

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. There are no Condolences

PRESENTATION OF PETITIONS

Honourable Members I ask if there are any Petitions this morning

MR NOBBS Thank you Mr Speaker there is one. I understand that Mr Smith was to present it and I can do that in his absence. Thank you. Mr Smith will do that Mr Speaker

MR SMITH Thank you Mr Speaker. There is a Petition that we have received. I present a Petition from some 1035 persons. Of those 1035 persons, 709 are on the Electoral Roll 120 are long term or "ordinarily resident" on Norfolk Island, 90 are senior school children and 130 are interested persons, all of whom are petitioning the Legislative Assembly to take immediate action "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". Mr Speaker, Standing Orders precludes discussion of the subject matter at this point of the House's proceedings but I will address this substantively during debate on Order of the Day No

GIVING OF NOTICES

SPEAKER Thank you Mr Smith. Are there any further Petitions. Notices this morning? Thank you, Mr Cook

MR COOK Thank you Mr Speaker I wish to give Notice that at the next meeting of the Assembly on the 21st March I intend to move a motion that the moratorium Act in respect of the tourist accommodation which was passed in March last year be extended for the period permitted under that Act for a further six months

SPEAKER Thankyou Mr Cook. Any further Notices?

QUESTIONS WITHOUT NOTICE

Are there any Questions without Notice

MR BATES Thank you Mr Speaker the first question is for Mr Nobbs, the Minister for Finance. What progress has the Minister made in effort to slow down speculation and the resultant inflation of land prices since our December meeting when he promised to look further at the introduction of a Capital Gains Tax

MR NOBBS Thank you Mr Speaker and Mr Bates. I did undertake at the last Meeting to have a meeting with Mr Bates and members of the Public Service in relation to that. That meeting was arranged but Mr Bates was actually off the Island at the time and so the meeting was put off but I should imagine that it will be on if he is available, possibly next week to discuss where we can go in relation to that. I know there's a lot of concern in the community at the present time in relation to the increases in the cost of land and speculation that appears to be going on in the community or people have concern that speculation appears to be on the up and up and

I would be very pleased to sit down with Mr Bates and officers from the Public Service to discuss that at the earliest convenience

MR BATES Thank you Mr Deputy Speaker a question for Mr Buffett, the Minister with responsibility for Immigration. Given that the previous Minister considered that the new business policy with regard to immigration to be ineffective could the Minister outline how he is administering that policy and what he is doing about ensuring that it can have the desired effect

MR BUFFETT Thank you Mr Deputy Speaker the new business policy is a vexing question both within the community and in the administration area. The policy at this moment says this, an entry permit will not normally be granted where it is proposed to commence a new business or to buy, operate, manage or be employed in the business which has not operated continuously for at least five years immediately prior to the application. Applications based on a proposal to commence a new business will be assessed against whether that type of business is already sufficiently provided for in Norfolk Island. In the case of new Businesses that are not already provided for an applicant should normally be in a position to show a demonstrable need for the Norfolk Island community for the establishment of such a business and that it is unlikely that such a business will in the foreseeable future be established by a person ordinarily resident in Norfolk Island. It can be seen from the words there that the provisions about new businesses are designed to not allow people to come in external from the Island to commence new businesses but to give first opportunity to people who actually live in the Island and whilst that has been the thrust there has been some different interpretation and certainly some different methods in its application of recent times and that has caused difficulties. I am at a later stage of this sitting to announce to all of the Members some review of the policy document which will certainly address that particular area and I assume that there may be some adjustment so that there is uniformity in its application. Uniformity in its application is I think the key in the difficulty that is in front of us. In the meantime and the timeframe for that review as I will later announce, will be approximately one month, so in the meantime Mr Deputy Speaker I have discussed with the Immigration Officer that the rules we would want to apply would be those that will achieve the thrust of those words that I have read and that we would endeavour to do it uniformly throughout the monthly period and during that time there may be a refining of how we tackle it and maybe the refining will be the solution more than the month that is to follow immediately from this date

MR WALKER Thank you Mr Deputy Speaker supplementary to Mr Buffett. Is it true that there are currently instances where certain TEP holders in new businesses are themselves employing further TEPs within that business and if so, will the Minister undertake to investigate these instances

MR BUFFETT Thank you Mr Deputy Speaker yes I do undertake to examine that situation. Can I say to Mr Walker that I am not too sure that I can remedy those things that have already travelled under the bridge, however, I would want to ensure that how we tackle it from here on has some uniformity attached to it

MR BATES Thank you Mr Deputy Speaker a question for Mr Nobbs, Minister responsible for communication. What is the Minister doing to protect the Government's interest against the use of satellite technology and the increasing ability to bypass our communication network for Internet and other use

MR NOBBS Thank you Mr Deputy Speaker the situation you refer to is one that is of particular concern, and I've heard that there is a possibility that a mobile system can operate effectively on the Island at the present time. It's been something that's been on for several years now. It's something that the previous Government in fact purchased a system which can be used to bypass our system and

that's readily available on a commercial basis in Australia so there is an ability at the present time to bypass our system. A call back arrangement has been in place for several years now and it is real concern that one of our major revenue sources, through the telephone system which brings in something like just over a million dollars per year, is under threat and it is something that we are monitoring and we will have to direct our efforts in the time ahead because it is a major concern, particularly this call back system that's operating on the Island and that's been operating for three or four years at least now and must be impacting significantly on our revenue, although I'm unable to ascertain from the Telecom exactly how much we are losing but it is happening that people are bypassing our system here and getting a cheaper rate. It's the same as FIL. People are bypassing our FIL system. We have these under review at the present time and that's all I can say at this time but it has to be addressed in relation to the upcoming contract we hope to let with a carrier which hopefully will be part of a decision taken next week on the preferred tender

MR WALKER Thank you Mr Deputy Speaker a question to the Minister for Tourism. Can the Minister advise what provisions have been made or are anticipated for accommodation of short and long term employees employed in any newly registered tourist accommodation properties once they are completed and in operation

MR SMITH Thank you Mr Deputy Speaker I'm not sure how I can answer that. It's not something that's been raised with me until this very minute. I don't know if there are any difficulties in the accommodation situation at the moment. I would be happy to talk to Mr Walker if he is aware of difficulties that people are experiencing in that sense, short or long term and if there is a problem developing then it certainly must be addressed and I'm happy to talk to Mr Walker about that

MR COOK Thank you Mr Deputy Speaker a question for the Minister for Tourism. Is there any process available for public awareness being provided either by publication in the Gazette or availability of information from the Registry Office as to whether or not approval has been granted for the registration of a tourist accommodation house

MR SMITH Thank you Mr Deputy Speaker I think what Mr Cook must be referring to there is any registration. If a tourist accommodation house is up and running there is no difficulty with that being Gazetted. If there's an application been made for a conditional registration and that has been through at least to the Planning Board and gets Gazetted there is no difficulty with those names being Gazetted, if someone has made an application under the Tourist Accommodation Act but hasn't gone as far as making an application to the Planning Board my legal advise has been in the past that we cannot make that information public. I realise that there are people who have very deep concerns about that within the community and until we change the Tourist Accommodation Act that's is how the situation stays

MR COOK Supplementary if I may, in relation to that situation would you agree that there is some urgent consideration required to be given to that situation having in mind the possible affectation of the adjoining properties to where any tourist accommodation might in due course might be conducted if the planning application is successful and would it not be the situation that in some instances, quite a lengthy period lapses from the time that the approval is given to the application subject to conditions and the grant of any planning approval

MR SMITH Thank you Mr Deputy Speaker the whole system is not very well put together. I believe that the way the system has been dealt with and the way we have had to deal with it under our current Act has obviously never been very good. As far as I'm aware in other places if somebody is going to build something in somebody's back yard, they have to be notified before they even get through any

planning process or whatever. I think that would be a very good system for us to use here. There will be some continuance of building in Norfolk Island's situation and at the last Sitting I said I was hoping that we would have revision of the Tourist Accommodation Act and Regulations in place in the March sitting and maybe these issues would be taken up with that. There's also a review of the Planning Act which is being developed at the moment and I would certainly hope that that is one of the requirements of the new rules under the Planning Act that whenever anybody is going to do something next door to you that you are the first to know

MR WALKER Thank you Mr Deputy Speaker a supplementary if I may to the Minister for Tourism. Is it true that there are a number of private dwellings on the Island currently being utilised as tourist accommodation unofficially without registration and if so, will the Minister undertake to stop this practice in light of the current Bill before the House

MR SMITH Thank you Mr Deputy Speaker under the Tourist Accommodation Act you must be registered to take paying customers in tourist accommodation. If Mr Walker would like to give me the names of these people they will be prosecuted

MR BROWN I direct this question to the Chief Minister and it relates to Liquor Licensing. Is the Chief Minister aware of allegations that liquor is being sold by certain unlicensed premises in Norfolk Island? Is the Chief Minister aware of allegations of underage drinking in those premises and is the Chief Minister aware of concern about noise in those premises, and if so, what does the Chief Minister propose to do about it

MR NOBBS Thank you Mr Deputy Speaker I've had no allegations along the lines that you've said in relation to unlicensed premises selling liquor, and like Mr Smith, if you have information Mr Brown I would be the first to ask you to divulge it and let me know and action will be taken in relation to that. There have been some allegations in relation to underage drinking in other areas including licensed premises and while these are part of the Drug and Alcohol Awareness Programme, we are addressing those at the present time and there will be a profile developed of the Island's problem areas as the next step, and I'm sure those will be included although I have had indications from the Working Group that there are concerns in relation to underage drinking and I actually have spoken to licensees in the last couple of weeks and you were invited Mr Brown, but I think you were off the Island at that time but we are going to have further discussions with licensees in relation to all of those problems that they perceive in the industry and also in relation to such things as underage drinking and the responsibility of licensees to ensure that the law is kept and that intoxicated persons are not done over by those sort of issues which are a social problem in any community I think and are probably in ours at the present time but as far as the selling of liquor from unlicensed premises I have had no allegations at all but I most certainly will take action if you can provide me with the relevant information outside the House of course thank you

MR BROWN I direct this question to the Minister for Tourism. Is it a fact that late last year the Minister undertook to provide to the Chamber of Commerce a copy of a report which the Minister said established that the minimum earnings required in Norfolk Island to maintain a reasonable standard of living is \$460 per week and if the Minister did make such a statement has he yet provided such a report

MR SMITH Thank you Mr Deputy Speaker. The report that Mr Brown is referring to was under discussion in January this year I think it was with the Chamber of Commerce when we were talking about the Employment Act, that a small survey amongst a group of people, I think there was six to eight people sitting around the

table and discussing the cost of living and how difficult it was to exist on the current average wage, and after writing down all the factors we came up with a figure that for a couple living normally it would be around \$460 per week the minimum that they would need just to exist. If there were children involved there would be a higher cost. A single person would require a similar income with possibly a little less. At that meeting Mr Sanders actually asked me if I could give some details about that and I said that I would undertake to do that. In fact it is quite timely that Mr Brown has raised that with me because only yesterday I was working on those very figures, taking it from my handwriting into something that the Chamber of Commerce might be able to read and understand. The other report that is around is the Household Expenditure Survey which is available and in fact I got a copy of that for Mr McCoy just recently and I would be very happy to get a copy of that for the Chamber of Commerce if they so wish

MR COOK Thank you Mr Deputy Speaker a question to Mr Smith, the Minister for Tourism. In the Gazette which was published on the weekend in the Norfolk Islander setting out the provision of conditional registration of a tourist accommodation house there are a number of units, some sixty in total, of which it is said that the planning application had been lodged but not approved at the 5th February. Is the Minister able to tell me at this time whether any of those matters have been before the Planning Board has been before the Planning Board for a period in excess of 56 days and has any approval been granted by the Minister for an extension of the time and I refer particularly to section 32 of the Act and the mandatory provisions

MR SMITH Thank you Mr Deputy Speaker I haven't the Gazette with me. I might just ask him to give me that last part of the question again

MR COOK Thank you Mr Deputy Speaker the question that I've put is whether the Minister is able to inform me whether any of those applications listed in that category in the Gazette have been before the Planning Board has been before the Planning Board for a period in excess of 56 days and has any approval been granted by the Minister for an extension of the time and I refer particularly to section 32 of the Act and the mandatory provisions

MR SMITH Thank you Mr Deputy Speaker I've been advised by the people from the Planning Board that the answer is no

MR COOK There are none that have been there in excess of 56 days

MR SMITH If we are talking about the same category and I assume we are but let me add to that Mr Deputy Speaker that is a question you would really need to ask the Minister for Planning

DEPUTY SPEAKER Mr Cook do you wish to redirect that question to the Minister for Planning

MR COOK Well he's not present and I am unable to do so

DEPUTY SPEAKER Are there further Questions Without Notice

MR BATES Thank you Mr Deputy Speaker a question for Mr Nobbs, Minister for Finance. Funds were allocated in the current budget to further investigate possible tax reforms. Could the Minister advise the present state of the investigation

MR NOBBS Thank you Mr Deputy Speaker yes Mr Bates, the proposal is still resting with the CEO who is negotiating with those people who did a

report about twelve months or so ago, Mr Rangi Krishnan is one from memory. The CEO is in the process of attempting to negotiate a proper proposal so that the whole issue can be covered and I understand that he will be making a decision possibly next week so I'm led to believe with discussions with him yesterday morning, as to whether we will proceed with those particular selected people or we will go somewhere else or what other recommendations he may offer

MR BROWN I direct this question to the Minister for Health and it relates to waste management. Has the Minister received a proposal from any person or persons for the operation of the proposed waste management facility and if so, has that proposal come from a member of the Minister's Working Group and has it relied on inside information

MR GARDNER Thank you Mr Deputy Speaker the current strategy or the proposal that is before us in the form of the Waste Management Options Paper is something that has only recently been formally tabled in the House. I haven't received any proposal from anyone in relation to the operation of the subject matter of that current options paper, no

MR BROWN Could I just ask a further question along the same lines. Has the Minister received a proposal in relation to any other option in recent times

MR GARDNER No I haven't as the current Minister with responsibility for that. I understand the previous Minister prior to my taking on the responsibility for Waste Management had received a proposal from the private sector

MR COOK Thank you Mr Deputy Speaker I direct this question to the Minister responsible for Immigration Mr Buffett. In the middle of the year of 1999 an application for a declaration of residency was refused in relation to a young school student who was absent from the Island, had been absent for some periods of time. There was an appeal to the Australian

MR BROWN Point of Order Mr Deputy Speaker. Question time is for Questions not for Statements

MR COOK Mr Deputy Speaker I'm endeavouring to lay the ground to the information to the question I want to ask and to draw it to the attention of the Immigration Officer and it would be hardly appropriate that endeavour to do so without laying some foundation for the question

MR BROWN Point of Order Mr Deputy Speaker. I rely on the Standing Orders

DEPUTY SPEAKER Thank you Mr Brown. Thank you Mr Cook. If you would retain your questions to questions and divert from creating a statement

MR COOK Thank you Mr Deputy Speaker then I ask the Minister responsible for Immigration, was it the situation approximately two weeks ago that the Minister advised a member of the public that the Immigration Amendment Act relating to the time in which people could spend off island as a student had not been passed into law, yet it had become law on the 15th December

MR BROWN Point of Order Mr Deputy Speaker. Again the former Minister is attempting to make a statement. Question time is for questions, not for statements

DEPUTY SPEAKER Thank you Mr Brown. I believe he has tried to elucidate on his question without creating a statement and I look to Mr Buffett to answer the question

MR BUFFETT Thank you Mr Deputy Speaker may I firstly say that I won't make it a practice of responding in respect of particular cases and talking about those in the Legislative Assembly however I do not want to give the impression to Mr Cook that I would not want to try and respond to the sort of query that he is raising. I can certainly examine the matter that he has raised and respond to him about it

MR COOK Thank you Mr Deputy Speaker may I have the opportunity which I endeavoured to put before to the Minister for Tourism? I seek to ask the Minister for Planning whether he is able to inform the House of the situation in respect of planning applications which were referred to at the top of the page in the Gazette which was published on the weekend in the Norfolk Islander setting out the provision of conditional registration of a tourist accommodation house there are a number of units, some sixty in total, of which it is said that the planning application had been lodged but not approved at the 5th February. Is the Minister able to tell me at this time whether any of those matters have been before the Planning Board has been before the Planning Board for a period in excess of 56 days and has any approval been granted by the Minister for an extension of the time and I refer particularly to section 32 of the Act and the mandatory provisions

MR GARDNER Thank you Mr Acting Deputy Speaker in relation to Mr Cook's question I'm certainly not aware of any of those being before the Planning Board in excess of 56 days. The 56 days refers to the time frame required for a category 2 application to be dealt with and finalised. As Members would be aware around the table I don't see the completed documentation until a recommendation is forthcoming from the Board to myself. It would normally be appropriate in those circumstances if it were to exceed 56 days for the board to approach the Minister and seek an extension of time. I haven't received any advise requesting an extension of time on any of those applications

MR COOK Thank you Mr Acting Deputy Speaker I direct a question to the Chief Minister to ask him insofar as he was acting in the role of the Minister for Justice a short period of time earlier this year, would he be able to inform the House how many letters were received from Members of the public in relation to the dealing with a particular matter which had then recently been before the courts in respect of the appropriateness of punishment or otherwise in that matter

MR NOBBS Thank you Mr Acting Deputy Speaker, I will just answer by saying that the matter is somewhat subjudice at the moment but there were letters sent to the Crown Counsel Ms Trish Cowles. I think over 300 letters but they covered in excess of 600 signatures I understand. At the time I made a statement in relation to that particular sentencing arrangement and may I say at this stage that I intended to respond. Ms Cowles is a Member of the Administration and I thought at the time that it was probably appropriate for me to respond but as yet I haven't had a chance to respond to that letter but the gist of it would be something like this. May I say at this stage that it is imperative that the Norfolk Island community ensure and insist that there is a clear separation of powers between the legislature, the Administration and the Judiciary. Such separation of powers is a fundamental requirement of our system of Government. We've often had claims that Norfolk Island has had problems with separation of such powers and at times that do not occur. There have been claims of bias and undue influence by the legislature, and in the current case it was essential that the powers of the legislature and the judiciary remain separate and as I said in the earlier statement, to ensure that this did occur neither I nor the Legislative Assembly as I have intimated prior to this can be involved in the actual judicial process of the courts. As a

consequence following discussions between myself and Ms Cowles and the others in the prosecuting team such as the Legal Officers and the Police I have been advised that no appeal will be lodged by the prosecution against the severity of the sentence and that's the gist of the letter but I went on to say that whilst the Legislative Assembly must accept and be bound by the doctrine of the separation of powers we should not be misled into believing that the Assembly and its Members have no responsibility in the process of law and order as they apply on Norfolk Island. The Legislative Assembly has a major role, its role relates to the development and implementation of laws to supply such policies. Policies are largely but not totally effected in Norfolk Island's laws and I myself have been concerned for some time at the adequacy of the legislation as I expect that the law does not reflect one would expect, to be available to to the body to which we aspire. Mr Acting Deputy Speaker I know that the Minister for Immigration and Community Services will be making a statement to the justice package and I will leave my answer there but that was broadly what I intended to say, I don't think anybody can be upset by that type of response

ACTING DEPUTY SPEAKER Thank you Mr Nobbs. Are there any further Questions Without Notice

QUESTIONS ON NOTICE

We move to questions on notice: Are there any answers to questions on notice

MR NOBBS Thank you Mr Acting Deputy Speaker. I have a series of Questions on Notice and I'm not too sure whether the other Ministers are able to respond at this stage, but can we go through them

ACTING DEPUTY SPEAKER We don't necessarily have to go through them in the order they are on the Notice Paper, but I see Mr Gardner has his hand up

MR GARDNER Thank you Mr Acting Deputy Speaker, my name is first cab of the rank with Question No. 48 and I am able to provide an answer to that question. It's from Mr McCoy directed to myself as Minister for Health and Environment and the question is what level of debt owed to the Norfolk Island Hospital Enterprise at November 2000. I asked the Director of the Hospital to give me those facts and figures. The question wasn't specific as to whether it was at the beginning of November or the end of November but we've used the period ending the 30 Nov 2000 and the total debt owing at the Hospital was \$415,144.45 and I think it is only appropriate that I give a breakdown on that debt level because it does seem a very high and extraordinary debt. In actual fact the total of true debt at the Hospital at that time was \$257,999.04. The remaining debt so to speak or outstanding moneys owed to the Hospital at that time constituted some \$73,727 from the Administration; from the Department of Veteran Affairs some \$13,806.12, from the Emily Channer District Nursing Service some \$2,116.60, from the Healthcare System \$42,554.94, from Southern Cross \$21,598.65 and from Workers Compensation \$3340. It is interesting that the figures supplied by the Director of the Hospital for the period ending 31st December and 31st January see a substantial drop in the Administration debt and a substantial increase in January up to \$85,242. The true debt or the figure that I quoted of \$257,999 is a fairly steady figure in the debt over the last few years that has been owing to the Norfolk Island Hospital Enterprise. There have been some good advances made by the new Director of the Hospital in trying to stem the debt and certainly her predecessor assisted in that with the installation of the Eftpos system at the Hospital and also the new Director has instigated a system of interviews with debtors to try and recover that. The system that was put in place some 18 months to two years ago with the use of Done and Bradstreet as a Debt Recovery Agency from Australia was not working and has been returned to the Hospital to pursue and the Director is actively pursuing that debt recovery

The next question No. 49, again from Mr McCoy to me as the Minister for Health and Environment and the question is, is it a fact that the cost of the rehabilitation work carried out on portion 48c, being the land on which Island Industries previously carried out its rock crushing operations, was approximately \$3,400.00; b) the cost of the work was paid for by Island Industries; and c) even though the Conservator has signed off that Island Industries has met its rehabilitation obligations, the owner of Island Industries is now slashing and mowing portion 48c. I've got a fairly substantial memo on the background to these questions. We've been fairly extensively through I think all of that information previously in the House in November I gave a very comprehensive answer that included much of that information so I'll only deal with the responses directly to those three parts of the question. The first part, the cost of the rehabilitation work carried out on portion 48c, being the land on which Island Industries previously carried out its rock crushing operations, was approximately \$3,400.00. The cost incurred by Island Industries on the rehabilitation of portion 48c could be claimed against Island Industries against monies retained by the Administration under the agreement between Island Industries and the Administrator. However, the total cost of rehabilitation work carried out on portion 48c incurred by Island Industries is a commercial matter and is not known to the Administration. A small amount of stabilisation work was undertaken by the Norfolk Island Parks and Forestry Service in this part of Ball Bay Reserve in October/November 2000. The estimated cost (mainly labour) incurred by the Norfolk Island Parks and Forestry Service to mid-November 2000 was estimated at \$3,805. Apart from slashing, which is considered to be normal maintenance of the Reserve, no other work has been carried out or costs incurred by the Norfolk Island Parks and Forestry Service in the rehabilitation or maintenance of this part of the Reserve. The second part of the question relates to the cost of the work being paid for by Island Industries. The Norfolk Island Parks and Forestry Service initiated its work to arrest erosion on the site as soon as it became evident that such work was required. The cost of carrying out that work was borne by the Norfolk Island Parks and Forestry Service. Whether it would have been possible to recover all or some of the cost of carrying out that work from Island Industries Ltd is uncertain as 7 days prior notice was not given due to the need to carry out the work with some urgency. The third part of the question relates to the Conservator having signed off that Island Industries has met its rehabilitation obligations, is it a fact that the owner of Island Industries is now slashing and mowing portion 48c. Slashing (and mowing) is part of the normal maintenance for the Reserve and is carried out by the Norfolk Island Parks and Forestry Service.

ACTING DEPUTY SPEAKER Thank you Mr Gardner. Further questions on notice. Are there any further responses

MR GARDNER Thank you Mr Acting Deputy Speaker this one's really just to pass the ball along. In relation to Question No 50 again directed to me by Mr McCoy in my role as Minister for Health and Environment I think it is more appropriate that that question be directed to the Minister who has responsibility for the Cascade Cliff Safety Management Project and Roads. I understand that a response to that question was being prepared but I don't know whether the Minister has received it.

MR SMITH Thank you Mr Acting Deputy Speaker I have received answers to Mr McCoy's questions that were directed to the Minister for Health and Environment. Firstly, 1) who approves the dumping of rock and rubble on the land beside the Banyan Park Playcentre. Response. This was approved by the Programme Manager Corporate Services and finally by the Administrator of course because it is Crown Land

2) Who will be responsible for meeting the cost of repairing the Faye Bataille Drive which has been damaged as a result of the dumping operations? The answer is the damage to the areas of the Faye Bataille Drive will be repaired by our Works Team with funding charged to the Cascade Cliff Safety Project

3) Will the Minister advise why the dirt and rubble that is presently being extracted from the Administration's rock stockpile is not being used at this time to build up Prince Philip Drive in preparation for the reconstruction work which is planned in the near future? The answer that I've been given is that the material that has been relocated from the Cascade rock stockpile is the subject of concern for the Administration in its operation of the stockpile. It has been moved to enable access to cleaner and better quality rock and to enable more efficient operations by the current rock crushing operator. The material remains stockpile property and it is intended that in due course this will be processed by a misuse bucket, it will then be removed from the present site with the larger rock crushed and the remainder used for road reconstruction. This road reconstruction activity will include Prince Philip Drive. We are experiencing difficulties with aspects of the Cascade rock stockpile and officers of the Administration are working with the Project Manager which is SMEC to achieve a solution to those problems. Following the visit by the independent geotechnical engineer I will be in a position to provide a full report, hopefully at the next sitting of the House. I acknowledge the concerns expressed by residents and thank them for their tolerance and understanding during this period of movement of that OTR

ACTING DEPUTY SPEAKER A supplementary question Mr McCoy

MR McCOY Thank you Mr Bates if I could please ask a supplementary question of Mr Smith in relation to that answer. Who is covering the cost of transporting that rock up to the portion beside Banyan Park Playcentre and who will cover the cost to transport it back, I believe, to Cascade once Prince Philip Drive job commences

MR SMITH Thank you Mr Acting Deputy Speaker as I understand it, inevitably we will. That is, Norfolk Island. Whichever way we do it. If it's the Administration who actually wears the cost it will be charged to the Cascade Cliff Safety Project and in the end whatever that means, it will be more money that we will have to pay back unless we get some legal advise to say that somebody else is responsible

MR McCOY Supplementary question to that answer. Is this activity having any effect on the present contractual arrangements with Island Industries

MR SMITH Thank you Mr Acting Deputy Speaker I would really be only giving an opinion and I don't think that's appropriate. Maybe Mr Gardner might be able to respond to that. I believe so, but I can't definitely answer that

MR GARDNER I'm unable to shed any more light on that. I haven't been privy to any of the discussions or negotiations regarding the contract whatsoever. That's been handled within the Administration and with discussion between the parties involved which are the Administration, Island Industries, SMEC and Kiapara so I understand

ACTING DEPUTY SPEAKER Thank you Mr Gardner. A further supplementary question

MR McCOY Supplementary to that answer, will this see the need to further extend the utilisation of the Whaling Station by Island Industries to complete their crushing operations

ACTING DEPUTY SPEAKER Mr Smith or Mr Gardner. Would somebody like to take that

MR GARDNER Thank you Mr Acting Deputy Speaker I don't know whether we're digressing somewhat from the questions that are placed on notice but I'm quite happy to answer that question. The understanding, and everybody is fully aware of the fact that the agreement that was signed by both the Administration and Island Industries with the full understanding of all parties was that it was for six months and it will expire on the date that was included in that documentation. It can't and won't be extended

ACTING DEPUTY SPEAKER Thank you. Further questions on notice. Any Minister wish to respond

MR SMITH Thank you Mr Acting Deputy Speaker, question No. 51 is in my name. Mr McCoy asked the question does the Minister intend introducing legislation to require all registered accommodation houses to be made one hundred percent self sufficient in water. I would say that most of them are but if I understand the question in the way it's been framed, I think what Mr McCoy would be looking for is, are we going to make it so that they can't use bore water for example. I don't know of anybody who buys water currently now, but of course there could be. I'm not aware of it. In the December Sitting I introduced a motion that would see a water strategy included in the Planning Review that's being done. I spoke to the Planning people about such a thing and I hope that they will turn out to be in the Planning Review but whether we will actually be able to legislate to make everybody self sufficient on their roof catchment I'm not really sure. I don't really know if that would be possible to do to the nth degree, it would really depend on how much rain there is and how much roof catchment area but I really do believe that we should be doing something about it to make sure that the bigger users of water should be doing their best to have enough catchment and roof space to be able to catch the amount of water that they will need. I don't have any difficulty with the philosophy behind Mr McCoy's question

MR GARDNER Thank you Mr Acting Deputy Speaker. Question No. 52 is directed to me again by Mr McCoy in my role as the Minister for Health and Environment and the question is asking does the Minister intend that the revised Norfolk Island Plan make provision for the establishment of an industrial area. My response to that is that yes it is intended that the revised Norfolk Island Plan makes provision for the establishment of an industrial area but a preferred location or locations for such areas have as yet not been finalised and certainly there will be a briefing as Members are aware on Friday afternoon from the Land Review Task Force and hopefully when I sight the revised draft plan myself so will other Members and we may get a fuller answer to that question and maybe have further discussion on the establishment of an industrial area on Norfolk Island

Question No. 53 on the Notice Paper is again directed to me as the Minister for Health and Environment from Mr McCoy and the question is - The licence issued to Island Industries to operate a rock crushing facility expires next month. What action is the Minister taking to establish an alternative rock crushing site? My response to that Mr Acting Deputy Speaker is that we are all aware that currently there is an appeal before the Administrative Review Tribunal for an approval that was signed by me for the operation of a Rock Crushing Plant on section 49b2. That is a matter that will have to be dealt with and will come to its natural conclusion as part of that process through the Administrative Review Tribunal and as I've said in the past may well indeed facilitate a rock crushing operation on that site. The question of further rock crushing sites and identifying other rock crushing sites on the Island and extractive industries is being examined in the context of the revision of the Norfolk Island Plan and those instructions were given quite clearly to the Land Task Force to address. It has been recognised that there is a need to plan for these activities and to identify long term solutions to maintain a supply of crushed rock products to the Island in the future. Rock crushing is an industrial activity and is considered a use that might be permitted in an industrial zone or

areas subject to a proposal meeting appropriate development and environmental standards and that is what is being attempted by the conditions that have been applied to the application on 49b2, exactly that appropriate development and environmental standards and those will relate to any other site that might be identified anywhere else on the Island . Basically in a nutshell any proposal will have to be assessed on its merit as there are currently no other private applications before the Planning Board, the Norfolk Island Legislative Assembly or any other body that I am aware of for the establishment of an alternative crushing site on the Island by a private enterprise. I think we are all aware of the rumours that were abounding that were generated by Environment Australia I believe, that they hoped to establish a crushing plant somewhere up in the National Park. Certainly the Norfolk Island Government have had no involvement in that proposal and I'm still not exactly sure where that came from but certainly that was a matter addressed to me by Senator Hill some twelve or eighteen months or so ago. I know nothing further about that. The revised draft Norfolk Island Plan which all Members will hopefully be privy to on Friday will make provision for the establishment of an industrial area as I alluded to in my previous answer which will allow a permanent rock crushing facility but preferred locations again have not as yet been finalised. But they may well include the airport as I've alluded to previously. Of course as I've said before 49b2 is still on the boil. There's mounting pressure within the community to look at a site at Cascade but the Government aren't in a position to be able to place one down there as we don't own any land there

MR NOBBS Thank you Mr Acting Deputy Speaker. Question No. 54. Mr McCoy asked me the following question. The Finance Committee established by yourself has been developing purchasing policy guidelines for the Public Service. Will the Minister advise when those guidelines will be completed? The answer is the guidelines were distributed to the Finance Committee Members this week and in the absence of any further major amendments the guidelines will be complete by the end of this month and I will explain the thrust of the guidelines to the Legislative Assembly by the March Sittings and I would hope that at that time they would be accepted and will become the purchasing policy for the Administration, thank you

Question No. 55 is in relation fuel. Mr McCoy asked me has the Norfolk Island Government entered into a contractual arrangement with Mobil for the supply of diesel fuel? The answer to that is no. As you are aware Mr Acting Deputy Speaker there has not been a contract with Mobil although they have supplied us for something like eleven years and whilst I went into discussions with Mobil in Australia in December, they were to come back and have further discussions with us last month but two unfortunates happened, the first one was the local agent became seriously ill and is still off the Island ill, and I wish him well too because he is an ex Member of this House and an ex Minister and the like so I wish Bill well, but that's one reason. The second reason is that the people we were discussing this with at Mobil have resigned so that are currently briefing some new people and another factor in relation to this, is as I explained at an earlier meeting, could have been in January, is that I have been discussing a possible other alternate to Mobil and I would believe when I have the chance to read these Purchasing Guidelines for the Administration that we will definitely need to enter into a tendering arrangement but at this stage the answer to Mr McCoy's question is no, but it's ongoing, thank you

MR SMITH Thank you Mr Acting Deputy Speaker Question No. 56 from Mr McCoy is what is the Minister and the Norfolk Island Government Tourist Bureau doing to halt the continuing decline in the number of visitors from New Zealand over the past three months. I have been given some advise from the Tourist Board. Over the last six months the decline of the Australian and the New Zealand dollar has reached record lows against most of the world currency's. This of course has been of some benefit to us from visitors from Australia as their spending power has remained constant. Unfortunately this lack of confidence in the New Zealand dollar has had it

fluctuating against the Australian dollar in the range of 20-27%. The research in New Zealand has confirmed that New Zealander's in general have opted to stay at home for their holidays rather than incur the cost of going international. However, that's not just an easy answer to the question. The Board has embarked on a programme to alter the perception that Norfolk Island was just a place for people in a certain age brackets to visit. The Board has engaged a professional company to research and advise us on a number of areas within the tourist industry so that our marketing activities are channelled in the right direction. The second phase of this is being completed at the moment. At the end of January we had on the Island all product managers from all of the major wholesalers in New Zealand as well as the representative of Air New Zealand whose responsibility it is to service Norfolk Island. These people were given a four day exposure to the Island and all were delighted and enthusiastic with what our destination has to offer. They were accompanied by Colin Moore, the Travel Editor for the New Zealand Herald who last week produced a two full page supplement on the visitors to Norfolk Island with a follow up to appear in another two weeks time. Also in the visiting group was our new representative Mrs Anna Allakirk who organised the large group as well as Air New Zealand. As a result of the visit Mr Grant Koffman of air New Zealand announced last Friday the lowest price package ever to come from Air New Zealand of \$NZ599 return including three nights accommodation. Of course this promotion is only for a limited period. As well as this Air New Zealand has announced bonus air points for all holidays to Norfolk Island to help promote Norfolk Island and Air New Zealand has also offered a \$99 fare to travel agents and their partners across New Zealand for them to be able to come over here and visit and find out more about Norfolk Island and so far 45 agents have already taken advantage of that deal. In addition to the above we are currently advertising on Prime and Sky television on a co-operative basis with New Zealand wholesalers and to keep the initiative going we have two more journalists arriving in March to do cover to cover activities such as those that are taking place right now.

MR McCOY Thank you Mr Bates, just a brief supplementary. Is the Minister not concerned that with the decreasing numbers from New Zealand that it may give Air New Zealand room to feel that they need no longer have two flights to Norfolk Island per week

MR SMITH Thank you Mr Acting Deputy Speaker I would be very concerned about that. I am concerned about the numbers but as Mr McCoy knows, sometimes when numbers are dropping like they have been it's very hard to turn them around instantly, it often takes a little while. Air New Zealand is not the airline that usually reduces flights based on two or three months figures. I would be very surprised if they start talking like that and I don't think we should talk along those lines in case we encourage that

MR WALKER Thank you Mr Acting Deputy Speaker a supplementary to that. I have spoken before about the possibility of negotiating to get a fare out of Christchurch. Have the marketing people got any further with that. You did report to us on an earlier occasion that they were attempting to increase the numbers from New Zealand on that basis

MR SMITH Thank you Mr Acting Deputy Speaker yes, there was work done down in Christchurch to try and improve the numbers out of that area but I don't think there's been a major difference made in that area. It's hard to stimulate that particular part of the market and it possibly is because of the direct flight from Christchurch to Norfolk Island but to return you have to go through Auckland. I really haven't the answers to what Bruce is asking right here today. I'm happy to provide any other information he needs though

MR GARDNER

Thank you Mr Acting Deputy Speaker question No. 57 on the Notice Paper is directed to me in my role as the Minister for Health and Environment again from Mr McCoy and it is when will Part 2 of the AQIS Report into Plant and Pest Disease on Norfolk Island be available? I believe the question should more accurately report that it was the AQIS Report into Plant Pest and Disease on Norfolk Island. The Northern Australian Quarantine Strategy combined Australian Quarantine Inspection Service Plant Health Survey to which Mr McCoy refers in the question was to provide a more detailed report on the impact of the weed flora on the Island's ecology along with some suggestions for management. A completion date of July 2000 was anticipated for that part of the report but I have had no indication that that report has been forthcoming and I understand that the Administration will be following that up and certainly if and when that report is to hand it will be circulated to all Members

Question No. 58 by Mr McCoy is directed to me in my role as the Minister for Health and Environment and it is what action does the Minister propose in relation to the eradication of the army worm which annually devastates the pastures on Norfolk Island? I don't have any formal response from within the Service to this as yet and certainly when that response is forthcoming I will ensure that Members are copied with it but I think it is probably appropriate to make some comment on the subject matter and certainly on the filed that I have access to at this time in relation to the army worm programme, Members would be aware that those who were in the previous Legislative Assembly on the 2 February 2000 a paper was circulated by the then Minister for Immigration and Resource Management, the Hon Ric Robinson MLA in relation to the army worm project. It certainly was copied to all Members at that time which gave a background into the progress that's been made with army worm and unfortunately the news was not too bright. There had not been a complete success with any parasitic wasps or any other biological control for army worm in either Australia or New Zealand and in the Health and Building Surveyors Report that was copied to the Minister for Immigration and Resource Management at that time, his comment is "...as can be seen from the accompanying documentation the question is not simple and at the completion of testing the specificity testing for the biological control of the army worm there may be no guarantee of the control agent being suitable for release. Since that date we've also been now burdened with the Commonwealth Environment Protection and Biodiversity Conservation Act which certainly would require proper assessments to be done under that Act for the release of any biological predator or control; into the environment, and that assessment would have to be done to ensure that it did not impact on Commonwealth areas or protected plant species and flora and fauna so as I am aware. It is interesting to quote from that memo again, the attachment from Mr Don Sands who previously used to work for the CSIRO and who had been identified as being an appropriate person to try and do an assessment on the biological control and its release for Norfolk Island and he too says that it was a very complex project. he believed that at that time which was twelve months ago that if the project were to continue that it be divided into two phases. A feasibility phase of ten months duration and a practical phase of up to two years so if something did come to hand and all the assessments were done and everything were to go according to Hoyle's, we have the experts telling us that it could probably be anywhere in the region of three years before the release of any biological control on Norfolk Island. It's probably all too easy to say let's just get a biological control in and we wipe out the army worm and everything is a-okay. We need to be conscious of the fact that the army worm's been here a lot longer than any of us or in fact anyone who's ever lived on Norfolk Island. It was reported back in the very early days of settlement where it devastated crops in the first settlement and I think it's been a matter that's been battled with over many years. We've had a battle with the establishment of foreign grasses on the Island and certainly with the introduction and establishment of kikuyu. Basically we fed the hoards even better and produced more and more moths and army worms. A review of the Norfolk Island stock situation that was undertaken by Dr David Gardner, Veterinary Scientist back in 1999 suggested that the Norfolk Island Government look at maybe using some other funds from our primary

production vote to bring in an Agronomist to Norfolk Island to establish other grass species that wouldn't be prone to attack by the army worm and I think some people have taken it upon themselves to already move to alternative fodder crops. I think the Chief Minister himself is a prime example of that. He has established a fairly large area on his own property of supplementary feed and has increased the carrying capacity of his property substantially by that and I know that's happened in other areas on the Island so people are looking at alternatives to the biological control. That needs to be pursued and as soon as we've got some of the other major areas, for example the review of the Norfolk Island Plan out of the way we will certainly turn our attention to the establishment of a primary producers policy and if there is a combination of biological control and alternatives, that's something that we need to pursue

MR NOBBS Thank you Mr Acting Deputy Speaker. I have a question that was asked of me by Mr Brown last sitting, and I intend answering that.

ACTING DEPUTY SPEAKER It may not be appropriate as it's not on the Notice Paper, but I'll give you the opportunity in Statements if you so wish

MR McCOY Thank you Mr Acting Deputy Speaker a supplementary question to Mr Gardner. I was wondering if he would considering introducing electronic control for the army worm, that is, some of the electric zappers that are available placed in strategic positions around the Island to help alleviate the army worm problem

MR GARDNER Thank you Mr Acting Deputy Speaker I'm quite happy to pursue such a proposal and come up with a feasibility study on it and bring it back to the Members for their endorsement if they think it an appropriate course of action

ACTING DEPUTY SPEAKER Thank you. That concludes Questions on Notice and we move on

PRESENTATION OF PAPERS

Are there any Papers for Presentation?

MR NOBBS Thank you Mr Acting Deputy Speaker I present the monthly financial indicators for January and I move that they be noted

ACTING DEPUTY SPEAKER The question is that the Paper be noted

MR NOBBS Thank you Mr Acting Deputy Speaker. As we know all revenue and expenditure reported in the Financial Indicators are as far as possible are accrued and accrual of the substantial revenue such as customs duty, FIL and shipping imports have been included on an assessment basis only, based on historical records. The indicators report is based on interim revised budget, confirmation to be confirmed by the Government and the Legislative Assembly. The revised income provides for an increase of \$150,000 in customs duty, \$25,000 in FIL, \$210,000 on land title fees, \$50,000 on vehicle registrations, \$130,000 on tourist accommodation levy, \$20,000 on departure fees, \$10,000 on absentee landowners levy, \$14,000 court fees and fines and \$15,000 on Tanalith plant charges, \$15,000 on interest from investments and \$12,000 from immigration fees. \$75,000 as an increase from dividends from the Liquor Bond. Overall, after allowing for other minor adjustments plus a minor review the estimated review is an increase of \$688,000 in income. At best it can be determined that at the 31st January 2001 the Revenue Fund income is about 100% of budget and that results in expenditure saving of \$57,000 being made up of net savings in salaries and wages of \$123,000, net increase in recurrent expenditure of \$148,000 and net savings in

capital expenditure of \$82,000 which gives a \$57,000 revised savings on estimates. The most significant gross increase in capital expenditure is \$173,000 on the computerised upgrade and \$15,000 on the Rawson Hall improvements. The Quarantine Screen House and the beagle dog which is a total of \$90,000 which is in the estimate will not be proceeded with at this stage. Expenditure at the end of the seventh months of the financial year is 8% under the proposed revised budget. The interim revised budget forecasts a surplus of \$55,000 before depreciation which compares favourably to the original budget forecast of \$366,000 deficit before depreciation. I have received this morning the fourth Draft of the Budget which will be distributed to Members today. It reflects those figures and I just wanted to write them into Hansard and I'm assured there will be discussion in next Monday's MLA's meeting where I will be listing it. That is the current situation. We are coming out with a budget. We are living within the figure that was budgeted for the current financial year. The revised budget reflects that but it must be borne in mind that there's \$300,000 that was due to accrual accounting but was actually ordered in the last financial year and is normally covered under the previous cash accounting system and counted in the previous financial year and it's been passed to this financial year so that's the only increase in the budget figure, is that figure. Thank you Mr Acting Deputy Speaker.

ACTING DEPUTY SPEAKER Final Debate? No final debate. The question Honourable Members is that that Paper be noted

QUESTION PUT
AGREED

That Paper is noted

MR SMITH Thank you Mr Acting Deputy Speaker I present the Inbound Passenger Statistics for 2001 and move that they be noted

ACTING DEPUTY SPEAKER The question is that the Paper be noted

MR SMITH Thank you Mr Acting Deputy Speaker this paper gives the number of visitors on a month by month basis and as Members can see on their sheets, the monthly total is once again a higher number than it has been for the previous two years, of 2731 for the month of January. In 2000 it was 2600 and in 1999 it was 2311. Mr Acting Deputy Speaker it's become very obvious from these figures that the New Zealand numbers are down on both previous prior years. 317 from New Zealand in total this year. 495 last year and 421 in 1999 and I've already discussed in Questions on Notice the things we are trying to do to arrest that decline and hopefully it won't continue. Mind you for each month there are different figures for any of the ports of embarkation depending what is on at that time. One could say that the new proposed visa's that some New Zealand people will need to come to Norfolk Island may have already had an effect, which is something that I had been warning of. I hope that it hasn't had that sort of dramatic effect. It is interesting to see in the numbers that each number is more than the previous year but reports are coming in from some people that they don't feel, even though these numbers are record numbers in many cases, they can't see where it's happening and I refer to a letter which was written to the editor of the Norfolk Islander which really said that I had made a statement in the House at the last sitting about tourist accommodation and we had had three boom years, or something along those lines, which I did say because the figures actually show that, but the person unfortunately who didn't sign the letter, made the suggestion that we haven't really had boom years so even though everything appears to be improving from a tourism point of view, obviously some people aren't getting the benefits of that and that's very interesting. I take that persons point and I actually would ask if they do hear about me saying this this morning, would they please contact me and tell me what their difficulties are. If it's only their particular business they are concerned about or whether that is a general thing through Burnt Pine. Also similar reports from some accommodation houses who say

that January was not their best month yet, where are all the people going. Mr Acting Deputy Speaker I'll leave it at that and see if there's any other debate on those figures

MR BROWN Thank you Mr Acting Deputy Speaker. The second page of those figures which have been tabled contains a handwritten calculation about half way down it, and that calculation finishes with a percentage figure which says 38%. I'm assuming that that is the calculated bed occupancy across the Island. Now if people had an average 38% bed occupancy I can certainly understand them saying they didn't have a brilliant month. The second thing that is of interest is that there was actually a decline in visitor bed nights in public accommodation compared to last year. Not a large decline but a decline nevertheless and despite the fact that there was a modest increase in total visitor numbers. Looking at the last three years it went from 22,158 to 22,389 to 22,682. That is modest growth but there's been far more substantial growth in the number of accommodation units and the number of beds that have been available. If we look back to the second page there is a figure of 1490 which I assume is what the Minister is telling us is the number of approved beds presently in use on the Island. Well that number not too long ago was 1256 so there's been not an explosion in numbers but there's been a growth in the numbers of units and beds and a much slower growth in the number of visitors and in fact in January a decline compared to last year in the visitor bed nights so I don't think we should be too complacent about these figures. I'm not saying that they are the forerunner of doom by any means but certainly we shouldn't be complacent about them and I would be very interested to hear what the minister has to say about his impressions of the impact if any that the visa changes had during January on numbers out of New Zealand thank you

MR WALKER Thank you Mr Acting Deputy Speaker there's also a slightly different way of looking at the same subject that Mr Brown has and if you look on the cover page at the average stay in public accommodation although last year had 189 less visitors, because they stayed longer it resulted in more accommodation actually being used so it's most important that we look at these formulas whereby we establish the actual days stayed against bed occupancy rather than just purely numbers in to the Island because if the numbers keep going up but the average stay goes down, we're actually falling behind the eightball

MR McCOY Thank you Mr Acting Deputy Speaker I was wondering if the Minister could shed some light on the per diem expenditure that the visitors are putting through the community because I feel that it's a very serious question that the Minister for Tourism should be addressing especially when you speak to some of the retailers in Burnt Pine. As has already been expressed by the Minister that even though the figures indicate an increase in visitor numbers, the dollar that is bring brought to the Island by the visitors is unfortunately not being dispersed through the retail section as much as I would personally like to see it

MR SMITH Thank you Mr Acting Deputy Speaker I take the points that have been made around the table. The handwritten figures are not mine but obviously reflect exactly what has happened with the 38% occupancy rate over the whole of the accommodation. It refers to the public accommodation numbers. Obviously in January there were a lot of people staying privately. Families coming to stay with family and friends. Mr Walker is also very right in what he said about how we should be assessing these numbers all the time. In fact we do and in real terms, yes, maybe our numbers aren't going up in the real sense and that's something for us all to consider. something for those who want to go into the accommodation business, and that's something for them to consider too and it's not necessarily all that rosy. I take Mr McCoy's point with the per diem that people might spend on the Island and I'm not aware of any assessment that we are currently carrying out to try and work out what that is. Maybe Mr McCoy could help me with that if there is a simple way of actually making that assessment but the other side of it is that I do keep running into business people who

say, well things have never been so good in their particular business and maybe those who are not doing quite as well may not necessarily be selling the right product these days. Now I don't make that as a personal view, it's just it's been said to me on more than one occasion but certainly, tourism is the basis of our whole economy and we have to be very careful that we understand what it is saying to us

MR WALKER Thank you Mr Acting Deputy Speaker might I suggest to the Minister that it must be nearly some five years now since a comprehensive survey was done of our visitors and maybe it is timely that we revisit that area on a comparison basis. Those questions on is our marketing working and what is the expectation of the visitor to the Island and also what is the amount of dollars being injected into the economy were all questions, tackled within that survey done I think five years ago and I would recommend that an update be done and comparisons made

ACTING DEPUTY SPEAKER Final Debate? No final debate. The question Honourable Members is that that Paper be noted

QUESTION PUT
AGREED

That Paper is noted. Are there any further Papers for presentation?

STATEMENTS

MR BUFFETT Thank you Mr Acting Deputy Speaker. I have a couple of statements but the first relates to Immigration. I commence by reminding Members that this House expressed concern on a range of immigration matters at the November 2000 sitting and at that time sought a report on Immigration Policies and also sought to initiate some legislative action on the policies. My predecessor responded and reported at the December sitting on a brief from the Crown Counsel. In brief Crown Counsel advised that statutory backing could be given to the policies but she also recommended that they be updated prior to this happening and in the process she also identified those parts of the policy document which did require attention. Since taking up the Immigration portfolio I have acknowledged significant concern in the community about Immigration which really walk hand in hand with the concerns expressed by Members at the November sitting. Examples of the concerns include these firstly, relating to Immigration policy matters. There was concern about lack of consistent application of both tep and gep's. Mr Acting Deputy Speaker how the new business policy administered which I think you yourself raised with me at question time and also Mr Walker raised with me at question time is but one example. Another concern is that the Norfolk Island policies are in some cases questioned and not enforced by the Commonwealth Appeal Authorities. There is concern that some of the present policies are out of date and there is concern that other policies may now conflict with more recent legislation. The current policy document, just by way of a reminder, is dated May of 1996. There is also concern that the policies of that four and three quarter years ago, may not be delivering the checks and the balances to meet today's Immigration needs and of course there is the concern that the Immigration policies in whatever form they are framed, may need some statutory backing to be really effective. this is really but a selection of concerns but you will see that many correspond with the earlier concerns of members and they do vividly illustrate that our current policy document is really in need of review. Secondly, there is a much wider range of concerns and they cover these sorts of things. The Immigration appeal mechanism concerns about a change from the front door policy, the lack of mechanisms for Immigration policies to interact with the policies and population resource provisions of, for example, the Norfolk Island Plan and a lack of interaction with a range of associated legislation. There are issues of co-ordination of border control measures with our neighbours of Australia and New Zealand and of course there is the issue of transferring Immigration from schedule 3 to schedule

2. We also have a draft of an entirely new Immigration Act. This was prepared by Bronwyn Paddick and that is accompanied by an extensive report and it's presently under examination. The Immigration Committee has provided the first part of their report in this proposal and their work continues. These are major issues with significant consultative measures to be undertaken and extensive legislative adjustment. Prospectively Mr Acting Deputy Speaker, there is the rewrite of our Immigration legislation, so that is a bigger picture. There are two parts in what I've just said. Firstly the Immigration Policy and those bigger picture items. What I've explained to date really catalogues problems. I would now like to set out the action I'm taking to respond to the range of concerns on these Immigration matters and the action is in two parts. Firstly in assessing those Immigration policies. I have set in train a team to consult with a range of people. I've already had first consultation with the Immigration Committee and also with the medical officers and the Director of the Hospital Enterprise because there is a significant health component in the Policy document and there is a need to consult with a wide range of people including the Commonwealth bearing in mind that we are talking about a schedule 3 matter at this stage. All to the effect of updating the Immigration policies. Once this is complete, legislative amendments will be prepared to give those policies statutory substance. The time frame for this to be done is this. Completion of the review within March and presentation of the amending legislation at the March sitting. Now that is to say, that this stage should be tackled and settled within the next month. The value of this stage will be to firstly have a set of policies which will reflect today's needs. Secondly to have a set of policies which all of the decision takers will have as their guide. The main decision takers in the processes that we are involved in are these. The Norfolk Island Minister and his authorised officers, the Immigration Committee and then the Commonwealth Minister on appeal matters and at present all of them do not necessarily work to the same guidelines, and this will be remedied by the plan that I have outlined and the final value is that the set of policies will have the backing of legislation. I have informally consulted with Members around the table here about this course of action and I do thank them for their support in taking these initiatives and I look forward to delivering those policies, duly revised with support legislation when we come together and sit next month. Can I now turn to the action in respect of the longer term issues. This is a much wider spectrum of activity and work is advancing on the range of matters that I have identified. I've set a target of June of this year to substantially address the major parts, but I've got to say whether all of this can be done within that time frame is a bit difficult to estimate. But I will report to you on progress when I introduce the March policy document about that. Having said all of those things, may I just give you a couple of Immigration statistics so that you can see some of those things in context with the people who are around and the various categories. As at the 15th February the number of Temporary Entry Permit situations on the Island are 390. General Entry Permit numbers 224. In addition to those there are some 69 applications that are in the pipeline for consideration. Most of them relating to Temporary Entry Permit applications. Again at the 15th February there were 810 visitors and the resident number was 1380, the total of all of that is 2873. We do talk a lot about the number of people on the Island. This is a reasonably constant figure of 2873. Certainly the people who are in the categories of visitors and certainly those who are in the categories of Temporary Entry Permits, the individuals may vary but the reality is that the number of people on the ground remain reasonably constant so 2873 as at the 15th February. It may be of interest for me to mention that the matters under appeal number two at this moment. That is the major thing that I wanted to say about Immigration policies today. There are two Immigration matters which are on our Notice Paper for consideration today. They are the matter of the Immigration quota and a number of Orders of the Day. Mr Acting Deputy Speaker I certainly don't want to venture to pre-empt debate on either of those, but I would like to invite Members when we get to each of them, to consider them in the context of the Immigration path that I have just endeavoured to chart, especially the setting of the quota in light of the number of reviews that are on foot. Thank you for that

MR BUFFETT

Mr Acting Deputy Speaker this is a statement on Justice and Courts Legislation on Norfolk Island. For a number of years there has been identified by a range of people in Norfolk Island, especially the Legal Unit in the Administration of Norfolk Island, the need for revision of the laws governing the Administration of Justice. Late last year there was a request that legislative priority be given to such legislation, but this has not eventuated. Not because of lack of will, but because of limited resources. The Crown Counsel has advised me that in the last month, letters with some 600 signatures have registered concern about the laws governing the Administration of Justice, and in particular sentencing. There is clear community concern about this matter and Crown Counsel and officers of her Unit have firmly advised me to bring this matter forward for urgent attention, and I do so. Justice Administration should properly respond to three essential requirements.

- must reflect the needs of the community'
- must preserve the integrity of Government'; and
- must reflect the unique nature of the Norfolk Island community.

In the year 2001, the existing legislative framework fails to meet these three important requirements in Norfolk Island. There are currently unacceptable delays in both civil and criminal proceedings. Judicial communication can be spasmodic and remote from the community. The local Magistrates and Chief magistrate alike, are obliged to apply arcane common law principles to fill gaps in the court legislation in circumstances where no modern court has considered those principles for many years (e.g. common law Bail). Accordingly there is a lack of legal precedent that sits comfortably in the social context of the new millennium. The major piece of legislation dealing with Justice administration is the *Court of Petty Sessions Act 1960*. Not only is that Act over 40 years old, it was based on earlier legislation that came into being around the time of the Norfolk Island Act 1913. The Act has been amended 16 times since 1965 and has never been reprinted since that time. In 1998 there was an attempt to insert modern civil enforcement measures into the Act. Legislative Counsel explained to me that this was the legislative equivalent of placing a Ferrari engine into a Model T Ford, and with similar consequences – if you start the motor, the framework is likely to buckle under pressure. I am keen to complete a comprehensive review and reform of the Justice and Courts Legislation in Norfolk Island. The need for such reform is considered to be urgent. The need for reform

The following is a list of the current legislation governing the administration of justice in Norfolk Island. Note should be made of the dates of the legislation and be aware that in most cases, there have been no significant amending Acts since the initial date of commencement –

Administration Act 1936
 Administrative Review Tribunal Act 1996
 Affidavits Act 1956
 Appeal Act 1919
 Community Service Orders Act 1983
 Coroners Act 1993
 Court of Petty Session Act 1960
 Creditor's Remedies Act 1929
 Criminal Law Act 1960
 Evidence Act 1960
 Foreign Judgements (Reciprocal Enforcement) Act 1978
 Fugitive Offenders (Jurisdiction) Act 1923
 Judicature Act 1960
 Juries Act 1960
 Justices of the Peace Act 1972
 Legal aid Act 1995
 Legal Profession Act 1993
 Mercantile Law Act 1959
 Mercantile Law (Chose in Action) Act 1989
 Oaths Act 1960

Periodic Detention Act 1996
 Police Act 1931
 Police Offences Act 1933
 Succession and Wills Act 1913
 Suits by and against the Administration Act 1979
 Supreme Court Act 1960

I'm advised that many of these Acts need to be repealed, and their subject matter consolidated into a single piece of legislation set in a modern context. Moreover, current legislation does not take into account the technological advances which are all pervasive in modern business and administration. The Evidence Act 1960, fails in this area. Many of the administrative rules for Justice are linked to the ACT jurisdiction in Australia. Those rules, of course, are designed to operate with far greater resources than are available in the Territory with resulting difficulties. Without going into further detail, the Legal Services Unit has identified a need for the following new Acts or Rules to replace existing legislation:-

- Magistrates court (Civil Procedure) Act – appointment of Magistrates, civil procedure, fees and Justice Administration
- Magistrates Court (Criminal Procedure) Act – summary criminal procedure, process and administration)
- Evidence Act
- Bail Act
- Sentencing Act (options for sentencing, manner of exercising discretion, young offenders)
- Administrative Review Tribunal regulations
- Supreme Court Rules
- Public Prosecution Guidelines/Act
- Crimes Act
- Child Protection Act

Such reforms are significant. The proposed legislation should not merely adopt or copy Australian legislation. It must be drafted to reflect the specific and unique needs of the Norfolk Island Community. It is hoped that the end result could be adopted as a model for other Pacific jurisdictions and small communities. I apologise for the lengthiness of that but it is important for that to be said. To achieve these significant reforms, I have received advice from the Legal Unit and consulted with Members of The Legislative Assembly at our informal meetings, and now publicly announce these plans:-

1. The formation of a reform committee chaired by a member of the Assembly. This committee will have representation from the local Magistracy, the legal profession, the Youth Advisory council, Crown law, police, and a lay member of the community. I have invited Mr Adrian Cook to Chair this Committee and he has accepted and I thank him for his prospective participation. A notice will be placed in this weekend's paper, inviting expressions of interest to serve on the Committee.
2. The committee is instructed to develop the appropriate legislation over a 6 month period, with an initial report to the Assembly on agreed procedure, stages of implementation, consultation, and resource issues by the end of March 2001.

This time frame will require the allocation of additional resources to the Legal Unit. There is every expression of will to deliver this legislative package, which I look forward to introducing to the House when prepared. Thank you

Mr Acting Deputy Speaker I have a further Statement if I may. It relates to the Mini Games. The 2001 South Pacific Mini Games are to be held as we probably most know, in Norfolk Island in December of this year. The Games are endorsed and they are supported by the Norfolk Island Government and people in this Legislative Assembly. \$150,000 if I remember the figure correctly has been voted and provided by the Norfolk Island Government to assist the operation of the Games. During the last month I have discussed with principals of the Games Organising Committee to encourage finalisation of plans for their Games and I've invited those same principals to a meeting with all of

our Members with one of our meetings over the past three weeks to directly brief Members on their progress. This is a significant organisational task and the Administration is also providing a Liaison Officer to further assist. The Organising Committee is to be encouraged in the work that they are about. The Norfolk Island Government in the processes of preparation was requested some time ago to consider a range of legislative methods to facilitate the operation of the Games. It is anticipated that between some 700 and 1000 athletes and officials will attend the Mini Games in December 2001 and to enable their accommodation, their transport between venues, closure of roads for some events and other matters, it will be necessary to relax some parts of current legislation but only for the period of the Games. This departure from normal requirements is not unusual for large scale events. For example Queensland introduced similar legislation for Expo 1988 to cater for the large influx of visitors and participants. Meetings have been held with the Organising Committee, the CEO and the Legislative Counsel and it is proposed that legislation can be made to commence and will take precedence over other named Acts in a limited manner for a specified period, that is for the duration of the Games and then it will automatically self repeal and cease to apply. The Acts which are being examined are these; the Planning Act to do things such as erect temporary structures, porter loos etc at the venues; the tourist accommodation Act to enable an increase in the number of registered sleeping positions available in participating tourist accommodation houses; the Medical Practitioners Registration Act to enable doctors coming in with their teams to practice in respect of their team members only; the Departure Fee Act; the Liquor Act; the Road Traffic Act; the Sale of Food Act; the Billboards Act; the Plant and Fruit Diseases Act; the Public Health Act and the Public Reserve Act. That's a range of things that have been identified at this stage. There may be further additions to the list but that's the identification to date. Can I table in having said all of that, a report that has come to me about all those matters. I think most Members have seen it but I table it for fullness of the record and to remind Members if they would like to have their memories refreshed. I would plan that the legislation talked about in this paper and in my Statement be introduced at the next sitting, thank you

ACTING DEPUTY SPEAKER

Thank you. Any further Statements

MR NOBBS

Thank you Mr Acting Deputy Speaker at the sitting of this House on the 24th January 2001 I made a statement in respect of investigation of the theft of certain pay packets from the Accounts Branch of the Administration. As a result of that Statement Mr Brown asked a question which I undertook to provide an answer for at these Sittings. Mr Brown prefaced his question and asked as follows, and I quote "Mr Deputy Speaker the Chief Minister has told us the results of the police investigation which is zero. Can the Chief Minister advise what action will now be taken within the Public Service in relation to the matter because there are aspects of that which would appear to be different from the police aspects for example, will the Public Service continue to leave pays sitting on desks overnight". So that there is no misunderstanding let me briefly explain that the theft of paypackets was done by persons breaking into the Section through a window after hours. In relation to Mr Brown's specific comments, "will the Public Service continue to leave pays sitting on desks overnight" I am assured by the CEO that the short answer is No. Mr Acting Deputy Speaker the burglary took place some time during the night of 31st August 2000 and 1st September. On the 5th September the CEO provided me with a report on the matter and statements obtained from personnel responsible for and associated with the payroll. He also advised me that the matter had been reported to the Police and that their investigation would encompass whether or not there were any internal implications. The CEO in his minute of the 5th September 2000 also advised as follows "that he has read the Statements and talked to the Staff and pending any outcome that the police investigation may reveal it is not his intention to take any disciplinary action at the time. The loss and subsequent investigation has had significant impact on the officers responsible, however, should any new evidence arise the matter will be revisited in the light of that evidence. I've made

Statements in I think the September meeting, and it's been on in October and then November, December and also January in relation to the particular activity that occurred on the night of 31 August/1 September 2000 and I leave the matter with the CEO at this stage Mr Acting Deputy Speaker

ACTING DEPUTY SPEAKER Thank you. Any further Statements

MR NOBBS Thank you Mr Acting Deputy Speaker I wish to make a statement in relation to Telecommunication services into and out of Norfolk Island as the House is aware we have sought funding from the Commonwealth Networking the Nation programme to assist with three telecommunication requirements these being international link, cellular mobile telephone system and a telemedicine pilot project. In relation to the international link we have received funding of \$750,000 towards the cost of capital infrastructure for a satellite earth station. The tenders for this project have completed their final submissions. I expect to receive a recommendation within the next few days as to the preferred telecommunication carrier that will provide the international link and complete the infrastructure project. On the cellular mobile telephone, Networking the Nation have not approved funding for this project and options are being prepared for consideration by the Government. It is expected that this will eventuate provided suitable arrangements can be made within an approved provider. The third one in relation to a telemedicine pilot project, Networking the Nation have approved funding of \$50,578 for capital equipment and services towards a telemedicine pilot project. As soon as the international link arrangement is confirmed then work will commence on this project. The main purpose of seeking funding was to achieve an advance telecommunications platform which would meet the needs of the Island residents and provide for the infrastructure to support commercial opportunities. This was imperative as was the need to put in place a satellite telecommunications given the unknown life of the ANZCAN cable, thank you

ACTING DEPUTY SPEAKER Thank you. Any further Statements

MR SMITH Thank you Mr Acting Deputy Speaker I would like to make a statement on Broadcasting. Shortly after we were elected to this Assembly I announced my intention to develop a Broadcasting Act. The process has been going on over the past twelve months. We've had a review of broadcasting and it has resulted in a preliminary discussion draft of the Norfolk Island Broadcasting Authority Bill 2001 which I have here and will table. The intention of the bill is to provide an Act to establish the Norfolk Island Broadcasting Authority and make provision for the licensing, control and regulation of both audio and visual broadcasting for the purposes of radio and television within the Territory of Norfolk Island and for related purposes so I will table this Bill. Members haven't seen it but there are copies here and it is my intention to introduce it at the next Sitting of the House

ACTING DEPUTY SPEAKER Thank you. Any further Statements. No. I report that there are no Messages from the Office of the Administrator or Reports of Standing Committees we move to Notices

NOTICES

PROPOSAL FOR (CARE AND PROTECTION) LEGISLATION

MR COOK Thank you Mr Acting Deputy Speaker if I might move the motion which is in my name on the Notice Paper and I require the leave of the House. I indicated this beforehand and I hope I will receive it to simply delete the words "in any event by the next Sitting of" and to substitute the words "therefore to be brought before the Legislative Assembly". I intend to seek that leave Mr Acting Deputy Speaker because of discussions which took place at the informal meeting on Monday and the

obvious difficulties which would be facing the Legislative Counsel to comply with that requirement if the House chose to support my motion. The motion that I have before the House is that this House requests the responsible Executive Member to have drafted, most urgently, and to be brought before the Legislative Assembly, legislation by way of a Children (Care and Protection) Act which provides –

a) for all proper, necessary and suitable measures, duties, obligations and requirements which establish and guarantee the highest possible levels of essential care, nurture, welfare, protection and safety of children on Norfolk Island;

b) a Child Protection Council similar to that Council set up in New South Wales, comprised of community members with expertise in child welfare and protection and representatives of government agencies responsible for the care and protection of children, the apprehension and prosecution of offenders and the prevention of any child abuse and neglect in the community, which will advise the responsible Executive Member and the Government of Norfolk Island on matters related to child protection;

c) amendments to any other legislation which are necessary to carry into effect and operation the principles adopted by this House that the safety, well-being and welfare of children in this community are paramount and that all penalties and punishments in respect of offences against children reflect and respond to community attitudes and concerns in relation to all such offences and are appropriate and just penalties and punishments able to be imposed on offenders

Mr Acting Deputy Speaker I'm not sure at the moment, before I commence to speak to my motion whether I should formally seek leave to have that formal amendment made to the motion. If it is necessary for me to do so, so that I can proceed with the motion with the deletion of the requirement to bring it forward at the next sitting but simply to bring it before the Legislative Assembly as soon as it can be done. I formally seek the leave to have that formal amendment

ACTING DEPUTY SPEAKER Thank you. Just to clarify that you are seeking leave to remove the words "in any event by the next Sitting of" and to substitute the words "to be brought before the Legislative Assembly"

MR COOK Thank you Mr Acting Deputy Speaker that is so

ACTING DEPUTY SPEAKER Is leave granted Honourable Members. Leave is granted

MR COOK I'm grateful to the House for that, so that I can proceed with this. Mr Acting Deputy Speaker I want to be most careful that I don't because of my experience in legal matters of course, be thought to be endeavouring to bring matters before this House which reflect on any current matters which are before the Courts in Norfolk Island. I wish to be most careful in that respect. The question that I directed to the Chief Minister this morning was simply to ascertain what had been some concerns of the public as manifested by a number of persons presenting a request to the Crown Counsel and the House has heard in a statement from the Minister for Immigration and Community Services

MR BROWN Point of Order Mr Acting Deputy Speaker. The Point of Order is relevance. We do have a long programme ahead of us, and if we are going to talk about things that aren't relevant to the particular motion we are never going to finish

ACTING DEPUTY SPEAKER Mr Cook could you confine your words to the motion

MR COOK Well I intend to do so, I'm simply speaking to the fact. I don't wish to go beyond the terms of the motion. The circumstances in which this motion is brought forward I would have thought would have been relevant and I'm simply

thinking that in Norfolk Island we should have absolutely every facility and resource that's available in say Sydney or Melbourne, then he is kidding himself, with respect. We could have every person on the Island employed just in a Child Welfare Department. We'd have no-one left to do the roads. We'd have no-one left to work the boat. No-one left to run Accounts and send out the bills. What kind of stupidity is this. Sure, let's have a sensible report prepared

MR COOK Mr Acting Deputy Speaker I take a Point of Order on stupidity. Those remarks are inappropriate

MR BROWN I stand by my comment of stupidity Mr Acting Deputy Speaker

ACTING DEPUTY SPEAKER Alright Mr Brown perhaps we could just confine our debate to the motion itself. I don't think the remarks suggest that you are stupid Mr Cook I think it was not so. If we could confine our remarks to the motion Mr Brown

MR BROWN Thank you Mr Acting Deputy Speaker. The motion goes on to demand what one could interpret as draconian penalties to certain things. But I think the motion misses the point. Child Welfare Legislation as I understand it is normally about taking children away from their parents. That's what Child Welfare Legislation is about. We have criminal law for the matters Mr Cook is trying to refer to. Criminal law and our criminal law in that particular area is as I understand with my discussions with the police and others, as modern as virtually anywhere. It was the subject of substantial amendment in quite recent years and it does not fail in any respect. If we are suggesting that for some offences there should be penalties that fall just short of hanging, but for other relatively comparable offences the penalty should be something quite different then we are inviting refusal of assent to our legislation because it is necessary for penalties to have a degree of relativity. Those of us such as the Minister for Immigration and Community Services who has been in this place for some time, will all recall the occasions when the period leading up to the assent to legislation there has been quite significant discussion about relativity and as I said, the general gist of what Mr Cook is trying to do is probably quite worthwhile, but let's do it in a calm and sensible way

ACTING DEPUTY SPEAKER Thank you Mr Brown. Any further debate

MR BUFFETT Thank you Mr Acting Deputy Speaker Members will know that in a ministerial sense I have responsibility for the broad matters that are being talked about at this moment. I would not want to prolong maybe the dissent to Members who are debating the matter at this moment and I wonder if I could enter the lists by saying words like this that I recognise that the thrust of Mr Cook's motion is to respond to community needs and to endeavour to move something expeditiously. Mr Brown has rightly pointed out that in doing that we need to have regard to a number of things recognising that in this process there are interrelationships between legislation of this sort and matters that go hand in hand with it and those need to be addressed also. Just a short minute ago I endeavoured to set out a course forward for some Justice reforms. It may well be that some of those components may be able to move more quickly than others. In that process I have asked that Mr Cook chair the arrangement and I can see that he obviously has a concern in this matter. I can see relationships between the two and if Members wanted to pursue this motion, I would have no difficulty if they wanted to do that and I would want to pursue it as the Minister responsible, taking into account the broad range of things that people have mentioned around the table and to endeavour to do it with as much speed but in a measured response so that all of the factors are properly related one to the other. I hope that is helpful in Members minds about the matter

ACTING DEPUTY SPEAKER The question is that the motion be agreed to. Any further debate

MR SMITH Thank you Mr Acting Deputy Speaker as Minister for Education I've been very keen to see something happen in this area. Without getting into debate between the legal Members of the House I think Mr Brown was referring to the criminal legislation. What I see in what Mr Cook has in his motion is not necessarily the criminal side of things, it's for the protection of children in another sense. I think that's very important and it's a thing that gets missed often and it is one of the things that's of concern to the groups around the Island who are interested in this. I see that there are some really good moves in what Mr Cook is supporting here and I intend to support the motion on those grounds

MR NOBBS Thank you Mr Acting Deputy Speaker I support the general thrust of Mr Cook's motion here. I think some issues that have come out is unfortunate that we've had a bit of mudthrowing and it's not really helpful in this sort of issue. I think from time to time Members around the table have had a partiucular concern and have pushed so to speak into the Legislative Programme in various areas and that has happened before, and it will happen again. It" really interesting that Mr Cook has accepted the role of Chairman of Minister Buffett" committee and I look forward to some good works being done by that Committee when they are up and running, but it is a problem that's been identified, what is in this motion. It's a difficult area. It has community concerns being expressed in relation to this. I would say that Mr Cook will take into account all those partiucular issues that Mr Brown raised in relation to where we are actually going and how we fund it and what provisions are provided here in child care area. I think those will be subject to his thorough scrutiny and he's had considerable experience in this area and he actually took the time whilst he was in Australia recently at this own expense I understand to visit other agencies within this area of concern and I think that it is something that we need to support and I will be doing so

MR BROWN Mr Acting Deputy Speaker could I seek leave to move a brief amendment. Perhaps I could give an idea of what that amendment could be and then a decision could be made as to whether leave would be granted. The amendment would be that all words after "that" (first occurring) be deleted and the following substituted –"this House requests the responsible executive member to investigate whether there is a need to give priority to the intended review of the Child Welfare legislation, and if so, to expedite same

ACTING DEPUTY SPEAKER Thank you Mr Brown. Honourable Members is leave granted. Leave is not granted

MR BROWN I move that so much of Standing Orders be suspended as would prevent the amendment being dealt with at this sitting

ACTING DEPUTY SPEAKER Thank you Mr Brown. The question is that so much of Standing Orders be suspended as would prevent the amendment being dealt with at this sitting

MR SPEAKER Would the Clerk please call the House.

MR BUFFETT	AYE
MR NOBBS	AYE
MR BATES	AYE
MR COOK	NO
MR MCCOY	NO
MR GARDNER	AYE
MR WALKER	AYE

MR SMITH
MR BROWN

AYE
AYE

ACTING DEPUTY SPEAKER Honourable Members, that motion required six supporting so the motion is agreed to

MR BROWN Mr Acting Deputy Speaker, I move the amendment and I'll just repeat it that all words after "that" (first occurring) be deleted and the following substituted –"this House requests the responsible executive member to investigate whether there is a need to give priority to the intended review of the Child Welfare legislation, and if so, to expedite same. Mr Acting Deputy Speaker I suggest to Members that this is an unemotional amendment which focuses on the bits that matter and will enable the responsible Minister the Minister for Immigration and Community Services together with Mr Cook as the Chairman of his Committee to deal with everything that Mr Cook seeks to deal with

MR NOBBS Thank you Mr Acting Deputy Speaker I won't be supporting the amendment. I did vote that he should get his day in court so to speak as we seem to be getting into that particular area, but apart from that I will be supporting the motion as amended by Mr Cook

MR COOK Thank you Mr Acting Deputy Speaker I certainly cannot support the amendment. It seems to yet again postpone action and seems to create a situation of inaction rather than a positive move forward to have these matters examined and dealt with in a way that is effective and appropriate, that is to have legislation drafted after due consideration of all elements that are important, particularly the needs and attitudes of the community and its resources and matters of that kind. I certainly can't support simply putting off what I have brought forward as a matter of urgency

MR BUFFETT Thank you Mr Acting Deputy Speaker I've got to say that I've got some understanding of the amendment that Mr Brown has made but I think nevertheless that there would be a perception that there is some element of delay or not wanting to pursue this matter in the general thrust that is pursued and although I understand the amendment I think that I would take note of the difficulties about perception and I would be reasonably comfortable that we just get on with the motion as it now stands

MR GARDNER Thank you Mr Acting Deputy Speaker I have only a very small participation in this debate today but it relates I think very importantly to the participation of Legislative counsel and our informal Members meeting the other day. he discussed the importance and the significance of a proper public consultation process in relation to Child Welfare Reform and I think we have to bear that in our minds. We all sat there and listened and I think we all accepted it. It's not the sort of area that you can just rush through, it needs to be properly thought about, properly planned and Legislative Counsel, the person who is going to be drafting the legislation who has had vast experience in this area, in what he said the other day, issues a cautionary note on making sure we do it properly. I have no problem with the concept of it. I think it is long overdue. I believe it has been taken care of in the package that the current Minister is proposing to have dealt with in the review of legislation. I am aware and conscious of the community concern in relation to this but I think that Mr Cook in his introductory remarks said that this wasn't a response to that so let's not make it appear to be a response to that. That's all I'm saying but I'm supportive of the motion as it originally stood. I see really no difficulty between the original motion and that as proposed by Mr Brown. I believe it's come up for discussion in the House. It's certainly taken on another level of importance by coming forward to the House for open public debate we just need to progress it so let's just get on with it

ACTING DEPUTY SPEAKER Thank you Mr Gardner. Any further debate on the amendment, then I will just clarify the amendment and put it to the vote. The amendment reads that all words after "that" (first occurring) be deleted and the following substituted –"this House requests the responsible executive member to investigate whether there is a need to give priority to the intended review of the Child Welfare legislation, and if so, to expedite same". I put the motion that the amendment be agreed to

QUESTION PUT

ACTING DEPUTY SPEAKER Would the Clerk please call the House.

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

ACTING DEPUTY SPEAKER The result of voting Honourable Members, the noes six, the ayes three the amendment is lost. We now put the motion

QUESTION PUT
AGREED

MR BROWN	ABSTAIN
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DETERMINATION OF HUMAN RESOURCES POLICY & ORGANISATIONAL STRUCTURE

MR NOBBS Thank you Mr Acting Deputy Speaker. I've been asked by the Acting Deputy Speaker whether I have any problems with his being in his particular position during the discussion of this and I have no problems whatsoever. Mr Acting Deputy Speaker I table the draft determination in respect of the Organisational Structure dated 20th day of February 2001 and the draft determination in respect of the Human Resources Policy dated 20th day of February 2001. The change has been made necessary to take account of a variation that was made at the last Members meeting on Wednesday and I had given out to Members the relevant minutes from that meeting and also a variation which changed the dates from the 15th to the 20th February for the determination by the CEO. I wish to move that this House, having considered the written comments of the Public Service Board dated and I foreshadow an amendment now to that to make it the 20th February 2001 in respect of the draft Human Resources Policy and Organisational Structure in accordance with and pursuant to sections 26, 27 and 28 of the *Public Sector Management Act 2000*, hereby

a) makes the draft determination in respect of the Organisational Structure, dated and there'll be an amendment to change the date to the 20th day of February 2001, produced by the Chief Executive Officer; and

b) makes the draft determination in respect of the Human Resources Policy, dated and there'll be an amendment to change the date to the 20th day of February 2001, and produced by the Chief Executive Officer,

and declares that a copy of this motion, signed by the responsible executive member and appearing in the Gazette, shall be the instrument in writing of the Legislative Assembly for the purposes of paragraph 26(1)(d) of the said Act.

Thank you Mr Acting Deputy Speaker, the process really is the continuation of what commenced with the commissioning of a consultant report by Mr John Howard and whilst it seems like years ago, it was in fact in April 1998 I understand. Howard provided his report, the Legislative Assembly supported most of the report although economic considerations were the only major concerns I believe. The development of a new Public Sector Management Act and the attendant Human Resources Policy were commenced in about mid 1999. In the term of this Legislative Assembly we have passed the Public Sector Management Act and at the January 2001 meeting approved, subject to the determination both the Human Resources Policy and the Organisational Structure. Today I seek the requested determination. Due to a technical problem with copying in the Administration a copy of the tabled document is not available for each Member however the tabled Human Resources Policy is that which has been distributed to Members as Version 4 dated 22 September 2000 plus minuted amendments following discussion with Legislative Assembly Members in January and February including the decision taken at last Monday's meeting. In fact, the only changes since our meeting of 24 January 2001 are minuted decisions taken as I said, last Monday. As a consequence I seek leave to amend the motion to reflect Monday's decision thus I wish to delete reference to the 15th February in the motion and insert the 20th February and add after the 12th February 2001 and 20th February 2001. Members are aware that at the January meeting certain issues were outstanding and that ongoing negotiations would take place in relation to three issues. Spread of hours, redundancy and period of special leave without pay. Members have agreed in relation to spread of hours and redundancy but negotiations on special leave without pay continues. The document tabled reflects not only those issues agreed to but also those as yet unresolved and apart from special leave without pay there is under section 7.1 which relates to the make up of selection committees for the appointment for the CEO. Once the position is advertised the Assembly that selects the person will be requested to decide on the panel composition. Members are also aware that there are minor amendments as required in the Act. Mr Acting Deputy Speaker the draft Organisational Structure provides a basic structure as recommended by the CEO at this stage. The CEO's proposal is to flesh out the structure once the Executive Directors are appointed and in place. Mr Acting Deputy Speaker the documents are the result of considerable effort, patience and co-operation by a number of people. The process was commenced by the previous Government and I recognise their effort and particular the Minister responsible, Mr Smith. I also commend the efforts of the Administration Working Group who spent many hours on development of the Human Resources Policy and some fairly hard negotiations I must add. I also commend the Personnel Section for their assistance and particularly their enthusiasm. All Members of the staff were involved in one form or another. The document does not please everybody, certain parts are not supported by some naturally, however we have what is a negotiated document and I commend the processes and the final position taken. My final recognition goes to Members who have had to make decisions in relation to the document. I now seek the endorsement of Members to bring all the efforts made by many to date, to fruition so that we may progress what I understand is the aim of the whole exercise, the long overdue modernisation of the Public Service

ACTING DEPUTY SPEAKER Thank you Mr Nobbs. I think we'll just clarify the situation with the dates. You have tabled two documents dated the 20th February and not the 15th and you seek leave of the House to amend the 15th to the 20th in both a) and b) of your motion. Is leave granted Honourable Members. Leave is granted Mr Nobbs. Would you like to move your amendment

MR NOBBS Could I also add that we need one in the first paragraph and that the written comments by the Public Service Board dated the 12th February be followed by "and the 20th February" because it relates to what was discussed on Monday last

ACTING DEPUTY SPEAKER Could you just repeat the words of your amendment

MR NOBBS I wish to moved the following amendment: that in paragraph one, the opening paragraph, line 2, add the words "and 20th February 2001" after the words "'12th February 2001"; and in Paragraph a) change "15th" to "20th" then in Paragraph b) change "15th" to "20th"

ACTING DEPUTY SPEAKER Is that leave granted Honourable Members. Leave is granted

MR NOBBS I so move

ACTING DEPUTY SPEAKER Further debate

MR BUFFETT Thank you Mr Acting Deputy Speaker the Chief Minister has pointed out that there are two parts to this. One relates to the Human Resources Policy and the other relates to the Organisational Structure. I have been properly fairly silent on this matter in a number of discussions because I have been a Member of the Service when most of those discussions were taking place. Members will know that I am no longer an officer of the Service and may not be inhibited by the same measure. The Human Resources Policy has gone through a significant period of examination. I think it is fair to say that there is a reasonableness about its content at this stage. It is certainly not a perfect document but I do acknowledge that there are some sections of it that need to be tested to see whether they will meet the needs of the Service in the Norfolk Island context and probably the document as it is is as best as can be achieved and deserves compliment for all the work that has gone into it. I think I do detect however that whilst there has been some explanation to us that there is widespread acceptance, my interpretation is that there is not necessarily widespread acceptance within the general officer spectrum of the Service and that probably will be for some time until many of these things are proven to be good or indeed proven not to be suitable and amended but the Human Resources Policy is at that stage. The Organisational Structure has certainly improved upon that that was originally proposed in the Howard Report. Quite frankly it is so long ago, I know the Chief Minister has just reminded us that it was 1998 but the content if I remember correctly about this competent was that there was something like seven or eight top level positions and quite a different configuration of the various components within the Service. The more streamlined arrangement that is there now is a marked improvement and it does make a significant endeavour to fit into a more Norfolk Island situation and pick up some of the arrangements that are in place. Not necessarily that they can't be adjusted from time to time. One of the things that Mr Smith made much play of in commencing this process during his time as Chief Minister and having responsibility for this matter, was that there would not be the matter of redundancies. Whilst there was provision of redundancies, that was to be a matter of last resort and it was not envisaged that we would not embark upon that, certainly not at the early stages. However, it has come to my attention that there has already been one letter despatched in the organisational arrangement which gives and indication of redundancy of one of the positions given the structure that we are about to approve. Now that wasn't the intent and I am disturbed about that, because right at day one we are doing something that was said would not be done. it may be thought that we can do that with impunity at the higher level but make no mistake, if you do it at that level, people at other levels will equally be at risk and I'm not about creating significant redundancies and indeed no redundancies unless there can be much and proper effort. Now I'm aware in this particular case we did make some suggestions about how that could be handled. Obviously they have not been heeded but I do recognise that that area is not in our bailiwick to instruct. I recognise that very clearly, however, we do have the responsibility that is in front of us now, and certainly I have hesitancy if the organisational structure that we are about to approve gives room for that sort of action, it gives me pause and I just mention that

MR NOBBS Thank you. I'm a bit aghast at what the Minister has just said because I'm not aware of any redundancy proposal being put up. I think it would be extremely difficult. I am aware that there is a disciplinary type action going on at the present time but I don't know whether there's... there's been no suggestion to me and I'm not involved in it but from the CEO in relation to a redundancy matter so I'm quite surprised at the Minister bringing this subject out at this particular point in time but there's always been as Mr Smith mentioned, it's been spoken of at length in meetings with Members that there is a redundancy provision in there, it's been looked at, there is a timetable and what I consider as an extremely fair redundancy package. If it's necessary but we've said all along, and I'll repeat it here and now, that there are a lot of other avenues to progress, available to the CEO before any redundancy proposal comes into play. Now that's all I can say at this particular point in time. I don't know anything about anybody being offered a redundancy at this stage and I would be very surprised and I actually spoke to CEO about seven o'clock this morning and he gave no indication that there is a redundancy offer about or even any consideration of a redundancy but he did mention that there are some disciplinary actions going on within the Service at the present time

ACTING DEPUTY SPEAKER thankyou. I'll just remind Members that we are discussing the amendments to the motion at this time and I'll just remind you what they are. Mr Nobbs has moved that the motion be amended by, in paragraph one, the opening paragraph, line 2, add the words "and 20th February 2001" after the words "'12th February 2001"; and in Paragraph a) change "15th" to "20th" then in Paragraph b) change "15th" to "20th" and we are debating those amendments at the moment. You will get a chance to debate the motion after those amendments have been decided. Any further debate

MR SMITH Thank you Mr Acting Deputy Speaker, even though you've just said what you've just said, I believe that the amendment is related to the discussion that has been going on but please tell me if I'm going off track in what I'm going to say. I believe that Mr Buffett is correct in his recollection of when we were dealing with the Public Sector Management Act and the development of the Human Resources Policy that it was never my intention to have redundancy included in the early stages. Redundancy became an issue that I believe was something that the organisation itself picked up or maybe the PSA and that became a recommendation which has been included in the Human Resources Policy but I like the Chief Minister would be really surprised if a letter of redundancy has been sent out. Particularly if it is related to where I think it's been related to, which would be in the effect of this motion today, making the new Administrative Structure. Now if that hasn't been done yet, which it hasn't, that has to be agreed to by the House, then that could not happen in the particular situation that I'm thinking of but I may be thinking of the wrong area. Redundancy when it was a matter for discussion, it was always said that it would be a matter of last resort, that a person would be offered redeployment and all the other things that go down that track before anybody would be offered redundancies but it does make me very wary of agreeing to the motion today if some information is out there that we don't know about and the fact that the House would be making a decision on that redundancy in effect by passing this determination today. Not only do I not know where that leaves us, maybe if we are going to suspend for lunch at some time, we could find that information out before we pass the motion, amended or otherwise

ACTING DEPUTY SPEAKER Thank you. Any further debate on the proposed amendments. I would like to tidy them up before lunch at least. Then I put the question that those amendments be agreed to

QUESTION PUT
AGREED

The eyes have it. We now deal with the motion as amended. Does anyone want to say more about that

MR BROWN Mr Acting Deputy Speaker, I share the concern of the Minister for Immigration and Community Services in the event that it is the case that one Member of the Service has been told that he's on the way home, and the implication to me is that other Members of the Service have been told that notwithstanding our professed intention to put all of those senior jobs out to tender, they'll be staying. Now I'm sure that's not what was intended by the Chief Minister. I don't think it is what was intended by the Minister for Tourism and Commerce but I think the Minister for Tourism and Commerce's suggestion that perhaps we could at an appropriate stage suspend discussion with the intention of resuming it later today, so that that information can be uncovered would be a responsible course of action for us to follow

MR NOBBS I would agree with that because I'm a bit surprised at the turn of events here and whether they are stalling tactics or not I don't know but I want to get to the bottom of it before this goes too far if I may and I would appreciate it if we could suspend so that I can get straight on to it

MR BROWN Mr Acting Deputy Speaker could I suggest that we suspend until 2.15. Would that be long enough for the Chief Minister

MR NOBBS Yes, thank you

MR BROWN Could I suggest that we suspend until 2.15

ACTING DEPUTY SPEAKER Do Members agree with 2.15. That is agreed. Honourable Members this House is suspended until 215

Honourable Members we resume on the motion of Human Resources Policy and Organisational Structure, that motion as amended, resumption of debate. Further debate

MR NOBBS Thank you. I was required by the House during the luncheon adjournment to ascertain in the fullness of the events what the story was in relation to a supposed letter which offered somebody redundancy in the Public Service. I've secured the letter and the permission of the person the letter was addressed to be circulated to Members and I would hope that you will keep this in confidence. The other issue that I have is a memo to myself from the Chief Executive Officer in relation to matters raised in the House this morning. I think I should read that out to you if may

ACTING DEPUTY SPEAKER I assume it refers to matters raised this morning

MR NOBBS Thank you Mr Acting Deputy Speaker it is. The memo goes as follows "Chief Minister, I wrote to a senior staff Member yesterday to assure him about his permanent position within the Service. In that letter I explained that if the Legislative Assembly made a determination on the structure as was proposed in the Notice Paper I would proceed with recruitment for all senior executive positions and once recruited, these positions would replace the present Programme Manager's positions. I encouraged the recipient to reply for the senior executive positions when advertised. I should emphasise that my letter also advised the recipient, that while the positions would be replaced by a new performance based contract, this would not affect his permanent employment status. I also advised the recipient that if he did not intend to apply for these positions, discussions about redeployment opportunities should commence as soon as possible. I explained the reasons for the requirement to advertise the senior executive positions and selections in accordance with the merit selection

processes as described in the Act. I have not issued a redundancy notice to any staff Member. Signed I F Buffett, Chief Executive Officer". As I said, I have received permission to circulate the offending letter, which was sent yesterday to the particular staff Member. I don't intend to read it out or progress it apart from making one comment in relation to this letter. There was, as Mr Buffett had stated, the use of the word redundant in the letter but it referred quite in error I believe in the context of what we are talking about, it referred to the position, a particular position. Now positions are not redundant. As Members are quite aware we've been through this Human Resources Policy ad infinitum. A person becomes redundant, not a position and that's where this letter was in error, where it referred to a redundant position in the context and I would have thought that those who had been dealing with this and some of them fairly deeply into the Human Resources Policy would understand that that is an error, however, be that as it may, may I just reiterate that we are talking about these positions ceasing to exist and that new positions are to be created and there's not indication in this letter or in the Chief Executive Officer's memo to the fact that anybody has been offered a redundancy package. I spoke at length with the CEO during the break. He was quite upset with the implications that were put into this letter because he believed that all he was trying to do was to reassure an officer who was working for him who had concerns in relation to this. Now these concerns in relation to the Programme Managers positions have been around for two years I guess, since the original proposal was put up that these positions would no longer exist and that new executive director positions would be created. I think the CEO assured the person that he is actually in a better position than the CEO as to getting a job as the CEO is purely on contract whereas the person to whom this letter was directed is in a permanent position. Now the process I will repeat is simply this, that these positions have been changed, their functions have been changed, there is a varying financial commitment to them, they are new positions and the procedures as put in place by the Human Resources Policy are 1. there is now the ability to appeal. There was never any, apart from going to Court, there was never that ability to appeal. Now all people who apply for jobs have the right of appeal if they are unsuccessful. The second part is that in the policy and I think Mr Smith mentioned this morning that at the request of the Service, the ability to have a redundancy package should be placed in the programme. Now this is a modern administrative procedure that has been put in place and it allows the person if they are unsuccessful at applying for a job, which has been changed, to look at a redeployment situation if that is not satisfactory there is a fall back position for a redundancy. But as I've said before, I don't like redundancies. I never have and I never will but in some cases they've been used to get rid of people and other times they've been used to give people a good handout. So that's why I have some real problems with them and I believe that as long as I'm holding this position and have any control at all over the public service, that I'm not in favour of a redundancy situation although it is in the Human Resources Policy, it is available, we have put in what I believe, or all Members agreed on Monday to what is a very generous redundancy package, bearing in mind that the limited opportunities that are seen here on Norfolk Island for people to be re-employed in other areas, I think that was the main reason for it, and that also there was some talk at the time that redeployment may not be as open to older Members of the Service but I don't accept that at all, I think you can retrain anybody if you really want to. Mr Acting Deputy Speaker I don't accept that this letter was sent in any other way than to assure the recipient that he had support within the Service, he had support from the most senior member in the Public Service and that I don't accept the view that it is an offer of redundancy, it's obviously not. Thank you Mr Deputy Speaker.

MR MCCOY

Thank you Mr Deputy Speaker. Interesting to hear some of the words of the Chief Minister. He did indicate that the position doesn't become redundant, or the person becomes redundant but then further the Chief Minister said the positions are becoming redundant, so theoretically yes the person or persons affected has become redundant. I do agree that this letter is not an offer of redundancy but it quite clearly states the position becomes redundant. There is an ability for

redeployment in the new Human Resources Policy but the difficulty I have with the situation that we find ourselves in is I believe the person in question, as the letter states is a full time employee of the Administration, and he is also one in the top level of employment in Administration, and the problem is if this person is to be re-deployed, where can he be re-deployed or she for that matter, and there may be a way to train a person up but I really don't think it's the right thing for someone in a management position in the Service to be re-deployed to a lower paid job and I guess from my understanding from the Human Resources Policy they wouldn't be in a lower paid job, maybe in a lower paid position but their remuneration package would remain the same. So theoretically the person has no option but to become redundant under the present arrangements we have, simply by merely by the fact that it appears that we are going to change some name changes will happen in this new organisational structure which to a large degree is where the problem lies. So I feel that I am compelled not to support the organisational structure at this point. I did express when it was tabled in the House previously that I had problems with the organisational structure and it was really not for the reasons that have come to light today. But I'm interested to hear what other Members around the table have to say about the present situation the Assembly now finds themselves in.

MR DEPUTY SPEAKER Any further debate.

MR BROWN Mr Acting Deputy Speaker I think that it is important for us to take note of what's in the written material that's been provided to us. I think it is important for us to recognise that it is intended and has, as I understand has always been intended that the Executive Director positions and the CEO position will be advertised locally and overseas, and so no one has a guarantee of appointment to any of those positions. It seems from what we are told that perhaps another position might simply disappear and that the present incumbent will have the option of applying for any of the Executive Director or CEO positions or alternatively have been re-deployed within the Service. So my vote is being made on the basis of the paperwork that we have before us and I want to make it very clear that it is because of the understanding that I have developed as a result of these papers that I'm voting the way I am. I don't think that it is necessarily the case that anyone will be unfairly treated as a result of our decision today, if that person has 2 guarantees. One that he can apply for and be fairly considered for any of the Executive positions or the Executive Director positions or the CEO position, or alternatively he can expect to be re-deployed. I would vote quite differently Mr Acting Deputy Speaker if I believed that the person had been told in writing that his position had finished and he was on the way out by way of retrenchment. So I think it's important that I make clear why it is that I'm supporting the Motion that is before us. If any of this turns out at the end of the day to have an error in it, then as the Chief Minister has just indicating we all have difficulties and I think that we all need to readdress it, but on the basis of what's before us it's hard to say that it is unfair and it is hard to say that it is contrary to the assurances that were given at earlier times by the present Minister for Tourism and Commerce. Now if I've misunderstood any of that I hope that one of the Members around the table will correct me, because I really am keen to make sure we get this right, but those are my understandings and my reasons for being prepared to support the Motions before us. Thank you.

MR SMITH I have to reiterate to what Mr Brown has said. Earlier this afternoon just before lunch I probably misunderstood what was said in relation to redundancy. I thought I heard it said that somebody had been issued with a redundancy letter, which is not the case and therefore for similar reasons to what Mr Brown has just said I do support the Motion because it does not do what I misinterpreted earlier this afternoon.

MR BUFFETT Just a final word if I may Mr Acting Deputy Speaker. We have had throughout this exercise assurance about no redundancies and yet on day

1 we have signalled to us the first step, first of all that a position has been made redundant, that is very clear from the correspondence that is in front of us. It is not as clear as to what the position at the end of the day may be in respect of the person who occupied the position that has been identified as now redundant and I'm concerned about that. I remain concerned that the matter of local employment is not given sufficient impetus in the prospective recruitment arrangements, and so I just express my continued concern about those 2 aspects.

MR ACTING DEPUTY SPEAKER Thank you Mr Buffett. There being no further debate then I put the question that the Motion as amended be agreed to.

QUESTION PUT

MR ACTING DEPUTY SPEAKER Would the Clerk please call the House.

MR BUFFETT	NO
MR NOBBS	AYE
MR BATES	ABSTAIN
MR COOK	AYE
MR MCCOY	NO
MR GARDNER	AYE
MR WALER	AYE
MR SMITH	AYE
MR BROWN	AYE

MR ACTING DEPUTY SPEAKER The Ayes 6, the No's 2 and one abstention. The Motion is agreed to.

MR ACTING DEPUTY SPEAKER Honourable Members we have on the programme a Motion by leave of the Immigration Act 1980, determination of General Entry Permit quota for the period the 17th of February, 2001 to the 16th of February, 2002.

MR BUFFETT Thank you Mr Acting Deputy Speaker. I seek leave to move the Motion standing in my name on the Programme for today's sitting.

MR ACTING DEPUTY SPEAKER Is leave granted.

AYE

MR BUFFETT Thank you. I move therefore that for the purposes of Subsection 21 (1) of the Immigration Act 1980 this House resolves that it be determined by instrument in writing that 10 General Entry Permits be granted during the period 17 February, 2001 to 16 February, 2002.

MR ACTING DEPUTY SPEAKER Thank you Mr Buffett.

MR BROWN I'm not sure whether the Minister wishes to speak before me Mr Deputy Speaker but there are things I do wish to say but I'd happily await the Minister's speech if that's his wish.

MR BUFFETT If I may make some brief words Mr Deputy Speaker. There is a requirement that I bring forward such a Motion and to do it at the February sitting because that's basically the end of the time that we already have in place and we need to do something to commence a new period of time, so there is a requirement that I endeavour to settle a quota for us all at this sitting. May I additionally say that this proposal is in the climate of the Immigration Review that I have mentioned and so I would ask Members to take that into account. I think that there are 3 basic

options that I've had to consider in bringing forward this Motion. One is obviously a option to have a nil quota. There is concern about a number of aspects of immigration arrangements on the island and there I think would be some people who would say yes let us pause for a moment in the context of an immigration situation. On the other hand there is a prospect that a proposal may be put to maybe address all of those who are on the subsist list at this moment. There are 22 applications that are on the subsist list for GEP's at this moment, that is also an option. In respect of those 2 I think the nil option is not the preferred option, I think that would show that we are rather closing shop in respect of a whole range of things within the island and I don't think that that would be healthy for the community. If in fact we opted for the larger figure of 22 I think that may also indicate a fairly full steam ahead situation where some people are concerned within the community about some directions in the immigration area. Therefore I am proposing a figure that is less than the 22 but obviously it is more than nil, it's 10, which really endeavours to signal a cautious move forward whilst those other reviews are being conducted. If we looked at what we did last year Members may remember that we had a quota made in February, a quota made later in the year but still in the early part of the year and then another quota towards the end of the year. The first one was 20, the next was 10 and the one after that was 15, a total of 45. Now it may well be that we would want to later in the year, maybe after we have undertaken the reviews to see how we want to go in respect of the quota. If we move too quickly now well it's hard to recover that situation, but a more cautious figure is the suggestion that I make. I am happy to entertain Members views about it but I wanted to explain the reason why I had made the suggested figure of 10 at this moment. Thank you.

MR DEPUTY SPEAKER

Mr Deputy Speaker we really are in a situation, as I understand it where there are 22 people on the island that are not going to be leaving, who don't have General Entry Permits. They are 22 people who have TEP's and are subsisting on the GEP quota list. We are kidding ourselves if we think that by setting a quota, with all due respect to the Minister, I can understand why the Minister is doing it the way he is, but nevertheless in my view we are kidding ourselves if we think that we can just set a quota of 10 and that everyone will be happy, because the other 12 people won't be going anywhere, they're here, and God only knows how many of the other 26, who have got applications in at present are already here. My understanding is that perhaps as much as 80% of those to whom we allocate GEP's are people coming from the ranks of TEP's. So they are already here. We can give them what ever name we like, we can take from them what ever feeling of security we like, and bearing in mind Mr Deputy Speaker that's what we're doing, we're taking something from those people at a time at which we still have a population policy that's been in existence now for in excess of, if my recollection is correct, it's been in existence since 1996, and that policy has provided for a growth of up to 2% per annum in the permanent population. Now if we had allowed that growth, through the various previous Assembly's the population today would be something close to, the permanent population today would be something close to 140 people higher than it is. Now year after year as we sit here in February we look at what the quota would be if we set it in accordance with the population policy, and year after year the majority of the Assembly panics and says, deary me the community will not accept an increase of this number, and so year after year we say oh well why not make it 10, or 12 or 15 and we'll look at it again in a few months. Now if what we're going to do in a few months is unavoidable why don't we do it now. If what we're going to do in a few months is something similar to what occurred during the first year of this Assembly, and that is do nothing until a backbencher moves a Motion to increase the quota, well I don't expect that's going to happen with the present Minister, but if the Assembly was of a view that that should happen, then that's not appropriate either. The present population policy really provides for us to replace those that leave the island, replace those that pass away, take account of those who have been born and then allow for a 2% growth,. Now if we look at it over the last 4 or 5 years that really would have required, not less than 60 people each year in the quota. There is a significant difference I suggest between 60 and 10, and the present Minister has been very fair in

what he's said, he's pointed out what all of the options are, but I suggest to Members that the option that should be adopted today is to recognise that the 22 people presently on the island and subsisting are here anyway. Our decision will not cause their numbers to decrease in terms of day to day people on the island. In addition to that I believe we have an obligation to set a quota that is sufficient to allow, for example, for an elderly resident in ill health to be able to leave the island, for a person who has been here on a GEP for whatever number of years to decide that they have loved their time on Norfolk Island but they are missing their children and that they realise they perhaps need to be closer to medical attention, perhaps even to be saying we do not wish to be a burden on the Healthcare Scheme in terms of this medical attention, we would like at this stage to move back to Australia or New Zealand to where we're covered in whatever fashion in any event. We need to provide for the local resident who has live here all of his or here life, to be able to sell his or her business and if there is not a local buyer, and I realise that there may be difficulties with businesses not being adequately advertised in Norfolk Island before they are sold, and we've seen examples of that in recent times, but that is a problem that I'm sure the new Minister will address, but why shouldn't one of our senior citizens be able to sell his or her business and retire, why should they feel a need to leave the island so that when and if the Assembly actually looks at this quota situation in terms of how do the numbers go up and down, why should they have to leave so that the numbers go down by a couple. It's not a one in one out policy, but to an extent it works out in the same way. At an appropriate time I propose to seek leave to move an amendment, and that amendment will be to increase the quota to in fact 48 and the reason for that will be to cover the 22 people who are already subsisting and to cover those of the remaining applications which might be approved and any applications in the near future which might be approved, but I hope that we won't make a decision on the basis of repelling all borders because at the end of the day, we've got to pay our way, and we've got to enable the members of our community to live in a decent way and maintain their pride. We have seen situations and I'm thinking of one particular business that had I think at least 3 separate purchases all of whom required General Entry Permits and I think that at least the first 3 of them were knocked back. I think there might be someone here now on a TEP running that business, now is that fair, is it appropriate. Are any of the businesses that we are talking of here, businesses which are important to the island. I venture to say some of them are. I'll accept some of them are businesses which are important to the owners, important to the visitors who come to the island, important to customs revenue and various other revenue sources but perhaps of they stopped, if it wasn't for the financial side of it perhaps it wouldn't matter greatly to the island, but I don't think it's very fair to say oh well we'll cast those people aside. I think that this year we've got to look further than we've been prepared to look at any time since we introduced the population policy. I think we need to either throw the policy out and say from now on people in the business community and people elsewhere, you no longer should expect that if you need to sell your business you'll be able to. The logical extension of that is you should no longer expect that you can bring someone in to manage the business either, so you will have to accept whatever price is offered to you locally if any, and if your not offered a price at all you'll have to close down. That's not the way to go Mr Deputy Speaker. I will be moving that we make the quota 48. Thank you.

MR BATES

Thank you Mr Deputy Speaker. I think some of the words of Mr Brown just indicate to us what a mess our immigration seems to have got into because I think he said that the 22 subsisting are all here on the island and I think that in itself is one of the glaring examples of what a mess we are in. My understanding is if they are on the island then they must be on the island as TEP's and I don't think TEP's were ever meant to take place of the GEP permits. My understanding is that people subsisting on GEP's or applications that are on the list need not necessarily be on the island. They can have their GEP approval subject to quota and remain off island until the quota allows them to come on the island. So I'm a little bit surprised to hear that all these people are here on the island, it just shows me that the system has broken

down somewhere. Increasingly we find that decisions made by the Minister on GEP's are overturned by appeals to the Federal Minister and I think this reflects that a lot of the applications for GEP permits are done professionally by professionals on the island and therefore they know what to say and know what not to say and fill out the applications so when it comes to appeal time there are really no grounds not to approve the appeal. And as I've said before the only thing that is really working in our GEP situation is the quota itself. Nobody has ever overthrown a quota, nobody has ever got through on appeal on quota, they got through on the new business policy, they've got through on other things but the quota is the only thing that has stood up. I've said before that I don't agree with the 2% policy increase. If you look at the figures for the last 5 years we had nearly a 4% increase between 1999 and 2000. I don't if that's the trend into 2001 but that's well above 2% and of course between 1988 and 1999 we had quite a substantial decline which really put the figures back to where they were a number of years prior to that but in some years we've had increases much larger than 2% and in other years we've had declines, but I've never agreed with that policy and I don't to this day. I believe that we must have a quota, not to have a quota just opens the door I believe. If you haven't got a quota then you can't refuse anybody. Members that have not agreed to a quota in the past should really be saying let's have a nil quota, a quota of nil but just not to have a quota just opens the doors in my view. Perhaps the Minister when he speaks again will confirm whether I'm right or not there but I think we have 3 or maybe we've got 4 options now that Mr Brown is proposing an amendment but our options are to have a nil quota, to have the quota suggested by the Minister of 10, to maybe have a quota for 22 and I don't agree with that. I think it makes a mockery of it all if your just going to have a quota that fits the number of people that are on the waiting list. It's just like playing with numbers, I don't think that's sound management. It's been done in the past I know by Assembly's that have just quoted to fit what happens to be subsisting on the list, or then you can go to the other extreme of Mr Brown and have the 48. I couldn't do that because we had a quota last year of 45 and we had nearly a 4% increase in population, that GEP's and TEP's over a population of 45 so a quota of 48 I believe might give is something like a 4 or 5% population increase and I'm certainly opposed to that. I think my initial reaction was to go for a nil quota but I respect what the Minister has said to us, I think 10 is not out of the question. If you have a nil quota it really signals that we are closing down and I don't think I've ever said that either. I think that if we are going to have increases we've got to have them that the other matters can sustain the environment and the infrastructure and all the rest of it. So I'm not opposed to an increase but I certainly don't agree with the 2% figure. I will support the 10. If there was a move to go for a nil quota I might give that further thought but I certainly would not agree to a quota of 22 or 48 or some other number. Thank you Mr Deputy Speaker.

MR BROWN

Mr Deputy Speaker Mr Bates has mentioned a very interesting statistic. He's talked of a 4% increase in terms of the increase in TEP's GEP's and overall. The Chief Minister at times talks of a similar definition of increase but the Chief Minister's definition includes our visitors. Now I'm not saying that either of those is wrong. It may well be that the proper definition is everyone who is ordinarily living on the island and that includes our TEP's. It may be that the proper definition includes everyone who is visiting us at the time because after all the amount of water used on the island on a particular day does relate directly to the number of people that are here. The way we've done it until now though has been in terms of long term type residents, GEP's and residents, and one of the reasons that we've done that is that we get fairly significant variation in the number of TEP's and visitors. Visitors don't always go up. If we look at a graph of visitor numbers from say 1975 to date, it's very interesting to see the growth and the decline in those numbers on an annual basis. It's very interesting to compare that with the number of TEP's here on the island at those same times and the numbers do somewhat track each other. Similarly the number of residents do the same thing, because when times are good people come back to the island, when times are a bit tough many feel the need to go away and although the Minister for

Tourism has on many occasions encouraged all of our residents to come home, come and be counted sort of thing the reality is that unless they have a guaranteed reasonable source of income that's not going to happen. They are going to stay in Australia and New Zealand wherever they might be and that's the tragedy that befalls place like Niue and the Cook Islands today. Some of those types of countries have more people living in New Zealand than they have got living at home. Now we can't change that, they can't change that and we can't change the fact that many of our residents will for all kinds of different reasons be living away from Norfolk Island at any time. I think that the only statistic that we really can take note of in terms of determining a GEP quota, is the total number of TEP's and GEP's. Now we might not have this problem if the previous Minister had done something about a Motion that was passed by this House calling for an amendment to the Immigration Act such that a TEP would be able to stay here for up to 10 years, with appropriate safeguards such that it was clear all along that that didn't give any right towards residency. Now had that occurred it's quite possible that 16 or more out of the 22 people presently waiting for GEP's might not have felt the need to apply. It may well have been that we would not face this problem but it's too late, we've got the problem today, we've got to set a quota and we've got to set a realistic one. I hope that the new Minister will take note, and I'm sure that he will of the various Motions that have been passed by the Assembly calling for various amendments to various parts of our legislation over the course of the life of this Assembly, and maybe if some of those things are actually actioned we won't have a difficulty like this one, but I can understand what Mr Bates is saying, I can understand what the Chief Minister is saying but I think that the appropriate action for us to take is to set a quota of 48 knowing that for the current year even if we ignore the 2% growth that hasn't occurred from 1996 or 97 to date, even if we ignore that it's likely that the proper quota for the present year will be something in the range of 60-70, let's set 48 today, let's review it each couple of months and it may well be that in 2 months time when we review it we say no we shouldn't increase it at this stage, but I expect that at some stage during the course of the next year we would decide to even increase a quota of 48 and I expect that it would be quite unlikely that the eventual figure if set in accordance with our existing population policy would be less than 60. Now if we're going to say we've got a policy but we don't intend to do anything about it what are we going to do about the rest of our policies. If we don't like a policy, let's debate it and throw it out or reaffirm it, but let's not simply ignore it. Thank you.

MR BATES If I could just clarify with Mr Brown. When I was quoting the figures on the 4% I was taking it from that attachment B on Mr Buffett's letter and it only, the figures I was looking at only included residents and GEP's, it did not include any TEP's. I just wanted to clarify that.

MR BROWN Mr Acting Deputy Speaker let me be very quick to apologise, I understood Mr Bates to of talked of including TEP's but I think that I did make reference to the fact that even the resident and GEP numbers will fluctuate from time to time depending on the strength of the economy. So I stand by that part, I apologise if I was incorrect in terms of my reference to TEP's, I would nevertheless been correct had Mr Bates been looking at TEP numbers over the years because they too fluctuate in accordance with the fortunes of the economy. Thank you.

MR BUFFETT Thank you Mr Deputy Speaker. I would like to confirm Mr Acting Deputy Speaker that the proposal that I am putting is not an effort to repel all borders, it is an effort to have a cautious move forward. Reference has been made to the policies that we might have and whether we should examine some, endorse others and maybe put aside those that may no longer be applicable. Could I just remind Members that the review of policies is exactly the task that we are now embarked upon and I have given Members an indication that that task will be complete by the time we next sit, that is in March. Not only that but there is the indicator also that we will be able to give legislative substance to that, which means that we've got processes to look at all

of those policies and to see and debate amongst ourselves as to whether we think they are the ones for today or not. So we are going through processes which will address that very question. I am also moving along the lines to review the 2% growth figure and also to review the method of calculation, there has been an exchange today as to what components one should have, whether they should be GEP's, TEP's and a range of things. I provided some figures earlier in the day which gave a total of 2,873 people actually on island and I did make mention that yes the tourist figure which is 810 in this particular instance, and the TEP figure which is 390 in this particular instance, the people within those 2 figures may well will, obviously will in the tourist situation and in the TEP situation will vary as to the people, but there is some reasonable constancy, reasonable constancy about that number of people being on island, and so those things can be taken into account when one reviews the method of calculation, in other words what are the components that you want in it and whether 2% remains the figure that you want to have. We've had it for quite a while and it hasn't always been a useful benchmark for us. We haven't done the 2% on every occasion and indeed on occasions that we've tried to do it, we haven't met it. So it probably is time to put it on the scales again to see how we feel it meets our needs. And whilst all of those things are being done I am probably, I'm sorry to be repetitive about it but offering a cautious move forward, in other words a more cautious figure of 10. I understand what Mr Brown is saying about a much larger figure and it may well be once we've made the examinations that I have referred to that they are appropriate figures. I would like to see the reviews say that before we actually move to doing that, although I understand the reasons for his suggesting all of those things. Mr Bates mentioned the matter of a nil quota, yes we are at liberty to set a nil quota, if we do nothing we do leave an open door, I confirm that that is the situation but of course I've not got a proposal in front of you to do nothing, I do have a figure, but if Members were of a mind that they wanted to do nothing let me just confirm that it would be an open door arrangement entirely. Thank you.

MR WALKER Thank you Mr Acting Deputy Speaker. Regardless of the 4% alluded to by Mr Bates the Acting Deputy Speaker it would be true to say that the figures put before us by the Minister indicate that if we are to be true to the 2% policy we are 127 behind the eight ball right now. It would also be true to say that 10 could quite rightly upset 12 others because the 22 we have been given are already on the island and would have to go into wait mode for the next quota. That is that as I understand it once they are on this subsisting list they are given priority and so therefore you can't jump the queue so to speak. So those 22 are going to be dealt with regardless because they are just going to move up the priority list. I'm a little torn on this subject. Immigration is a hard one because it is the way in which we have chosen to control on this island in effect the way of life which is enjoyed on the island, and as a person who is or has come in through the system I am most grateful that I have been allowed to live here and so therefore I'm torn about opening the door at all because I want the way of life to remain as it is. However I have to be realistic that a lot of those that do come in and reside here on GEP's do leave the island after a period of time. So if we are to cut off entirely that ebb and flow in the immigration area we effectively, as Mr Brown pointed out stagnate the ebb and flow in our business area and I think that would be a retrograde step because the expectation of most residents on this island is that they wish to enjoy those benefits of living on Norfolk Island which have been hard won over a long time. So I'm a little torn as to whether I should be giving support to a greater number than 10, as proposed, or whether I should be giving support to the Minister but putting him on notice that we want to see those reviews carried through whereby a considered conclusion will facilitate the way forward and a sure footing for the future handling of immigration can be arrived at. I'm yet to be convinced either way so I'm interested to hear what other Members may say around the table.

MR BROWN Mr Acting Deputy Speaker we spoke a short time ago about some numbers which had been provided to us in recent days and it might be helpful if I say something about those numbers. For anyone listening who takes notes

you might like to make 4 columns and down the left hand column you'll put June 1995, June 1996, June 1997, June 1998, June 1999 and 2000. I'm not sure whether this number will turn out to be June or some other date. Now let's look at the resident numbers. In the first year 1995 the residents as distinct from GEP's 1365, 1996 1309, 1997 1360, 1998 1398, 1999 1350, 2000 is blank at the moment. Let's look at GEP numbers, 95 209, 96 195, 97 180, 98 181, 99 175, and 2000 at the moment is blank. So now let's look at those totals of the fourth column. 95 1574, and I'll repeat that because that's an important number 1574, 96 1504, 97 1540, 98 1579, 99 and this is an important number 1525. Let's go back to the top of the column 1574 in 1995, 1525 in June 1999. Now we have a number for 2000 but we don't know what it represents, it's total is 1589 but we don't know whether that was June or some other month. If we compare the increase from June 1999 to whatever the month is in 2000 we have an increase from 1525 to 1589 and that is about 4%, but if we look at the period from 1995 until 1999 we have a decline of 49 an actual decline of 49. If we take account of whatever month it is in 2000 that we've been given the numbers for we have an increase of 15. That's an increase of 1% for the whole of the period from June 1995 to some time in 2000 and my concern about the 2000 figure because I don't know what month it represents is I don't know whether it's taken from a month when we've had a lot of local people home on holidays if for example it was taken at the end of December, we would have a lot of people home on holidays, if it was taken at Bounty Day it would be something similar. Now let's look at why I think those numbers are important. Each year there is a number that we can look at and that is the budgeted expenditure in our budget, and each year that's going up, it's going up very substantially and if we are increasing over a 5 year period our population by 1% and we haven't got very many extra people to share that burden, but let's look a little deeper. Over that same period if we were given a statistic of the ageing of our population and bear in mind we have a very significant obligation to care for our senior citizens because in the Norfolk Island environment they left us without debt. They paid all of the bills as they arose and we came into an island that had no debt. So we can't just say blow them you know they just want a pension. They paid their way and they have every right to proper and dignified support, but let's look a little deeper. It's like the "Demtull" ad, let's look at the number of people who in 1995 were having their medical expenses paid by DVA, Department of Veteran Affairs, it was significant Mr Acting Deputy Speaker, and during the period since then, sadly, a number of those people have left us. Some have passed away, some have found it necessary to leave the island and so as at today the proportion of our senior citizens for whom we have to take care of the medical bills has greatly increased, and we only have to look at the changes in the HMA expenditure and the changes in the Healthcare expenditure over the course of the last 4 or 5 years to see what the impact of that has been. I don't think that we have the luxury of saying we will just keep a static or slightly decreasing population. I know that Mr McCoy has concerns about increases in the price of land and it may well be that his concerns are quite valid, I'm not arguing about those concerns but the extent of the growth in the population seems to indicate to us that that has not been the cause of the growth in real estate prices. Real estate prices have grown in most parts of the developed world, they may stand static for some time but all of a sudden they grow again and if you look at what they call the economic clock you can see that there's a stage at which share prices go up and there's a stage at which real estate prices go up, there's a stage at which interest rates go up, there's a stage at which interest rates go down and so forth, but I think that we have to be very careful, particularly as none of us are economic experts, we have to be very careful that we do not do anything that causes the economy to stagnate and causes it to be virtually impossible for us to pay the bills that we need to pay. We've only got to look at the disgraceful condition of the roads and the lousy amount of money we are able to spend on them each year to realise the roads are never going to improve while our present situation continues. We look at the airport, we've got a few million dollars in the bank and we're looking at what might be \$6m for the next upgrade that's only 2 years away. We look at the whole of our infrastructure and it is deteriorating and all that we are managing to do is to tread water by raising enough money to pay the wages of the Public

Service, we are not training them properly, we are not equipping them properly, we are certainly not instructing them properly and we are not achieving for the community a proper result. Now that's a long way around saying Mr Acting Deputy Speaker I think my 48 figure is itself unrealistic, I think it probably should be far higher but when I move my amending Motion or at least seek leave to do so, 48 will be the figure. Thank you.

MR MCCOY Thank you Mr Bates. I've been waiting quite a while to have something to say. I've heard Mr Brown talk about other Members talking.

MR BROWN Mr Acting Deputy Speaker I'd tried to..

MR MCCOY We've heard a lot mentioned about the figures we have in front of us but that's all they are, they are only figures. There's nothing that really tells us why the population was at 1574 in June '95 and decreased to 1504 in June '96. Incidentally the GEP population decreased sorry at that same time. There is a decrease over that period. Now I've got nothing that tells me why there was a decrease, why did so many General Entry Permit holders or the number of General Entry Permit holders drop, when at the same time the residency number dropped. So you can't turn around and say well the General Entry Permit number dropped because they became residents. So these figures are indicative of a few things but it does not give us a really clear picture of what has happened with the immigration over the years. Whether our 2% policy is working or whether it is not working. We see that in June '96 there were 1309 residents against 195 General Entry Permit Holders but then June '97 the residency number had risen to 1360 and increase of 51, whereas the General Entry Permit numbers had decreased by 15. So the question is did a number of General Entry Permit holders become residents to cause that increase or did some residents come back to the island. So to me the numbers really only create more questions and I'm heartened to hear Mr Brown mention about the increase in real estate, and I've made it very clear that I don't support the General Entry Permit system, I've never supported it since it was introduced because that was my main concern with it, is it would force the price of real estate on the island up and that is still happening today. There are very interesting reports in the community of people, residents, who express a desire or an interest to purchase a piece of real estate on the island and lo and behold they don't get a look in. The property gets sold offshore before the person gets an opportunity to put in another bid or the resident who has sold a property comes back to the island and when they are approached by the resident who put in the bid, the offshore resident says you've never approached me to buy land from me. Now these are problems that I see are created by our system that we have and I don't have figures in front of me to show the increase in real estate on the island over the last few years but it's interesting to hear around the table, or hear Mr Brown say that our welfare bill is increasing. Well that was part of the immigration control before that we tried not to increase the welfare bill by encouraging a particular type of person to come, purchase a business and operate that business, but I believe it was 1984 the system was changed to encourage retirees to come to the island and after a while, like it or not some of these people decide well I've been on Norfolk Island, I now will go and knock on the welfare door and collect some pension, and yes I'm glad to hear Mr Brown say that the people who we have inherited Norfolk from, they paid their debt, but now we do have a debt which we will have to cover. But the other side of it is we've heard talk about the need to bring in more people because it helps to stimulate the economy. I have a difficulty with that as well because the facts and the figures presented by the previous Minister for Immigration show that someone who came to the island and purchased a business on a General Entry Permit generally within 4 years that business was on the market and they were on the move again. So that raises the question did the profit they made while they were here for 4 years go off the island with them. So it tends to be a leaky bucket and yes I've heard that there are residents who may have been operating a business and when they reach a certain point they may wish to retire and we have to look offshore for someone to purchase that business, and that is quite unfortunate because obviously our policies have not encouraged people who have

grown up on the island to pursue a high standard of qualification where they then can afford to purchase the business or property that is for sale, and as long as we are competing with the offshore market of potential purchasers of real estate, the real estate will continue to increase because we are looking at people who have operated businesses offshore and most probably have been quite successful. After 20 years they decide well I'm ready to move out of this business, I will sell out and I now have quite a nice little nest egg and I'll take that to somewhere like Norfolk Island and my investment on the island will not dent my nest egg at all, but what happens when that person decides they wish to sell, we have someone comes into the Assembly and tells us well we need to put some more positions on the quota because someone wishes to sell their business, they are now at a point where they don't feel they can operate the business, they feel to elderly but interestingly if that same person had invested, as Mr Brown had mentioned on the share market. He didn't talk about people investing on the share market but he did mention the price of shares going up and down. If you buy shares at a price today and tomorrow the value of that share drops well really it could be looked at as a poor investment and I don't think you have any comeback on the shareholders. We've seen that happen on the island. So I just would like to see more effort put into looking after the people that we have on the island because all my life I've sat here and I've listened to many Assembly meetings and I'm really sick to death of hearing progressive Assembly's trying to sort out immigration for people who wish to migrate to the island and the tourism problem that we're faced with all the time. So I will not be supporting the quota, even though I appreciate what Mr Buffett is doing, he's set a figure of 10 whilst there is a review being carried out or a number of reviews being carried out and I will not support that figure based on the fact that I don't support the General Entry Permit system at all and I would like to make it very clear that if Mr Smith thinks that I have a discrimination against people who are not born on the island, I don't have any discrimination in that manner. What I try and do all the time is look at the people who have grown up on Norfolk Island, no matter where they come from and they call Norfolk Island their home and in discussion with Mr Walker the other day he made me think a little clearer because I used to say someone leaving school should have opportunities but I now change that to someone who's maybe been out of school for 10 years and has reached an age of somewhere around 28 and may desire to come back to Norfolk and hopefully purchase a piece of their home to build themselves a house and retire here or, and the other one Mr Brown mentioned which I find interesting is businesses on the island. How often have we seen businesses established here and then before you know it you've got competition and your earnings go from, well it's cut in half, and with the present system we have it could be cut in thirds. How often have we seen businesses purchased on Norfolk and then immediately that business becomes 2 and 1 gets sold. So I think we've got a lot more work to do before we start really and truly deciding where we're going with the General Entry Permit system at all, and I'll just read briefly a little extract from a Butland Report commissioned by the Government back in '74 and it's to do with tourism and population growth and he did warn that financially motivated tourism in unregulated fashion would be an anathema to everyone except for those with a myopic interest in quick profits regardless of the consequences, and I'll finish off by saying once this island has been ravaged by, as Mr Brown would say sometime do-gooders or new-comers there's plenty of other island's to move to and there will be again a little pocket of people like we've seen after many boom and busts on the island to pick it up and rebuild it from the ashes that are left. Thank you.

MR NOBBS

Thank you Mr Acting Deputy Speaker. There has been a quote of figures so I'll just throw a couple in here for you. '95,'96 was mentioned they year there was health subsidies was \$615,000. In '99, 2000 they were \$550,000. Welfare in the first year was \$749,000 it's now \$890,000. Something like a 20% increase. Education has gone up 30%, policing has gone up 150% so don't count the old age and the sick and affirmed as the problems around here. Now the situation really is this that we've got a small island, it's 5 miles long 3 miles wide, it's very fragile, volcanic soil, it can't handle the pressure. We have to have as I've said all along a

carrying capacity projection, not 2% growth and all these sorts of things. It's not working anyhow for what the people have set it to do. It won't work. I mean we need to look at it and we need to bring these things in I mean Mr Brown spoke again about one in one out, that's a great system I would have thought but anyhow it got dropped. There is I believe a need for us to look at it purely from an environmental point of view, what this island can actually carry, what industries it can support, how many tourist accommodation units you have, how many people do you need to run those organisations. We've got Boo's coming on now, how many people are going to be needed for 55 units, there's going to be extra TEP's. Set that up. I mean I agree that there is a need in the whole policy to look at various things like people wishing to sell their properties, I mean there is a need for those sorts of things and there would probably be a need for a business permit and the likes. Those issues are fairly simple I believe to work through. I don't think it's all that difficult and I'll be doing what I've done for the last three and a half years I think I've been here now. It seems a long time. I'll be going for as Mr Bates has reminded us, it's got to be nil quota definitely and I'll be maintaining that and I urge the incoming Minister the Minister that's currently incumbent to progress it as quickly as he can and he's indicated a time frame and I believe that's the only way to go. As far as the land prices are concerned they are a concern to me but once you've got a beautiful place your always going to get people wanting to come in here and speculate and buy and do things like that. So I mean that is something that we need to control I guess. How we do it, well I'll be very interested to sit down with Mr Bates and discuss it in the weeks ahead but this is something that we need to do. So I'm looking at a nil quota myself and maintaining it and I would suggest that figures are fine but we have to look at the whole process, not only the population but the actual costs and what the impact of developments and education and policing and things like that which are costing us quite a deal of money, and that's all I've got to say Mr Acting Deputy Speaker thank you.

MR SMITH

Mr Acting Deputy Speaker I'm not too sure what Mr McCoy was referring to when he said that I'd suggested discrimination I think. I'm not too sure whether that came from a discussion the other day. I was almost going to move a Point of Order but I think I know where Mr McCoy was coming from and I appreciate his comments and it was never intended to be that sort of thing. In an informal discussion we had the other day on this Mr Acting Deputy Speaker I think I made the suggestion that we could actually get the Hansard from the last 15 years and you'd see exactly the same discussions, probably almost the same numbers over that period of time, the same people saying the same things as Mr Brown has just pointed out and we look at the numbers that have been sitting in front of us and Mr Brown has quoted those today, that there hasn't really been an increase. The increase is generally due to the quota that we've put on over the last 4 years and that's a number of 135 but the resident number still doesn't go up. It's changed, it goes up and down but where do they go. GEP's you can understand either GEP's will come into the resident number or they will leave but once that person is a resident they are a resident. Now these numbers are residents on the island. I see in real light numbers up the very top of the page, I think there's a probably a more accurate figure of how many residents there actually are registered and it seems to be 2,478 less it says 1,1103 which I assume Mr Acting Deputy Speaker the 1,103 are off the island. It would be interesting to go back over those figures over the years and see what's happened to those too, because what is actually happening, what is obviously happening is the resident population is on the move and it always has been. In fact if we had a print out of the names of residents which I had a copy of 2 or 3 years ago you'd be amazed at how many people that you think about or don't think about who are residents and who are living off the island that have for donkey's years, and it's always going to happen. The idea of the quota is to actually to keep the resident population somewhere where it's a reasonable number. We haven't even been achieving that. I think a lot of the difficulties with the immigration quota, or immigration in general really, a lot of it is in our own minds because what we talked about here is the GEP and resident numbers but the numbers that do make the most obvious difference to people on the island are our visitor numbers and the people who come here on short

term employment in the Temporary Entry Permit category. That's the most obvious things. When your talking about the other effects like the price of land, I understand what Members have been saying about that and it's true, the price of land goes up, the price of land comes down, it depends on just how Norfolk Island itself is performing at the time. But if that's a difficulty, that's a different area. Maybe if that is the problem with immigration maybe make it that only residents can own land, now that's probably not a very popular idea. It may be for some but it certainly wouldn't be with anybody that's considering selling off a piece of their land but it's different to what we are talking about here today. We've got 4 or 5 options that are going to pop out very shortly, one is that we have a nil quota, one is that we have 10 as the Minister has proposed, Mr Brown's 48 and there has been a suggestion of 20 or 22. I don't know if the 48 would be something that would be a success when it's put to a vote, the 10 obviously would be a reasonable amount to accept but the realities of that are as we do know because the Minister has already told us that there's 22 people who are subsisting. Out of those I understand, I may be wrong 9 of those are children, so that leave a number of 16, most of which are already here working can't carry on on a TEP and are applying for a GEP and I think there was 2 that are business related. Know I assume they are on the island. They may not be. So what happens if we don't adjust the quota, two things. One is they will stay subsisting, they will still be on the island, that's one thing until the next quota comes along and they will still be there, they are probably not going to leave or the other thing is what the Minister proposed which is a very good idea that there be a review done. I've heard that before too. If he's going to do that and it's going to happen very quickly it will probably come out with a recommendation that we do accept people who are here who are subsisting, unless there's another version of permits that may take some of those numbers into account. But the overall effect will still be the same, there will still be that amount of people, those ones that are subsisting whatever type of permit they have I would expect that most of them would still be here in 12 months time unless there are reasons they have to go, but it's really a matter of reality as I was saying to Members the other day Mr Acting Deputy Speaker, similar discussions every Assembly as far back as I can remember the same thing except to the point where I think there was one stage where there was a nil quota except for maybe one or two years which caused an awful lot of difficulties, but Mr Acting Deputy Speaker it's not all that long ago, it's only 2 Assembly's back when the Minister for Immigration couldn't get anybody on the quota, the quota was empty, we couldn't get anybody to move here. That was when the 2% was suggested as I remember as an encouragement to population growth but it changes with the fortunes of the island. The fortunes were down at that time, people were moving off, no people were moving in, no investment in the island. It's turned around now and we're facing the opposite thing. We go through those phases and it will always happen that way I imagine. Finally I would say I don't think I would support a quota of 48 but I think we should be realistic and have a quota of 22 unless the Minister can reiterate what he said earlier about the review that's going to be done and what sort of time frame that would be completed in and what he expected the result could be out of that but I look forward to any further debate.

MR COOK

Mr Acting Deputy Speaker I was just going to indicate that my silence and lack of participation on this important issue is really involved in the process that I have a relative who may very well gain advantage from the outcome of any one of these matters put forward in this Motion. I have not at any stage what so ever dealt with that application but I believe it is appropriate for me to refrain from discussion and debate and also abstain from voting and I intend to take that course.

MR GARDNER

Thank you Mr Acting Deputy Speaker. I really think that the crux of the problem that we are facing today has to do entirely with the current review that's underway of policy and legislation and really at the end of the day until we deal with that we're never going to get any further ahead or we're never going to answer the problems and the concerns that are around this table that come up time and time again. I'm a bit like the Chief Minister I've sat here for 4 years I think now and every year

we have the same debate about the quota and what we're going to do and the same debate about well we're reviewing it and the legislation's coming forward and the Paddick Report is there and you yourself Mr Acting Deputy Speaker have been on the Immigration Committee and asked for recommendations and how we progress this. Mr McCoy sitting next to me has also been on the Immigration Committee and has been shouldered with the burden of coming forward with recommendations in relation to this and advancing it and Mr Cook and I think everybody is trying and has tried in the past. I think that the recommendations that come with this paper are particularly important and I guess I declare now that I'm supporting the determination of 10, subject to the recommendations here being addressed. As far as that second recommendation is concerned is review the desired 2% growth figure to be undertaken immediately da da da da da, well I think that can be handled under the review of the policy and the legislation itself without worrying too much about that and I'll deal with another proposal that I put to Members quite some time ago which may address some of the population problems that we have. The second part of that dot point in the recommendations relates to land planning objectives. Well those are being dealt with at the moment. Those are hopefully about to be finalised and we're going to be able to address some of those immigration matters hopefully under the review of the Norfolk Island Plan, and the third dot point is probably the most important one and hopefully is the one that's going to stop is having to have this debate on a continual basis every 5 or 6 months whenever there seems to be a build up with subsisting applications and that's the review of both law and policy be completed within 4 months ie by June 2001. If that happens we are not going to have a problem. The problem that we have is that if we go for 10 today we're still going to have the 48 possible subsisting at the end of the year and into next year and the following year. Those people are still going to be here so really what's the use of determining a quota when we know that under the current policy legislation and guidelines that we have that those people are going to be entitled to carry on subsisting here for ever and a day and there is not much we can do about it. So that really seems a very clear statement. We've got to do something about the policy, we've got to do something about the guidelines. We are not going to control it with the quota that we've got because those people are going to remain on the island. I've heard what Mr Brown said about the 48. It makes sense to go for 48. What I'm saying is I'm happy to go with 10, we wait for the review to be carried out. Now we agree to disagree around the table and we have done for years on the quota and how best to approach population. It's not just us that disagree and it's not just us that ? about this. With the little bit of research that we've been doing and interestingly enough I note that the comments that were attached to the paper circulated by the Minister, there are quotes there or summaries of some report, it's undated which name a fairly wide cross section of people, influential people in the community that commented on the appropriate percentage increase etc, and it includes Chairmen of Immigration Committee's, ex members of the Legislative Assembly, current members of the Legislative Assembly, business people, interest groups, for example the Chamber of Commerce, private individuals, historians and one here and this is where groups agree to disagree. We've got the Conservation Society recommending a more professional approach, review earlier reports and submissions, recommending as an expert body to limit population to its present size and pointing out a very important factor which the growth rate would overtax and dot dot dot the rural environment. So there are environmental concerns there. It hen turn to the March 1987 report of the Norfolk Island Legislative Assembly Select Committee on population and that report was titled The Past, Present and Future Population of Norfolk Island and on page 9 of that report the question is asked what should Norfolk Island do about trends in population and this is where groups agree to disagree because in that an expert witness, Dr Geoff Mosely who represented the Norfolk Island Conservation Society with a submission and who is also a member of the National Population Council of Australia at that time, his reply was that the determining optimum population is not a matter for experts, it's a matter for the people who live in the place. It's interesting to note that the Conservation Society obviously had some internal turmoil about what was the most appropriate approach to take in relation to population. There are other very important

issues that need to be taken on board when we are dealing with population and part of the reason I was late for the meeting this morning was that I had some very concerned people having some discussion about permanent population levels and it was tied to tourism development, etc. What would we do if suddenly gaming for example were to take off and the state of play on Norfolk Island was to become more attractive for people to come back, in other words we were able to improve our health system and our social welfare system and everything else and attract people back here to the island. Are we going to reach a stage where we are going to turn around and say, sorry but your aunts and brothers and sister and nephew of bounty descent or of Pitcairn descent and no longer have we room on the island for them. Now I've got a whole host of reports here that were about developing tourism and everything else and some of the recommendations from previous Assembly's recommended exactly that, that the one in one out was to be tied to people of Pitcairn descent. This is their damn home and then your wanting groups to restrict them from coming back but it's a real danger that we have to be able to come to grips with. In the petition that was tabled this morning and no doubt will be the subject of debate and the subject matter of the petition will be a matter of debate later on this afternoon, the real concerns that have been voiced in the community about the overdevelopment of tourism relate to the permanent population level on Norfolk Island and that is whether we have the essential services such as the water supply, electricity supply, sewerage and waste management in place to be able to provide for those extra tourists coming to the island. The same thing relates, whether we're talking about a couple of units that will accommodate 10 people or 10 more people being permanently resident on the island and those are important considerations. I have every faith in the world that what we're doing with the review of the Norfolk Island Plan and what we're doing with waste management at the moment and what the Minister and his predecessor had proposed for the review of the immigration system will address a hell of a lot of the concerns that we've had and we've had voiced around this table today, but I think that the important thing is that we have to set a time frame and we have to say, this will be completed by such and such a date. I support the 10 subject of course to those recommendations and that review being completed within 4 months. We can't allow this review that was initiated during the 1997/98 year to continue past that point otherwise we're going to sit around this table in 6 months time and have exactly the same debate.

MR BUFFETT

Mr Acting Deputy Speaker I think one of the important things that have come out of Members speaking so far is that they do place reliance upon the reviews that are in train and I wonder if I might just emphasise some components about them. There are basically 2 reviews in the immigration arrangement. They are specifically 2 reviews to endeavour to break up the things that we have to do in the immigration area into manageable parcels and to try and give them priority and I endeavoured to explain earlier this morning that the first one was to get our policies into shape, and we've put a time frame upon that and the time frame to achieve that is within the month. That is a tight time frame but all those who need to be engaged in the task have given me undertakings that they feel that that is achievable and so I have said to you that we would want to try and do that. So that's an important part. The second part which is the larger part and which relates to the second dot point and the third dot point on this paper that has been circulated in respect of the quota comes to the bigger part. It talks about the bigger part of the legislation itself. It does talk about the inter-relationships between for example Mr McCoy was talking about why or asking the question why did some of these figures fall, why did they fall in various categories. There isn't a ready answer for any of us at this moment but hopefully some of the examinations may be able to assist the process to respond to some of those things. The inter-relationship between the planning arrangements and the immigration population figures are important and Mr Gardner has signalled to us that he is well advanced and indeed we do have a presentation on Friday about some aspect of the land planning. I'm not trying to say that it would necessarily address all of those things but it may commence the process to give us indicators. There needs to be a inter-relationship

MR MCCOY Thank you Mr Bates. I find it to be ridiculous when I've heard Mr Brown on many occasions say that one day through pressure the Assembly is going to say there's a whole group of people who want to come into the island, let's let them all come in. Here we've been told there is 22 people on the island at present and I believe there are another 26 who have applications pending, 48 so we say ok. let's take the whole 48. What's going to happen in another 6 months when your going to increase the quota again to satisfy the demands that we're getting all the time. I believe as I said earlier on I won't be supporting the whatever figure is put up because I don't support the system.

MR BROWN Mr Acting Deputy Speaker. Mr McCoy has every right to support nothing that's put up. He does it frequently but the reality is the reality. This is not a case of 48 people waiting in Australia with approved GEP's subsisting and saying when are you going to issue our permits. This is a case of 22 people already being here and already having approvals and another 26 almost all if not the whole of whom we understand to be here and have applications which have to be dealt with. You cannot avoid dealing with them and that in my view is going to end up at 48 people without looking after a single application that might be lodged as from some time last week onwards. Now we are not going to get away with people wishing to sell their businesses and leave the island and the Legislative Assembly saying oh sorry we are not prepared to look at what the population policy was, we are not prepared to look at what commonsense economic policy would be, we are just going to say go to hell you can't come because we want land prices to go down so that people can get cheap land. That Mr Acting Deputy Speaker is ridiculous. I have every faith in the present Minister. In the event that Members decide not to support my 48 and in the event they decide not to support the Minister for Tourism's suggestion of 22, I have every faith that the Minister will review this thing in a very professional fashion but I also have every belief that he's then going to come back to us and say listen instead of this 48 number it's got to be a number much higher. Now let's not just sit here and say bugger them we don't want anyone coming here, let's be realistic. We've got the problem, let's fix the problem. We've not got a new Minister who presumably won't be issuing TEP's to people who have got a GEP but can't get in because of the quota, we've got a new Minister that's going to solve the problem. So let's give him that opportunity but in the meanwhile I urge you to support my 48 figure. Thank you.

MR ACTING DEPUTY SPEAKER Any further debate. The Motion is to amend the figure 10 to 48 and I put that question that that amendment be agreed to.

QUESTION PUT

MR ACTING DEPUTY SPEAKER Would the Clerk please call the House.

MR BUFFETT	NO
MR NOBBS	NO
MR BATES	NO
MR COOK	ABSTAIN
MR MCCOY	NO
MR GARDNER	NO
MR WALKER	NO
MR SMITH	NO
MR BROWN	AYE and could you please note that it was said loudly.

MR ACTING DEPUTY SPEAKER Honourable Members the Ayes 1, the No's 7, abstentions 1, the amendment is lost. Is there any further debate on the original Motion.

There being no further debate on the original Motion I put the question that the Motion be agreed to.

QUESTION PUT

MR ACTING DEPUTY SPEAKER Would the Clerk please call the House.

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

MR ACTING DEPUTY SPEAKER Honourable Members the Ayes 6, the No's 2, abstentions 1, the Motion is agreed to.

ORDERS OF THE DAY

1. TOURIST ACCOMMODATION – REGISTRATION OF QUOTA AMENDMENT BILL

MR SMITH Thank you Mr Acting Deputy Speaker. We are at that point with the Bill. I might just reiterate what the Bill was about and other Members obviously have some things to say about it. Mr Acting Deputy Speaker the Bill was introduced in response to a number of factors if Members will remember from within the community and by virtue of the independent legislation. The Government was trying to be responsive to community concerns to protect the reputation of the industry in Norfolk Island and to limit the impact of tourism development upon the island's resources and fragile environment. The Bill does 2 things, it fixes up a management issue which is the first part of the Bill and the second part was to re-introduce a quota on the number of tourist accommodation units within the island. There was a quota previously but that was removed some years ago to allow for expansion of the industry. It's my proposal that a quota be reintroduced that would include existing accommodation, by existing I mean existing and operating and those that have planning approval from the Planning Board and have conditional registrations. Below that there was a subsistence clause that the rest of the people or places that have conditional registrations would subsist if they wished to do that until such a time when the Assembly decided to move the quota upwards if it felt it was needed. There was some debate, quite some debate in the last sitting and very good debate and it resulted in the end of Members saying they wanted to make some amendments to the Bill, some that would make a very big difference to the philosophy of the Bill. At that time I said I would rather adjourn the Bill at that time and discuss it further today and as I understand there is also further amendments going to be proposed and Mr Acting Deputy Speaker if we get to a similar situation today I will possibly be even considering adjourning again, considering that the date proposed in the Bill for this to commence was on the 8th of February. So if there was any further adjournment it would have no effect to when the commencement of the Act would take place. There is one additional factor that I need to make Members aware of. There was a list that was circulated originally to all Members which pointed out the different categories of accommodation. The category that was to be included which is tourist accommodation, where planning approvals are current and have not lapsed, there was a number of 97 in there as well as the operating registration of 520. On closer examination of the Bill it includes those that have, they must have conditional registration as well as planning approval. Mr Acting Deputy Speaker there's 2 of those proposals on the original list that do not currently have conditional registration, they were in the process of

being assessed. So there will be 2 that we will reduce off that list of the what we'll call the main list that I proposed. One refers to the Colonial Hotel of 18 and the other one is Eldoo which is 3 units. So that number in that first list that we thought was 97 will now reduce by 21, if Members could just adjust their numbers on there because of the fact that there is no current conditional registrations for those 2 properties so the quota which I was proposing at 617 will now drop down by 21.

MR ACTING DEPUTY SPEAKER Is there any further debate. The question is that the amendments proposed by Mr Walker be agreed to.

MR WALKER Thank you Mr Acting Deputy Speaker. I seek leave to withdraw the amendments currently before the House and to replace them with the detail stage amendment circulated to Members this morning.

MR ACTING DEPUTY SPEAKER Is leave granted.

AYE

MR WALKER Thank you Mr Acting Deputy Speaker. I move that amendment No. 1 be agreed to and that is that in clause 4 (2) of the Bill is amended by substituting the numerical numbers 1 and 2 for 2 and 3 respectively where they appear in the subsection 5(3) of the principal Act and by further substituting A for roman numeral 1 where that appears in the said subsection 5(3).

MR ACTING DEPUTY SPEAKER Thank you Mr Walker. Is there any debate on that amendment. That's No. 1 on the new amendment circulated this morning.

MR MCCOY Thank you Mr Bates. As I'd indicated I would be moving to delete clause 7 and also clause 6 of the proposed sub paragraph 8 (1) C 4 and 5 but I notice Mr Walker's proposed amendments has incorporated my deletions so I will not be moving those 2 amendments that I had indicated.

MR GARDNER Thank you Mr Acting Deputy Speaker. Just for the assistance of those listening I believe and subject to Mr Walker's confirmation that the first amendment dealing with clause 4 (2) is purely a renumbering exercise, it doesn't affect the actual effect of the Bill.

MR WALKER Thank you Mr Acting Deputy Speaker. That is correct. It is purely a grammatical error that was placed in the Bill and needs to be corrected.

MR ACTING DEPUTY SPEAKER Thank you Mr Walker. Any further debate on that amendment. Then I put the question that that amendment be agreed to.

QUESTION PUT
QUESTION AGREED

MR BROWN Please note my abstention.

MR ACTING DEPUTY SPEAKER You can record my abstention too please Madam Clerk.

MR WALKER Thank you Mr Acting Deputy Speaker. I move that amendment No. 2 be agreed to and that is that clause 6 (4) of the Bill is amended by a) deleting sub-paragraph 8 (1) C5 and substituting 3 and 4 for 2 and 3 where they first appear after the words mentioned in sub-paragraphs.

MR ACTING DEPUTY SPEAKER Thank you Mr Walker. Is there any debate.

MR WALKER Again the deleting of sub-clause 8(1) C5 is because if I am successful on having all of these amendments carried then that sub-clause will be unnecessary and so it becomes obsolete. The second part of it B is again a numerical error which needs to be corrected within the Bill.

MR ACTING DEPUTY SPEAKER Is there any further debate. Then I put the question that the amendment No. 2 which is clause 6(4) of the Bill be amended and I put the question.

QUESTION PUT
QUESTION AGREED

MR WALKER Thank you Mr Acting Deputy Speaker. I move that the amendment No. 3 be agreed to and that is that clause 7 of the Bill is deleted and a new clause 7 is substituted as follows. 7 The following section is inserted immediately after section 8 and that is 8a – no compensation is payable by the Crown in respect of anything done under or arising out of section 8.

MR ACTING DEPUTY SPEAKER Thank you. Debate.

MR WALKER Thank you Mr Acting Deputy Speaker. The result of this is to remove the current 8(a) clause from the Bill and that is the section where an allowance was to be made for applications to subsist once the effect of the quota had been brought into being. For those listening I am moving that in this instance we draw a line at a position on the, for the purposes of setting the quota we are drawing a line at a distinct point specified by a later clause in my amendments and so therefore again 8(a) would be obsolete and not required.

MR ACTING DEPUTY SPEAKER Is there any further debate on that amendment No. 3.

MR BUFFETT I wonder if just before we vote upon that I wonder if I could just ask Mr Walker's elaboration upon what I see as a substitute clause which relates to the prospect of properly incurred expenses being reimbursed. There is a later part of your amendment on page 2 which addresses that and I'm interpreting that you are saying there is no compensation but there is another clause which allows for reimbursements. I would like the other reimbursements to be elaborated before I am asked to vote upon this particular clause of no compensation. Are you at liberty to do that through you Mr Deputy Speaker.

MR WALKER Thank you Mr Acting Deputy Speaker. I take it from your indication that I can elaborate on a further amendment. Clause 7 will now quite categorically within the Act you are correct Mr Buffet and say that no compensation is payable by the Crown in respect of anything done under or arising out of section 8. However there is a transitional clause and we have expanded the transitional clause in one of my amendments so as to accommodate a situation whereby someone who is currently affected by this Bill may have a claim for restitution and the restitution is quite clearly for those expenses which have been incurred and can be substantiated by the person who is so claiming.

MR BUFFETT Mr Acting Deputy Speaker may I propose that the clause that we are addressing at this moment be postponed until after we have voted upon the clause that Mr Walker has talked about. By doing it that way Mr Acting Deputy Speaker before we cross out the compensation clause we are addressing something that will equally give reimbursement and once that has been settled then we are in a better

position to know whether we should or should not, or determine how we should handle the compensation clause.

MR MCCOY Thank you Mr Bates. Without trying to be a bush Lawyer but I believe that 8(a) really must go in whether it be now or later because the Act allows the Assembly to fix a quota and what Mr Walker I believe is doing here is that there will be no compensation payable by the Crown in respect of anything done or arising out of section 8 and there is as Mr Walker has said a transitional point for anyone who may be caught up in what we are doing at present. But I'm happy to go either way. I'll leave that to Mr Walker who proposed the amendment.

MR WALKER If I could just explain Mr Acting Deputy Speaker. The change to clause 7 is actually to remove the present 8(a) and renumber what is currently 8(b) as 8(a) and the one that we are removing is the clause whereby an application can be made to subsist. The compensation clause is not being removed it is simply being renumbered, because if we take out the current 8(a) then 8(b) obviously has to become 8(a). So there is no change in the sense of how the compensation is being dealt with Mr Buffett, it's simply that it has to be renumbered if we are to remove the current 8(a) in the Bill.

MR ACTING DEPUTY SPEAKER We proceed that our amendment No. 3 be agreed to.

MR WALKER I so move.

QUESTION PUT
QUESTION AGREED

MR WALKER Thank you Mr Acting Deputy Speaker. I move that amendment No. 4 be agreed to and that is that clause 8 of the Bill is amended by a) deleting the word A in the third line of subclause 8 (1), b) renumbering of subsection 2 to become 2(a) and inserting additional paragraphs as follows. B) The number stated in paragraph 8(2) A above includes to the exclusion of all others 1) registered tourist accommodation houses registered under the principal Act which are constructed and operating as at the 5th of February, 2001. 2) tourist accommodation houses registered under section 7(4)A of the Principal Act for which planning approval under the Planning Act 1996 have been lodged, approved and not expired as at 5th of February, 2001. 3) tourist accommodation houses registered under section 7(4)A of the Principal Act in respect of which a planning application under the Planning Act 1996 has been lodged but not approved as at the 5th of February, 2001 and subclause C in respect of those tourist accommodation houses mentioned in sub-paragraph 8(2)B3 above the quota number stated in paragraph 8(2)A shall automatically reduce without further Motion of the Legislative Assembly in the event that 1) planning approval is refused or where an appeal against such refusal is lodged the refusal is upheld or 2) planning approval has lapsed or expired or 3) the tourist accommodation house or any of the units therein are deregistered under the principal Act and such reduction shall be by the number of units which are so effected under the provisions of this paragraph. C) substituting the words the section for the words section 9 of this Act in clause 8(3). D) substituting the words subsection 3 for the words subsection 10 in paragraph A of subclause 8(4). E) deleting the words two thousand five hundred dollars in each case in paragraph B and 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 such be deemed to be the Tourist Accommodation Act 1984 as if this subsection appeared and formed part of that Act.

MR ACTING DEPUTY SPEAKER Is there any debate.

MR MCCOY

Thank you Mr Acting Deputy Speaker. I feel that there is a real danger in what Mr Walker is proposing here and when I say a danger I mean that in reference to clause 8 of the Bill as amended by B or (b) in brackets with the hyphens around it. The number stated in paragraph 8 (2) A above includes the exclusion of all other and my problem is No. 3 -tourist accommodation houses registered under section 7 (4) A of the principal Act in respect of which a planning application under the Planning Act 1996 had been lodged but not approved at the 5th of February, 2001 and I stand corrected I believe but that amounts to some 60 units. We've had many discussions around this table and it has been said that if we are not going to draw the line as I've heard many times before, draw the line in the sand somewhere, if we're going to allow the continuation of these further 60 units through the planning process we have not really achieved anything. By doing that, what we're doing is we're putting the responsibility squarely in the seat of the ART and while the Planning Board at first or the Minister for Planning and whatever the outcome is there is an appeal there for any of those people to appeal, a mechanism for any of those people to appeal, and I think it is a danger that we're not brave enough to say well we're going to draw the line and cut those 60 out. There is only one in that group of 60 that I have a concern with who may not be treated fairly and that is one who has an application in which is pending or waiting approval of KAVHA and that of course is just a hitch that we have in our planning process and to some degree a little bit of a bureaucratic problem where that particular application did not get through all the channels and that particular applicant I understand had done everything by the book and it is unfortunate and I believe that person would be treated unfairly. But as for the other 59 well I have a concern if we allow through this amendment those 59 to remain in the equation.

MR WALKER

Thank you Mr Acting Deputy Speaker. I would just like to run through and explain those amendments before we get too deeply into debate on any particular part of it, and that it that in my amendment No. 4 A is again simply a typographical to make the sentence read correctly B the renumbering of subsection 2 to become 2A, again allows for the insertion of B and that is the number stated in paragraph 8(2)A above includes to the exclusion of all others hereby is the real mechanism by which the quota number can be set. It states quite clearly who is to be included and who isn't in the quota which we are hoping to set by the clause in section 8 of the Bill No. 2. I would like to just momentarily tell you what the, and we've had alluded to us by the Minister that this may change and I took it off the numbers that we had been supplied with. In that category 1 the number is 521 units and 1,490 beds. In category 2 it is 7 units which the Minister now tells us is 76 and in category No. 2 and that will also change the number of beds which I'm sorry I haven't done the quick calculation as I sit here, somebody may care to do that for me, and in category 3 we would have 60 units and 157 beds. This makes a total quota figure which is stated in the Bill as being units and so therefore it would be the total of 678 less the 21 which would make it 657 by my calculation, and so we are establishing by that section B the exact number of the quota and how it is to be arrived at both now and in the future. Section C allows for what is otherwise known as a sinking lead policy whereby, and here we may be addressing some of Mr McCoy's concerns. Section C there of that same B above is putting in place a mechanism whereby those applications which appear in that third category and the third category was to do with people who have registered accommodation for which planning application has been lodged but not approved as at the 5th of February and if for any reason they were not to be approved or if for any reason they were to be approved and then not proceeded with, or for any reason under any of the categories a tourist house was to become deregistered the quota figure would automatically come down, and that would not be replaced with other accommodation. In other words we have tried to be consistent in applying this that those that have applications in the system, that those applications must be dealt with, they must go to fruition and a decision made in the normal process that they would go through were there not a quota in place. However if for any reason as I've stated any of those applications were to not reach fruition for one

reason or another which we hope we've covered in each of those 3 conditions then the quota would automatically reduce. In effect this is exactly what it says under section 8 of the Bill. It is a transitional clause to try and be fair to all concerned and I would hope that the Members around the table can see the logics of the consistency trying to be established here in where we draw the line and where we say who is included and who isn't included. I will certainly be endorsing that that part proceed. The next 2 sections are to do with again errors in which the way the Bill reads and so therefore are simply grammatical or word changes just to simply make it make sense. The last and that is section E is to take out the specific amount of \$2,500 and allow for a compensation mechanism whereby those who deem they have a claim can put it forward and it would have to meet the conditions as are laid out in that part of the amendment. Thank you Mr Deputy Speaker.

MR GARDNER Thank you Mr Acting Deputy Speaker. I'm glad the word consistency has just arisen. That's the purpose I believe of the Monday's meeting of MLA's and the amendments that we have before us in that we are attempting to be consistent in applications over all legislation dealing with moratoriums and fixing of quotas certainly as far as the position of this Legislative Assembly is concerned. I'll just touch briefly on that last point E in Mr Walker's amendments and we get down to that sub-clause 4 of clause 8 of the Bill. I don't know whether that's entirely legal that and in a minute I'll be seeking leave to move to suspend for a period of time so that we can take counsel from the Legislative Counsel but there is also another very important matter that I think has just been hurriedly overlooked in the debate this afternoon and it relates to an explanation that the Minister for Tourism and Commerce made previously regarding the 21 units that have suddenly slipped into this equation or slipped out of the equation and it relates entirely to the question of consistency. My understanding of it is that there were 2 conditional registrations that were awaiting further information to be provided before the conditional registrations would be either approved or not. We've made a bit of noise and a bit of mileage on consistency over the last couple of weeks in debating this and it seems as though we're about to cut off those 21 units and not be consistent in our application. In other words there are those 21 units awaiting the outcome, similar to the outcome that Mr McCoy raised in relation to a KAVHA approval for one of the tourist accommodation units and that these people subject to the provision of some information would be granted their conditional registrations. I think we need to have some discussion on that and at an appropriate time Mr Acting Deputy Speaker I'd move to suspend the sitting so that we can receive some legal counsel.

MR SMITH Mr Acting Deputy Speaker I was thinking along the same line, although not exactly the same as Mr Gardner. I can see that there has been some quite substantial changes and I was going to either propose that we put this towards the end of the meeting and then suspend the sitting until another day, or to go either further and adjourn to the next sitting this matter because there are things there that Members are not sure about, there is substantial change to the original Bill and I don't know what Members views are about that of course. But I'll be very unhappy to progress this to a point where it's finalised where there is doubt about what it actually does. That would be silly of us to do. So either Mr Gardner's option of suspending, I think that's something that we need to suspend for enough time for us to consider what he's just said about consistency with the 21 units that I've said don't seem to fit into what our categories are. That does need to be considered. In fact maybe I'll go even further. Would I need to seek leave to move this issue to the end of the Notice Paper so that we can suspend at that time and deal with the rest of the meeting and suspend until another time perhaps even another day. Could you give me advice on that Mr Acting Deputy Speaker.

MR ACTING DEPUTY SPEAKER Put it off until the last part of the meeting if the House agrees to that. It would be good if we knew which direction we wanted to head in before we did anything.

MR MCCOY Thank you Mr Bates. Very interesting these 2 conditional applications that have come up. I find it interesting when now talking about consistency, and here we are we're going to change things. I believe these 2 conditional applications have expired. I'm looking to the Minister for Tourism so that he may wish to respond after I finish. Those two conditional applications have expired. So why are we going to now try and turn around and make changes to allow those two conditional applications which have expired from what I've heard, to go back and fit into the equation when they should not be there at all. I know Mr Smith has indicated that he's taking them out but we're talking about suspending to seek legal advice to see if we can take them out, and unless the Minister for Tourism can explain where they sit, from what I understand they have expired and they therefore so not have any registration be it conditional or otherwise. So as Mr Smith has indicated they should not be in the figure.

MR SMITH Mr Acting Deputy Speaker my reason for suspending was because there is doubt about things in the Bill. I've already said that my advice is that those 21 units do not currently have conditional registration. Now there's reasons for that but as it stands there is no conditional registration that I've approved on those 2 properties. Now I've already said that. Now your saying that I'm trying to include them in. I'm not saying that. I'm saying that these issues, particularly with the amendments that we're talking to here of Mr Walker's, Members aren't really too sure. In fact Mr Gardner has already talked about suspension so that we can get time to do an assessment. I would rather have a suspension or an adjournment than to push it through to the end today and Members are still saying gee I didn't realise that happened, and I think that that's very important because the context of the whole Bill Mr Acting Deputy Speaker has changed with these amendments which regardless of the 21 that I raised earlier this does include the next section, and I think Mr Walker did spell that out but it doesn't include those extra 60 units and that's a departure from my original Bill and the way it stood. That's ok and Members are aware of the views about making that change because Mr Walker has talked to Members about it but I'm sure people in the community aren't really aware that that proposal is around. If Members don't want to suspend or don't want to adjourn it well we'll struggle on through but we best get it exactly to the letter of the law and understanding before we push the amendment to the end.

MR BUFFETT I was really only going to in a formal sense move that we suspend this matter and put it towards the end of the sitting in exactly the same way as Mr Smith. There are a number of areas of uncertainty Mr Acting Deputy Speaker and we just seem to be getting further into the mire and I'm just trying to provide a helpful sentence that might give opportunity for some of those things to be just tidied and then we can talk more logically about them. I formally move that we suspend this matter and move it towards the end of this sitting and then we can re evaluate it when we get to that stage.

MR ACTING DEPUTY SPEAKER I understand I need to put that Motion to suspend and put it further in the programme for this meeting.

QUESTION PUT

MR ACTING DEPUTY SPEAKER Could you call the House please. The Clerk has disappeared.

MR GARDNER With all due respect Mr Acting Deputy Speaker I though I had indicated that I'd proposed to move a Motion to suspend immediately this sitting to seek legal counsel. Is it the intention of the House that they wish to go past that and deal with another Motion.

MR ACTING DEPUTY SPEAKER We have a Motion that this matter be suspended until later and made an Order of the Day for later on in this meeting and I have to put that Motion.

MR GARDNER Was my Motion not noted.

MR ACTING DEPUTY SPEAKER You didn't move a Motion.

MR GARDNER I sought leave to suspend immediately.

MR BUFFETT I'm happy to withdraw and I don't want this to be a technical difficulty. I just want the matter to be brought to a more cohesive situation so we all know where we stand. If Mr Gardner's way is the best way, let's do it. I'm not fussed. I'm happy to withdraw it.

MR GARDNER Thank you. I move that we suspend the House immediately so we can seek some counsel on this matter. 15 minutes.

QUESTION PUT
QUESTION AGREED

MR ACTING DEPUTY SPEAKER Gentlemen we resume on Notice No. 1

MR SMITH Mr Acting Deputy Speaker after that short suspension I would like to move that we suspend this particular matter towards the end of the meeting.

QUESTION PUT
QUESTION AGREED

NOTICE NO 2. EMPLOYMENT AMENDMENT NO 2 BILL 2000

MR SMITH Thank you Mr Acting Deputy Speaker. I've brought this on today to allow Mr Walker primarily to make any comments he wants to make. I don't intend to take this any further myself today because we're going through that public consultation phase that I suggested that we were going to do at the last sitting and there is more information that is needed. So that's all I intend to say except to move an adjournment when other Members have had their say on it.

MR WALKER Thank you Mr Acting Deputy Speaker. I'm not quite sure, if I could be guided by yourself as to whether we are adjourning if it's appropriate to start debating detail stage amendments at this point. Is that appropriate.

MR ACTING DEPUTY SPEAKER Well the question is that the Bill be agreed to in principle and we're not really at the detail stage.

MR WALKER Thank you Mr Acting Deputy Speaker. I have always foreshadowed that I would have certain detail stage amendments. I have circulated these in the past. I think we have had some discussion on them. I asked for them to be dealt with as number 1 number 2 and number 3 and really there is not a lot more I can say at this point other than, because I'm sure everybody is aware of what those amendments are. At this stage I would certainly leave it for other Members to discuss it or we move to adjournment, either.

MR ACTING DEPUTY SPEAKER Thank you Mr Walker. We are debating the question that the Bill be agreed to in principle. Now we can either put that question or Mr Smith can move his adjournment and I think that's at the stage we're at.

MR SMITH

I so move.

MR ACTING DEPUTY SPEAKER The question is that debate be adjourned and made an Order of the Day for a subsequent day of sitting.

QUESTION PUT
QUESTION AGREED

ORDERS OF THE DAY

1-STAGE 1 OF THE WASTE MANAGEMENT AUDIT AND OPTIONS STUDY REPORT DATED DECEMBER 2000 PREPARED CRC WASTE MANAGEMENT AND POLLUTION CONTROL LIMITED AND APRINCE CONSULTING

MR BROWN

Thank you Mr Acting Deputy Speaker. The waste management report that's before us doesn't really tell us a lot that's new. It tells us that we have a significant amount of waste which could be composted and it's my understanding that the Minister is addressing that at present. It's my understanding that he may have a view that the amount of waste available for composting may be massively greater than we presently realise because of the amount that's burnt in back yards and so forth. We know there is a problem with aluminium cans. We used to have someone on the island that actually collected them and crushed them and exported them but we allowed a situation to develop where the people managing the tip at the time were able to share in the spoils as it were and lasso the cans that came to the tip, that made it not viable for the first bloke and now we have no one. I invite Members to go to the Airport after making appropriate arrangements with the Airport Manager and whom so ever else and have a look at where aluminium cans are presently tipped today. It would break your heart if you saw it. There are aluminium cans in cardboard cartons and plastic bags strewn over quite a large area and it would not surprise me if there is another collection of them elsewhere. So we've been told that there's aluminium cans and there's material that could be composted. We've been told that there's cars. In the past we've accepted the advice that was given to us and we've tried to burn the cars and then tip them in the ocean. We're now told that a better idea is to ship them away from the island. Well I accept that from Norfolk Island's view point that's a better idea. It's not quite as simple as Lord Howe though Mr Acting Deputy Speaker because here the ships can't pull into a jetty, here the Administration crane can't lift the cars straight onto the ship and here we don't, at least at this stage have shipping companies who have the ability to say to us well we'll take everything away without charge. There's quite a bit of what is talked of in this report that really needs a second thought. I certainly agree that it's a good idea to ship batteries away but we're presently doing that. I certainly agree that some forms of scrap metal would be viable to ship away, it might cost the Administration a few dollars in the course of the year but at least there would be some recovery of that. I think the report is a great report. I don't necessarily agree with its conclusions. I don't necessarily feel that it's telling us anything that we didn't really already know but at least it's an independent person who's written it down in an understandable form and there's some nice little charts to help us understand it and perhaps we will all take more notice of that than we've taken in the past of the knowledge that we already had. I'll be interested to hear the Minister's suggestions in relation to it. I think we need to be cautious. I think that we need to look at a few areas where we can achieve an immediate result and tackle them but I don't think that we should try to tackle every area simply because it has been recommended to us because I'm sure even the consultants themselves would say look although we've made this recommendation in Norfolk Island's circumstances it might not be feasible. Thank you.

MR GARDER

Thank you Mr Acting Deputy Speaker. A lot of what John says I agree with. A lot of what is contained in the report is not new ground or new territory at all by any means but it certainly is a far more up to date version of what was attempted in the UniMelb report, it certainly does reflect an actual physical audit that was undertaken rather than just a desk top exercise that was undertaken by UniMelb. It does provide a number of recommendations, some of, in fact a number of them I personally don't support or agree with entirely in that I think in Norfolk's situation some of the wrong priorities have been given to them and really to address some of the concerns raised by Mr Brown and some of the recommendations in this report. At the end of the day and something that I tried to make very clear at the different presentations that took place by the consultative group, these are the ideals that we should aspire to as far as shipping cars off the island and getting rid of other bits and pieces of waste off island. I still am going to find it virtually impossible to live with the fact that we are going to ship our waste anywhere else other than recyclable waste, anywhere else to throw in somebody else's back yard and deposit of in somebody else's back yard. I mean if we're serious about this we should be serious about dealing with the rubbish that we create ourselves and not just looking for the easy way out and send it away to be buried in someone else's landfill. However my preliminary comments are not short by any means, there's 4 pages of them which I have copied to the Administration Officer that's co-ordinating the waste management strategy and who is a member of the Waste Management Committee. There were calls during the consultants visit to the island for submissions to be made on the draft plan. I certainly circulated that to all Members of the Assembly, all members of the Waste Management Committee and I know appealed to most people that attended the public presentations to please make submission and to please make submission by close of business last Friday. To date I've received 2 submissions one from Bruce Walker and one from a private member of the community, a single page document. I'm not aware as to whether Jodie Quintal had received any as the Policy and Projects Officer looking after this project but that really has raised some real concerns with me in light again of the petition that's floating around the island about we must address waste management, and I've appealed to the community to provide some comment on the draft. We've got off our butts and we're trying to do something about it and it feels as though you get slapped in the face time and time again when people just cannot be bothered, and then we have to go out and make a decision which we will do, and you wonder at the end of the day whether it's all worth it because people just aren't interested in making any meaningful comment on it. Very quick to criticise about what currently happens, very slow in coming forward with anything constructive or in any way of any assistance. However, that aside we will progress with it. My own personal views of it is that it's adequately demonstrated within the body of that report that the bulk of our, and I'm not going to go into the different graphs and which page it was on and where it is and how it is, but certainly it's all listed in the text of the report. Some 74% by my calculations of all of our waste stream is compostable. The recommendations contained in this report seem to concentrate more on establishing an unproven incinerator system to burn instead of dealing with composting first up. There's a proposal there to deal with a vertical composting unit, the technology is great and I see it as being no problem. It is one form of composting that's available to us. There wind road composting, there's worm farming, there's other things. However if we really want to make an impact on our waste streams on the island does it not make common sense that we should be dealing with nearly three quarters of our total waste stream immediately and in an environmentally acceptable manner, rather than forgetting that, putting that aside and dealing with by my calculations again some 12-15% of our waste stream and expending all our funds on an incinerator that only deals with a very small part of our waste stream and still having great clouds of smoke from all our green waste and paper and cardboard and plastics that we'd be burning. However I'm not going to go into really great detail about my personal comments. I think those have been submitted to Jodie Quintal who's co-ordinating the project and who's done a fine job. My next proposal is to get together the Waste Management Steering Committee that's currently in place to discuss the report and try and finalise some recommendations to go back to the Consultants and to

putting into the report, there's nothing mentioned about reducing the amount of plastic bags alone that we have on the island. Just one item. I see the Minister and Mr Walker nodding their heads saying that it is there. I believe in Lord Howe Island they introduced a fee or a levy on plastic bags. Now unfortunately when I speak like this some people in the community will go aghast because they immediately think well by God I might have to be paying 10c for every plastic bag that I bring into the island. But if we want to fix our waste problems we must address some of these things. Also interesting to hear, and this is no adverse reflection on Mr Walker talking about living out by the tip. I went around the island and took photographs of the rubbish that's washed up on the beaches here and there, wrote to Foodlands to put up a photographic display in the courseway. I didn't get a reply back and I now have to make my own conclusion as to why I didn't get a reply. There's also an issue where importing things in bulk, things such as detergent. A lot of other products so if you go into Foodlands which I haven't taken the time because I thought we paid someone to do that and look at different things that we could possibly bring into the island in bulk, so then we don't have all these little plastic containers that we take out to headstone and throw in the top pit or just goes in the garbage bag and goes over the chute with the bottles. Also on the report itself it mentions that we dispose of approximately 50 cars per year, but that was in '94 the UniMelb report made a comment that we dispose of 50 cars but how about other large vehicles, buses, trucks you name it. So I think the figure would be a little bit more than 50 and if you take the weight into account well it would put their overall weight figure of some 1400 tonnes up to some degree. I have even asked questions in the House about well what are we going to do with the whitegoods that we tend to pile up out there and burn letting all the CFC go into the atmosphere and there's really again no real answer to what we should do with the whitegoods or the cars apart from saying well we shouldn't burn the cars anymore, maybe we should find some way to get them off the island. Unfortunately it is a very expensive exercise to just remove the cars and other whitegoods to some destination and like Mr Gardner says we should be treating the waste that we produce on the island ourselves. So there is some good things in the report, there's some very valuable information in the report but I personally and I guess I'm agreeing with Mr Gardner and Mr Brown don't think we should rush off and say well we have been told all the problems we've got with waste on the island, we've been indicated how we may be able to fix some of that waste and there's a figure of \$700,000 which doesn't include a bobcat or other parts of equipment that you need to go with the waste management centre. So the bill could most probably run up to somewhere around \$850,000. Mr Gardner's pointed out to me it's a cheap bobcat \$20,000. So really I think we should tread carefully with this and not just jump up and say well let's go, we've got the money from the Commonwealth, let's just spend it and appear as if we are doing something. There's one good indicator, the glass that we should crush and put to good use because the way I see it every bit of waste that we throw off headstone is something that we've paid for and I believe on the island you can get 25c if you recycle the Cascade soft drink bottles so the question is, is that the value of most of the bottles that we throw off Headstone. We have heard in this House or on occasions where Electricity Undertaking are finding it hard to get sand, even the building industry finds it hard to get sand but we tend to just throw all that value off Headstone. So as I did say earlier on there are some very interesting figures in there and some handy stats but I don't believe we should just rush out and say well what a good idea let's go for this. Thank you.

MR GARDNER

Thank you Mr Acting Deputy Speaker. Maybe just to allay some of the concerns. I know Mr Walker talked about let's pick up the glass, let's do the aluminium, let's do that, that's what's proposed certainly in my comments back to the Steering Committee are exactly that. I wasn't intending to go into any great detail on what we should buy and what we shouldn't buy but my recommendations had been to address all of those, that's to have the vertical press for the can crushing operation. That is to install the silver recovery units at the photo lab so that we're able to use the solid waste from the sewerage scheme and the waste water from the sewerage scheme so we're no longer just pumping hundreds of thousands of gallons of water out

to sea. That is looking at recycling that water back for agriculture and horticultural purposes. That does include the purchase of a glass crushing mill and I think in the report it mentions somewhere in the vicinity of 200 tonnes of glass annually tossed over the tip at Headstone. So that is addressed because that's a valuable commodity. It has been demonstrated that that waste product can now be utilised in builders mix and for sand bases, for laying electrical cables and bits and pieces. So that's in there. The can collect programme that's been recommended in here as a Commonwealth programme, well that's a separate kettle of fish because it's done under Commonwealth funding, if that's the way we chose to go with that of course. The export of car batteries, well that's being done now, it's been budgeted for. The revolve shed which was basically somebody's waste is somebody else's treasure I think that's the saying. Well that's the idea of the revolve shed and it works quite successfully in Australia. The vertical composing unit which was a B priority I moved in my recommendations up to an A priority because I see it as being the only way that we can deal with immediately three quarters of our total waste stream. The bobcat's in there, there is some allowance for road construction and site works depending on the final site that's chosen and of course that in part is going to be dependent on the outcome of the Norfolk Island Plan. The shredder which is needed for paper, cardboard and all the other bits and pieces that you'd be putting into your bio waste unit has been budgeted for in that. The gasifier or the incinerator I've left out of the equation and the feasibility study for that has been left out of the equation. While I'm saying that technology is not proven for the purpose that we're looking at using it for. The bins that are required for households and businesses and public areas, that's been budgeted for. It's all in there. I think we can do it for \$350,000 plus the contingency, not the \$713,000, I think it's achievable and I think it addresses the immediate concerns of a lot of our waste products that we're no longer going to be tipping them over the side. We just need to have some support for this and that's all I'm asking is for some support to get on with the initiative and get it in place. Without that support I can't do it.

MR NOBBS

Thank you. This is a very important issue Mr Acting Deputy Speaker and I support the general thrust. I haven't put in my paper as yet but hopefully I'll get time in the next couple of days if it's a panic on to give the Minister support which I definitely do in relation to this. The couple of issues that were brought up and that's exporting waste back to where they came from, well it's often a good idea because then they realise what sort of waste they are sending out to us because the source of waste is an issue and Mr McCoy mentioned that that reducing waste to the source is an achievable objective I believe on an island like this and plus the sorting and what have you at source is critical. So it's important. I find it interesting that there has only been a couple of responses but I guess like me they are a bit tied up and obviously something will come of that in the future, but I just urge people to give their views. There will be a cost involved in all this of course and if the people want the issue dealt with and it is a serious issue, particularly for people living in the Headstone area. I don't live out that way any more but I do visit there regularly and it is a serious problem and we need to address it. Thanks Mr Acting Deputy Speaker.

MR WALKER

Thank you Acting Deputy Speaker. I thank the Minister for that brief breakdown of how he's intending of going ahead with this project. I encourage and support him to get the working group together as quickly as possible so that those discussions can commence, and on the question of Headstone I guess you could make the comparison that the rest of the island exports all their waste out to us out there and we don't particularly want it all so we'll deal with it as quickly as possible.

MR ACTING DEPUTY SPEAKER Is there any further debate. If there is no further debate then I put the question.

QUESTION PUT
QUESTION AGREED

2 – REPORT ON MATTERS RELATING TO IMMIGRATION INTO NORFOLK ISLAND

MR COOK Yes thank you Mr Acting Deputy Speaker. I think events have overtaken the question of any debate on this report however I put it forward to the House at the time and for consideration of the House and for any debate to take place on it. In view of the announcement which was made in the Statements this morning by the Minister for Immigration and Community Services of a review and various matters coming forward in March I would suggest that any debate or any discussion of any matters in the report stand over to be dealt with at the next sittings on the 22nd of March and the time that that review comes forward, if there are matters which arise in my report which might assist in those discussions or create debate I'd appreciate that opportunity rather than endeavour to debate the matter that the Paper be noted at this stage. So I'd ask that it be adjourned and any debate on it adjourned to the next sittings.

MR ACTING DEPUTY SPEAKER The question is that debate be adjourned and made an Order of the Day for a subsequent day of sitting.

QUESTION PUT
QUESTION AGREED

NO-5 AMENDMENT TO IMMIGRATION AMENDMENT (NO.2) BILL 2000 IN RESPECT OF NEW ZEALAND VISAS

MR SMITH Thank you Mr Acting Deputy Speaker. This is a simple amendment that I'd proposed to amend the Immigration Act to add in three words, New Zealand Visa I think the words were but since the matter had been brought to my attention just in the last 24 hours about the Norfolk Island Visa. I would like to have a bit of time to discuss that with the Minister for Immigration, therefore I would promote the idea of adjourning debate on this until the next sitting.

MR ACTING DEPUTY SPEAKER The question Honourable Members is that this matter be adjourned and made an Order of the day for a subsequent day of sitting.

QUESTION PUT
QUESTION AGREED

NO. 7 – CROWN LANDS ACT 1996

MR NOBBS Thank you Mr Deputy Speaker. In relation to this subject I intend to seek and adjournment until the next sitting because I thought that we might have some advice from the Commonwealth in relation to areas that Mr Gardner has been seeking some advice as there was supposed to be senior staff coming in here yesterday afternoon but apparently they haven't appeared. So I would, unless Mr Gardner wants to add anything I would seek that it be adjourned and made an Order of the Day for the next day of sitting.

MR ACTING DEPUTY SPEAKER The question Honourable Members is that this matter be adjourned and made an Order of the day for a subsequent day of sitting.

QUESTION PUT
QUESTION AGREED

NO. 8 – DISASTER & EMERGENCY MANAGEMENT BILL 2000

MR COOK Thank you Mr Acting Deputy Speaker. This matter comes back I think the last time actually you were likely to have the call to resume because of concerns I think which you expressed about the disaster relief fund which was set up in under that Disaster and Emergency Management Bill which I had presented at an earlier time and we raised these questions and there were amendments which have been made and they have been circulated and they take care of some of the matters that you have drawn to the attention of the House to, particularly the question of investment of monies of the Disaster and Emergency Relief Fund. There does not appear to be any provisions which apply to the winding but it would appear from advice that the proposed amendments that I would be seeking in due course to put before the House would provide for that situation having in mind the manner of disposal of the funds. So I don't wish to say anything more at the moment. I think this Bill has been a long time in coming forward. I hope it can move to its conclusion today and that in due course when these amendments are put that the House can agree to them, we can proceed with the final stages of the agreement to the Bill.

MR ACTING DEPUTY SPEAKER Thank you. Was there any further debate on the question that the Bill be agreed to in principle.

QUESTION PUT
QUESTION AGREED

MR ACTING DEPUTY SPEAKER We proceed to the detail stage. Mr Cook I believe you wish to move some detail amendments.

MR COOK Thank you Mr Acting Deputy Speaker. I move that the detail stage amendments circulated to Members on the 20th of February, 2001 be taken as read and agreed to as a whole. I've already alluded to the effect of those detail stage amendments and I hope that the House will agree to them and we can progress this matter to finality today.

MR ACTING DEPUTY SPEAKER Thank you Mr Cook. Any debate on that. Then I put the question that the detail amendments circulated to Members on the 20th of February, 2001 be taken as read and agreed to as a whole.

QUESTION PUT
QUESTION AGREED

MR ACTING DEPUTY SPEAKER We now need a Motion that the clauses as amended be agreed to.

MR COOK I so move

MR ACTING DEPUTY SPEAKER The question is that the clauses as amended be agreed to.

QUESTION PUT
QUESTION AGREED

MR ACTING DEPUTY SPEAKER We need a further Motion that the remainder of the Bill be agreed to.

MR COOK I so move.

MR ACTING DEPUTY SPEAKER The question is that the remainder of the Bill be agreed to.

QUESTION PUT
QUESTION AGREED

MR ACTING DEPUTY SPEAKER We have a final Motion then that the Bill as amended be agreed to.

MR COOK Mr Acting Deputy Speaker I move that the Bill as amended be agreed to.

MR GARDNER Thank you Mr Acting Deputy Speaker. Just before we put that question I think I'd probably put a dollar on and I'd get it back that this is going to pass without too much difficulty but I would just like to if possible provide some support to other Members comments in relation to the Disaster and Emergency Management Bill 2000 and certainly the work by officers and the previous Minister that went into this. It's to be commended, it's been a matter that's been around for some years now. I don't know whether it's been in the too difficult basket or it's just been a fairly monumental thing for Norfolk Island to have to deal with and I think all those that have been involved in it should be complimented.

MR NOBBS I agree with that Mr Acting Deputy Speaker because its been quite a task I know getting this Bill to the stage it's at and I'd also compliment you on your amendments that you actually insisted on putting in because they were needed. I'd just like to thank the previous Minister for his efforts in regard to that.

MR COOK Mr Acting Deputy Speaker I'd like to thank the support that's come forward from the House. I think it's one of the few things that there has been little disagreement at all, there's been very substantial support in every way and again I'd like to say I'm grateful for your input on this question of the funds and that's been cleared up very satisfactorily. I did table at a previous occasion the plan which has to be eventually be passed by resolution of this Assembly. It was brought forward at an earlier stage so that it could be well and truly studied by everybody and no doubt in due course and without delay I'll be bringing that forward for resolution to the Assembly for that plan to be approved.

MR ACTING DEPUTY SPEAKER Is there any further debate. Then I put the question.

QUESTION PUT
QUESTION AGREED

SUSPENSION OF SITTING

MR SMITH Mr Acting Deputy Speaker I move that we suspend the sitting until 1.30 pm on Friday afternoon.

MR ACTING DEPUTY SPEAKER The Motion is that we suspend until Friday the 23rd at 1.30 pm

QUESTION PUT
QUESTION AGREED

MR ACTING DEPUTY SPEAKER This House stands suspended until Friday the 23rd February, at 1.30 pm.