembly in conjunction with initiatives relating to the Norfolk Island Plan which include other areas of concern in this overall equation of what we are discussing today such as building codes, they are being developed to protect the builders and the consumers to give assurances to lending institutions that what is being built is up to standard and also gives assurances to insurers. These are things that have to happen because often some of the things that are built on the island are questionable. We have a Board however that are in place to make sure that those things are done properly and appropriately and on most occasions when it comes to Building Codes they draw on Australian standards and it is proposed that this time the bulk of the Australian standards as they pertain to Norfolk Island will be adopted as our building codes here on Norfolk Island. There are also the other attendant issues of public health codes and those cover again, issues of concern to do with water quality. Now we go back to the sewerage system. This was put in place because of concerns about water quality and certainly it was demonstrated by health records and things at the time that there were real issues with that and there was contamination taking place. That seems to have overcome that but it doesn't give us the comfort of being able to sit back on our laurels and say, well, we've got a sewerage scheme so we are not going to have a problem with water contamination. These public health codes extend into things like potable water supply, it looks at sanitary requirements, it looks at food handling, noise, dust and a whole raft of issues that are now becoming more and more to the fore on the mainland and those things are being properly and adequately pursued and attended to so that we are able to have those things in place. I guess the frustration has been that we've been talking about plan reviews, codes and other things and it is frustrating that they don't happen overnight but the most important thing is that they are being attended to. Mr Speaker there've been concerns raised about overdevelopment for quite some time and I think Mr McCoy was probably instrumental in first raising those issues in the 8<sup>th</sup> Legislative Assembly when he brought a motion to the House. There was much debate about it, agreement in principle and then it was slightly trimmed but it was to ask to make sure that all those impacts on deregulation were going to be properly looked at. Now I believe at that time, I haven't got Hansard of that time, but I believe in the previous Legislative Assembly we had agreed that the issues of looking at the Norfolk Island Plan was a happening thing, we were looking at water strategies and all of those issues. Unfortunately because of the delay in time of implementation other things have got out of kilter. We were still accepting conditional registration, planning approvals and there was a real fear that at the end of the day we had lost absolute and total control of it. In response to those concerns of overdevelopment this Legislative Assembly as has been espoused earlier this morning by two or three other speakers, moved to put in place moratoriums, one in March that I think Mr Cook referred to earlier, a tourist accommodation moratorium on conditional registrations as a response to the growing concerns and to the Minister for Tourism's credit and I think to the whole Assembly's credit they moved very swiftly on that one as can be evidenced by the time frame, the urgency of it and the passage through the Legislative Assembly. There was a clear recognition of the problems that were there with the tourist accommodation. During the Intergovernmental meeting in June it was announced some significant initiatives in relation to the transfer of crown lands to Norfolk Island and hand in hand with that was a joint agreement with the Norfolk Island Government and the Commonwealth Government that there also be placed a moratorium on crown lands dealings and that was also in response to some of the concerns of overdevelopment and what would happen if crown land was transferred and to stop any potential dealings in crown land that weren't specifically for the purpose of establishing a dwelling or other purposes and to avoid speculation on those crown lands. Following on from that only a month or two after that was the moratorium on subdivision and the moratorium on subdivision was put in place in light of the review of the Norfolk Island Plan and the concerns of the subdivisions that were taking place, some of the examples that have been raised in relation to overdevelopment in the past on Norfolk



standing on travel shows, to encourage travel to Norfolk Island because we had seen a decline in visitors coming to the Island. I've spent many hours discussing with the then Minister for Tourism the possible deregulation of the accommodation industry and the effect it would have so I have quite a clear understanding of what the then Minister for Tourism, Mr King, intended and that was for there to be a steady growth in accommodation on Norfolk Island. Not this surge that we've seen in the last couple of years. Also I believe there was a factor of 5% growth to happen and the tourism plan for the future development of tourism in Norfolk Island was adopted by the Legislative Assembly on the 15<sup>th</sup> November 1996. Part of that plan was that there be a review every six months. Unfortunately that has not happened. Also it came in 1997 with the Norfolk Island Plan and that Plan was quite clearly designed so that the development of tourist accommodation was not blown out, that it was a steady growth and that's why I have expressed the concern many times when I see large developments such as 50 tourist accommodation units happening in the rural area where it is not allowable by the Norfolk Island Plan and also part of the Tourism Plan in the development of the tourist industry due consideration must be given to the protection and conservation of the Island's unique ecology, environment and lifestyle, recognising as Mr Walker said, that Norfolk Island is first and foremost the home of its residents. For some reason over the last few years approvals have been given where we've lost sight of that. Also we've heard about the wonderful injection into the economy due to this sudden development of this tourist accommodation industry. Well yes there may have been an injection into the economy through things such as customs, we're seeing a few more visitors coming to the Island but is that necessarily thanks to the deregulation of the tourist accommodation industry. It is questionable. So we've picked up a little bit more on departure tax, but in actual fact, what has the Island really gained. I don't think a lot. We talk about the fact that yes there's an injection into the economy and the builders needed this extra work. Well a fear of mine at the time is when we deregulate, what will happen. We'll all turn around and say yes we need all these new accommodation units but to build them we have to bring in more trades people. Exactly what has happened. We have at this very moment and I've complained about this and I'm not afraid to make it publicly known, an offshore construction company here on the Island building a large tourist accommodation complex, so what has happened to employing the local contractors. that seems to have been forgotten about. And I know these issues may not be relevant to the bill that we're talking about today but I'm just trying to point out that there was a plan to develop the tourist accommodation industry, to develop tourism and for Norfolk Island to be developed along with that plan. there was a plan so that we don't have a boom and bust cycle and I am concerned that once all the accommodation industry has been completed and we've said yes, we've taken a nice chunk through the customs levy, import duty, what will happen in two years time when all this accommodation is finished and we don't have that meat coming in on the import duty that we've now become reliant on. Are we going to have to turn around and say because we are so reliant and because what we have done is we've gone outside of the very important part of Norfolk Island's culture and that was living within our means, we now have to turn around and say well we'll have to up the duty, that 1% so that we can keep up with the spending. Is that what people see as our future or hasn't that been considered. there is also one main issue which Mr Walker did mention with this new Accommodation Bill and it's something that I don't agree with at all, and that's we have subsisting applications in the quota. We have seen many times in Immigration where we have subsisting applications that cannot be completed because of quota that's full, there has been pressure put on the Government to open the quota up to cater for those subsisting applications. So when we come to detail stage amendments I will be moving that the effect of quota 8(a) as an amendment be deleted

MR BUFFETT

Thank you Mr Acting Deputy Speaker. This is an important Bill and it is important that the widest range of Membership do have participation in today's debate. We all know that the Bill covers two main areas, one is the qualification for registration and management of tourist accommodation and the other relates to the quota on development in tourist accommodation. Particularly the

second matter is one of significant complexity. There is some complexities in the bill as well as the issues that surround it all but I would like to succinctly mention some factors. We all know that there is significant tourist development and building happening at this moment. Without a doubt this is having environmental; and other impacts within the community. some of the building projects underway and some proposed are beyond the normal guidelines of the planning legislation. In all of that there has been demonstrated community concern, a recent public meeting has demonstrated that concern and the petition that the Minister who has responsibility for this matter has brought us up to date with this including numbers, significant numbers, and although that petition hasn't been lodged it is signaled that it is around and that is a demonstration of community concern. The number of units as far I am able calculate which have conditional tourist accommodation approvals is a round figure of 200. I think it's 196 but in demonstrative terms about 200. The impact on Norfolk Island is clearly demonstrated in some parts of the Island of development that's happening at present and there is prospect for this to be repeated in other parts and given all of that, without doubts, this Legislative Assembly does have a responsibility to respond to public concern. This Bill is such a response. The Bill proposes a stay on accommodation buildings unless they have conditional tourist accommodation approval and they have planning approval which is still current. I think that's it in succinct terms. The result of that if it is pursued and passed, I'm not trying to presume what the House will decide but if that is how it progresses it means that approximately half will be approved and approximately half will not. The exact figures are I think that 99 will be put on hold and 97 would proceed. the method that the Bill provides is to have a quota to cover some and exclude some depending upon the status of their planning approval. We invest about \$750,000 in round terms to attract visitors to Norfolk Island per annum and we do protest and we do complain when our tourist figures are low and we all understand that there needs to be a commercial level of visitors on the Island. I probably need to say that I've repeatedly said over a number of years that a drop in tourist numbers we can remedy. Our major problem will be if we have too many. when I've said that on some occasions the prospect of too many seem not to be of concern to many people. The reality is that that is almost the very question that is in front of us now. It's talking about an abundance of accommodation for what is obviously prospectively and abundance of visitors. We say in our tourism policies that there is to be a balance to be struck. it's very difficult to strike a balance and obviously where the balance lies will depend upon individuals and may be from Legislative Assembly's from time to time but obviously it is a question that we are being asked to answer at this moment. In general terms I have support for the Bill that is being proposed in both of the proposals that it puts. Can I just say in respect of the building arrangements, it's not just the tourist building that might have some significant impact. there are a whole host of other related things and many Members have talked about those around the table. Just last evening one Member of the community amongst many others spoke to me about the trades people who are being brought into the Island. mr McCoy touched upon this to attend to some of the building matters and there is a distinct thought amongst Norfolk Island tradesmen that those people who are coming in are taking their space and there is concern about that. The real problem that we need to face if we fix the matter that's in front of us in the way that is proposed to us, the real problem isn't just fixed there. The real question is where do we go from here. When the moratorium was put in place we were to have some evaluations. Those evaluations are not yet with us but it is essential for us to come to grips with those and to deliver those as promptly and as quickly as we are able. Otherwise there would have been little purpose in us having a pause because the pause was to allow us to evaluate and the pause will have been lost if in fact we don't evaluate. Having said all of that it is also fair for us to say, what about the tourist accommodation owners or investors. If we look at the demonstration that I just made, about half of them may get a no answer and that may be a major blow to those people in that situation. They have documented go ahead in the terms of conditional approvals and in many instances those conditional approvals are still current. No matter what we say there is room for reasonable expectations from them and based upon those people may have made expenditure. There may be expenditure based upon expectations beyond that that is just when you put in an

application. The basis of putting in an application, if you satisfy the criteria there is reasonable expectation that you will get a yes answer. What we are doing is more than that. We are saying that even if you get a yes answer under the planning approval arrangements, it is no. So there is a difference. They may well have made reasonable expectation. I believe that we cannot turn our backs on those people. If we chop them off, then we need to make good proven expenses made while they possessed those conditional approvals. The Act, a number of people talked about the matter of compensation. The arrangements in the Act address this matter under basically two headings. It talks about compensation one, and ex gratia payments two. The Act basically says no compensation but there will be consideration of ex gratia payments. I have some hesitancy about that but I am willing to walk that through a little along these lines. The ex gratia payments says that expenses will be considered up to \$2500. I am in no way able to assess at this stage as to whether that figure is appropriate or inappropriate. I rather challenge anybody around the table at this stage to say whether its appropriate or inappropriate, I think it's a guess at this moment. I don't have any difficulty with an estimate being put up for us to commence the process of examination but I'm not too sure that there is a proven background to that figure. If in fact there is to be provision for ex gratia payments I think there needs to be a better examination of the reality of what might be some range of expenditure and put an appropriate figure in there. That might mean an adjustment to this piece of legislation, not to put in a figure but to say a figure that is prescribed which means that we walk a figure through, strike a figure and then make that by regulation for example. If that is done, then I may have some acceptance of the no compensation component because it will allow people who have made expenditure to be looked after to the best extent we are able but we must accept that there is an element of some reasonable commitment to some extent having been made and we must not turn our back on that situation. What are the outstanding things from my point of view in respect to this piece of legislation. I think I've got four jotted down on my piece of paper here. The list that has been circulated to all of the Members at this stage provide some quantification about the various categories and there is one which says that at this stage provide some quantification about the various categories and there is one which says tourist accommodation where planning approvals are current, haven't lapsed, and these are the ones under the present proposal in front of us, gain the nod. In other words, they would be in the quota. There are 97 of those. I do have a question as to what is the time frame for those to remain valid. Members are aware of the people on the list and from general knowledge it will be seen that we know that a couple of them are almost complete as far as building is concerned. But there are also some that I would estimate have not had any soil turned at this moment and so the question is, how long does that remain valid. I have a view that it can't remain indefinitely for example. It needs to have some sort of time frame upon it and that is one query that I have. The second relates to the compensation and ex gratia but I think I have covered that. The next relates to this. It's a technicality in the piece of legislation. The legislation says that these are the things that are appropriate to take into account when determining the quota but it doesn't say that when you determine the quota, for example if it is to be 617, that they in fact are the components that you are obliged to have in it when you've actually done it, and I have raised that with the Legislative Draftsman and he has given me a form of words. I'm not going to bore you with them at this moment but I think that that is a matter that is worthwhile looking at, so that there is abundant caution in ensuring that if that was our aim to include those groups, that when we actually make the figure that is the grouping that is in the figure. At this stage I think it is open for approvals to be made beyond that. The fourth matter on my list is that that relates to the provision for applications to subsist. There have been a number of views around the table about this for example, the subsisting process we have now has its pitfalls, it creates a whole host of difficulties including pressures that may be unduly put at times. It however, does give people room to enter a list and if the circumstances change numerically then they are there and waiting and that may have some benefit, but I rather think that it may to some extent also perpetuate expectations and I'm not too sure that that's a fair thing. I have some hesitancy about that provision therefore. I think

they are the things that I wanted to say at this stage thank you Mr Acting Deputy Speaker

MR SMITH

Thank you Mr Acting Deputy Speaker. Just to acknowledge some of the remarks that Mr Buffett has made. The subsisting section, if we take that out, as I understand that would wipe out everybody else that is not included in the quota, then I think we would have a real case to include in the Bill compensation, probably more than \$2500. It's an important part of what we are doing here. Even the petition that's been circulating has not asked us to cancel everybody's conditional registrations although there may be some in the community who would like us to do that for their own reasons, to cancel all conditional registrations forthwith, which would be legally impossible for us to do I believe. I haven't got the words of the petition here in front of me but I think it says requests the Legislative Assembly to consider suspending conditional registrations or words similar to that. The views that are coming from around the table is, and should be, that there's general support for this motion, and I say should be because the Minister for Health and I have been copping it for quite a long time about the situation with additional tourist accommodation and these conditional registrations so I would expect in most cases that people would support the Bill. There seems to be some misunderstandings with the subsisting section which is fine. Two Members have said that they don't support that particular thing but if they don't we had best revise the Bill before we go any further because we might find that we are in a difficult situation. If we look at what I'm doing with the quota and the reasons I'm doing it, it might be helpful to consider it this way. Firstly, there was a quota previous to that and I mentioned that in my opening remarks. Now what happened with that quota is that nobody wanted to change it and that is in the minds of some people still even after all this time, that once the quota goes on, that's it. But a quota is not designed to do that. Particularly this one. It is not my intention that this quota will stay on for another 17 years and never change because that would be silly. We don't do silly things. We look at things – the Acting Deputy Speaker smiled when I said that – well even if we do, do some silly things one of the silly things we shouldn't do is to think of a quota as it was used in previous Assembly's. As a figure that was put on something and it stays like that for years and years and years. For example, it's funny how times change. I remember sitting around this table perhaps eleven or twelve years ago where Mr Brown had a totally opposite view about tourist accommodation. He really opposed any additional tourist accommodation and today his view has changed and that's really good because a quota has changed as well. In fact, it's gone. It was removed in the deregulation process some for our five years ago in relation to apartments, so there's been a change there but you look back in history and I've been digging through my old stuff and I've found newspapers from the 1970's where even at that time the Council was trying to deal with issues that are similar and it reads "the Regent Kingfisher Hotel planned to rise on the burnt out Kingfisher site at Anson Bay has officially lost its preferred status and has to be proposed all over again if it is to be built after more than two years of bickering, wondering and hoping Council last Wednesday voted that its previous approval in principle be terminated leaving the Kingfisher entrepreneurs to reopen negotiations later. Councillor Bruce McKenzie didn't even want to have the idea of a possible renegotiation included in the motion". I can go back further than that to 1966 where there was concern even at that time of uncontrolled development on Norfolk Island. I also have a paper here from 1980 which quotes the Australian Conservation people where they say the same thing that we have to be careful with our development of tourism that it doesn't damage the Island. It talks about the building code and plan that was being developed at that time and how they were to use the New South Wales codes for building. Through all the years the issues have been the same, it doesn't matter what area you go to. In the end we resolve them by discussion, negotiation, talking to and with the community about the issues. With the deregulation that was a major change. One of the reasons the deregulation happened was the new Norfolk Island Plan had been adopted by the Legislative Assembly and one of the things in that plan was that tourist accommodation could be built but it would be ordinarily prohibited I think the words are in rural areas, and somebody can correct me if I've got my words wrong, but I've got to admit that when we

were looking at the Norfolk Island Plan at that time and it didn't get a lot of discussion I must admit because there was a lot involved in that, but nobody even considered that five tourist accommodation units was going to make that much difference because it wasn't allowed, but when we deregulated we certainly found out what difference it does make and that led to people in the community who suddenly had applications to have places built right next door which they never dreamed that would happen and I don't blame them for kicking up and being upset and unhappy and even though the way the legislation is set up there is a process for all tourist accommodations to go through, that is possibly okay if you get one. If you get one, two, five, ten or sixty proposed tourist accommodation units being sprinkled around the community, it's not surprising that people get upset. I don't know that people are upset about tourism as such, as that is a very very broad subject and I was trying to cover that in my opening remarks. I don't think people oppose tourist accommodation being built per se, there's four applications on my list here of only one unit. Now I'm sure we wouldn't get a petition over somebody building one unit on their property or four small units being built around the place. It's the effect of the larger ones that has made the community react and I appreciate that because it's happened to me in the past, not with tourist accommodation but where something has been built right next to me, and even though I got over that, I can understand where people are coming from. Where do we go when we get to that situation, which is where we've been over the last six months where it's become a real dilemma particularly for the Planning Board, for the Members sitting around the table here who in some cases would like to do all sorts of things with tourist accommodation and I can understand their views because there's pressure from people in the community. so what do we do. Do we say oh to hell with it, we'll just cancel all conditional registrations. Now that would put 213 conditional registrations holders into a situation where it would be untenable and we couldn't do that. We could try but then that would be one of the silly things that Assembly's doesn't attempt to do. We've already progressed other things, the Norfolk Island Plan and Review which will pick up a lot of the difficulties that have been held by the community, the community has had the opportunity to have input into that and I suspect that a lot of people have had input, the organisations, the groups, because that is the important part of the planning process, when you're talking about land development on Norfolk Island. I've already said that we are going to review the Tourist Accommodation Act so we don't fall into a situation where if things go wrong as they sometimes do, that we can't do anything and that makes it a hopeless situation with the community on one hand saying you have to stop all this and the Assembly saying, we can't. It really leads to a compromise. With what I've proposed with the quota it does compromise but it does something else which hasn't been mentioned this morning and maybe most of us haven't realised it either, but the compromise is that we are not cancelling conditional registrations if we follow the proposed bill as I've got it. It means that there's a hold. Certainly the ones included in the proposed quota and many of them still have to build, there's still going to be some pain in that to people in the community but at least if we are saying, okay we are going to allow that to continue, people will understand that, as long as they don't think that there's going to be another six hundred going to be built at the same time but the other issue is by agreeing to this Bill which I hope we do today that it will come down to Members of the Legislative Assembly having the final say. If somebody is not included in the quota today and we do allow the subsisting section to stay there which means the other ones who already have applications in with the Planning Board, if they get through their planning process we have to make the final decision on whether and when they can build. If we don't ever shift the quota they will never be able to build and I don't think that's the view of the Members of the Legislative Assembly today. if we do shift the quota we can shift it accordingly in the House in public so that people will know which ones will be approved. For example, the next four on the list for the want of an example, if they get their planning approval tomorrow or next week, I don't see any difficulty with the Legislative Assembly Members revising the quota which is the idea of the quota, to revisit it, even if its in two weeks or two months or whatever, and saying we are going to up that number by two, or we will up it by four or whatever but at least its done in public, its done by the Legislative Assembly of Norfolk Island it's not done by a Minister, or two

Ministers, its done completely in public. The moratorium has been reflected on here a few times today. This was only to stop further applications. there does appear to be some misunderstanding that the moratorium was to stop all tourist accommodation construction and everything. It didn't. All it said was that we didn't want any more applications until we can do our assessments of where this is all going. Now contrary to what some Members might think, the Administration is already working on that, there's already been a report done in earlier times of the effects and the benefits of deregulation of tourist accommodation. I think any report that we would do should come back and say that tourism is a necessary thing. We have to agree with that because we all support it. We put money into it. We encourage it because that's what provides all the services we have, our employment, but how far you take it is possibly the question. the effect of deregulation is that some accommodation has been built but not an awful lot when you think about it. If you take out one of the larger ones that's been built, there are not a lot of others, but it's the prospect of having somebody building in your back yard which I believe is the key to the unhappiness in the community with tourist accommodation and I can understand that but we also have to make a decision of how we deal with that. We took that conscious decision when we deregulated, and I say we because it was a Legislative Assembly that did that and ironically in the debate in that, even though I was supportive of moves to increase tourist accommodation. I did warn that one of the difficulties we may have it that there may be tourist accommodation units being built all around the Island and it could get out of control. Now I'm not saying that it has. I'm saying that even at that time I probably should have been a little bit more forceful at that time, if I foresaw that it was going to be a difficulty. I think Mr Buffett talked about the balance with tourism and what we're doing here and I think he's quite right and that's exactly what this quota Bill is about. It's about creating a balance. the best thing about it is even if this didn't pass today, the best thing about it is that Members have spoken about it. We haven't had this debate before to the degree that we are having it today. We've had debate about different things including the moratorium but Members have said things today and if there's anybody who does listen, they will know what our views are and they can see where we are all coming from. They will see the dilemma's in cancelling off the industry. They will see that we do understand and that we are trying to deal with the problems and our options today is an option to pause and evaluate the words that have been used around the table this morning. I don't see it as something depending on whether or not we include that clause that's been talked about before. I don't see that the people who are next in line in the way I have the quota, who have already got applications in to the Planning Board I don't see that there is going to be a difficulty to them if they get their planning approval. If they get their planning approval and it comes back to us and we say, okay we allow that number more. The next part of the list is the one where you apply for planning approval and it's knocked back or the time has expired and so they are out. They didn't reapply so they are out of it. You don't count those, and then there are the ones who haven't even applied yet. Now considering that we haven't received any applications since 22 March last, everybody has had nearly twelve months to do whatever they needed to do at least and except for I think four or five late applications we've just received in our short time before we introduced the moratorium they had already been in the year before, and some the year before that and the year before that so I don't feel unhappy if some people don't get included, some of the ones that have been sitting around for a long time. I would agree if anybody argued that sure there's been holdups because of certain things but the ones that have just held on to conditional registrations and haven't made the effort to go to the Planning Board stage don't count quite so much. Now I don't mean that in any insensitive way. Put another way, one of the last applications we received has already gone through every stage and is at the stage of ART as I understand, within eleven months. Has gone right through and has even dug holes in the ground and put some concrete in from what I heard this morning, so how come the others can't but on the other hand I don't want to be doing anything that puts anybody at a severe disadvantage and I don't believe that we are with the quota. I think if we only had a quota for the existing operating tourist accommodation we would be doing damage. I believe in including the ones that have planning approval, some nearly finished, some just started,

there's all sorts of categories in that list of 97 but I accept that they've gone through all the processes and are there now. The next lot down that haven't been approved but are sitting before the Planning Board that's something that we consider. We don't necessarily have to worry ourselves about it today, provided we are interested enough to treat the quota in the context that I've proposed the quota. If the quota was to be seen to be the old type of quota where its stayed in place for 15-17 years, I wouldn't support it myself. But the Government and the Legislative Assembly is a bit more sophisticated then it was even in those times and times change. Even Mr Brown has changed his view. I think its important that we deal with this bill today. I think its important that we deal with it in the context that it is designed. I believe that we should leave the subsisting section in there and if we don't we will have difficulties. I believe that the clause that Mr Buffett referred to on the ex gratia payment that refers to somebody who has applied for conditional registrations earlier this year should be given the ability to be reimbursed for any fees if they don't get included in the quota today. I think that's fair enough. I don't think we should delay this too much longer. There's a lot we want to say about it but there are other times and I would like to shortly move that the question be put

MR WALKER

Thank you Mr Acting Deputy Speaker I would like to just comment on a few things that's been said. Firstly I'm encouraged by the fact that two other members have also expressed their reservations on the wisdom of encouraging approval applications to subsist. I think that substantial pressure will be brought to bear once there is a list of this nature. I would be discouraging it and I'm encouraging other Members who have felt the same reservation. I would like to say to Mr Buffett who had some thoughts about whether or not an planning approval could go on ad infinitum. As far as I am aware all planning approvals are conditional on substantial works being commenced within a certain period of time. That time is normally twelve months although it could be varied in certain circumstances, though as far as I am aware, twelve months is the limit for substantial works to have started. As to the Minister, he has made a statement that he is quite sure that people wouldn't object to one or two units going in certain places on the Island and I would just like to bring to his attention that there have been substantial numbers of submissions made to the Planning Board on all but one or two of the smaller developments and these have mostly been in the way of objecting to it going ahead. I'm also encouraged to hear several others speaking on the impact of tourist accommodation report which was initiated by the fact that the moratorium came in last March, has not been brought forward. I have spoke with the Minister on several occasions about this, and he even answered by question in the House at the last sitting that it would be done and it would be in place for the March sitting. I'm not aware of any public consultation that's taken place to date or any draft report being circulated and I surely would support that that be brought forward as soon as possible so that we can assess what the impact of tourism is as a result of our putting that moratorium in place

MR NOBBS

Thank you Mr Acting Deputy Speaker. Just clarification on a point that Mr Walker raised in relation to planning applications and the length of time. He is 99% correct but there is a provision in transition from the previous Building Act to the Planning Act where applications are still subsisting and that's allowable. I don't know how many there are because I haven't had a response from the Service in relation to that but there is a potential there

MR BROWN

Thank you Mr Acting Deputy Speaker. The Minister for Tourism perhaps needs to add an extra part to his title. Call him for Minister for Tourism, Commerce and Magick because what we are looking at is a bit of a magick trick. It's done with the best of intentions but it really is a bit of a magick trick. I'm talking here of the quota. If we are intending to respond to public concern and say enough is enough, we are putting a line under all of this at a certain point, then let us say so. if what we are intending to do is to con people and say look at how wonderful we are and how quickly we have responded to your concerns, then in that event we should go

through the way the bill is because if the Minister really means that he wants to cause a six or twelve month delay and then let things move on as they were, then that's not a proper response to the concerns that have been expressed. The Minister has said words to the effect that we'll tell people that they can have their approval but probably they won't be able to build for six to twelve months. Words to that effect were said by the Minister just a short time ago. We've been told that a planning approval will generally lapse after twelve months, so people would then be at the stage where they would no longer have a valid planning approval, they would still be waiting for the Minister's promised six or twelve months to come up so that they could start work but they would be unable to obtain compensation and would feel pretty harshly done by at the end of the day. I share the concerns of the Minister for Immigration. he used the word fairness. I think we've got to be fair to everybody. I think we've got to be fair to those who have applications in, I think fair to those in the community who have said enough is enough and who presumably following the recent words of the Chief Minister on the local radio when he said, look if you want us to do that be aware that it will have a cost. I think it reasonable to assume that those who signed the petition were implying that they were prepared to pay their share of the cost. The Minister for tourism told us that if the quota system was adopted the Legislative Assembly would be able to sit down in the future, have a look through the applications and approve a few. Now there is an important rider to that and that is in the words of the bill itself. As I understand the words of the Bill they tell us that if at some time in the future additional quota positions are made available, notwithstanding the views that have been expressed in recent times, then they must be made available in accordance with the priority of applications established by reference to the date and time of receipt of those applications so there's not going to be an ability to look through and pick a particular application out because it's a good application and meets with a general sort of support. The Minister has just pointed out to me that there is a subsection 2 which says that subsection 1 doesn't prevent the executive member considering in relation to an application a matter relevant to the application that has arisen or of which the executive member has become aware while the application is subsisting, but with the greatest of respect that does not derogate from the words of paragraph b which quite clearly says that things have got to be done in priority. But if the Minister means us to understand that he is saying well, we'll have this rule that says they've got to be considered having regard to the priority of the date of lodgment but the Minister, because it talks of the executive member, but the Minister can override all of that if he feels like it, then that's not good legislation. That is not fair, not objective, not appropriate, not something that we should be putting into our book of laws. I have great difficulty with this quota business. I think if this legislation is to be passed it should not include reference to a quota, it should make provision for compensation and provided those two things are done, one must accept that the petition that we've been told about indicates that there is substantial support for the Minister's proposed action and with the quota gone and compensation provided for, it could well be said that the Legislative Assembly is dealing with the matter in a fashion which is fair to everyone. that's the way we should be handling things. Not in the iffy sort of fashion that the Minister appears to propose at present, thank you

MR BUFFETT Thank you Mr Acting Deputy Speaker. Could I ask the Minister whether he is prepared to make some amendment to the ex gratia provision so that the sum can be more accurately assessed and therefore be more flexible. I don't believe that the sum there has substance at this moment. If somebody can prove me wrong I'm happy to listen but it doesn't appear that that is the case at this moment. that in my view is an influencing factor in respect of the clause relating to compensation. In other words if the ex gratia clause can be made workable and fairly meet the situation that we may have to meet, then I am happy to have the clause that relates to no compensation because it would be handled in another way, but unless that can be fairly demonstrated I will have a view about the other clause. Can the Minister help me

MR SMITH Thank you Mr Acting Deputy Speaker. The Minister will try. There are two parts where compensation is referred to even though I



MR GARDNER  
withdraw that remark

Thank you Mr Smith but I would prefer if you would

MR SMITH I was using the name as an example Mr Acting Deputy Speaker. I certainly didn't want to make people think that you were entering the lists as well which would be a real difficulty. I'm wondering as it is already one o'clock and it looks like it's going to go for a while yet because we have to go to the detail stage, that I recommend that the House suspend for about thirty minutes, so that Members can get a coffee and we can fix up some of these proposed amendments in here

### **SUSPENSION**

ACTING DEPUTY SPEAKER We have a proposal before us Honourable Members that the House suspend so that Members can deal with some of these proposed amendments. Members may at this stage seek to agree to the Bill in principle for those other amendments to be made at the appropriate time, which I should imagine would be the detail stage. I look to Members for comment

MR BUFFETT Thank you Mr Acting Deputy Speaker I'm happy if you want to look to tidying the detail stage before we adjourn for lunch. I would suggest that we have a normal lunch break although Mr Smith said half an hour. To be quite frank if we want to realistically address some of these matters over lunch, we will not do it within fifteen minutes so let's be realistic about it. I would welcome a break for those things to happen because I think some of the thinking depends upon getting some of those right and if we are able to come back to the House and satisfy the minds of Members on a couple of points I think that will make a smoother passage for where we are going

ACTING DEPUTY SPEAKER That being the case could I suggest to Members to allow those concerns to be addressed that we reconvene at 2.30 pm. This House is suspended until 2.30 pm

### **reconvene**

ACTING DEPUTY SPEAKER Honourable Members we reconvene after suspending for lunch. and we resume debate on the question that the Tourist Accommodation Registration and Quota Amendment Bill 2001 be agreed to in principle. Further debate Honourable Members

MR COOK Thank you Mr Acting Deputy Speaker. I would just like to say something briefly but I think it's very much to the point. I've listened to a lot of discussion taking place here this morning. I'm not entirely certain whether all the Members of the House are aware of the contents of the petition apart from the fact that the numbers who have signed it, which I understand this morning from the Minister for Tourism is 726, and some 550 of those were on the electoral roll and there's still time for the petition to be completed, so I just want to make the point first of all that the statement by those people who signed the petition was obviously a very strong one, and I don't think anybody has raised the possibility or even suggested that it isn't a genuine form of the community's ideas about this accommodation which hasn't come forward to us personally to this stage. But the petition which was signed by people was to suspend conditional registrations of the tourist accommodation units where work is yet to commence until the Island's ability to fund and provide essential services such as water supply, electricity supply, sewerage and waste management is established. Now there are two things that stand out immediately in respect of that. one is the statement where work is yet to commence. Of course the Bill which is before us deals with the questions where a Planning Approval has been granted and the work may be ready to commence at any time and certainly very careful consideration must be given to that situation as to the harm that could arise for people who are so far advanced along the way that a

sudden cessation of the opportunities to build would cause them quite considerable financial harm and losses and one has to be really quite responsible to that situation and I'm sure the community would understand that that element must come into any consideration because the petition itself didn't contain the words such as no compensation shall be payable to persons whose work doesn't proceed or some such indication. I think Mr Brown suggested that quite a few people would have heard the Chief Minister's Friday broadcast and would have heard him refer to matters of compensation but one certainly cannot in any responsible way take it for granted that all those who signed the petition were doing so with their eyes wide open as to any compensation situation but certainly what was contained in the decision and their signing of it was a statement of the community and I must accept as I do a majority of the community that their will is to have no conditional registrations approved or deal with or no tourist accommodation work to proceed apart from where work has already commenced until all these matters are assessed. As I described, the water, electricity, sewerage, waste management. Now in the moratorium Act which I read out earlier there were very similar words why the pause in this situation was brought about by this Legislative Assembly for all those matters to be considered and in the Bill which is presently before us in the question of fixing a quota there is the reference to the important elements of the community resources and matters of that kind. I won't simply repeat them they are already being dealt with at length here today. I just want to make the point and make it very briefly that we are here representing the will of the community and we represent in essence as a democratic Government the majority of people in the community and what their will is. They of course convey to us what they would like to have happen and I for one accept that it is my responsibility to mirror as far as is possible and reasonably and responsibly so to do, the will of the people in the way that I vote in this Legislative Assembly. What I am concerned about is if there is a serious amendment to this Bill which is presently before us which seems to come the closest it can to what the will of the people as expressed in this petition which is yet to come before us but we're aware of its contents and so forth and the number is final, then I do not believe that we can possibly depart so far from what the people in this community really want to have happen that we are right out of touch with their intentions and their will on this particular matter. I do understand of course that very effectively the people who legislate must take into account the elements that arise into careful consideration and cannot be reckless or irresponsible in the way they bring legislation forward but where the will of the community has spoken as it has so clearly in this case, no matter what might be my own feelings about the particular elements of matters I believe it is my duty to act in such a way as will truly reflect the majority of the community of Norfolk Island and I intend to so vote to that effect. I only want to say finally, on this question of the subsisting application I'm a bit concerned about whether compensation is suggested that it could be payable to people whose applications subsist. What's going to happen if in due course they get their approval. Will they be required to pay back the compensation ex gratia payment, they receive. I think this has to be given some consideration or maybe those people whose applications subsist are then not allowed to make application for ex gratia payments. I raise those matters but the primary matter I wanted to raise was the question of the will of the community as conveyed to this House and my intention to do my best to act in accordance with the will of the community

ACTING DEPUTY SPEAKER            Thank you Mr Cook. Do I take that to mean that you will be looking to amend the bill at the appropriate time

MR COOK                                    Thank you Mr Acting Deputy Speaker if it came to a question of the subsisting element, that matter of compensation of ex gratia payment one might think doesn't depart from the essence of what the community sought to have happen in the petition. I don't see that that is something that detracts from that expression. It is something which I see may need attention because where people's rights are affected by other actions in the community attention should be paid to meeting fairly and properly those considerations

MR SMITH

Thank you Mr Acting Deputy Speaker I thank Mr Cook for the words he's said there in support of the original Bill in the form we still have it in at the moment. I think we should recap where we are up to with the bill. the Bill expects to do two things, one in relation to quota and the other about the management of tourist accommodation. The quota is to include all existing tourist accommodation that is registered and operating. It includes in the quota tourist accommodation that has planning approval, which numbers 97 and the total operating units would be 617 for the quota number for the purposes of the Act. I feel that this morning there was some very good debate. I think it's probably one of the best debates we have had in the term of this Legislative Assembly where Members have spoken out on tourist accommodation and their feelings about it and I think that's well worth having. We only have the interim results of the petition and I think all Members would appreciate that there could be a lot more signatures on that petition by the time it actually gets to the House possibly in two weeks time. Some of the issues that have come up this morning, probably the strongest was about compensation where if somebody was not to be included in the quota that they should expect to get some reasonable out of pocket expenses reimbursed if they find themselves in that situation. To that degree we have some amendments coming up in the detail stage which should take us through that. One of the other major issues was the subsistence of conditional registrations. Some Members have said that they would be unhappy if there are conditional registrations that don't get included into the quota, that the concern was that those other registrations could still subsist and there's some opposition to that. I would like to point out that to that degree, that if the quota without the subsistence part of it would mean that all other conditional registrations would be cancelled. The quota would only apply to the ones I have mentioned before which is the operating ones and the ones with planning approval. All other conditional registrations would disappear if there was an amendment put to the Bill in that case

MR NOBBS

Thank you Mr Acting Deputy Speaker I think in some of the issues that came up this morning I think it was the possibility of changing the quota at the whim and fancies of the Legislative Assembly. That's very much in place at the present time and I believe we have to tighten that up but it will need to be done in conjunction with the revamp of the Planning process that's going on at the present time and that was always thought to be the case and consequently I believe that we should look as soon as possible at tightening that particular aspect up because at the moment it is quite loose and I would have thought that by leaving a subsistence list there at least those that have already actually applied would have been in the running whereas at some future date, and it may be sooner rather than later, it could be at the whims and fancies of four Members of the Legislative Assembly bearing in mind that there could be a block on a couple that has some sort of interest that the quota itself could be overthrown and consequently I would have thought that somebody or some entity that's never even been considered in this particular forum or by the Minister as being a registration being a conditional registration or whatever, may jump over the top of these people who may have applied in the past but I don't really want to make an issue of it. I think those things have to be considered in due course and I would suggest that the sooner we get on with this the better

ACTING DEPUTY SPEAKER

The question before us Honourable Members is that the Bill be agreed to in principle. Is there any further debate? I put the question

QUESTION PUT  
AGREED

The Bill be agreed to in principle. We now move onto the detail stage Honourable Members. It has been indicated by some Members in previous debate that they were looking at this stage to make amendments to the principle bill and I look to debate on that question Honourable Members

MR WALKER Thank you Mr Acting Deputy Speaker. I indicated earlier that I at the detail stage would move certain amendments and the legislator has very kindly put them into words for me over lunchtime and they are now circulated to Members at the table

ACTING DEPUTY SPEAKER I'll just break into that Mr Walker. It's got the Minister for Tourism and Commerce's name on that is it the intention that he deals with these amendments or is it your proposal

MR SMITH Mr Walker would be fine Mr Acting Deputy Speaker

MR WALKER Sorry Mr Minister for jumping in. The three that I had indicated were at No 1. Amend Clause 4(2) of the Bill is amended by substituting "(1)" and "(2)" for "(2) and "(3)" respectively where they appear in the substituted subsection 5(3) of the principal Act, and by further substituting "(a)" for "(i)" where that appears in the said substituted subsection 5(3) and second amendment is to amend Clause 6(4) of the Bill by a) substituting the words "applied for" for the word "sought" in the inserted subparagraph 8(1)(c)(v); b) substituting "(iii), (iv), and (v)" for "(ii) and (iii)" where they first appear after the words "mentioned in sub-paragraphs The third amendment refers to clause 8 of the Bill which is amended by a) deleting the word "a" in the third line of subclause 8(1); b) substituting the words "this section." for the words "section 9 of this Act." in subclause 8(3); c) substituting the words "subsection (3)" for the words "section 10" in paragraph (a) of subclause 8(4); and d) which I would alert is not one of my amendments but was discussed this morning is deleting the words "\$2,500.00 in each case" in paragraph (b) of subclause 8(4), and substituting the following "that amount, if any, which may be prescribed by regulation for the purposes of this subsection within the Tourist Accommodation Regulations under the principal Act, and to give effect to such prescribed regulations, their source of power shall be deemed to be the Tourist Accommodation Act 1984, as if this subsection appeared in and formed part of that Act." Mr Acting Deputy Speaker

ACTING DEPUTY SPEAKER Thank you Mr Walker. is there further debate before proceeding with the detail stage amendments

MR McCOY Thank you Mr Acting Deputy Speaker I had indicated earlier on that I would be moving that clause 7 be deleted in its entirety and I am seeking some indication as to whether we would be debating each clause as it stands or whether I should move at this point that clause 7 be deleted

ACTING DEPUTY SPEAKER If I could just explain the order of business. Mr Walker has given a brief to the Legislative Assembly on the content of his proposed amendments and has yet not sought leave to move those amendments. This is general discussion but there is a proposal to deal with it clause by clause

MR WALKER Thank you Mr Acting Deputy Speaker I seek leave to move those amendments

ACTING DEPUTY SPEAKER Leave is granted Mr Walker. Further debate Honourable Members

MR SMITH Thank you Mr Acting Deputy Speaker we are still talking to the amendments as proposed by Mr Walker. I support that amendment but after that whatever happens I would like to speak about another matter in relation to the Bill

ACTING DEPUTY SPEAKER As we deal with the bill clause by clause?

MR SMITH Before we get to going through the detail stage

ACTING DEPUTY SPEAKER Thank you. Further debate? Maybe it's the time now Mr Smith

MR SMITH Thank you. It has already been indicated that there may be some major changes made to this bill which I very reluctantly make adjustments on the floor of the House where it takes out or includes a substantial part without us having all the knowledge that we need to have. I'm very reluctant to do that; always will be and always have been. Mr McCoy has indicated that he wants to make a major change. Even though I've been wishing this to go to the final degree today, if it's going to mean that we are going to have substantial change, I would move that we adjourn debate and make an Order of the Day for the next February sitting of the House so that all Members have time to consider any other proposed amendments to this Bill

MR McCOY Thank you Mr Acting Deputy Speaker in that case I wonder if Mr Smith would have made the same move in regard to clause 8 where there is substantial change. We are going from a proposed ex gratia payment to accommodation regulations of the principle Act to give effect to such prescribed regulations. Now for my benefit and for the listening public we don't know what those prescribed regulations are

MR SMITH Thank you Mr Acting Deputy Speaker as I understand it, the process for the detail stage of any Bill is something that has yet to come to us and at that time is when we make proposed amendments, even if amendments have been proposed which I think is what we are still talking about, earlier in the process I don't have any difficulty accepting that as it is because we'll still come back to that in the detail stage process anyway, but yes, as Mr McCoy says, in the detail stage amendments that would need to be prescribed or that part of clause 8 that would be a good example of how we really need to know what we are doing before going ahead and approving the Bill in its full form today. The Bill does propose that this will have commenced on the 5<sup>th</sup> February anyway so its not going to have a different effect if we leave it for another two weeks today that I think the next Sitting is set for and I would be happy to do that so that Members are fully aware of what we are doing. The other side is that the community would be made fully aware if they are not already, of where we are going with this and I have no difficulty in getting further input from that end

MR NOBBS Thank you Mr Acting Deputy Speaker if Minister Smith is uncomfortable with dealing with it straight away I would support his putting it off for a fortnight because if he's not comfortable it makes me a little nervous thank you

MR COOK Thank you Mr Acting Deputy Speaker in view of my earlier remarks I also support the opportunity to see the full effect of what is proposed. Is it appropriate, I think Mr McCoy has said that he is going to seek that a section be deleted, if there are any other substantial amendments that are going to be sought, is it possible that we might have those foreshadowed to have some idea of what might be suggested on the next occasion. I'm not sure of the procedures but if there are going to be amendments it would be as well for us to have a fair idea so we can think about them very carefully in the next two weeks

ACTING DEPUTY SPEAKER Thank you. The question before us at the moment is that the amendments proposed by Mr Walker be agreed to. If we were to choose to adjourn at this stage that is the matter that we would be resuming debate on. Certainly I pick up from Members at this stage that there would be support for that course of action to adjourn at this stage to allow for the development of those amendments as proposed and certainly just to clarify things I believe that there are other Members other than Mr Walker who would wish to make detail stage amendments, it gives an opportunity for those to be placed before the Legislative Assembly and therefore the public. Mr Smith

you did indicate in earlier debate that you wished to pursue the opportunity of adjournment and I look to you to propose such motion

MR SMITH Thank you Mr Acting Deputy Speaker I so move

ACTING DEPUTY SPEAKER Unless there was further debate of course on the question before us

MR NOBBS Thank you Mr Acting Deputy Speaker I just foreshadow that we would hope to have something to tighten the conditions that I spoke of in relation to the quota and the possible changes that may occur afterwards but it depends on how far you've got with the Planning exercise and all those sorts of issues, so I can't promise anything but we will be looking at that particular area now that we have a little extra time to go about it but if it is not done at the next meeting it will be done as soon as possible thereafter thank you

MR McCOY Thank you Mr Acting Deputy Speaker I was wondering if the Minister for Tourism would table the tourist accommodation statistics if that would be appropriate at this time so that the public is quite aware and would have the opportunity to view those statistics that we have in front of us, because seeing that this has happened at such short notice the public are not aware of what the figures are. We have mentioned them today but I believe that the public should have the opportunity to view those statistics

MR SMITH Thank you Mr Acting Deputy Speaker I reverse my moving to adjourn at this point because there may be some more debate obviously. I don't have any difficulty in tabling the names that we have on the list here of what we have on the list here of what is included in the motion at this time, the ones who have planning approval. I don't mind putting the next section in, where there's been lodgment to the Planning board stage. Previous Legal advice to me has been that other ones that have not been lodged to the Planning board would be inappropriate for me to table those names. That's the advice that I've been given but I would suggest that I would need to get further advise on that but I would be quite happy to make available somehow even today if I could table the parts where applications have gone to the Planning Board, I have no difficulty with those being tabled

ACTING DEPUTY SPEAKER Dealing with the question of adjournment Honourable Members is there further debate. No. The question before us Honourable Members is that the amendments proposed by mr Walker be agreed to and there is a motion to adjourn that matter and make it an Order of the Day for a subsequent day of sitting

QUESTION PUT  
AGREED

That matter is so adjourned thank you. Honourable Members and we move on

**FIXING OF THE NEXT SITTING DAY.**

MR COOK Thank you Mr Acting Deputy Speaker. I move that the House at it's rising adjourn until Wednesday 21<sup>ST</sup> February 2001 at 10.00 am

ACTING DEPUTY SPEAKER Thank you. Any debate Honourable Members

MR McCOY Thank you Mr Acting Deputy Speaker just on the question that Mr Smith has undertaken to table these statistics but he has indicated that he will be removing the names. Well he has not tabled those statistics as yet. He did indicate that he would be tabling the Paper but removing some names

MR BROWN We are debating the next Sitting Day

ACTING DEPUTY SPEAKER If you could contain your debate to the next Sitting Day. You can bring that matter up in adjournment Mr McCoy

MR McCOY Thank you Mr Acting Deputy Speaker I shall do so

ACTING DEPUTY SPEAKER Thank you. Any debate Honourable Members. I put that question to you Honourable Members

QUESTION  
AGREED

The ayes have it

### ADJOURNMENT

MR SMITH I move that the House do now adjourn.

MR Acting DEPUTY SPEAKER The question is that the House do now adjourn. Any participation in adjournment debate

MR McCOY Thank you Mr Acting Deputy Speaker my apologies for throwing a spanner into the works there but from what I gathered from Minister Smith is that he has undertaken to table these statistics that we have in front of us for the benefit of the public so that the listening public or the people who are out there who are extremely concerned with the way tourist accommodation is going, can get a fair idea and know quite clearly how many tourist accommodation units we are intending to effect. How Minister Smith chooses to remove the names of the applicants, I leave that in his court but I believe the actual numbers should be made quite clear and by that I mean the tourist accommodation applications that have been made, are current and have not lapsed which we have discussed this morning and will be affected by this Bill and also tourist accommodation planning approvals that are current and have not lapsed. I believe they will be included in the quota as well

MR BROWN Mr Acting Deputy Speaker the Minister for Tourism was just endeavouring to resolve that issue but as I understand it he will be delivering to the Clerk a document which will contain the parts of that list which can be published and it's not feasible to expect him to hand that over now as it will require some work on the word processor but as I understand it the Minister proposes to deliver that to the Clerk as soon as that is available

MR SMITH Thank you Mr Acting Deputy Speaker that is quite correct. The version of the paper I have here I couldn't table that for reasons we all know, as there are names on there that have not gone to the Planning Board and as I've explained that is my legal advice. I have asked the officers if they can go and write up the list but I can see that that is not going to work. I have no difficulty in people having access to those names but I think it might be better if I get it done properly and have it made available and if this is the only process I can do this I can't table them at the moment because I haven't got them but I will make them available as soon as that list is available. Would that satisfy Mr McCoy and is that avenue open to me

MR NOBBS Thank you Mr Acting Deputy Speaker I would suggest Minister that you may care to publish them in the Gazette, whatever you can

MR SMITH Thank you Mr Acting Deputy Speaker that's a brilliant idea and if Mr McCoy is happy with that I would be very happy to do that

MR McCOY  
comfortable with that approach

Thank you Mr Acting Deputy Speaker I'm

MR DEPUTY SPEAKER Thank you Mr McCoy. Is there any further adjournment debate. Honourable Members there being no further debate on the question that the House now adjourn I put that question to you.

QUESTION  
AGREED

Therefore this House stands adjourned until Wednesday 21<sup>ST</sup> February 2001 at 10am in the morning.

