

PRAYER

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

Thank you Honourable Members. If you would feel more comfortable gentlemen without your coats would you please feel free to remove them

CONDOLENCES

We move to condolences, are there any condolences this morning? Ms Nicholas

MS NICHOLAS Mr Speaker, it is with regret that this House records the passing of Henrietta Elizabeth Quintal, affectionately known since birth as "Puss" at the Norfolk Island Hospital early Saturday morning, the 4th May. Puss was born in Kingston in 1911 in the cottage now known as "Maggie Tom's". She was the first of eight children and one of the last remaining children of Pitcairn descendants to be born and raised in Kingston. Her childhood home was No 11 Quality Row and they later moved to Steele's Point. During her long life, the world has changed enormously, especially on Norfolk, but somehow Puss retained and epitomised all that was the old Norfolk. She always spoke the Norfolk language and was rarely down, always loud, full of vigour and good cheer and affection was always in abundance. Puss married Charlie Quintal and in 1937 Molly brightened their lives. They lived in "Aunt Daisy's" in Douglas Drive until moving to Auckland in 1944 for health reasons. They lived happily in Auckland until Molly travelled to Sydney in 1962 before she finally settled back on Norfolk in 1963. Puss and Charlie returned home in 1965 and moved into Aunt Tit's in Rooty Hill road, where Puss has lived most of her later life. In 1961 Puss and Charlie fostered Peter with a promise to raise him their own and this commitment Puss honoured with spirit and determination long after Charlie passed away in 1967. Puss was an Elder of the Methodist Church and an active member of the congregation, the Ladies Fellowship and the Opportunity shop. Puss' home life revolved around the kitchen and a smoky fuel stove and a "convict" food safe. From there came the highest, most delicious sponge cake to be seen or tasted, guava jelly and jams and the best rice puddings. In recent years Puss has been in permanent care at the Norfolk Island Hospital, which provided her with the comfort and company she loved. Puss loved being visited and she looked forward to the White Oaks Seniors Group. In Puss' passing this community has lost a grand old Island lady and to Molly, Peter, Brett, Miles and their respective families this House extends its deepest sympathy

MR SPEAKER Thank you Ms Nicholas. Honourable members as a mark of respect to the memory of the deceased, I ask that all members stand in silence please. Thank you Honourable members.

PETITIONS

Are there any petitions this morning?. There are no petitions.

GIVING OF NOTICES

There are no notices this morning.

QUESTIONS WITHOUT NOTICE

We move to questions without notice - Are there any questions without notice

MRS JACK Mr Speaker I address my first question to Mr Smith, Minister responsible for the Public Service. Can the Minister advise the House when the candidates for the Community Services and Tourism traineeships are to be advised of just what is happening regarding the traineeship. This particular position was advertised in November, interviews were in February and does this delay mean that the position will be withdrawn at all due to budgetary constraints

MR SMITH Thank you Mr Speaker as far as I'm aware this doesn't mean that the positions will be withdrawn. I think the costs as I understand it wouldn't have been too much of an impact on the budget. As for when they will be filled, that is a matter for the CEO and she hasn't recently advised me just when those positions will be taken up but I need to add that at least one of the traineeships will fall under the Director for Community Services and Tourism and he has a shorter appointment than the other Executive Directors so I would expect that that would be dealt with fairly quickly but it is wrapped up in the whole review of the Administration as I understand it

MRS JACK Mr Speaker a supplementary thank you. I would like to know and I think some of the community would like to know, why these people have not heard because the Crown Counsel position advertised last month and no doubt I'll be corrected if I'm wrong, but those applicants have been advised of the outcome of that particular recruitment process. To me it seems that there have been two different schools of progression here and so is the Government changing its view on traineeships

MR SMITH Thank you Mr Speaker the answer to the last part of the question is that as far as I know, and I certainly haven't changed my mind about traineeships generally, not just within the Administration and I actually just asked the question yesterday of the Corporate Management Group, what is happening to positions that have been advertised and people have been interviewed, and I think in some cases people have been advised that they've secured the position but they haven't been filled. I'm still waiting for a comprehensive answer on that

MR NOBBS Thank you Mr Speaker I would ask the Minister responsible for the Public Service if the Public Service reform process is progressing

MR SMITH Thank you Mr Speaker the restructuring of the Public Service is still going on. There has been a slightly different view expressed by members of the current Government to possibly some members of the previous Government in just how that should be done and in fact we have some ministerial requests from the Chief Executive Officer just asking how this current Government wants to approach the reorganization restructure of the Public Service. That information can be shared with all members once the executive members have discussed that which I'm hoping we'll do this week

MR NOBBS Thank you Mr Speaker I again ask the Minister responsible for the Public Service is it correct that the Minister has been holding Public Service staff meetings without senior officers of the service attending such meetings

MR SMITH Yes

MR NOBBS Supplementary if I may Mr Speaker. Such action is completely against the concept of the separation of powers doctrine, that is the separation of the Public Service and the legislature and how does the Minister expect

management to manage the Public Service if they're being obviously undermined by a Government Minister

MR SMITH Thank you Mr Speaker when it comes to the roles of the executive member of the Norfolk Island Government we have a role to carry out. If I see it fit, and members can tell me otherwise if they see that I'm doing it incorrectly, but if I wish to speak to anybody in the Public Service or in the community for that matter that is what I'm expected to do. If I want to have meetings with anyone in the Public Service unless the Government or the Legislative Assembly advise me otherwise I'll continue to do so. I think it's an important part of the role that we carry out down here is to have those sorts of discussions. I've done it on many occasions previously with or without officers, I do it as much as I can on individual issues, on general issues or specific issues in some cases and I don't have any difficulty in that but if the Legislative Assembly has other views about that I would certainly like them to tell me thank you Mr Speaker

MR NOBBS Thank you Mr Speaker I ask the Minister has he received advise of a claim by the Public Service for a salary increase and if so, what are the details of this claim

MR SMITH Thank you Mr Speaker yes, I received yesterday a submission that is being sent to the Tribunal and that hasn't been circulated to anybody at this point in time. I got the copy yesterday afternoon and the general submission is for an 11% increase which is what I flagged in the last sitting

MR NOBBS Supplementary if I may. Does the Minister intend to place a contra objection to the claim to the Tribunal and what measures has he taken to commence this process and will productivity be considered in the objections

MR SMITH Thank you Mr Speaker the way the Tribunal works is that if the Public Service Association puts in a claim of any sort the Tribunal Act allows the Government and in this case the Legislative Assembly also to put in a submission to either support or counter claim against that claim. Mr Nobbs will recall that he had already commenced these discussions in the term when he was Minister for the Public Service with the Chief Executive Officer and negotiations had been taking place. It will be up to the Government and the Legislative Assembly as to what they wish me to do with the wage claim. Obviously there would be quite a large budget impact if this claim was accepted in its current form and I am quite sure that members of the PSA are quite willing to negotiate in relation to this particular claim and that is the appropriate course that should be taken

MR NOBBS Is the Minister aware that productivity has been an issue with wage claims since about 1990 and that the Minister negotiated the last wage claim and that there was no productivity mentioned in that issue, in fact he rolled over. Will that happen again

MR SMITH Mr Speaker I object to Mr Nobbs' suggestion that I as Chief Minister at that time rolled over in relation to the last claim that was made where that was also a negotiated position with the full Government support. The PSA negotiated with the Government of that time for quite a period of time and because claims had been not dealt with in previous Governments there was an agreement reached and that was agreed to by eight out of the nine members of the Legislative Assembly at the time. I was the one who took it to the Tribunal with the PSA. There was only one other member in the Tribunal at that time who did object to what was provided at that time but having the support of the Legislative Assembly for that one it was agreed to by the Tribunal. There was no such thing as a rolling over to that but in

the last two years Mr Nobbs' had been negotiating with the PSA in relation to their further claims. Nothing happened with that which is why we are dealing with a larger claim at this point in time and I think I can add that I don't think anybody should expect that the Public Service should just roll on and never get an increase in salary. That's the reality of the whole thing. We shouldn't expect that to occur, but it has. I think 1998 was the last increase that was given

MRS JACK Mr Speaker I ask this of Mr Smith in his role as Minister for Tourism. The Government considers tourism as our major industry, how important is the role of the General Manager of the Tourist Bureau in the actual running of the Bureau. I ask this as the position has been vacant for approximately six weeks before being advertised and why the delay

MR SMITH Thank you Mr Speaker I totally agree with Mrs Jack that tourism is a most important to us and in fact it is what supports the whole Island. The position of General Manager is an important role. The General Manager works for the Tourist Bureau actually, there isn't a definition of Board under the Government Tourist Bureau Act. The board is the most important factor because it's the Board that makes the decisions on what will happen. The General Manager generally is the one who carries out what the tourist Board wants to do in its marketing and promotions and as members will be aware, it was unfortunate that the General Manager and the Board recently parted ways. Advertisements have been placed in last week's Norfolk Islander, and will be placed again in this weeks Norfolk Islander but it doesn't mean to say that because there isn't a General Manager that everything stops. It hasn't

MR NOBBS Thank you Mr Speaker can I ask a supplementary to that. I ask the Minister why at the last meeting he advised that selection for replacement of the previous General Manager was in progress and why did it take some three weeks I believe for an advertisement to be placed in the paper

MR SMITH Thank you Mr Speaker I'm not too sure what the question really was but if it was how come it took so long, I know that it did miss out on one week because I was at a meeting with the board on the Friday that it was intended that that advertisement be put into the paper and it didn't occur because we were having our meeting so consequently it appeared the week after

MRS JACK We are still looking at five weeks and there are several weeks for the ad to be put into the paper. I still don't feel satisfied as why the delay has been answered

MR SMITH Thank you Mr Speaker I could say that I am possibly not happy with it either but the fact is that that's how it occurred. I'm not too sure where the members might be coming from with this question. If they are referring to an issue that I raised with them in confidentiality a week or two ago, if that's what they are asking for, please let them ask that question, and if they are asking why there has been a delay since the departure of the previous General Manager when an event like that occurs, things just don't simply slip into one week you have somebody and the next week you have somebody else. There are processes to be gone through. There are suggestions from the Board that because of the short term of the previous General Manager that they still held the names of people who had gone through the merit selection process only some months before and the board was considering just moving to that list and taking the next person off the list. In discussions with me it was decided that it might be better if we re advertise before that actually occurs and that's what happened

MRS JACK Mr Speaker it's another question but again directed to the Minister for tourism. Do we have people currently marketing the Island in Australia and New Zealand and if we don't then how long since we did and are they necessary to the success of tourism on Norfolk Island

MR SMITH Thank you Mr Speaker there are always people who are involved in the promotion and marketing of Norfolk Island. The Norfolk Island Government Tourist Bureau normally has somebody like the General Manager who is no longer with the Bureau who goes off and does whatever the Board wants them to do and also in New Zealand they usually have a representative that is the liaison point in that country and generally that works fairly well but the New Zealand representative resigned at the time that the General Manager resigned here so there was no actual Norfolk Island Government Tourist Bureau appointee in New Zealand but that doesn't mean to say that things stopped because besides the airlines and the wholesalers you also have the industry here also does its own promotion to a lesser degree so promotion carries on. It's not as if, if one person is no longer with the Bureau that everything comes to a halt. The Board itself gets involved in things which has always been the case. There's a campaign that's being developed by the Bureau at the moment that's going to be another television campaign that's going to take place in Australia, they were just waiting for the costings on that and a person arrived on the weekend and had discussions with the board on Saturday afternoon about the costings and where the campaign would be run and as far as I'm aware at this date that campaign is still progressing. There has been a slight hitch in one of the major contributors is having second thoughts about contributing which means that the Bureau might have to put in some more money to it and if that's how it has to be then that's how it has to be but it's not as if everything just comes to a halt because of one or two people who may no longer be involved with the Bureau

MRS JACK Mr Speaker as a supplementary is it thought necessary to replace the marketing person in New Zealand. If it is why hasn't this occurred. If that person resigned at the same time then we are looking at seven weeks down the track with nothing being done. If it isn't thought necessary to replace that person then has that person been necessary at all. What cost has there been to the community

MR SMITH Thank you Mr Speaker I think Mrs Jack is referring to the New Zealand side of things. Different Boards have different views about that, how to deal with New Zealand. There's been different methods used in having a representative from Norfolk Island down there. As I understand it their main function is liaison with Air New Zealand which is the only carrier that flies out of New Zealand, between Air New Zealand and the wholesalers. If there is specific promotion that gets done, then the role of that person is to organise that type of thing. I have an idea and I may be way off track with this one, but I think it costs about \$12,000 to \$20,000 for such a person to be employed as a consultant. Those numbers may be wrong Mr Speaker. It's certainly never been a full time position but I reiterate that there are besides the airline in New Zealand there's also the wholesalers that work very hard to sell Norfolk Island and the wholesalers play a fairly large role with what happens with Norfolk Island. They participate with the properties here as we are all aware and those properties contribute quite large amounts of money to advertise in those brochures and the wholesalers aren't going to sit back and just wait for a Tourist Bureau person to come along and sell the Island. But I also need to point out that the Bureau's role is to market the Island. There are other entities who are involved that need to do things for their own business and the airlines is one for example and how they deal with the market and what airfare structures they have in place and also the larger properties here, they do their own marketing so it's not as if Norfolk Island is off the map

MRS JACK Again as a supplementary, Minister you said that different Boards had different views on how they view the need for the marketing personnel then how does this lack of consistency affect the success of tourism for the Island and how do we gauge the success or failure. Has there been at any time any work done on judging the success or failure of these people

MR SMITH Thank you Mr Speaker that is done in many ways. Of course the Board is in the first line of that. They assess the performance of anybody they have operating for them but there are certain things and we are going to be talking about Unity 2005 this morning which is the strategy that the Bureau has been working to for some years that lays out the ground rules for how things work. I've had the view that the success or otherwise of the Board, the Bureau and any marketing people who are employed by the Government is by the results in numbers for example. You can also judge it from the Australian side by postcode. You can tell if a specific campaign if it's in postcode 2250 or whatever it might be and you are aiming at that market you can tell over the following months just how many people have been attracted by that. You can do it with the television campaign which we did two years ago which was a very successful one where the particular towns or parts of the country were targeted and you can see the response from that. The difference is where you get a situation like we've had over the last twelve months where there's been a lot of factors that have affected tourism. I mean, there's two arguments about this Mr Speaker. You could say that we've been really quite successful, and I mean by we, Norfolk Island not necessarily the Bureau, in retaining the amount of number that we have had thanks to the airlines, Norfolk Jet in particular, the Bureau and all the marketing efforts that have been put in. As you will see from the visitor arrivals which we'll be talking about later one, but there's a limitation on the amount of people we can actually have due to the aircraft size that we have here, but we all get frightened when we see that there's hardly anybody up the street. You hear stories that there's only 74 passengers booked in July and that sort of thing, but that's where the Bureau can react to those type of things and run a campaign like we did in November and December when we were told there was 400 bookings for January. Now January wasn't a huge success but it certainly was better than having 400 passenger. I think we ended up with around 2600 which was almost similar to the previous year when there was two airlines flying out of Australia so there's many ways in which you can assess whether what is being done is successful or not. But if in behind the questioning and I'm not sure Vicky if what you are saying is because we haven't had a General Manager for six weeks is that why we are going to have a really bad August September I don't think that's a fair question

MRS JACK No it's not

MR NOBBS Thank you Mr Speaker I ask the Minister responsible for KAVHA, what agreements are in place with landholders to cover works conducted by Administration KAVHA section staff of private land within the area designated as KAVHA

MR GARDNER Thank you Mr Speaker Mr Nobbs asked the exact same question at the previous sitting of the House and I undertook at that meeting to provide him with advise upon receipt of it in my office and circulated that advise to members yesterday as I understand it, a document dated the 13th May 2002 from the KAVHA secretariat and I'll read that into Hansard Mr Speaker, the contents of that document. Works are undertaken on private land by the Administration's Restoration Team after being discussed and agreed by the KAVHA Project Manager Mr Puss Anderson, and the landowner concerned. The works in question are carried out in accordance with the KAVHA landscape management plan and include measures to control the erosion and the replanting of native species. Norfolk Island and Federal Government representatives of the KAVHA Management Board agreed to the

talking about low morale. Maybe that's unfair for me to ask that of the members of the service if they are feeling that way but I think if everybody becomes less positive about the whole thing about Norfolk Island it can have a bad effect but I do recognise what Mr Brown is asking about

MR BROWN Mr Speaker I direct this question to the Minister with responsibility for the Public Service. Can the Minister please advise precisely who bears the cost of repairs to Administration motor vehicles if those vehicles are damaged during private use

MR SMITH Thank you Mr Speaker I don't know. That's a good question. If Mr Brown would like to give me a little time maybe I can get an accurate answer to that

MR BROWN That would be very helpful Mr Speaker

MR BROWN Mr Speaker I direct this question to the Minister with responsibility for the Hospital. Can the Minister please advise whether the Hospital Board has a full complement of members and in the event that it does not have a full complement of members how long has this situation existed

MR SMITH Thank you Mr Speaker the Hospital Board does not have a full complement. Since I have been Minister and not because of that I hope, there have been two resignations from the Hospital Board. One was the previous Chairperson of the Board and the other one was a DVA representative. Good members of the Board who had both resigned. I raised the issue of replacements with the members of the Legislative Assembly on two occasions about replacing those people to the Board. The impression that I got from members that there wasn't an intention that I should go ahead and appoint anybody else to the Board, that the role of the Board should be revised and in fact I had the Director of the Hospital at one of those meetings who is a member of the board and since that time I have mentioned on occasions to the Board that the Legislative Assembly wishes to change the role of the Board away from a management position to more of an advisory position. I had asked for copies of amendments that had been proposed by my predecessor, Mr McCoy and some work had been done on a proposal to amend the Hospital Act. In the last week or so I have received copies of that. I have received advise about how an why and other questions we should carry this particular function out. There is a matter of consultation that needs to be carried out with members of the Legislative Assembly and also with the current Board members and the director to see if the path we are taking is correct

MR BROWN I direct this question to the Minister with responsibility for the Hospital. Is the Minister able to assure the House that it is lawful for the Board to meet in the absence of having a full complement of members

MR SMITH Thank you Mr Speaker as I understand it and I can't give a legal opinion on that Mr Speaker, but as I understand it they require a quorum and I understand that they do have a quorum when they meet

MR BROWN Further question along the same lines Mr Speaker, can the Minister advise how long it is since the Hospital Board has legally met, that is, how long is it since the board has met at a meeting properly convened in accordance with the requirement of the Hospital legislation

MR SMITH Thank you Mr Speaker I can see why Mr Brown's line of questioning is going and I think there is probably some legal advise required in his questioning. I don't want to try and attempt to answer the question as

because that's the connection between Australia and Nauru as far as I'm aware. I hope it has not effect at all Vicky but I don't know what the answer to that would be

MRS JACK Mr Speaker can I ask the Minister to make enquires to assist him in finding out just where we are placed within the overall view please

MR SMITH Thank you Mr Speaker I'm very happy to do that as soon as I can

MR NOBBS Thank you Mr Speaker I just ask the Minister for the Environment a question on the OTR and the stockpile at Cascade. Has the Minister an answer to the question I asked, whether there's been action initiated in 2001 to ascertain the responsibility for placing the claimed other than rock in the rock stockpile and has the action which commenced in 2001 been progressed

MR I BUFFETT Thank you Mr Speaker Mr Nobbs had asked me two similar questions at the last meeting and I had sought Legal Advice in respect of this to providing some answers. The questions that were asked at that time were, Is the Minister aware that during the crushing contract material identified as OTR was placed by the contractor on private land immediately adjacent to the rock stockpile. That was the first question and the answer is, yes, during the crushing contract between the Administration and Island Industries, some rock material was inadvertently placed on private land adjacent to the main stockpile site. As a point of information for the Legislative Assembly while the rock material has been commonly referred to on the Island as OTR an engineer engaged by the Administration has clarified that the rock material does in fact consist of scalplings from the crushing contract. The second question was, is it correct that the recovery of the OTR by the Administration proven to be difficult as the owner of the land on which the OTR was placed has refused to allow removal of the OTR. The answer to that question is, yes, as a consequence of the owners refusal to allow the removal of the rock material the question of its recovery has been placed in the hands of the Administration's legal representatives

MR NOBBS Thank you Mr Speaker. That was a couple of question later and I thank him for answering the second lot of questions. But now I'm now confused and I ask him is the OTR other than rock really other than rock or is it rock that we're talking about that couldn't be crushed and it's been placed at various locations around the island, and if it is OTR or other than rock, is the action being progressed against whoever and I think it was the contractors actually that the action was commenced against or the advisors on the contract, and has that been progressed and if it's not OTR what are we doing about the rest of the material that's sitting around the island in piles that's claimed to be OTR.

MR I. BUFFETT Thank you Mr Speaker. Mr Speaker what I will do is take those questions On Notice. I perhaps misunderstood the series of questions and for that I apologise but there are some complexities in this whole issue of OTR which is other than rock and rock material etc. I'll take those On Notice Mr Speaker on the clear understanding that I think we'll be having some additional sittings during the next few weeks or over this next month and get those to Mr Nobbs as quickly as possible.

MR NOBBS Thank you. I asked the Chief Minister at the last couple of meetings and he promised to give me a more detailed answer to, what is the Government's proposal to facilitate counseling for offenders as recommended in Court sentences handed down recently. Has he an answer to that.

MR GARDNER Thank you Mr Speaker. Both this question and the previous question asked by Mr Nobbs of me are questions that I referred to the Service immediately following the previous sitting of the House. I've indicated I've received a response to his former question, the current question that he's asking I have only had the opportunity of having some discussion with the Legal Services Unit on. My understanding, and I am awaiting more substantial advice from the Service is that at the time of the formation of the drug and alcohol working group there was an undertaking given in regard to that that possibly by this time this year there would be the resources in place to provide for counseling services. My understanding are that in the sentencing options provided by some of the Magistrates, part of the option was that if those resources were in place that it would be an option that would be available and they had progressed that. Unfortunately as I think all Members are aware those resources are not available to us at the moment for the provision of counseling services as part of sentencing options and as Members again are aware there are proposals in the current budget, which will be the subject of further discussion in this House over the next few weeks for such services to be made available, and it is a matter for this House to determine as to whether they are going to make those services available.

MR NOBBS I asked the Minister responsible for Electricity, when can we expect a report as promised as he put it, the wave energy and alternate energy report. We were promised a copy I was just wondering when we are going to get it.

MR DONALDSON Thank you Mr Speaker. It was my understanding that a report on that trip away was circulated, and I'm getting the nod from other Members around the table who got a copy. It wasn't a very comprehensive report, it didn't go into the development of a wave energy on Norfolk Island, in fact I've said the current proposals for wave energy are limited by cost. It's not a economic viability, let's not pursue that any further.

MR BROWN I ask a further question about the same subject matter. Can the Minister advise why it was that the relevant Executive Director was unable to work out prior to spending whatever amount of money was spent traveling to the Mainland that wave energy is at present a waste of time.

MR DONALDSON I can't speak for the current Executive Director and I really don't know the answer to the question. I see the thrust of the question but if the question relates to why was a trip away necessary, why couldn't it be done by phone calls or research on the internet well I ask the same question. I don't know the answer really. I'll have to leave it at that.

MR NOBBS Thank you. I ask the Minister for Tourism and he was unsure at the last meeting. Has the Minister received in the past 2 months any applications to transfer tourist accommodation house licences and if so, how many.

MR SMITH Mr Speaker I don't recall that question being asked, I don't recall in the last 2 months receiving an application to transfer licences unless Ron can remind me of someone that may have done that. If the question was related to Governors Lodge which may have been a question asked, to apologise if that had been, that I've received no application of transfer of ownership at this point in time. I've had advice from Governors Lodge that there may be an application coming up.

MR NOBBS Just a supplementary to the same Minister. What procedures are in place to automatically alert you to the fact that there is a variation to ownership of a tourist accommodation licence.

MR SMITH Mr Speaker I think the onus as far as I remember of the Act, and I haven't got it here with me is that the onus is on the person who is to carry out anything under the Tourist Accommodation Act, like transfer of ownership and I understand that there are some penalties for somebody who doesn't comply with those rules.

MRS JACK Thank you Mr Speaker. To Mr Smith responsible for the Airport.

MR SMITH No

MRS JACK I beg your pardon, Mr Donaldson. Is there any truth in the supposed security breach at the Airport regarding a person jumping the fence barrier while an Air New Zealand aircraft was being boarded, and that security personnel from Air New Zealand are arriving to look into this matter.

MR DONALDSON Thank you Mr Speaker. I do hear rumour really about some incident at the Airport. I have received no official report about it and I can't add anything more to it but I will look into the matter and I will undertake to report back to Mrs Jack on this particular issue.

MR NOBBS I ask the Minister responsible for Health. Have we currently at the Hospital a GMO appointed.

MR SMITH Mr Speaker if Mr Smith is referring to today, as far as I am aware there is one.

MR NOBBS Was that person appointed by the Minister as required by the Act.

MR SMITH Mr Speaker if I recall it was yourself that actually appointed the person to be in that position, not as the employer but I think the Executive Member is to appoint the person to be the Senior Medical Officer, and I think that was you that did that, as I recall, it was some time before my time.

MR NOBBS Can I just clarify that. So the Minister says that at the current time there is a fully operational, I guess Government Medical Officer or a person holding that position of GMO at the Hospital.

MR SMITH As I understand it, yes.

MR NOBBS Can I ask another one. It's also to the Minister responsible for Broadcasting. Regulations prescribed in the format for licence applications under the Act were made a week or so ago, two questions. Are there any applications pending and b) does the Act provide for public advice and comment on applications.

MR SMITH Mr Speaker I have to table in Papers this morning that regulation that Mr Nobbs is referring to. It is the application form for the Broadcasting Authority. We haven't been able to meet until we had such a form and now that has been complete the Authority will meet, provided that this goes through without any reason for me to withdraw it and then it is up to the Broadcasting Authority how they call for any submissions if there was, and I assume there will be applications for a Broadcasting licence and I'm not too sure if in the Act it says that they need to, but I don't have any difficulty with the Authority doing that, and I'm hoping the Authority will meet very shortly, because the Act has been in place for over 12 months and been

waiting for this form and I'm happy to take any input from Members in relation to that as well of course.

MR NOBBS I ask the Minister responsible for Roads, I asked him before and I'll ask again. Has there been a risk assessment of Norfolk Island roads to identify potential problem areas.

MR SMITH I'm trying to recall actually what was asked last time. I think it was in relation to are we at risk with, I suppose on the question of whether our roads could be hazardous or not.

MR NOBBS Duty of care.

MR SMITH The duty of care which is something that was raised with the Chief Minister a year or two ago. I don't recall that there was any reply given at that point in time. If it was a questions asked at the last sitting I'm surprised that I don't have some information about it but that's neither here nor there.

MR NOBBS A further one in relation to Roads. Is the, which I asked a few meetings ago, is the Minister, either the Minister responsible for Roads or the Minister responsible for the Legal Section, are either of the Minister or both of them doing anything about ensuring that there is cover on private roads within subdivisions which are used by members of the public.

MR SMITH I can't answer that off the top of my head Mr Speaker. Maybe one of the other Ministers can.

MR GARDNER I can provide some information on that Mr Speaker. That matter has been referred to the Legal Services Unit for a definitive answer. As yet there has been no receipt of that advice.

MR BROWN I direct this question to the Minister with responsibility for the Hospital. Can the Minister please advise the present level of Hospital debtors and can he please advise two further things, firstly when did he last meet with the Director to discuss what action the Director was to take to reduce that level and what action has the Director in fact taken.

MR SMITH Mr Speaker I was hoping I would have some financial information from the Hospital by this morning's meeting, it may be here, I'll pop down when I get an opportunity to see what I do have. In relation to the debtors, I think I went into that at some length at the last sitting of the action that the Board had taken to reign in the debts that are owed to the Hospital. I haven't spoken to the Director about it recently but I would assume that what had been proposed by the Director at the time that he would still be pursuing those avenues. Very happy to find out just exactly where we are up to with that.

MR NOBBS Thank you. I ask the Minister for Health does he intend providing a statement to the community in relation to perceived problems that are occurring at the Hospital at the present time in relation to Medical Officers.

MR SMITH Mr Speaker I'd be very happy to do that. I don't know if it's a good idea to do it in question time but if, I don't know how far I can go with that but I'm certainly willing to go as far as I'm allowed to as far as Standing Orders lets me do that.

MR SPEAKER
time Mr Smith.

I will give you the call therefore at Statement

QUESTIONS ON NOTICE

QUESTION NO. 29 – MINISTER FOR COMMUNITY SERVICES AND TOURISM

MR SMITH Thank you Mr Speaker. The question asked by Ms Nicholas to ask the following. Is it a fact that during recent Police inquiries people who worked at the crime scene were asked to give forensic material for DNA analysis. If so would the Minister 1) advise whether the material was collected according to the requirements for the Norfolk Island Crimes Forensic Procedures Act 2002 and to what extent donors were informed of the choices open to them in this regard. 2) provide full details of the agreements negotiated between those people and the attending Police Officers and how those agreements entered into were documented and witnessed. 3) advise whether the donors of the forensic material were informed of the matters required to be advised to them under Section 80 (2) of the aforementioned legislation inter alia whether or not the material may be placed on the Australian National DNA Data Base System b) whether or not the material was intended to be placed on either the volunteers limited purposes index of the volunteers, unlimited purposed index, and for what length of time the forensic material would be retained and by whom. Mr Speaker I sent the questions off to Sergeant Lindsay for a response and he does advise that it is appropriate to advise Members of the Assembly that they have no jurisdiction over matters of legal procedure where Police are acting in the execution of their duty. This is a matter for the Courts but he does go on to say that no sample taken will be placed on the National Data Base. Each sample will be destroyed after comparison. Police are precluded from using any DNA profiles identified from those samples for evidentiary purposes. The samples were all obtained under appropriately informed consent. He also advises that the Norfolk Island Police are subject to the unlawful disclosure provisions of the AFP Act which explicitly prohibit release of the information requested by the member.

MS NICHOLAS
noted.

Mr Speaker may I move that that response be

MR SPEAKER

You may ask a supplementary Ms Nicholas.

MS NICHOLAS

Thank you. In that case is the Member able to assure me that we may have discussion specifically related to the legislation and the provisions in regard to the taking of those samples and perhaps he might come forward with a more detailed statement at a later time.

MR SMITH

Yes Mr Speaker. I'm very happy to do that and I apologise to Ms Nicholas because I said that I would in discussions earlier, that I would promote us doing such a thing so that we all know where we stand. I'm very happy to do that.

MS NICHOLAS

Thank you Mr Speaker.

QUESTION NO. 30 – MINISTER FOR ENVIRONMENT

MR I. BUFFETT

Thank you Mr Speaker. Mr Speaker Ms Nicholas asked the following question which is made up of 3 parts. The first part of that question is as follows. If the Norfolk Island Plan tabled in the House in February 2002 and the supporting legislation introduced to the House on the 24th April are agreed and promulgated what is the potential number of new portions that could be created using

the new subdivision minima in each of the proposed zones if one were to presume that each parcel of land met all other criteria relative to subdivision. Mr Speaker in response to that particular part of the question is as follows. The following figures are best estimates as the Norfolk Island geographical information system is currently being finalised and established. The potential number of new portions that could be created under the draft Norfolk Island Plan if all other criteria and standards established by the draft plan were able to be met is as follows. In the rural zone, 64 new portions at 4 hectare minimums, the rural residential zone 110 new portions at 8,900 square metre minimum. In the residential zone 92 new portions at 2,000 square metres, mixed use zone 724 new portions at 800 square metres. In the business zone 265 new portions at 300 square metres, the light industrial zone 43 new portions at 800 square metres and in the industrial zone, special use zone and the airport zone the portion sizes and dimensions will be determined by the intended or future use in development of the sites. In the open space, conservation and road zones, generally no further subdivisions intended in these zones. It is noted that these estimates do not take into account existing use, ownership or tenure. As a matter of interest under the current 1996 Plan the potential for subdivision in the rural a and rural b zones is greater than under the draft plan while overall, the potential for subdivision in the central and commercial areas are similar. Mr Speaker the second part of that question 30 reads as follows. The Federal Minister has offered certain leaseholders the opportunity to convert their holdings to Freehold. If these leaseholders all take up the Minister's offer what is the potential number of further new portions that could be created using the new subdivision minima in each of the proposed zones if one were to presume that each parcel of leasehold land met all other subdivision criteria. The response to that Mr Speaker is that all leasehold portions are proposed to be zones either rural or residential. The potential number of new portions that could be created out of the portions that are currently leasehold if all other standards and criteria established in the draft plan were able to be met is as follows. The rural zone 52 portions out of a total potential of 64. Residential zone 54 portions out of a total potential of 92 portions. Mr Speaker the third part of the Question on Notice reads as follows. What checks and balances will be put in place to ensure that those responsible for administering the proposed new planning regime when considering any future developments in the mixed use, business, and light industrial zones take into consideration whether or not the proposed development would adversely impinge on the existing infrastructure or treatment of sewerage and supply of electricity. Mr Speaker the mixed use, business and light industrial zones are basically located within the areas served by the water assurance scheme, electricity and reasonable standards of road. The key infrastructure necessary for the types of activities likely to be located in those zones. The Planning Bill 2002 and the draft Norfolk Island Plan together establish a comprehensive system for assessing a development application to ensure that the potential implications of the proposed use or development are taken into account in the decision making process. The draft plan establishes use and development principles including principles for infrastructure and services with which all use and development must be consistent. These include requirements such as use and development shall be provided with adequate and appropriate infrastructure and services and use and development shall provide an adequate rainwater supply. All development applications are required to address a range of matters that might apply to the proposed use or development as specified at clause 83 of the draft plan. This includes a statement from the relevant infrastructure managers including but not limited to the Electricity Manager, the Health and Building Surveyor regarding the infrastructure requirements necessary to enable the proposed use or development and the availability of that infrastructure. If this statement is not provided when the development application is submitted, the Officer responsible can refuse to accept the development application until all relevant information including that statement has been provided. When a development application is assessed there are a number of matters listed at clause 84 of the draft plan which must be taken into account and these include whether the proposed use or

QUESTION NO. 32 – MINISTER FOR FINANCE

MR DONALDSON Thank you Mr Speaker. I was asked a question by Mrs Jack at the last meeting relating to the number of unlicensed food premises and whether they had been re licenced again. The question was will the Minister advise whether or not the 10 private residences which do not hold Sale of Food licences last April are now licensed and the answer is yes, they are licensed. Thank you. Mr Speaker can I raise another issue. I answered a question earlier in Questions Without Notice, I've received some supplementary information that might be helpful. Can I relay that at this time.

MR SPEAKER On the paper that's in front of us.

MR DONALDSON No. I was asked a question in Questions Without Notice and I answered it but I've received supplementary information which may be helpful.

MR SPEAKER Yes let's try and tidy that now.

MR DONALSDON I was asked a question about the Executive Directors for Environment and Infrastructure's trip to I think Melbourne on the wave energy proposal. I'd just like to add that the cost of the airfare was not funded by the Administration but was funded by a private company who was putting on the demonstration of the wave energy equipment. So that reduces the costs quite substantially to the Administration.

PRESENTATION OF PAPERS

MR GARDNER Mr Speaker I table the final report of the 6th South Pacific Mini Games held on Norfolk Island from the 3rd to the 14th of December 2001 and move the Paper be noted.

MR SPEAKER The question is the Paper be noted.

MR GARDNER Thank you Mr Speaker. I received yesterday from the Honorary Secretary of the Norfolk Island Amateur Sports Association, Tom Lloyd the final report of the South Pacific Mini Games held on Norfolk Island. Some weeks ago or some months ago in this House I undertook to provide a statement of the financials to do with the South Pacific Mini Games, I was awaiting that information from the organising committee and as part and parcel of the final report is included the statement of income and expenditure for the year to the 31st December 2001 dealing specifically with the holding of the South Pacific Mini Games on Norfolk Island. Mr Speaker Tom Lloyd as the Honorary Secretary of the Amateur Sports Association who are in their own right members of the South Pacific Games Council, Mr Lloyd as their representative attended the South Pacific Games Council meeting in Suva, Fiji recently. He was accompanied by the Treasurer of the Association Virginia Walker, and during the course of the meeting presented the final report that I've tabled today and the balance sheet for the Mini Games. I'm pleased to report Mr Speaker that both were received with acclamation at that meeting, and pleased to report that Norfolk Island is still the flavour of the month with our South Pacific colleagues. Thank you.

MR SPEAKER Further debate. The question is that that Paper be noted.

QUESTION PUT
QUESTION AGREED

MR SMITH Mr Speaker I would like to table as I've just received, the Norfolk Island Hospital Enterprise Annual Report and Financial Statements for the year ended the 30th of June 2001 and I table that document and move that it be noted.

MR SPEAKER The question is that that Paper be noted.

MR SMITH Mr Speaker I want to speak to it briefly because I've only just received this. It was discovered that these weren't tabled in the last Assembly's time possibly because of the election that came up and I certainly wasn't aware that they hadn't been tabled. So I table it for that reason. I haven't read them at this point in time so I can't make any comment on them today but when Members get a copy of this maybe we can have some discussion about it if they wish.

MR SPEAKER Thank you. Any further contributions. Do you want to adjourn that matter Mr Smith so that it might be available at another time.

MR SMITH I don't mind. Yeah well maybe that's a good idea. I move that it be adjourned and we'll discuss it at the next sitting.

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

QUESTION PUT
QUESTION AGREED

MR SMITH Mr Speaker in accordance with Section 41 of the Interpretation Act 1979 I table the Norfolk Island Broadcasting Authority Licence Application Regulations 2002.

MR SPEAKER Thank you. Any further Papers.

MR SMITH Mr Speaker I'd like to table the Inbound Passenger Statistics from April 2002 and move that the Paper be noted.

MR SPEAKER The question is that the Paper be noted.

MR SMITH Mr Speaker this is the visitor arrivals for the month of April 2002 and I'll just go through some of the numbers for those that are interested in the arrival statistics. For the month of April there was 2,850 arrivals in April. Of that number 1,042 came out of NSW, 395 VIC, 625 from QLD, 93 from SA, 80 from WA, 24 from TAS, 535 from NZ and 56 from the Pacific which brought the year to date figures to the end of April to 28,231. The average nights stay went up to 7.78 during the month of April which is higher than what it was in the previous year. Mr Speaker in comparison to 2001 there was a drop of some 1200 people compared to the month of April last year and it's still lower than the year before. It's interesting to note that the number of passengers travelling out of Sydney, there was 12 flights and there was it looks like 1674 passengers during that month which seems to work out at about an average of 139 during that month per flight. I suspect that there's probably some discrepancies there because of the dates people arrive and depart. So it doesn't appear to be all that accurate even though we have checked that that was the number of flights in April of 2002. Mr Speaker we'll probably be talking at length during my Motion about Unity 2005 about tourism so I don't think I'll make any further mention at this point myself. I'll leave it open to Members to say what they might want to say.

MR BROWN

Mr Speaker we shouldn't let these numbers pass without expressing extreme concern. Our visitor numbers for April were down by 29% on last year, 29% Mr Speaker. We met to discuss our draft budget for next year, only a matter of a week ago and at that time we were told that the draft budget is based on the premise that our visitor numbers will be equal to what they have appeared likely to be for this year, and that would seem to be something like 15% decline. Now a 29% decline in one of our major months should be worrying each and every person around this table. If we look at other statistics which I'm aware that the Minister has prepared and have a look at how May is progressing, we are looking at a similarly terrible result for May, and we have already been told that June and July look dreadful to the extent that we're faced with substantial flight cancellations in those months if we can't do something to bring about an improvement. Now there may be all kinds of reasons for this. It certainly would help if there was some additional capacity available on the airline, although I expect that the figures that have been given to the Minister in terms of the numbers of flights per week may in fact be erroneous, there's 4 flights a week from Sydney and in a month that contains 4 weeks, when I went to school 4 x 4 came to 16 not 12 but it is nevertheless the case that the load factors are reasonable high on the aircraft, but I'm not aware that we've really sat down with the airline and said look, what have we got to do to make it worth your while to put on an extra flight. There is no doubt that if the seats aren't there we've got a problem. If the seats aren't there the wholesalers can't get seats and so the wholesalers will decide not to advertise and they'll wait until months when there are seats. If the Bureau stops advertising and that certainly seems to me to have happened then again out in the market place Norfolk Island starts to be forgotten. An advertisement in the travel section of a newspaper doesn't sit around like a glossy magazine, in the space of 7-10 days it's either been wrapped around fish and chips or it's been used to start a fire or it's been thrown out to be recycled in the garbage, but it isn't retained Mr Speaker. Some might suggest to us that we had quite a reasonable month in March, again if you look at that month we basically ran out of airline seats but as a result of the flights being reasonably full in March the wholesalers took a view that there weren't seats available for them and the wholesalers cut back in their advertising. We cut back in our advertising and what we are now seeing is the decline which will almost universally occur when that course of action is taken. It doesn't matter whether we are full or not, we should be continuing to advertise. Now it's reassuring that the Minister has told us that the Bureau is about to be involved in an advertising programme. The Minister hopes that that programme will start soon and I'll certainly be interested when he has time to follow it up to hear precisely when the programme is to start, but in the midst of all this to have gotten rid of the Manager of the Tourist Bureau certainly hasn't helped, to have the Minister himself under quite intense pressure from a very difficult portfolio and he's got problems not only in the tourism area, he's got big problems in a couple of other areas and there's only so many hours in the day in which he can work. But Mr Speaker I want to impress on Members that we've got a problem, it's a big problem and I hope that Members are not going to just sit here today nod their heads wisely and go home tonight and just forget about it for another month because if we continue to do that it won't be Nauru that will have the liquidators it will be poor old Norfolk Island. Thank you.

MR GARDNER

Thank you Mr Speaker. I just want to add a couple of words to Mr Browns. I intend to agree with most of the points in his debate and over the last few days I've been doing some figures which have come up with some interesting results. What we're looking at unless things do turn around is an impact, I think probably on par with the impact of the Pilots strike that we experienced here on island in the 89/90 financial year where there was a percentage decrease over that 12 month period even though the Pilot strike was only a 6 month period but during that 12 month period of some 24.26% downturn in tourist numbers. Now that mightn't mean much but when you relate what our revenue has been or was in those days to what it is now, over that 10 year period since that Pilot strike there's been approximately a 65%

increase in revenue. Now that's been generated predominantly from our major industry tourism, yet with the downturn that we're currently facing we're finding that we're setting ourselves back to potentially similar tourist arrival numbers to what were experienced 10 years ago, or a bit over 10 years ago in the 88/89 financial year which I don't think you need to be too clever to understand that without those tourist arrivals being here we are facing some significant potential decline in our revenue base. As yet I don't think that decline has become adequately apparent to us certainly not in the figures that the Minister for Finance has provided to Members of the House but we need to be aware of it and I support what Mr Brown is saying, it is a major problem that needs some immediate address.

MR NOBBS Thank you Mr Speaker. I agree wholeheartedly, I mean I believe we are heading for a serious times at the present and I'm very concerned that we've heard that there's some guy came over last weekend and they're looking at spending this sort of money and all of that but there's nothing definitive in what's actually to happen. I thought in a situation that we're in that it would be ideal if the Minister would explain to the community precisely what is being done and what will be done and what their expectations are if we expend x amount of dollars, and the campaign progresses as is. I thought that that would come out today but I haven't heard it yet and I'm asking the Minister is he prepared to spell it out and tell us precisely what's going on, how the Tourist Bureau is addressing this type of issue, or tell the community how the Tourist Bureau is addressing it because there are real concerns in the community and I'm continually being spoken to by people, not only in the industry but outside the tourist accommodation industry but everybody's got an interest in tourism, so I mean your going to cop it across the board, and we need to know and be confident in what's going on. This jumping on planes and going over to see so and so and these sort of issues, they're fine but we need some results and we need some definitive programmes or advice on what definitive programmes are being undertaken to get us over the hump or get us back in the hump and over the trough. Thank you Mr Speaker.

MRS JACK Mr Speaker all three gentlemen I agree with. I do have something further to say on the Chief Minister that while he says we may not yet be seeing results down here reflecting problems yet, I can assure him that in the market place or up town as we sometimes refer to it are certainly feeling the pinch. The accommodation people are definitely feeling the pinch and I think that is being shown in bed licences whatever being handed in or taken off various tourist accommodation houses rosters. I agree that we need to do something now but I've always been disappointed that it's always been knee-jerk reaction. We need to put plans in place that will be effective not just for the present but also come into use further down the track so we try and start to avoid these peaks and troughs that we are constantly presented with and try and get a far more level approach to tourism on the Island. It's no good trying to make all this money in one season hoping that it's going to be enough to take you through the trough. It's bad business and it's bad survival for many of the people here on the Island and it's certainly hard for the Government to try and budget when we're constantly trying to budget against our own troughs and crests and I do stress that all of us and not just the tourism Minister need to start getting forward with some really positive ideas on making it more of a plateau effect thank you

MR BROWN Mr Speaker could I just bring one little piece of mathematics to the attention of members and I well recall our colleague Brian Bates who frequently spoke in quite disparaging terms about my calculator, and good morning Batesy I've done this by hand, not using my calculator. We've got 30% more beds than we used to have. In April we ran almost 30% below April last year. Do you know what that means in terms of the occupancy in the average visitor accommodation. My maths and I'll get Brian to check this later in the day, tell me that on average it means

everybody ran at about 53% of where they were a year ago. If those numbers are right they are devastating. And so we have two problems. The first one is that previous Governments encouraged people to build additional accommodation and we are going to talk later today about the question of whether we still support an ongoing increase up to a level of 340,000 visitors per year as suggested in that Unity 2005 document. But people have been encouraged to build additional accommodation which has given us 30% more beds than we used to have and we are down to blazes. It's very reassuring that members have expressed such concern this morning. It remains to be seen whether once we all leave this place this afternoon that concern translates into action

MR SMITH

Thank you Mr Speaker I thank the members for their input in relation to the visitor number for April. I hear what they are saying but I would like to also remind members that we had the Chief Executive of Norfolk Jet Airlines here sitting around the table only two or three weeks ago and he was asking if we had any questions, is there anything we can do, whether he was going to take any notice or not doesn't make any difference, but that opportunity was given. I've had the Tourist Board down here twice in the last three months. I don't recall too many questions relating to the actual programmes that they've been running but I'm not taking a defensive attitude to this. I've been saying for quite some time that we are in difficult times. Earlier on I referred to the number of aircraft that fly out of the Sydney gateway and 1674 passengers total divided by the number of aircraft and maybe Mr Brown is right, it may be more than twelve it may be thirteen because April's a short month and it depends when the days of the month start and end but even with that, it shows that those aircraft out of Sydney were at Capacity. Now it's still surprising that that happens because we all know that they are never always full but even right from the start when Norfolk Jet took up flying the route on their own, their aim was to have x amount of seats flying to the Island and I think it was around 30,000 as being what they expected to see in a calendar year. Now we all knew that and I was being pressured and still get pressured that I should be supporting Norfolk Jet. I've certainly given them a good run for their money but when it comes down to it, if there are not any more seats they are not going to get anybody else on their aircraft. I think Mr Brown is right, we do need extra capacity. Not necessarily in the very quiet months which occur every year it doesn't matter what anybody thinks, we do have quiet months, but in the peak times which is how the market has developed over the last few years is the peak months are not in December January or July August, they are in other parts of the year but if we are restricted by airline seats we are not going to get anymore passengers on aircraft, so they do need more capacity. As for the marketing that the Tourist Bureau does, I don't know how many campaigns are being run constantly, by either the Bureau, the airline, the wholesalers as I said earlier on this morning, but the campaign that I was talking about before is not dissimilar to the campaign that was run last year and the year before by the Bureau using television and following up with the print media. The way they do it, because of the limited budget of the Bureau and the other contributors they choose a television station and say well we'll run a lower cost ad which is suitable to Norfolk Island, I don't think there's any point in us trying to be on prime time television and trying to attract two or three million people to come to the Island each year. Ours is a little bit more laid back than that so each state is targeted by the television campaign. It's backed up with a wholesaler of that area that promotes the packages from that area and it works. It works every time. It certainly worked in the November December time. The time frame of when it's going to be up and running I wasn't able to answer that today and I'm sorry Mr Brown that I don't have the actual date of when that's starting but negotiations have been carried on with the airline who is a contributor and I said earlier that there may be some doubt about the full participation of the airline which would be disappointing, but they may have their reasons and I haven't actually spoken to Greg about that at this point in time. But sure. Everybody is worried about it. Accommodation will be the first ones to feel slower times now and Mr Brown certainly point that out, and that was recognised by the Minister when he deregulated the

industry. Certainly it was supported by that Legislative Assembly and the one following that there would be more accommodation built and that was going to happen. People who have built tourist accommodation since that time would probably recognise that it wasn't going to be quite the same as what it was previously unless we have what I think works out as over 50,000 visitors per year when occupancy rates would certainly come up to a level that they might have enjoyed before. It also appears that some properties do far better than others and there are reasons for that that are known to those properties. Then there are properties that aren't doing very well at all whether they be new ones or old ones. We all know the effect of that but it is interesting the discussions on tourism and I've certainly experienced a few of those over the years around this table when things are a bit slower we tend to use a lot of rhetoric about where it goes and what we should be doing about it but when it comes down to everybody does what they can do. I don't think anybody sits back and says well, we'll just let this fall over. I don't think anybody as far as I know would take that attitude although I must say that it was only a year ago when the community told us to slow down and put a hold on things because of the amount of tourist accommodation that was being built and we did that. We reacted fairly quickly to that so that's the other end of the scale when we actually were peaking with the numbers of passengers and that's not even a year ago actually when we peaked at 40,000. Eleven months later we are panicking. Everybody that knows how marketing promotion works and how the industry works says it will happen. We will have times when there's difficulties. I think one of the difficulties and Mr Brown has pointed this out, is that often if we haven't enough capacity on the airline that maybe a restriction and that needs to be addressed. Now we did address that with Greg when he was here. As I recall he said he wasn't really too keen about increasing the number of services he's got but maybe rejigging how he does it. Now it's important when he does that – he was going to do that after the quiet period of July – August, then it would probably make a lot of sense. It would make no sense at all if he would put on extra capacity right now when he's actually canceling flights. It wouldn't make any sense. But there's a lot of factors involved in it. Certainly I do take note of what the members say and I certainly do take note of what people in the community say. I'm out there as often as everybody else and I hear what people are saying. I know when people are finding it tough. They certainly let me know, but it's how we deal with it, that's the interesting thing, and Mr Brown said, when we get to Unity 2005 sometime later this afternoon we will have a full discussion about that, thank you

SPEAKER Thank you Mr Smith. Any further debate? Then I put the question that the Paper be noted

QUESTION PUT
AGREED

That paper is so noted.

STATEMENTS

Honourable Members have we any Statements for this morning

MR SMITH Thank you Mr Speaker just a statement in relation to Education firstly. These are taken from some notes of a meeting that was held on the 1st to 3rd May with myself and a visiting delegation from the New South Wales Education system. The delegation included Miss Hetty Solowski, the Assistant Director General for the Department of Education and Training; Mr Wayne Parkins, District Superintendent, Department of Education and Training, Mr Barry Johnson General Secretary of the New South Wales Teachers Federation and Mr Peter McGuire Personnel Officer of the Department of Education and Training. Also in attendance at the meetings were the Principal Mr Ron Miles who managed the organisation of the

three days and did a good job of that and also Mr Roger Williams the Executive Director to Community Services and Tourism who chaired the meetings for us. The primary purpose of the visit was to hold discussions concerning the MOU between NSW Department of Education and Training and the Norfolk Island Government with regard to staffing of the Norfolk Island Central School. The existing MOU is some years old and for the past several years there is cause for concern particularly with regard to the tenure of teachers. The negotiations were very positive, cordial and productive with a revised draft MOU being agreed by all parties after meetings over two days. The revised draft will be available for consideration of members shortly upon receipt from the Department of Education and Training. Most notable features of the revised MOU are that it removes the uncertainty around the two plus one years for teachers and the three plus one years for the Principal and Executives by specifying a maximum flat three year contract term for contracted teachers to the Norfolk Island school. It also gives certainty around teachers having access to extension of tenure or special circumstances relating to immigration or resident status, and specifies the maximum number of teacher positions in that category and the maximum number of head teacher assistant principal positions in that category. The Principal's position will not be available for extended tenure. The teachers who are residents of Norfolk Island or who hold a the General Entry Permit may apply to the Principal via a selection and review panel for extended tenure of three years. Subsequent applications may be made for further extensions for three years in accordance with the same principles. The appointment of teaching staff to the Norfolk Island Central School will continue to be based on the NSW merit selection basis. Whilst they were here the delegation met with teaching staff and addressed them on current education issues in NSW. Wayne Parkins met with Ron Miles to discuss school evaluation issues and Barry Johnson the Teachers Federation Rep conducted a Trade Union Training Programme for staff. Several propositions surrounding the complex issue of apprenticeship and traineeship training for Norfolk Island were also raised and some productive discussions were held. Ms Solowski and Mr Parkins have agreed to hold further discussions with the appropriate officers on their return to New South Wales on the propositions made to them in respect to this. Mr Johnson of the NSW Teacher's Federation raised some further issues with myself in subsequent individual discussions around issues for teachers of OH&S, salary and training opportunities for staff and legal liability, Mr Speaker.

Mr Speaker, as was suggested before that I should make a statement in relation to the situation at the Hospital. I'm very happy to discuss any aspect of it but I'll need some guidance from yourself if I step out of line and also maybe Mr Brown can indicate if I'm saying something that may be subjudice. Recently Mr Speaker..

SPEAKER Then you may equip me then. You mention subjudice. Is this matter before the court

MR SMITH Not that I know of but I understand from a discussion with Chief Minister that there may be some action taken in the Supreme Court

SPEAKER But there is no action at this moment Chief Minister

MR GARDNER Not that I'm aware of

SPEAKER Thank you. Mr Brown

MR BROWN Mr Speaker perhaps I can assist there. It is certain that proceedings will be commenced in the Supreme Court but no proceedings have yet been commenced

SPEAKER Thank you. Mr Smith

MR SMITH Then that sounds like I have the ability to talk freely about it. I'll try and do this as a chain of events. I don't know any of the dates off the top of my head as I wasn't expecting to be talking about this today in this forum. The Chief Minister approached me one day and asked me if it was true that Damien had resigned from the Medical Staff at the Hospital. Besides my almost falling over backwards with that information because I believe Damien is a very very good doctor, that I said I would certainly find out what's going on. I made contact with the Director of the Hospital who advised me that the Board had a meeting and that there were certain allegations that were being made in relation to a contract that Damien held and that the Hospital held that occurred

MS NICHOLAS Point of Order Mr Speaker. I do believe that this is a matter in which an officer is very clearly named and I would claim that that runs against our Standing Orders 72A

SPEAKER Yes I'm already in the process of reading that Ms Nicholas

MS NICHOLAS I'm sure you are

SPEAKER Mr Smith it may be useful if I make this identification to you. 72A talks about an officer being identified and terms and conditions and conduct being referred to and an officer includes the holder of a statutory appointment and I do understand from what you have said earlier that the officer you have talked about holds a statutory appointment so 72A therefore I think is covered in the context of today's presentation that you are endeavouring to make. Now I need to point out to you that that doesn't mean that it cannot proceed but there are preliminaries procedures that you might need to follow in proceeding with it

MR SMITH Thank you Mr Speaker we have Damien in the Chamber and I could actually ask him if he minds, and maybe he does, whether this is discussed in this sense and maybe he is very happy to do that but I know there is a procedure where we exclude strangers and stop the broadcast in relation to a matter where an officer can be identified but maybe I can ask the doctor and maybe he would be quite happy for me to discuss this publicly

SPEAKER If I might just equip you further about that. Whether or no the officer is prepared to do that, the Standing Order remains

MR BROWN Mr Speaker my understanding is that the Norfolk Island Hospital Enterprise is a separate statutory entity and I would have argued that the Standing Order would not apply to the employee of the Enterprise. Whilst I appreciate what you have just said that it would not matter whether the particular person consented or not, it may be helpful to advise members that I have just spoken with the particular person and he has said to me that he has no objection to his name being referred to if that is of assistance to you

SPEAKER Yes Mr Brown. That you for that. My interpretation at this stage is that it is a statutory appointment that is being referred to. Certainly as far as I am able to understand the Hospital legislation provides for statutory

appointment and that is held by the person so named. To further elaborate that the statutory appointment is made by a Minister of this House in this particular instance.

MR BROWN Mr Speaker can I assist by suggesting that the appointment of an employee of the Hospital Enterprise is not in fact made by the Minister. The only role of the Minister is from among the employees of the Hospital to appoint one of those as Medical Superintendent but the person must be appointed first as, in this case, a doctor in order to be appointed as Medical Super. Know the particular appointment may well have been done incorrectly in this particular appointment that the Minister may have purported to make the appointment as an employee and as Medical Super but the Act with all respect would appear to be quite clear in stating that the Minister's only role is to appoint from among the existing employees of the Hospital one to be Medical Super and the Medical Super position is a separate title but it doesn't relate to the employment of such

SPEAKER Mr Brown I understand that. The fact remains That the person holds the statutory appointment of Government Medical Officer and you quite rightly point out that that has been made by an Executive Member of this legislature and therefore falls in the context as I interpret of this particular standing order and I so rule in that context

MR BROWN Mr Speaker could I move that so much of Standing Orders be suspended as to allow discussion on this matter to take place in the public forum

SPEAKER Thank you Mr Brown and I'll put that to members. The question before us Honourable Members is that so much of Standing Orders be put aside as to allow this matter to proceed

QUESTION PUT

Would the Clerk please call the House

MR BUFFETT	NO
MR GARDNER	AYE
MR DONALDSON	AYE
MRS JACK	NO
MR IVENS BUFFETT	AYE
MR NOBBS	AYE
MR BATES	AYE
MS NICHOLAS	AYE
MR SMITH	AYE
MR BROWN	AYE

The result of voting Honourable Members the ayes seven the noes two, the ayes have it therefore we will proceed on the basis that Standing Orders 72a has been put aside in this particular instance

MR SMITH Thank you Mr Speaker could I just ask a question of yourself. When we put aside so much of Standing Orders does that leave aside privilege as well

SPEAKER No

MR SMITH It doesn't. Thank you. I'll continue and this is with the approval of Damien who has nodded that he is happy for me to continue.

There were allegations made in relation to a difference in contracts. It was made at a legal office, McIntyre's between Mr John Brown and Craig Anderson I understand were at McIntyre's and Gino our Deputy Crown Solicitor and David Connell from the Hospital were with that discussion. I understood that the meeting had been arranged with the advise from the Director that Damien might like to have somebody with him when he discussed the contract, however that's that part of it. Mr Speaker following that there was a meeting that was held with the members of the Board subsequent to that first one that I had advised about and as I understand it there was a recommendation put to the Board or the Board Members who were at that meeting that under the circumstances a decision should be made to allow Dr Foong to leave the Island within x amount of time and not pursue the matter much further as I understand it. A discussion was held with the Director of the Hospital, myself and executive members on just where the issue was going. I had some queries in relation to what was being alleged with the contracts. There seemed to be some difficulties in locating the original contract which was at the centre of the whole issue. That subsequently was found in the Hospital files as I understand it. Unfortunately I guess in some ways is that Damien was about due to fly out on that weekend which as I understand he consequently did and was away for some weeks including a visit to the United States. Mr Speaker I'm not too sure of the matters that have been raised between McIntyre's and the legal department of the Administration or the Hospital except when I have been privy to information either from courtesy of legal or McIntyre's but it really led to a situation where I felt the Hospital Board was being asked to decide whether a person had committed something or not. I think that was very unfair and I was pleased to see an eventual recommendation that if there were allegations being made for Damien's sake that the thing be investigated properly and the Board took a decision that the matter should be handed over to the investigative authorities and that is the Police in this case and that was supported by McIntyre's and that investigation is being carried out. It has been a matter that has caused a lot of heartache for of course Dr Foong and his wife and also the people at the Hospital many people in the community and it's an awful issue and I hope that it's resolved very very soon. The last event that I'm aware of that occurred was last Thursday, I was advised by Legal that Damien was due back sometime, I think it was on the weekend and there was concern from the Board that the Doctor would be taking up his duties at the hospital and under the cloud of circumstances for whatever reasons had occurred that he not return to work. I was advised by Legal that I should offer a direction to the Board that Damien be put on suspension from his position on full pay while the investigations were being carried out. I had considered that overnight and advised the Director in the morning that that was a possibility. About thirty minutes after I had advised the Director of that situation I had a call from McIntyre's to say that they understood that I was going to make a direction to the Hospital Board to carry out such a suspension which caused me quite some concern that that had occurred however, I then rang the Director to say that there had been a breach of confidentiality somewhere and I would have no part of what was being carried out there in that sense and the Board subsequently met and took a recommendation as I understand it from the Director that that be carried out and that's where we are and I see Damien and Tamara in the Chamber this morning and I'm pleased to see them here whilst we discuss this issue

MR NOBBS
Statement be noted

Thank you Mr Speaker can I move that the

SPEAKER

The question is that the Statement be noted

MR NOBBS

Thank you Mr Speaker. Minister a few minutes ago you advised us that the GMO is operational at the Hospital and now you tell me that he's suspended so what's going on

MR SMITH Thank you Mr Speaker I don't consider that Damien's situation of employment the Hospital has changed. He is still employed at the Hospital. If Mr Nobb's is suggesting that he's not I'm not too sure but there are other issues involved in being asked this question by Mr Nobbs in relation to the appointment that was made by previous Ministers to the positions of Senior Medical Officer. There is some confusion over who was appointed to those positions and that's part of the confusion of the contracts. If I get an opportunity I will hop down and gets copies of the contracts where it shows that. I can't explain that any further unless I show Mr Nobbs

MR BROWN Mr Speaker this is a disgraceful situation. It's a situation that has been brought about as a result of absolutely disgraceful incompetence on the part of the Board, the Director and our present Minister. It's a situation which should once the police investigation has been resolved lead to the resignation of our Minister and frankly, it should lead to the resignation of the Director and the removal of the Board. Let's have a look at what's happened here. We've got a man who

MR SMITH Point of Order Mr Speaker. I'm not too sure where the ruling would be and maybe there isn't a ruling. I find what Mr Brown is doing here is very very interesting where the role of the legislature and the judiciary should be separated. There's got to be... I don't have any problem with Mr Brown acting in his capacity as a lawyer for Damien and I'm happy for him to do so but when it comes to a matter in the House, especially where we have the Standing Orders suspended, that Mr Brown can raise issues that he is dealing with in a private capacity. Now John and I have lots of discussions and I think we have respect for each other in many ways but this issue in this particular case, I don't mind what he says about me and whether he wants to terminate me as a Minister, he's done that a few times before, I accept those types of insinuations but where do we draw the line between somebody acting in their private capacity about a matter that is being dealt with by the Administration. If there is a ruling that could be given on that I would like to hear it. If there is no such thing as a ruling I think we've got to seriously look at how the Legislative Assembly operates. We get into a situation I like this whether it's a legal matter or whether it's any other sort of matter that's been dealt with by members of the Government, members of the Legislative Assembly or members of the Administration and people who have a private capacity interest in the issues. I may be way off mark at that but I believe there must be some sort of separation of powers between the legislature, the Government, and the issues of private practice. I admire John for sticking up for Damien's issue in this particular case but it's something that being investigated and we've already talked about that. I'm doing my best to ensure that everything is being done fairly and equitably. I don't know where we go with issues like this and matters in the House. Maybe somebody can help me

SPEAKER Did you want to say something to me on the matter of this Point of Order

MR BROWN Yes I think there are some matters I would like to address Mr Speaker. Firstly I am indeed assisting Dr Foong in my capacity as a lawyer. I'm doing so for a fellow professional without charge. As such I cannot be accused of having any form of pecuniary interest in what's being discussed. All that I can be accused of Mr Speaker is attempting to bring truth into this place and it's truth that has been hidden from this place until today

SPEAKER Mr Nobbs. Do you wish to say something on the point of order that is in front of me

MR NOBBS I do. I do. Because it's only a few minutes ago Mr Speaker that the separation of powers was brought up in relation to the action of a certain Minister in relation to the public service and he said that he will be going to talk to them regardless, whatever it is he will still go ahead and talk to them and I find it quite difficult at the present time, and I do understand that there are some problems and there is a perception in relation to Mr Brown acting for Dr Foong that there is a perception there of a problem but I mean, for a Minister to get up and say a few minutes after saying, well forget about the separation of powers because I'm going to go and talk to the Public Service without any senior officers there and then turn around and accuse a member and wanting then to bring in the doctrine of separation of powers I find that a bit difficult

MR SMITH I don't know if this is a debate on what Mr Nobbs has just said but as executive member with responsibility for the Public Service I would assume that I would have the right to do that if I was outside of that role...

SPEAKER Yes, let's not debate that other matter Mr Smith let's stick to the matter that's in front of us. Honourable Members in terms of the Point of Order that's been raised with me. There are provisions in both the Standing Orders and the Norfolk Island Act about interests of members. They are not extensive and I understand what you have raised Mr Smith but in the context of what you have raised neither the Standing Orders nor the Norfolk Island Act prevent the participation that is happening at this moment. I'm not trying to pre-empt what members views might be on that but in interpreting the Standing Orders and the Act as the Speaker I need to give you the response that I have done at this moment

MR BROWN We have a doctor who is without doubt highly skilled and highly respected. He is a doctor who if you look at his curriculum vitae has spent much time overseas in underprivileged places no doubt on little or no income assisting underprivileged people, in particular in the area of plastic surgery. Now why would a man who makes that gift to his fellow human beings be wanting to rip off the Norfolk Island Hospital for a few dollars. It's time members heard the other side of the story. This gentleman was appointed as an employee of the Norfolk Island Hospital Enterprise and as Medical Superintendent and the words Medical Superintendent are on a page which at the bottom of the page has a stamp saying CLEARED BY LEGAL, and it bears the signature of the then acting executive member, so there's no doubt at all that he was appointed as Medical Superintendent. But when he found that the Norfolk Island Hospital Enterprise was not providing proper insurance cover for its medical staff, he raised the issue. As part of raising the issue he found that the version of his contract which he held was different to the version which the hospital held. There were some fascinating differences, bearing in mind that he had already been appointed for quite some months. One of the differences was that in what I'll call the hospital version there is provision to accept the offer of employment within three days. In the version held by Dr Foong it made a requirement that the position be accepted within ten days. Now the suggestion being made by the Director and the Board is that at some stage quite recently Dr Foong secreted himself into the hospital, laptop computer under his arm, turned on the hospital computer, downloaded the contract of employment, went home and amended it, then went back and printed it off on the hospital printer. All that to make a change from three days to ten days in the time in which he had to take up the contract. Now that would make no sense when the contract already said on the page with the big red stamp CLEARED BY LEGAL and signed by the acting executive member, when the contract already said he was appointed as Medical Superintendent. Why would he go and change another page to say it and isn't it logical that the page said it in the first place. And of the other changes, one version has a certain number of days of study leave each year. The other has a different number. One has a certain number of days of annual leave. The other has a different number but it's very

interesting when you look at the job advertisement that the version held by Dr Foong has in it the precise number of days of annual leave that was offered in the job advertisement. There is no big mystery about the changes that occurred. Numerous versions of a contract were submitted to Dr Foong. On the day on which the contract was eventually signed, what he says is quite simple. He had further discussions with the then Director. As each point was agreed, she left the room, made the change and brought back a new page. Nothing surprising in any of the changes. Now in most civilised communities one of two things would have happened. Either the Hospital would have taken a view that there's a difference there that everyone needs to sit down and talk about or a view would have been taken that perhaps there is no contract at all because the two documents are so different. But instead of that a great witch-hunt started. A witch-hunt clearly aimed at tipping Dr Foong out of the hospital. There can be absolutely no doubt about the aim of the witch-hunt. The Minister here today has said some interesting things. He said there was difficulty in locating the original contract. Well the original contract was in the personnel files at the hospital all the time and the Director had provided me with a photocopy of it. When I use the term the original contract I am talking of the hospital version. We then had numerous Board meetings. Board meetings which were not legally convened Mr Speaker because a meeting of the Hospital Board can only be convened by the Chairman. There has not been a Chairman for months. Who knows what the effect of those meetings might be but some would certainly suggests that any resolution passed at them is null and void. The whole issue became so traumatising for Dr Foong that it really was necessary to find a way out of it. I had suggested to the Deputy Crown Counsel and the Director that there be a full independent arms length inquiry. That option was not taken up, but at the end of the day it got to the stage where there was only one remaining option and that was to ask the Police to look at the allegations. But look at all of the damage that all of that has done. The Police will eventually I suppose have time to look at the matter. I imagine they are very much consumed with other things at present, and the matter will eventually come to an end, and in a normal place a person would be given the benefit of the doubt until that inquiry was finished, because in our civilised world Mr Speaker a person is innocent until he is proven beyond all reasonable doubt to be guilty, proven through our Court system to be guilty on that burden of proof, but instead of sitting back and allowing the inquiry to take its course, and bearing in mind that there has been absolutely no allegation against Dr Foong in terms of this medical practice the Director has then recommended to the Board that Dr Foong's services as a Medical Practitioner be suspended, albeit on full pay. What a ridiculous situation Mr Speaker. The community has cried out to have additional Doctors appointed, they do work at present under quite a strain because I don't really know whether there is yet adequate insurance to cover them, but leaving the insurance question aside the community wanted extra Doctors but the Hospital Board has now gone and suspended one of them on full pay. You know the joke, they can't suspend his appointment as a Medical Superintendent, so he continues to be the Medical Superintendent at the Hospital but the Board has purported to tell him that he's not allowed to actually see patients. Now I hope that one thing will occur as a result of this debate today Mr Speaker. I hope that the Minister will grab the Hospital Director by the ears, shake him a little, tell him not to be so stupid and that the purported suspension will be lifted immediately and that the whole community will then adopt the attitude of fairness, which normally prevails in Norfolk Island and allow the inquiry to take its course and treat Dr Foong as a totally innocent man unless and until he has proven to committed some kind of an offence. But do you know the other fascinating thing about all of this. If you look at the differences in the 2 documents Dr Foong has not sought the benefit of even one of those differences at this stage. All he's said is, hey we've got to talk about it, these documents are different. Now what a tragic situation Mr Speaker but that's where we find ourselves. Thank you.

MR SMITH Mr Speaker only to advise that I've had legal advice, I shouldn't say any more because this is under investigation. Thank you.

MR BROWN Mr Speaker if that comment was intended to be some kind of a threat towards me, I would ask that it be withdrawn immediately.

MR SMITH It's not Mr Speaker.

MR NOBBS Thank you Mr Speaker. I've been particularly concerned about it because I didn't really know what the fact were, and you hear rumours and innuendos are made, and I understand there's even been letters written to the Chief Minister and also to the Minister for Health in relation to patient files being perused by persons that you wouldn't normally expect to peruse them. There are other issues around which are flowing from this particular unsavoury operation, that's all I can call it, and I'm pleased, although I do have some difficulties with Mr Brown acting but I'm pleased at least some of the counter arguments were brought out and laid before the House because the community wants to know what really is going on, and we need to know that and if the Minister can't say any more because it's under investigation well fair enough, but I would urge him to move quickly to attempt to get some resolution into this matter, because as I say it's not only effecting the Doctor and his wife and immediate family, it's also effecting the whole community. There are people that are awaiting to see the Doctor that refuse to see any other Doctors and it's something that must be attended to and very very quickly. To load the Police up with another investigation is fine but I think that if they cannot do it quickly that we should look at another means of doing it. Thank you Mr Speaker.

MRS JACK Mr Speaker I raised some concerns at our meeting the other day over this issue. I'm glad they have brought into open forum, even though I was against that open forum and I just second Mr Nobbs to expedite the matter, ask the Minister to expedite resolving this matter.

MR SPEAKER Further participation.

MR DONALDSON Yes I'd just like to make some comments because I've got some reasonably strong views on this matter. I understand Dr Foong has been suspended for a purported offence. I have great difficulty in understanding or supporting the suspension. Suspending a person from employment is a major action and should only be undertaken in extraordinary circumstances when absolutely necessary, and all the evidence I have available to me, and it's only anecdotal evidence and little snippets I've learnt a little bit from what's been said today and I think I've developed a better understanding of the situation and more resolved that there has been an error made somewhere along the line. Such evidence does not relate to Dr Foong's ability to do his job. He's a valued member of the medical profession, he's respected by the staff of the Hospital, he's respected by his patients. It is completely incomprehensible why he has been suspended from performing those duties. If the situation was different, if it was a cashier who was handling money and the cashier was accused of stealing money, suspend them to remove them from temptation but the allegation that's been made does not appear to relate in any way shape or form to his professional capability. Accordingly until further information comes out I guess I can't make any firm conclusion as to what should happen, but I do hope that this whole matter is resolved speedily and with a bit of human dignity attached to it. Thank you.

MR SPEAKER Thank you. Any further debate. Honourable Members the question that is in front of us is that the Statement be noted and I will put that question to you.

QUESTION PUT
QUESTION AGREED

MR SPEAKER I'm trying to make some estimate as to how long you may speak on this matter Mr Smith.

MR SMITH Mr Speaker you know that I don't ever speak for very long in these debates but I would like Members to have a good and full debate on the issue and if you were considering lunch I would..

MR SPEAKER Yes I am just giving some thought to that and maybe we should suspend at this time and commence with that particular matter and that will give it opportunity to flow in what ever context you would want it to flow. So Honourable Members we might suspend and we will return at 2.00pm.

NOTICE NO. 1 – TOURISM - FUTURE DIRECTION

MR SPEAKER Honourable Members we reconvene after the suspension for lunch. We are at Notices.

MR SMITH Thank you Mr Speaker. I move that this House supports and adopts the document Unity 2005 prepared by the Norfolk Island Government Tourist Bureau in 1995.

MR SPEAKER Thank you. The question is that that Motion be agreed to.

MR SMITH Mr Speaker I move this Motion today not to introduce unity 2005 as a new document to confirm or otherwise with the Assembly the strategies for tourism that were adopted by the then 6th Assembly and been used ever since as the blue print in tourism for the Bureau to work to. Many of the recommendations have been adopted by the Government since 1995 including the deregulation of tourist accommodation to allow increases in visitor numbers and improving the standards of the industry. When this document was adopted there was one airline flying to Norfolk Island out of the Australian gateways and one out of New Zealand. Shortly after Ansett Airlines announced that it would cease their services to the island leaving Norfolk with the prospect of having no services at all from Australia. The Government pursued other carriers who may be able to fly as a replacement to Ansett and secured Flight West Airlines a Queensland based carrier which was just entering the jet age with Fokker F28 aircraft. At the same time Norfolk Jet Express was launched by Greg Prechelt as a locally based airline using BAE146 aircraft. So for the first time Norfolk effectively had 2 carriers who eventually became competitors on the prime Brisbane and Sydney to Norfolk Island route. Deregulation of tourist accommodation was in its early stages when the effects of the two airline competition was making itself felt within almost immediate increase in visitor numbers. From that point onward we experienced growth in numbers to a high point in the 2000/2001 financial year with over 40,000 visitors for the first time. At the same time newer tourist accommodation was being approved to a degree that the community reacted to the new structures that were appearing in previously untouched parts of the island and the visible increase in cars and buses and people that our record numbers that year had brought along. New levels of prosperity were becoming obvious and inevitably the cost of land and houses started to rise. The combination of all those factors I believe triggered the community into presenting a petition to the Legislative Assembly signed by a very large majority of the electorate asking that we put a hold on things for a while until all of the infrastructure and land planning and other things related was under

control. The Legislative Assembly acted swiftly and immediately put a control back on tourist accommodation for the time being by reintroducing a quota on the amount of tourist accommodation units that could be approved. Had there been the benefit of foresight and we were to know that one of the major carriers was about to disappear we probably shouldn't have bothered because it was only in June last year that flight West closed its doors and ceased operations to Norfolk Island. Norfolk Jet was bale to crank up its Boeing 737 services from the then two a week building to the current six services a week out of Brisbane and Sydney. However more bad news was around the corner with Ansett, Air New Zealand and the attacks on the world Trade Centre all occurring in the same month creating more unwanted problems for tourism. Air New Zealand has survived and our tourist numbers have remained above 30,000 for this current financial year thanks to the Airlines and the efforts of the Bureau and the industry in general. However no matter what our numbers cannot sustain the island economy unless we take a step backwards which I don't believe any of us really want to do, or do we, and therein lies the reason for this Motion today and to give Members the opportunity Mr Speaker to make it known where the Assembly intends to take Norfolk Island over the next few years. Unity 2005 adopted the strategy that the Assembly should strive to reach a number of 340,000 bed nights by the year 2005 is one of its recommendations. Bed nights are calculated by multiplying the average stay of our visitors by the number of visitors, for example if there are 900 visitors who stay an average of 7.3 nights, the bed nights calculate out to 6,570. 340,000 bed nights would calculate out to around 48,000 visitors in 2005. Bed nights are considered to be the most accurate way of measuring how well or otherwise the industry is doing rather than by the total number of visitors over a period. The deregulation of tourist accommodation has produced around 1600 beds an increase from 1256 that had been in place since the mid 80's, although I do understand that at some period there was 1400 beds available during the 1980's. The budget that is being developed for the next financial year will probably be affected by lower numbers that we had become accustomed to, although revenues are holding up fairly well considering the events of the past 12 months. So where to from here. During the discussion on the Unity 2005 document that's about to take place I would propose that a symposium take place during the next month or so that will bring all of the players in the industry together to the island to discuss the whole question of the industry and which will also invite comment from all those involved either from off island or from the local industry. I also propose that there be a task force set up fairly quickly to assist in carrying out anything that might come from today's discussions which may include voting that there needs to be more money put into the marketing of the Norfolk Island Government Tourist Bureau. Mr Speaker I'll leave it at that at this point and hear what other Members views are on the Unity 2005 document but I need to add that I'm not raising this today as a question or give us the opportunity to question what's happened over the last few years because that's not what we are here about today, it's about where we are going in the future with it and if there's answers to that then we need to deal with those answers, and that's the thrust of what I'm doing here today. It's a discussion on where we go from here. Thank you.

MRS JACK

Mr Speaker I see the Unity 2005 as a document of hope. However I'm more interested in reality because I see that we may be a Government here but together we run Norfolk Island Pty Ltd, a hopefully profitable enterprise but at present suffering from external forces and pressures that are causing a serious downturn. It is no good talking about what we want, it is far better to talk about what is possible. At present we have one airline from Australia, I think it's 6 flights a week, one airline from New Zealand at 4 flights per week which gives us, I don't know the numbers that are potentially there for all of them to carry, but this is the reality and this is what we have to work with and to. I'm not interested in some pie in the sky possibility be it another airline starting up, because that's what it is to me, it's just pie in the sky. For us to deal with our budget and our problems that we face now we must deal with reality. Now to me if this means that currently we operate at 30%

below par then those are the figures that guide us until there is a sustained improvement. I feel that we have to work with what is available and I'll deviate here a little that if there is an appeal from the PSA for a pay rise, then reality would tell them that they will be lucky to have a job in 6 months if this continues to my way of thinking, never mind a pay rise, and if I were Mr Donaldson I'd be telling everyone to slice their budget accordingly or if they insist on having their wish list, then ok lets look at rates, phone charges and so on, because that is reality, because tourism figures are not there, and the expected revenue is not there. It's no use just preaching gloom, where do we go to from here. As I see it we sit down and talk with the airlines and work to a future plan of increasing numbers to the island, we ensure that a Manager for the Tourist Bureau is employed, we need to work in a team work situation, we need to establish a budget and work on a marketing strategy bearing in mind that cause and affect can sometimes be 6 months separate. We need to liaise with the carriers in order to put bums on seats. We need to see these people and say here's our budget allocation, can you match it or what is the best way to maximise it, because isn't it better to deal with 2 concerns than say 5,000 Travel Agents. I see potential in some of the aspects however of the 2005 document but it is for down the road. I see a greater importance in re-establishing Norfolk Island in the market place and then coming in and utilising some of those factors. Thank you.

MR I. BUFFETT

Thank you Mr Speaker. I don't intent all these percentages and figures and 30% here and 20% there but to take a more fundamental look at what we've been asked to do this afternoon. Mr Speaker effectively what my colleague the Minister for Community Services and Tourism has asked us to do this afternoon is to a) support a document strategy that's now 7 years old b) adopt this document strategy as a blueprint for tourism for the next 3 years. Mr Speaker what we are being asked to do is to adopt this document for the life of this 10th Assembly. We've just heard the Minister say, it's been there since the 6th so that's the 6th, 7th, 8th, 9th. Mr Speaker I personally am not sure whether it's still sustainable or even valid given the following reasons. The first one when did an Assembly or the last 3 Assembly's sit down and have a look at Unity 2005 and say, are we still heading in the same direction all the things that were said in that document still valid. The second issue is when did the community as a whole have the opportunity to have an input and comment and the records show it was some 11 years ago, some 11 years ago in 1991, because that was one of the source documents that this particular Unity 2005 document was prepared. The other source documents that are referred to in this particular strategy range in age from 8-10 years old. Mr Speaker the question that the above facts raise in my mind, that's in my mind at least are, should the 10th Assembly simply rubber stamp the strategy as we have it at the moment, or should we be examining the basis upon which a strategy is found and to ascertain a couple of issues, if it's still applicable given the events that have occurred both nationally and internationally that directly affect us. I don't intend to run over those but those dates we seem to hear so often, September 11th, the demise of the airlines importantly in this part of the, as part of a world wide demise in airlines, but more particularly in airlines that had the potential to serve Norfolk Island. In conjunction with that we had an Assembly that decided to deregulate the tourist industry in Norfolk Island. The deregulation of the tourist industry when it was first mooted was to be a staged process by a simple amendment to a small section of the Tourist Accommodation Act the thing bolted and it certainly did. Mr Speaker let me turn now to the document itself and in particular the pages 15 and 16 where it states, the ultimate test of the strategy will be the economic well being of the community however, an essential part of the strategy will be to regularly examine outcomes and provide progress reports to the industry and the elected representatives, to the community and accordingly, and I repeat accordingly at 6 monthly intervals the Bureau will be compiling and publishing its tourism reports. Mr Speaker I would have thought that if these reports had been presented on a 6 monthly basis as suggested then we have a really sound base to make a decision in continuing this strategy, if they haven't

then there is clearly a question to be considered. Mr Speaker in examining what this community has invested in this strategy over the life of the document Unity 2005, I find that by of subsidies we have invested something like the following. In 1994 \$442,500, \$553,000 in '95, \$604,000 in '96, \$559,000 in '97, \$817,000 in '98, \$736,000 in the year '99, \$776,000 in the year 2000, \$776,000 in the year 2001 and for the forthcoming budget we've been asked to subsidise by another \$826,000. Mr Speaker to the end of this financial year that would have been some \$5, 266,000. Mr Speaker what a number of persons in a number of businesses serving the tourist industry on Norfolk are saying is this. What are the benchmarks, what are the benchmarks by which the amount we spend annually are judged. Mr Speaker they are saying how often do we as a Government examine and make the necessary adjustments and decisions in respect of these. Mr Speaker they are also saying that a lot of what Assembly's discuss regarding tourism are centered purely on accommodation houses. Well there are a whole group of people out there who serve the tourist industry who are not directly related to just tourist accommodation, there are the hire car people, there are the bus operators and so and on we go. Mr Speaker the other question that is asked me often is do we believe that the subsidies are properly directed and spent. Mr Speaker the above questions are ones that perhaps we need to address. I personally believe that as a first base that we adopt this Unity 2005 strategy because we have no other, simple as this, we have no other right at the moment, and in saying this I hope that this 10th Assembly will seriously consider it as a first step and reiterating on what Minister Smith said earlier I believe that what should happen is part and parcel of agreeing that we within the next month do some of the following if not all of them. Examine a method of discussing the matters with this community, examine the 10 matters that were suggested as initial tasks identified for the accomplishment of full implementation of the strategy and they are contained on the document itself. Let me just briefly refresh both the Members of the Assembly and members of the community of what those initial tasks were bearing in mind that they were set up 10 years ago because I believe that if we were serious in looking at benchmarks I could form some of the at least the generic headings by which we could set some benchmarks and start looking at these issues because it's one that's forever raising its head, how are we judging, how well the \$860,000 odd per annum is being spent up there and what are we getting in return. Mr Speaker at page 16 of the Unity document the then Assembly in conjunction with the then Bureau and by either inaction or because it was working so well over the last 10 years the last Assembly's have done nothing regarding whether it's how good or how bad it's operating but let me suggest what some of those initiatives what they had identified some of the initial tasks upon which they needed to build and they are as follows, the current infrastructure, survey of the existing tourist industry, accommodation and related activities on Norfolk, to determine a starting point of where present facilities were available etc. Second point, research resources, a review of present resources available to the Norfolk Island Government, the Norfolk Island Government Tourist Bureau, to the tourist industry and other related business interests for the implementation of the plan. The third point, resources budget, a report of the level of resources anticipated for the implementation over the time span within the plan. Mr Speaker let's look at the fourth dot point, a finance plan. Mr Speaker I can say that a finance plan was prepared. Mr Speaker I could recall it being discussed as part and parcel for discussion in this Assembly I think it was towards the end of the 8th and into the 9th Assembly and that finance plan surprise surprise Mr Speaker was supposed to run for the life of the year 2000 and into 2001. Mr Speaker that finance plan was to facilitate implementation and the exploration of avenues of which these funds can be best made available this foreshadowed, this is what was said in '94/'95 that to ensure success of the plan a far greater commitment of funds or a redirection of current budgeted funds will be necessary over the next years, where did it go, what did they do, where's the benchmark. Mr Speaker human resources was the next dot point. It suggested a rethink of the Bureau's professional personnel in the relation to the implementation of the plan and a reassessment of the current resources available

there. A number of issues raised their heads when one considers that issue. Mr Speaker the next dot point, the image, consideration of a name change of the Norfolk Island Government Tourist Bureau to better project an image of the whole island's industry not just the Government responsibility for tourism attitude, the possibility of corporation of the Bureau as the Minister has mentioned previously and a setting up of a regional tourism counsel. Mr Speaker the next dot point, the location of the Visitors Information Centre, review the prime objectives and the commercial viability of that Visitors Information Centre, in other words how well are they all functioning up there, what are they doing, where are they reporting, we also contribute to the operation of that. Mr Speaker the next dot point, one critical I think for the community as well, inspiration and ideas, consideration of the formation of a local group of business operators to act as a think tank on the formulation of ideas, themes, activities etc, have we done that. How often have we done it during the life of this plant, this thing is now 8 years old, 7 years old, interaction, communication of the plan, how often do we communicate the plan during this period. Have we communicated to everyone involved, the Government, the tourist industry and community of Norfolk Island, the Tourist Bureau reps, media reps, airlines, wholesalers etc etc, are we monitoring it by this interaction, and do we continually monitor how well that interaction is taking place. Mr Speaker the last dot point is enlightenment, with a quite interesting title for the subheading of this plan for the future, but what it says under that particular heading is consideration of an interpretation centre attached to the existing Visitors Information Centre to convey an overall interpretation of the island's culture, history, natural environment etc. Now Mr Speaker when I mention that I believe that we have been for a long time searching for some benchmarks by which to judge how well we're doing these things. I would hope that if the Minister takes up, I'm not going to challenge him again Mr Speaker because last time we did that, we ended up in some really interesting discussions, but perhaps Mr Speaker a second point I make there, in examining those 10 matters let's try and do something with them this time if this 10th Assembly is to adopt this Unity. Mr Speaker the third point is and I would ask us to really consider for all the reasons that I have mentioned, if this strategy is still valid for Norfolk. Thank you.

MR NOBBS

Thank you Mr Speaker. I'm rather concerned with this Motion because I think it's a bit of a furphy myself and I hope it's not an attempt to divert attention from what's a serious downturn in the tourist industry, and I don't have to restate the importance of the tourist industry to the island's current economy. This document and we have a difference in calculation, the Minister for Environment and I. I thought it was put out in 1996 which would make it 6 years, and a lot of water has flown under the bridge in that time. That time I think it was mentioned we had 435 tourist accommodation's, 1249 beds, it's now 596 units and 1658 beds potentially I understand. There's a few units approved of yet to be constructed and also I understand that some beds have been temporarily deregistered. The comparisons if you look at '95/'96 to 2000/2001 in some areas are fairly startling, the duty paid rose from \$2.6m in '95/'96 to \$4m in the latter 2 financial years. Total revenue in the budgets was \$9.3 in '95/'96 to \$11.5. Total expenditure \$8.7 to \$10.5. Landing fees were \$1.2m in '96 \$1.6 and \$1.1. So there has been a significant increase. The tourist numbers increased from 30 to 40,000 roughly in round figures. So all in all what we've had there is about a third increase in accommodation and a third increase in visitor numbers and from what you can see there a bit over a third increase in revenue which possibly some of those are a problem because one of the only fixed ones really is the landing fees, although Telecom overseas calls went up from \$2.1m to \$2.5m roughly. The census taken in '96 and 2001 showed ordinary resident population rose from 1,772 to 2,037, 15% increase. There was an increase in public hire and buses, buses and public hire vehicles from 20 to 35. Private hire rose from 406 to 437 and other vehicles were 1939 to 2182. So things have changed particularly in the availability of tourist accommodation. It's interesting to look at the figure in the Unity seeking 240,000 bed nights by 2005 and I really question how this figure was arrived at in 1996 and what

assessment was made as to the potential impacts both negative and positive. If we look at 340,000 bed nights per year and in an ideal scenario 932 beds filled 365 nights gives 340,000 bed nights for the year. If an average 7 day stay was used you would require 48,571 visitors. 48,571 visitors would average 100 per flight would require 486 flights. 486 flights over 52 weeks amount to some 9 flights per week. At present we have potentially 8 per week although I see there has been a couple of them cancelled from time to time, but it's potentially 8 per week. The Unity 2005 was an excellent document in 1996 but the document is 6 years old and times have changed, the island has moved on and there is a need to revisit the tourism policies. Revision of tourism policies was on the list to be completed by the last Assembly, it was in fact commenced by the last Assembly. The cap was put back on the tourist accommodation, large buses which were a concern in the community were capped and an inquiry was undertaken on the impact of deregulation and I won't have dwell on this but there was some excellent information gleaned and put together. The background information so needed in a proper review was put together, the next step should have been the placing of the relevant information before and seeking input from the community and in particular the industry. Time didn't allow the Assembly at that time to complete that task. This review must be progressed. However as I said at the last meeting the major concern at the present time is to bring the industry out of its present trough and this is why we must not be distracted by a document 6 years old but use it as a base for reinstating the review of all tourism related policies. Thank you Mr Speaker.

MS NICHOLAS Thank you Mr Speaker. I support both what Mr I. Buffett has said and Mr Ron Nobbs and certainly Mrs Jack as well. I'm referring to my notes made at a meeting held with Greg Prechelt of Norfolk Jet Express. One of the questions he put, what tourism numbers do we want. Obviously that's one of the first things we need to decide from his point of view and probably from ours as well. During that discussion the Chief Minister said how do we measure our profit from tourism, where's our best return. They are the kind of questions that we certainly need to ask. I support Mr Buffett in putting forward or confirming the document as something to go on with, something this Assembly can confirm. He's quite right, we don't have anything else so yes let's work with that. Let's ensure that Mr Smith has the symposium on Norfolk Island in double quick time and that all the buzz word, stakeholders are involved in that. Let's look at that 340,000 bed nights that's been spoken of. If we are able to achieve that then it means something like a, and if present length of stay, duration of stay is maintained at 7. Something we're looking at giving an occupancy rate to most of the accommodation houses of somewhere between say 70 and 75%, that's ok I understand for them, it's not wonderful, it's not good, it's not great, it's not what they are striving for which is probably 80% but that percentage figure is ok. Now on the basis of that premise being the crux of this document I support that number, I support the document as it stands for the moment in the hope that it will be revised and that we and the community get together to answer some of those vitally important questions. Thank you Mr Speaker.

MR SMITH Thank you Mr Speaker and thanks for further comments from Members around the table. Just to assist in some of the information gathering, I'd just like to take Members back to 1995/96 financial year when the Unity 2005 blueprint was introduced by the Bureau and adopted by the then Legislative Assembly as the blueprint for the following 10 years. As I said earlier on it's not whether this is the right document or the wrong document, this is the document that is currently being used and the points that are raised from there in many cases are still relevant, particularly things Mr Buffett read out from out of the document, but that's the background of where the Bureau has been working from, but let me demonstrate this. The total amount of visitors for the year of '95/'96 was 29,787, that plan was adopted in that year. The next year total number of visitors 30,295, the year after that 35,626, the year after that 36,514, the year after that 38,298, the year after that 40,221. The 40,221

was up to last year. Now if we pause with what I'm saying there Mr Speaker the blueprint Unity 2005 worked and was working, the Bureau was working to that plan and still are up until June last year when things fell over for everybody with the loss of an airline. What Members may have in their minds is the events over the last 12 months when there was a sudden drop in visitor numbers and I'm not trying to justify low numbers or anything like that but the game changed when Flight West stopped flying here on June 17th or whatever it was, last year. What I'm saying today is, do we want to carry on using that blueprint through to 2005, and Mr Buffett is correct that would be to the end of this Assembly if it runs its full term. That we still agree with what was proposed then and probably the most outstanding feature of the recommendations is the 340,000 bed night figure. That does come out to about 48,000 visitors. I would just like to take Members back twelve months ago when the community produced a Petition that said Stop what you are doing, it's getting out of control, and tourist accommodation was part of that and probably a large part of their concern, but there were other things like Mr Nobbs raised, the buses. He promoted that we shouldn't have any more big buses. There was talk about limiting hire cars because there seemed to be a lot of people around the Island but what happens is that when something extraordinary occurs, like the past twelve months and we find ourselves with lower levels of visitors that's something that not only the Bureau but the Legislative Assembly has to face. But that's not what the discussion is around here today. It's whether we want to continue using that blueprint because that is really the intention, the Bureau is working to that, or do we want to change some of the things in that document, for example the 340,000 bed nights. Do Members think that 48,000 visitors by 2005 is going to be too many. When you look at the increase in numbers over those years from 1995 there's been some quite large increases each year, which did build up to the top figure of 40,000. If we need to keep that figure rising until we get to 48,000 then we need to say so today and if we don't, then we are at a point where we do have to decide where we take Norfolk Island. You can't just keep expanding the industry without having some impact on the Island's infrastructure. Now this has been talked about by Assembly after Assembly and we are putting Planning Legislation in place to help control the environmental side of tourism, but there comes a point when the community will be saying, that's enough. But what happens after that is the big question. How do we then fund the Island. Mr Buffett spoke of the symposium we had in 1991. I was the Minister at the time. That proved to be very worthwhile that exercise. It brought in people from all the airlines that were around, the wholesalers, retailers, Norfolk Island people who were in the industry. Bruce MacDonald was the key note speaker. It took a little while for the effects of that symposium to have an effect and the results of that was this document Unity 2005 where consultation had been held with the community. Consultation with the industry is always a comment that comes out but when you think of the make up of the Tourist Bureau it's always been a critical point. You have a member of the ATA, a member of the "Chamber of Commerce who also spreads information there, you have a business proprietor. The make up of it is never really magic. I think if things go wrong there are never the right people on the Board. That's just a fact of the way we deal with things here but as the Chairman of the Board said when he was down here just recently, they've been the ones who have been on about increase in numbers recently and he said that now things have changed how come suddenly they're not so good any more. I mean there's plenty of comments you could make about that but what we need to do is work out where we are going from here. Its becoming obvious that if we want to increase our numbers then it's the capacity of the airlines to do it. This has become obvious in recent times from all the information that we have. The airlines have to be prepared, which is in the Unity 2005 document, where the Bureau makes the approaches to the airlines to ensure that we have capacity here. Now as Ms Nicholas said, we did have discussion with Prechelt recently and spoke about what his intentions were over the next twelve months with capacity and I haven't got my notes here about it, but I understood that maybe the possibility of a direct flight from Melbourne to replace the Wednesday service, but then I think Greg's idea was to

put in a Sydney service as well because he is restricted with the airplane that they are using as I understand from the times they are operating know, however I'm starting to get concerned with the notice we've received today that there's more being cancelled and Mr Brown has just pointed out that it looks like the Brisbane flight on Saturday might have disappeared. Now I didn't know about that. I'm concerned when the airline is doing that. Even though he did advise that there would be some light flights but at this time of the year with the Country Music Festival that's on next week, maybe there's a reason for the flight changes there. There has been discussion held with Mr Grant Cardno over recent months. In fact it goes back to last year. There was a proposal that he was putting forward that he operate an aircraft out of Norfolk Island as a second carrier and I telephoned Grant last night and asked him where he stood with that particular proposal because there have been stories around that some announcement had been made at Rotary recently. Grant said that he's 100% going ahead with it. I didn't pursue what dates and what aircraft or anything else in relation to that but I needed to know the answer to that question last night and that was the result I got. Now if that's to occur that certainly gives more scope to add capacity on the services to Norfolk Island. The concern that was expressed at the time when Norfolk Jet and Flightwest were competing against each other was that there was too much capacity and maybe there was but we certainly had a boom in tourism while we had the two airlines flying and it was over that period that the Island was booming. Maybe that was costly to both airlines maybe to the extent that it extinguished one of them but Norfolk Island certainly benefited from having that competition on the Australian route. That looks like that may occur again but I need to say again that anybody who want to fly to Norfolk Island doesn't get government approval to fly they just need to satisfy the CASA requirements. Whether there is anybody else out there who is intending to fly I don't know. Moving back to the document, that's what we are working to now. Certainly it worked up until June 17 last year. Do we want to keep with this. Shall we set up a Task Force to see if what comes out of today's meeting and these queries and suggestions and how we might move forward on that but also to have that symposium to bring all the players together to hear what the industry is saying. For example, when two airlines were flying here there was quite a number of wholesalers selling Norfolk Island and Australia. Greg recently said that he prefers less wholesalers than what we had previously. When that occurs I understand that you have wholesalers who sell Norfolk Island and possibly other destinations but they have preferred properties on the Island. If you go back a few years members may recall the discussions that were held with the full syndrome where a visitor who wanted to come to Norfolk Island would go to their agent and the agent would say no I'm sorry we can't get you in at Norfolk Island, there's no seats and no accommodation but they arrive over here anyway by some method and find out that the Island is only half full and that was always blamed on the fact that there were very few wholesalers. Now whether that is reality or not others might be able to tell us that. However if the airline is going to agree to using less and less wholesalers it is something that we certainly need to discuss with them to ensure that we don't once again have the Island full syndrome. So there are issues that need to be brought to our attention. Wholesaler comments and airline comments. Likewise the New Zealand side of things and see what comes out. I don't know if I move it as a motion Mr Speaker that we have a symposium or I can just get some sort of agreement that we go along those lines, whichever way members want to deal with that

MR BROWN

Mr Speaker I think that the key point of this Unity 2005 document is the target of 340,000 bed nights by the year 2005. Mr Nobbs has done the math's for us. That works out at 48,571 passengers. That's based on a seven night stay and the present stay is fractionally over that at present. Perhaps it might come down to 48,000 neat once you take into account the length of stay but in terms of bed occupancy that allows 60% bed occupancy. I think it was Ms Nicholas who had done a calculation and thought that it might equate to something like 75% room occupancy and I can see that Ms Nicholas doesn't understand the difference

between the two. There is a very substantial difference between room occupancy and bed occupancy as you well know Mr Speaker but I certainly, before saying anything more, have made aware to members before but I should do it again today, that I have an interest in one of the local accommodation properties the Colonial of Norfolk Island. I've done some legal work from time to time for Norfolk Jet Express and in fact I've done some legal work from time to time for a number of the Australian based tour wholesalers. I certainly support the 340,000 bednights figure. I don't think that we can pull back from that because it is a previous Legislative Assembly that actually encouraged people to come and apply to build additional tourist accommodation and as a result of that additional tourist accommodation has been built and if they can make a profit out of 340,000 visitors a year that's great, but I'm quite sure they can't make a profit out of very much less than that. The Minister for Tourism has suggested having what some referred to on a previous occasion as a Think Tank. Others have called it a different type of tank. But perhaps that's a good idea if we look at many other destinations they have that kind of meeting every year, year in year out. Perhaps we should do the same thing. I acknowledge the comments that the Minister for Lands made to the effect that it is an old document, that there are some parts of it that we might no longer think appropriate or that we might think require amendment. I don't greatly care whether we finalise this matter today or whether we adjourn to a later date and try to do the amendment in the meanwhile but I think what people do need to know is whether or not a majority of us support 340,000 figure. We've been told all kinds of stories. The Minister has just told us that when you ring a wholesaler if they don't look after a particular property you'll be told either the Island's full or the property's not available or they'll try to sell you on to other accommodation. It's good that we have privilege in this place for what we say or we might find wholesaler after wholesaler putting little rents in the Minister's pocket because that's a pretty defamatory thing to say in the absence of knowledge that it is the case. My own experience has been that I have not yet been able to substantiate any of the allegations of visitors being told that the Island is full. Not one. Because you never get a name with it. You never get dates or the details of the property that they want to go to and the wholesaler or travel agent that they attempted to book through. Sure they might have been times when some agents may have found it difficult to book a Norfolk Island holiday but a wholesaler would be pretty stupid having a customer sitting in the agent's office ready to book a holiday with him if he said oh sorry, the joint's full you'll have to go somewhere else. But as the Minister said, his symposium would be a good opportunity to ask some of the wholesalers whether it's a fact that that happens and to ask just what they do in that sort of situation. So I support 340,000 bed nights, I support at an early date reviewing the remainder of the document and if members wish to endorse the document in the meanwhile I'm prepared to support that. If members wish to adjourn the matter to as to update the document before we finally adopt it then I'm happy with that course also, thank you

MR SMITH Thank you Mr Speaker, Mr Brown has just raised something that possibly is a good idea. If members feel that this should sit on the table until the next sitting that might give other people in the community the opportunity to comment on what is being said around the table. I would be very happy to do that if members are so inclined

MR GARDNER Thank you Mr Speaker I certainly have no difficulty with it sitting on the table. I have a difficulty with it delaying the process as I think Mr Nobbs words were, to pull us out of the trough that we are currently in and maybe in that intervening period it might be appropriate for an action plan or strategy to be developed of just how we are going to address the matters such as a symposium or think tank whichever is the most appropriate way that we need to go. My view is, if we were to pass it today, the question of a symposium that the Minister raised where I think his words were in the next month or so, should probably be amended to say as soon as

possible then I would tend to agree with what Ms Nicholas was saying to that. The Minister for Lands raised some interesting issues but I think the one that stuck with me was where it came to apportioning blame. I think we are a little too free and easy with apportioning blame and saying well September 11th was the problem or the demise of Flightwest or Ansett. It's alright living in the past but it doesn't give us too many answers for the future and I think maybe we should set aside the blame and concentrate on what we are going to do to address the problem in the future. I think it's important to understand that we need to do that and stop looking to the past for why things are in decline. As I said, I agreed with Mr Nobbs' statement about having to pull ourselves out of the trough. If we don't do that we're in real trouble and I'll get on to the budgetary implications of that shortly. Ms Nicholas did raise another interesting thing and I think it's something that's vital to the future of tourism on the Island and vital to the future of Assembly's on the Island and that's to do with making sure that with our major industry we are actually regularly meeting and discussing issues with those involved in the industry whether it be Norfolk Jet Express representatives as we've done on a couple of occasions or with wholesalers or with accommodation proprietors, it's something that we need to do, we need to have that free and easy discussion, certainly from Members of this House with members in the industry. References to budget implications. I made some reference to that earlier today Mr Speaker in debate on another issue about drawing comparisons between expected revenue and expenditure over different time periods and the dollars and cents impact of decline in tourism in our major industry. I don't think I have to tell too many people around this table that tourism is what pays the bills. We are about to get into a substantial discussion on the draft budget papers and that's already begun. Later this week further discussion and the Minister's proposal to introduce into the House the budget at the early June sitting. Currently we are facing a draft budget that's been presented to us that shows us having close on a \$3.6m provision for unfunded bids. In other words, if we were to run with what we've been provided with we would be staring a \$3-4m deficit fair square in the face. For us to balance that we need to slash it by \$3.6m. That's pretty easy mathematics, or we have to look at other revenue raising measures. Projected revenue in the draft budget I don't believe was based on these continuing declining figures that have been evidenced today. We've taken a point saying generally they are going to be down but I don't think what we are expecting for revenue in this next financial year is based on problems that we are facing now and certainly over the next couple of months. Now it's not all doom and gloom because I realise that things change and we go through this process each year but we have to be very conscious of that and in light of that and what's being portrayed as declining figures over the next few months, I believe we've got a real problem. The Impact in my view is still to be felt in this financial year and already I think we are looking at approximately a \$1.4m deficit in this current financial year. Now if figures don't pick up, that's going to have an impact on our customs duty and other figures that were made at budget review time in December so we've got to be conscious of that as well because any further deficit that we experience in this financial year is going to have an impact on our next year's budget. Doom and gloom aside, maybe I can talk on the factors that hearten me a little. I'm heartened by the increase in interest rates. Not because people out there are going to be sluggish with the impacts of increasing mortgage rates for their house but because I've heard the arguments in the past that one of the reasons for decline in tourism to Norfolk Island at various times have been because of declining interest rates and that has had an impact on people's level of disposable income as far as choosing a holiday in Norfolk Island or moving in any other areas so that potentially has a benefit for Norfolk Island and for the tourism industry on Norfolk Island. I'm also heartened by recent figures presented to us by the members assisting the Minister on the review of social services, Mrs Jack who provided us with a document that indicated that over the next five years I think it was projected that there was going to be a 65% increase in retirees in Australia and on an annual basis drawing something like 5 ½ billion dollars with them as they entered into retirement in Australia which provides a substantial fund for persons looking in their

retirement years for travel. A far greater fund and a far greater proportion of numbers of people that will be looking for tourist destinations and I see some potential and some positives in that and something that we need to explore further. When I say that those potentials are there over the next five years, they are wonderful for Norfolk Island because that's our traditional market and I guess it's worthy of some comment to say that that's potentially disastrous for the Australian system, especially when it comes to health services and social welfare in Australia because that is a significant number of aging people all requiring access to those services. Mr Speaker my view is that action is the secret. If we've got a problem, then there needs to be some action. I endorse what Mr Brown said about supporting the numbers for 340,000 bednights. To be frank, in the absence of any other viable industry for Norfolk Island being established or getting underway between and the year 2005 those figures that are in that document that are required or have been projected are what we need to refer to as our absolute minimum and that's to meet the expected revenues to provide for this community over the next three years and I'm not going to go into percentages and figures in any greater detail than I already have and other members have because I believe that's been adequately addressed around the table. There's a realisation that unless we do that, things are going to get increasingly tougher from a budgetary point of view for any government whether it be this one or the next one

MR NOBBS Thank you Mr Speaker I believe we should separate the current trough from the future and that's why I'm suggesting that the Minister should start really pounding the pavement in relation to our present problem but also to come back to the next meeting with a strategy which will show how we can update the Unity 2005 document to suit the changes that have occurred and that he should bring that to the next meeting and if it is appropriate I would move that this be made an Order for the next day of sitting

SPEAKER Is that a motion for adjournment

MR NOBBS Thank you Mr Speaker well I would ask if anybody else wants to talk. No. I so move Sir

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

QUESTION PUT
AGREED

That matter is so adjourned, thank you

IMMIGRATION ACT 1980 - RE-APPOINTMENT OF PERSONS TO IMMIGRATION COMMITTEE

MR GARDNER Mr Speaker I move that for the purposes of subsection 6(4) of the *Immigration Act 1980*, this House recommends the re-appointment of Joan Marie Kenny, Lisle Denis Snell and Barbara Elvey as members of the Immigration Committee for the period 19 May 2002 to 18 May 2004. Mr Speaker I would like to firstly thank those members who are seeking re-appointment, for their contribution over the last two years as members of the Immigration Committee, at times, a particularly onerous task to serve on a committee of that nature because they like the minister, as I'm sure you are fully aware Mr Speaker, are open to criticism not only from members around this table but certainly from members of the community and it can be at times a very difficult task but I think that they have undertaken their duties admirably and I commend them for their contribution and certainly hope that they will be given over the next two years if the intent of the motion is successful today. Part of the

reason that I was looking to re-appoint these three current serving members of the Immigration Committee was between them, they have substantial corporate knowledge as far as Immigration is concerned and their combined length of service runs into many many years on the Immigration Board. They have actively been involved in the review of Immigration for quite some time. They know the pitfalls, they have made a number of suggestions over the years to various executive members with responsibility for Immigration as to potential amendment to the legislation and to guidelines and such documents and their input has been particularly valued I believe not only by the executive members involved but also by members of the Legislative Assembly. Upon reappointment Mr Speaker they will join yourself and Ms Nicholas as members of this House who were previously appointed to the Immigration Committee. I would like to commend the motion to the House

SPEAKER Thank you Chief Minister. Any debate Honourable Members. The question is that the motion be agreed to and I put the question

QUESTION PUT
AGREED

That motion is agreed thank you

We have concluded Notices. We move to Orders of the Day

IMMIGRATION ACT 1980 - IMMIGRATION POLICY AND GUIDELINES

We resume debate on the question that the motion be agreed to and Chief Minister you have the call to resume

MR GARDNER Thank you Mr Speaker. Since tabling the Policy document in the House at the last sitting Mr Speaker I have had any typographical errors corrected and those were circulated to members on Monday in the revised document. I took the opportunity with Ms Nicholas who sits on the immigration Committee to provide the Policy and Guidelines document to the Immigration Committee for comment and discussion. On Monday this week members of the Legislative Assembly discussed the suggested alternations that were received from that committee. Members agreed to the insertion of some headings for the purposes purely of clarification within the document and I will also at a subsequent time after other members have had debate, seek to amend my motion to include a matter that was raised by Mr Brown in debate last month. That was just to ensure that the document as presented, did not in any way conflict with the Immigration Act 1980. Other matters that were raised by the Immigration Committee, the subject of their suggested alterations dealt in the main with aspects of the Immigration regime which was considered better dealt with in the mind of the majority of members around the table as part and parcel of the task force review of Immigration that is currently underway. Examples of such matters include the inclusion of penalty clauses for breaches of permit conditions, false declarations and the like. More appropriately it included all provided for under the Immigration Act itself or by way of regulation. Further discussion as I alluded to on Monday is envisaged by members of the Legislative Assembly as this review of Immigration continues and on the detail sought by the criteria to be considered when assessing and determining permit applications. The Policy and Guidelines are intended to provide some surety in assessing applications and purely as an interim measure until such time as we are in a position to consider a thoroughly revised immigration Bill. It is proposed at that time that the Policy and Guidelines will be substantially rewritten to reflect the revised legislation. The MLA's have for the sake of clarity agreed to insert those headings at paragraph 4.7 and

5.1.5 to include the headings "Extension of an existing permit and variation of a the General Entry Permit". The document, inclusive of corrections to typographical errors and the headings, will upon passing of this motion be collated and published and made available to applicants as part of the permit application process. I would propose that the Immigration section will undertake a public information programme possibly through the government Gazette in a fashion similar to the recent gazettal of planning criteria which was in the Norfolk Island Government Gazette so that the public is informed of application requirements and that is applicants and employers alike. Mr Speaker before seeking to amend the original motion, I would welcome further debate from members

MS NICHOLAS Thank you Mr Speaker. The Immigration Committee members went through these Guidelines line by line and made what were believed to be appropriate suggestions aimed at possible amendments. As Chief Minister has said, those possibilities were considered by members of this House sitting in Committee on Monday and it was considered by that group of people to be more appropriate that the queries, questions be raised at task force level. Notwithstanding that, the Immigration Committee is most anxious to see the guidelines in place rather than have nothing at all which is the case at the moment so certainly under those circumstances I will support the motion as it comes.

SPEAKER Any further debate? No further debate. Chief Minister

MR GARDNER Thank you Mr Speaker. If it is the appropriate time I would like to seek leave if it is required to amend the original motion

SPEAKER Could you give me the words Chief Minister

MR GARDNER Certainly Mr Speaker. After the figure "1980" to add the words "to such extent that they do not conflict with the Immigration Act 1980"

SPEAKER Thank you. Leave is granted

MR GARDNER Thank you Mr Speaker, I so move.

SPEAKER Thank you. Any further debate in terms of the amendment. No. The question is that the amendment be agreed to

QUESTION PUT
AGREED

The amendment is agreed thank you. We return to the original motion as amended. Any final debate in respect of that? The question is that the motion as amended be agreed to

QUESTION PUT
AGREED

The motion as amended is agreed thank you

NORFOLK ISLAND PLAN

We resume debate on the question that the motion be agreed to and Mr Buffett you have the call to resume

MR I BUFFETT Thank you Mr Speaker. Mr Speaker I move that this House in accordance with Section 10(4) of the Planning Act 1996 resolves to approve the draft plan as laid before it with alternations made to it by the Executive Member

SPEAKER Thank you. That is the question already in front of us

MR I BUFFETT Yes, thank you Mr Speaker. The first matter that I wish to make note of in the debate on this motion is that I am a crown lease tenant in Norfolk Island and in terms of declaring any possible conflict of interest let this be the declaration. In this regard perhaps it is important that this matter be addressed as the first matter in this debate. Mr Speaker I have given this general question of conflict of interest considerable thought since it was raised at an ordinary meeting of members and I believe that I have the methodology that effectively deals with it. It allows members of this House to debate the plan generally, express individual views of both themselves and constituents who have approached them, and permits the progress of the plan. It is my belief that the plan is laid before this House as a document that has been prepared by persons appointed to do that task as independent experts and therefore the plan reflects the mechanisms, the comments and the advise of those experts and all the submissions that have been made by various members of this community, this Legislative Assembly and others. Those comments have been made to achieve the aims and objectives contained in the plan. On the basis of those comments I believe that for individual members to move at this stage to amend the plan either in part or in whole questions the independence that the document has received to date and would be by that process seriously raise the question of vested conflict of interest. Mr Speaker in moving that this House approves this Plan I do so on the following basis and strong foundation that 1) the plan has been prepared by qualified persons approved by the Norfolk Island and Commonwealth Governments 2) the draft plan as presented represents the majority view of the Norfolk Island community arrived at after a long period of Government and community consultation, in fact this process has been referred to as a most comprehensive process. This plan is based on emerging community requirements ascertained from statistics taken for the period from 1996 to 2001 which is the period that the first Norfolk Island Plan dated 1996 covered. These statistics showed that there has been significant growth over recent years. Examples are the population is up from 1996 by 420. The private dwellings are up 119 since 1996, the number of tourist June 2001 were up by 9,900. Visitor stays up to June 2001 were up by some 59,168 days since 1996, registered beds up 375 since 1996. Numbers of accommodation units up 148, the number of tourist accommodation houses up 21, the numbers of portions of land up 60. There are indications of changes in lifestyle also. Between 1996 and the year 2001 the number of occupied dwellings on holdings not used for agriculture or pastoral activities increased from 616 to 698, that is, up 82. Since 1981 the proportion of holdings with occupied private dwellings used for agricultural or pastoral purposes has decreased steadily from 25% to 20% in the year 2001. Mr Speaker the average occupancy rate of dwellings has decreased from 2.5 to 2.2 persons in 2001. As population grows it is reasonable to expect that the increased occupancy rate will increase the demand for housing. The fact that the proportion of occupied dwellings are on portions used for agriculture has decreased suggests that a significant proportion of demand for housing will be for smaller portions to be used for predominantly residential purposes. Earlier in this comment I made reference to possible conflicts of interest by members. Let me now suggest how we might deal with the changes that might be proposed or may be wished to have made to the plan at this stage of its life, that is, now that it is on the table of the Legislative Assembly. The way we deal with any changes that have come to light following the long period of consultation phase has gone through, the fact that it has been on the table of the Legislative Assembly for some two months is as follows. Let me suggest this. We

make this plan as it is tabled, we pass the necessary legislation to give effect to its status, we use the processes of change contained in that legislation and the plan to promote the proposed changes and if valid and therefore provide that proper consideration and transparency of any change proposed by the whole community and interested parties. It is not necessary to wait five years to do any changes to a plan and if any members believe that a change is necessary it can be done immediately a legislation is made. That change can be made but let it be made through the processes as I have outlined. Not on the run. I commend the plan as ask that the plan be made and that it commence on a date to be gazetted, thank you

MR NOBBS

Thank you Mr Speaker. As was referred to by the Minister Ms Nicholas asked for a declaration of Members of their land holdings. I have 3 by about 10 acre blocks and 1 by 5 acre blocks, all Freehold in the rural zone under the 1996 plan and also under the proposed amended plan we're discussing today. I made a statement last meeting in relation to the plan which was fairly specific and the plan is only one component of the land package, and important but by no means the sole component. It's not expected to nor can it stand alone. Whilst I spoke at the last meeting of the revised Norfolk Island Plan getting close I was, and remain concerned in relation to the whole land package. There are a number of items integral to the whole package which have either just been provided or the Assembly awaits. There appears a disregard of the importance of all components of the land package, there appears disregard for the need for a concerted approach, there appears a disregard for a need to provide to the community all the facts, there appears a disregard for the fact that whilst the plan was aired for public comment and revised accordingly and provided as a final draft earlier this year there remains confusion. The land package Mr Speaker comprises a revision of the Norfolk Island Plan, legislative amendments to support the package. It not only involves new and amended Acts but also regulations as well as codes, all are essential to the introduction of the whole package and the Norfolk Island Plan. Also within the package we have plans of management for Reserves, proposals by the Federal Government to Freehold leasehold land and finally the transfer of land on Norfolk Island back to the Norfolk Island people. I feel Mr Speaker we are being asked to drip feed. We've been told we have a plan for 3 months or more and should pass it but what about the supporting legislation. We got some the night before the last meeting and we are still awaiting others. The legislation was only part of that requirement, in fact I find it in the legislation reference to other legislation not yet prepared, no codes are available nor regulations. I question how we can deal with legislation when such major components are missing. I fear it will be exactly the same as the 1996 plan, legislation was not good, essential codes required never appeared for the whole life of the plan and the map provided with the plan was incorrect. Do we want this type of disaster. I'm pleased that the Minister will not be attempting to progress the legislation as listed at this sitting. The legislation provided at the last meeting is confusing and what an ideal opportunity to get things right. If it's accepted as such we are kidding ourselves. I'm concerned that the community was only advised in last weekends Gazette and a very brief regime at that of the thrust of each piece of legislation. I can appreciate the Minister wishing to progress the matter, my frustration's at the length of time it took to get to the stage when he actually took the matter on was evident and I don't reconcile from the position I took. However if the Government wishes to push these matters through at this stage I really wonder what's going on. I have real concerns, turning to the plan. Legislation supporting the plan has shown some deficiencies. There are parts of Norfolk Island which after all is not a very big place which are excluded from the plan. Why is the Norfolk National Park and Botanical Gardens excluded from the plan and all relevant legislation. Surely the Park is part of the island. My other real concern relates to the possibility of subdivision by stealth, namely in community title. What it means is that a multiple number of residents may be put on a block regardless of the size of the block and any subdivision control specifics, such as minimum size, specific to a zone. There

is no need to comply in the rural, rural residential and residential zones as proposed to the minimum 4 hectare or 1 hectare or 2,000 metres square, just plonk as many houses as you like on the block. I'll be moving an amendment, I'll be seeking to move an amendment and it's a very simple one. It's at the end and it says, after Member and deletion of all reference in the plan to community title. Community title is defined as the use or development of land for the purposes of the community title residential development prepared in accordance with applicable strata title legislation and the multi unit development code. There will be a need to provide legislation and once again we are asked to support a concept which we have no real details. Community title is not a small issue as it is a permissible use or development within the rural, rural residential, residential and commercial zones. My belief is that the concept which was placed in the plan in attempt to appease a subdivision beyond the minimums for family land purposes, however it's not confined nor is there is definition of family land. It has been referred to as the Zulu village concept because apparently it commenced with tribal land in Africa. Fortunately we have at Middlegate an approved tourist development which provides a fairly visible example of what could be with the introduction of community title. I'm fair dinkum, I mean this is what it's going to be. The development at Middlegate is an approved tourist development but if you substitute houses for the six tourist related buildings on that one block with the remainder being common land you will have precisely what the concept entails. Members must be concerned that this development could be duplicated over what amounts to virtually all land on the island outside Reserves and Conservation areas. I have no problem with Freeholding of leasehold land but people should be aware that the large open blocks retained by virtue of a control on subdivision of leasehold have a potential once Freeholding occurs to be subdivided, and I want people to make sure that they understand that. The Minister made comment on the making of the plan, conflict of interest and the like. He suggests that we should accept without comment the amended plan. My suggestion is that if this is accepted we should take a step back. The plan was amended on the basis of submissions and I don't know how many who wish the minimum in the rural area to be reduced from 20 acres to 10 acres. To reduce any suggestion of pecuniary interests we should revert to the original recommendation of 20 acre minimum subdivisions if we are to follow what the Minister for Environment suggests. Mr Speaker I would like to move an amendment, seek leave to move an amendment to the Motion which is after Member, add and deletion of all reference in the plan to community title. Thank you Mr Speaker.

MR SPEAKER I'm just recording the words that you have mentioned. Deletion of all reference in the plan to community title. Thank you. Is leave granted.

MR SPEAKER Leave is granted.

MR I. BUFFETT Mr Speaker with a certain amount of disappointment that I hear at this 11th hour of a plan that was principally the plan of the previous 9th Assembly to hear the ex Chief Minister of the 9th Assembly move a Motion to amend the plan which ostensibly most of the Members of this House had the opportunity to participate in the preparation, make contribution, seek public comment to have guided the debate, and to all the matters necessary to ensure that we haven't arrived at a situation that needed to be changed at the 11th hour. Mr Speaker I maintain, my position in respect of this, that if we are convinced that the amendment that has been proposed represents a majority wish of this community for this plan to be amended simply by a one voice yeah to allow the amendment, that we have just proposed, and I am quite amazed. Mr Speaker I still maintain that if we are serious about amending this plan, give the community the opportunity to say that is what they want. This is not giving them that. This is simply saying one man has suggested it's

not a good idea and let's amend it, and we're amending a development plan for the future of Norfolk Island.

MS NICHOLAS

Am I speaking to the proposed amendment Mr

Speaker.

MR SPEAKER

We have an amendment in front of us but you are at liberty to speak in terms of the wider picture.

MS NICHOLAS

Let me address that for a moment, the amendment that is before us. There's a report on public submissions and consultations that states very clearly what the draft plan does not do, is establish a system of community titling. I perhaps can understand Mr Nobbs' concern when he looks at the table of use or development for the rural zone where in fact column 3, that is a use permissible with consent use or development is community title. However I do concede what Mr Buffett has said so I think I have to say I probably won't support that amendment. But in general if I may Mr Speaker Members of the Assembly have met and talked long and hard about the Plan and we met last Thursday at 9.00 and concluded at around 4.30 having not resolved the issues which affect land on Norfolk or the differences in ideology between us, but that's by no means to say that the time was wasted, it certainly was not. However here we are today, crunch time and at this point I declare that my landholding comprises slightly less than half an acre or 1821 square metres at the head of Cascade Rd, presently zoned central and in this Plan to be zoned residential. Under the existing Plan had I chosen to demolish existing buildings and amalgamate my 6 tiny land portions I would have been able to subdivide into 2 larger ones. Under the new Plan I cannot do that but otherwise I believe that I'm significantly advantaged nor disadvantaged by the provisions of the proposed Plan, and I've previously stated that I work in the Real Estate industry as a Bookkeeper. Land or the control of it is a function retained by the Commonwealth and over the years some on Norfolk have sought greater and greater powers over Norfolk's own affairs, and that's understandable, as long as it's recognised that with that comes great responsibility and cost to the community overall. The wish to acquire greater power has led us to this day in the history of Norfolk. If this Government has in place an appropriate management plans for the land on Norfolk the Commonwealth will in all probability transfer ownership of leasehold land to Freehold and that's what's behind this. The matter of land and how it's handled is a huge responsibility because what we do today will live into the future, into the lives of our children, grandchildren and great grandchildren. We need to be sure that allowing the subdivision specifically of significant areas of rural land will benefit future generations, and I'm not certain that doing it now, today will achieve that. In 10 or 15 years time when there probably will be a real demand for living space for those then living on Norfolk, yes certainly. Let me quote a paragraph from the report on Public Submissions and Consultations. Poor subdivision practices have in the past facilitated a community desire to pass land through the generations but have also established unsustainable and unrealistic expectations that past poor practices can be continued indefinitely. The reality is that within probably 1 generation there will be no land left on Norfolk which can be subdivided into economically viable portions. If and when this Plan is in place the Commonwealth has indicated a willingness to transfer some considerable land holdings to Freehold. Some of the land holders will probably have their wills in order and their land already bequeathed to their children and grandchildren, in which case this Plan may not greatly influence them, but what of those who have not. What of those who will subdivide as soon as this Plan becomes the law of the land and their portions are transferred from Crown lease to Freehold. There are 1,711 Freehold plots of land on Norfolk Island and about 180 Crown lease plus a number of portions that are vacant Crown land or land used by Administration. Those 180 Crown lease are ones on which rental is currently paid. There are approximately 961 land holders and during the

course of consideration of the Plan as it is before us today 66 private submissions were received and a number of collective submissions, some of which were filed by offshore organisations, and to be fair, there appear to be 19 collective submissions and only 3 of those were from offshore bodies, the rest are Norfolk Island based bodies, and the Plan was modified by those submissions. What of those who did not make submissions, who trusted in the Assembly to do gude for Norfolk Island. What of the silent majority. During our discussions as an Assembly and in my discussions outside it there seems to be broad acceptance of subdivision in what I shall call the central area of the island, essentially those areas often covered by the sewerage scheme and intensive electricity suppliers, telephones, roads and so on, essential services. There is overall support for this area carrying the greatest load of population and services, and that's simply common sense, and the Minister earlier today has told us that there appear to be a number of potential subdivisions in those areas, potential subdivisions in the mixed use zone, 724, in the business zone 265. However there is a problem with increasing the possibility of development in the presently open spaces which surround the central area, the rural zone. Where will we be without the drive out to Puppies Point and Anson Bay which refreshes the spirit, and the fertile plan of Steeles Point, the hills and dales on the way to Rocky Point and Bumboras areas. As Assembly Members we were fortunate enough to be taken up to the top of Mt. Pitt a week or so ago and I think we all commented on how great it was to get up there again. It's something we realised we had missed, and I think I can be fairly confident that at least that area is well protected and will remain so, but what pleasure will remain in such a journey if we are to look down on something which resembles suburbia and our children will, if we don't do something to slow the process down. During the consultative process and the revision of the draft plan as it was first presented, the number of portions zoned rural residential has increased significantly. These are the plots of land which are considered appropriate for combination of home and cultivation of some sort, those blocks of land are to be of a 2 acre or 8,000 square metre minimum. They are blocks for the building of residences, big enough to keep out of sight, and earshot of the neighbours. They are the blocks of land which will satisfy a need for housing in other than residential and mixed use zones. I refer again to the figures the Minister provided this morning and if I take out the 2 figures I've already mentioned, being 724 potential subdivisions in the mixed use area and 265 in the business zone, he gave us a total of 1,404 potential new pieces of land. If I take those 2 major figures out we're left with 415, 415 potential new portions of land. 64 are potentially new pieces of land in the rural zone as it presently stands and an additional 52 if and when land is transferred from Leasehold to Freehold. The fact that there are Assembly Members who are long time local and divided between themselves on this issue makes it extremely difficult for me to look to them for any guidance. Mr Speaker I can only apply the old adage, if in doubt don't, and I would say it's my intention at this stage to vote against Plan, the adoption of the Plan. Thank you.

MR BROWN

Mr Speaker firstly I should declare that I own a portion of freehold land at Two Chimneys Road which is the range of 10 acres, and Company's with which I'm involved Resort Investments Pty Ltd which owns the Colonial Hotel and Island Industries Pty Ltd owns Portion 49b2 in Stockyard Rd, my wife owns certain Leasehold land at Red Road. The first thing that I think that should be done is to correct something that was said a moment ago by Ms Nicholas when she seemed to be of a view that the whole purpose of this Plan was to convince the Federal Minister to convert Leasehold land to Freehold, well that's not my recollection of the situation but planning is something which we have struggled with for quite some years. This is not our first Plan, this is a revision of the first Plan and if my recollection is correct the first discussion about the freeholding of Leasehold land came about some time after the work had commenced on the proposed new plan. So in fairness to the Minister I felt it important to say that. We did meet here last week, we met for a whole day and I thought that I left the meeting with an understanding that various additional material was to come back to us from the Service in particular. Answers to queries, about

various issues and I thought we were to receive more information in relation to the question of subdivision. I recall that the Speaker indicated that he had difficulties with the Plan in that he did not agree to people having rights taken away from them and I'd have to say that none of us should lightly agree to rights being taken away from people, and certainly we need to look at what compensation are they to receive if rights are to be taken away from them, and we need to look at whether we have the power to take property, and property doesn't just mean real estate, it has a very wide meaning. We need to consider whether we have the power to take property from people without proper compensation. So that was an issue. The Speaker raised an issue about the coastal, I don't think it's called coastal zone now, but the coastal area, and I thought we were to get more information about that. There were a number of questions which I raised as to which I'd not been able to find answers that satisfied me at the time. Perhaps in due course I will find those answers, but I haven't found them as yet. I don't know that I'm swayed by the suggestion that within the next 10 years it will just be impossible to get a block of land on Norfolk Island. That could surely only happen if the population increased very dramatically and if we look back at the last 20 years, we haven't really seen evidence of dramatic increase in population. We haven't really seen any evidence of a dramatic increase in the number of people owning holiday homes here or investment homes here either. When the Speaker was talking with us last week about his views on taking rights away from people, he said that in the case of Leasehold land which may be Freeholded in the not too distant future, he did not have a difficulty with that land having a different rule applied to it, compared to other land on the island because at present, that Leasehold land can't be subdivided and to continue to provide that that land can't be subdivided would not be taking a right away from anyone, and I'm sympathetic to that view. I would suggest to Members that if that view were adopted it would overcome a lot of the difficulties that Ms Nicholas spoke of a few minutes ago. So basically Madame Deputy Speaker I have some difficulty in supporting the Plan today in the absence of being satisfied about the various issues which I believe are outstanding. Having said that I don't intend to walk away for ever from the planning process, because it would be all too easy for us to argue for long enough to cause no decisions to ever be made and that clearly would be undesirable. I don't have a firm view at present about the concept of placing a number of homes on one block of land, the concept of community title. I can see room for it to become very ugly in the absence of architects based on the island, in the absence of planners and other professional people based on the island, I can see room for 5 or 6 properties which may be put up as rental properties made from fairly ugly materials, guaranteed within a certain period of time to look somewhat slummy. I can see room for that to be a bit messy. I'm not sure that I'm convinced that as yet we need to move towards community title but if there is a growth in the population and if there is a continued demand on the land, then certainly we're going to need one day to look at whether we do want houses that go up on every block that's on the island or whether we would prefer to see something along the community title idea such that at least the maximum possible amount of land did manage to retain some form of rural outlook. So I'm not sure that I'm ready to support the Plan today, I can see that a lot of work has gone into it. There are not all that many issues that Assembly Members asked about last Thursday, I would prefer to see answers to those issues before I was asked to vote on the Plan. Thank you.

MR D. BUFFETT

Thank you Madame Deputy Speaker. I have a number of concerns about this Plan. The Minister in commencing his introduction to today's debate made the point to us that the Plan had been made by independent planners and that we should accept it in its totality, in that concept after the amendments have been made that he equally referred to. If that were to be the case then obviously legislation would provide for that and would say that the elected representatives would have no part to play but they would engage professionals to do that and when they've done it that would be the end of the day. People may have a

view about that. The reality is that that is not what the legislation says. The legislation provides that the Plan comes to the 9 Members around this table, the elected Members, and that they have the final say in terms of the Plan, and I think that that must be considered to have the right course attached to it, for example, one of the things that the professional planners have consistently said to us that in their evaluation they do not have regard to the tenure of the land in their processes. Well if you disregard that and maybe they can, maybe they can in the process of technical evaluation but when it comes to us we need to have, as elected representatives a mind to human factors, cultural factors and a range of things that they may not have, because you can't have a Plan that is out of touch with what the culture of a place is and we have the responsibility of being representatives to have that input if we think it's appropriate to have that input. When the Plan was first published it attracted comment and submissions from a lot of people, two petitions with some 500 signatures between the two, some 87 written submissions and a range of well attended public meetings. Most, not all I must acknowledge but most raised dissatisfaction with various elements of the first displayed Plan. Now the planners made adjustments and we have a revised Plan and that revised Plan is the subject of the Motion today. I make mention that no public comment has been invited on that revised Plan. So the first question is has the revised Plan sufficiently been amended to take account of the community's concern, those 500 odd people who signed a piece of paper, the 87 written submissions, the range of well attended public meetings. I have a couple of instances where there hasn't been sufficient adjustment and indeed there may be others, some have already been mentioned today, but I've got to say before I address those ones that I would like to address today these things. The land Plan for Norfolk Island is more than just a technical tool. It does need to reflect a particular culture of a place and of its people, and a matrix just taken from another environment may well not suit ours, and we need to work hard to get it right, getting it wrong, getting it wrong is destructive of the basic fabric of not only the environment but of the social fabric, and especially where it's interwoven into ownership and use of land. I'd prefer to work a bit harder and longer to get a closer, closer to an acceptable product, as opposed to having a second grade maybe unacceptable Plan which we say we can tidy as time goes on. Really we know that when you do something and you say you'll tidy it up, there is sometimes not quite the same application to the tidying process. I'd like to introduce you to two areas of concern, continuing concern and I've got to say that it's not the only two areas but it's the one that I feel I can address today. One concerns the subdivision area and the other is the coastal environment, and again I say that there are other areas they are not as easily available information to significantly tackle those today, and indeed in tackling the two that I have identified I'm not trying to say that an answer must be provided today because I'll be making amendment, proposing amendments to you and it has been said well oh yes maybe that's one person's view, well I don't mean it to be one person's view. I want to introduce it into this environment so that we have the view of 9 people, and indeed more than that, I would be very comfortable if those views be displayed to the community for a period of time to absorb them, just as Mr Nobbs has introduced an amendment today that he no doubt would want to have considered to. Can I firstly tackle the matter of the coastal environment. Concern for the coast is genuine and some wish to have a coastal strip and their intent I know is honourable. However this does mean that there is significant encroachment where Freehold land is encompassed. It's not a difficulty, it's not a difficulty where the coastal arrangement involves Public Reserves and designated Conservation areas. I'm talking about area where Freehold land is encompassed. When the first Norfolk Island Plan was introduced Freeholders whilst they applauded the environmental protection objectives identified the prospective difficulty of public encroachment on their land and the attendant difficulties, difficulties such as public liability claims, which would fall upon the land owners, litter and vandalism and the like which would then relate to the land owners with the attendant expectation that the public would eventually come to think as the land as theirs, but no recompense to the owner for that particular takeover. Not that

indeed most of them would want to sell but you can see what I mean about the gradual processes. The planners of that day when this earlier Plan was made poohoed this and they said it was imaginary to think that such encroachment would eventuate. Now the landholders at that time were unhappy but they took the planners at their word. The planners said there would be no encroachment. Well now let me read you from the Plan that has been exhibited this time round. It comes in Clause 100 and I'll just quote a couple of words, it's talking about the coastal and cliff environment, "to maintain opportunities for public access". Another bit says "promote public accessibility to the coastal and cliff environment". Now that includes the accessibility to private property in both of those references. So you can see that the fears earlier expressed were well founded, they weren't imaginary. Now those particular references have been taken out of the Plan and quite properly they have been taken out of the Plan, but I just wanted to point out to you the difficulties that landowners have to contend with each time a Plan is published. People other than the Proprietors tend to think that they own the land and they want to make provisions accordingly. Let me just put the proposition to you to use the words that the Minister who is promoting this Plan uses with us from time to time, if you reverse the process and had in the Plan that the public had access to the home properties of those who were elsewhere on the island when as you please, that you could just move onto and have a look and then the process would be that those who have the coastal strips could go to other peoples places and do that. I think if you had that proposal in the Plan there would be quite properly and hue and cry, but it's different sometimes when others want to invade the place of somewhere else. If that provision remains in terms of a coastal environment the prospect that I have just described to you of happening, has happened, can happen again. I do want to emphasise at this stage that the environmental protection in this area has merit. I am on about countering the encroachment problem, and so I have an amendment to propose, but I understand of course that there is an amendment already on the table but you can just take, I'm happy to circulate this but you can take it as read that I would want to make a proposal in terms of that matter when I have the opportunity in terms of how these matters will progress. The Plan that I have is that the protective measures would be maintained for the coastal land by being inserted in the other zones which might contain coastal property. It's a different methodology but it achieves the same end and I hope that you will look at that proposal. I'm happy to circulate an amendment which might address that. I'm not moving it at this moment because I can't do that whilst there is another amendment on the floor, and whilst that's being done I'd like to now talk to the second matter which is the matter of subdivision. This matter too is difficult. My thrust in this particular matter is to not take away rights presently held by people in the community in the present areas of the Plan, that is the 1996 Plan that is designated rural a and rural b. Now that is most of the island. Rural A and rural B at this moment is really most of the island. It covers major areas of Anson Bay, Headstone, Rocky Point, the top of Kingston here, Ball Bay, Steeles Point, Cascade. It may not be widely realised but for people who live in the areas that I have just mentioned, most, certainly not all but most will have your present capacity to subdivide cancelled, cancelled. At present people in rural area, that is on the Western side of the island can subdivide down to 2 hectares, that is about 5 acres. That's a reasonable size. Rural B which is mainly on the Eastern side of the island, people can presently subdivide down to 1 hectare that's about 2 and a half acres and that's not a pocket handkerchief necessarily. The new proposal of this Plan says nothing smaller than 4 hectares, is 9.88 acres, almost 10 acres, double the size of the larger earlier unit which means that you have lost your capacity to subdivide unless you have almost 20 acres. Most properties of course are less than 20 acres. If you have 17 acres for example and 2 children you are not able to subdivide it between them, that is in the rural area that I have mentioned to you. I do acknowledge that some may be happy about this, some may be happy about that and there are some elements that could be understood about that but I'm not sure that many will not be comfortable at their capacity for example for succession planning that is to give adequate portions to their children especially in the environment of the day when the

price of land is getting beyond the average island resident, when that is taken away or is reduced and times of hardship come along and can't be met by partial realisation of some assets, when long term residents may find it difficult to be provided with acculturated basics of a portion of land and a roof over their head, especially amongst the more traditional families where providing land for successive generations is an established culture and also amongst long term residents of the island who have become part of that culture. The rationale of the technical planners in much of this is to preserve the rural character and environment on the island and that's to be applauded but this current environment is the result of the basic fabric families and long term residents in holding onto their holdings and keeping the cultural traditions of providing for their successors and I'm confident that they want to continue this, but with manageable and reliable guidelines that can be depended upon to endure. Family succession for land is generational, it's not the 5 year cycle of a land plan. The present criteria was applied, not the one that is in front as to be proposed, the one that is actually in place at this moment. The present criteria was applied some years ago now and that was a huge leap then. However families have worked to that rule over some years now but now they find that they are to be changed, those rules are to be changed and the group that I have referred to in terms of land holdings is to be further squeezed. In that context you are not doing justice to the social fabric and the traditional culture of the place by regular diminution of their capacity, and I'm concentrating on this family succession area because a good deal of the land in the area affected is held in such hands, not exclusively but significant holdings. Where does this thread lead us? It leads to recognition that the longer term resident in the rural areas is carrying the weight in terms of private landholders that is, the capacity to preserve the rural character of the environment and I'm saying that if you wish this sector to carry this weight you must give them greater capacity in the long term conduct of their affairs with their basic asset, that is the land. To diminish their capacity every time you revise the plan is not justice. Let me repeat, this is really important to repeat, I am not proposing something additional for the area that I'm talking about, I am seeking that you recognise the value in preserving the present rights, preserving the present rights in terms of subdivision. I have another amendment which I would want to propose to you which endeavours to do that and whilst I circulate it at this moment I won't necessarily formally move it for reasons that I've explained earlier. Now having said all of that I have to acknowledge that there's a wild card in all this. What I've talked about to date is freehold land so far within the Norfolk Island Plan and the Norfolk Island Plan is the responsibility of the Norfolk Island Government. The wild card to be put on the table now relates to crown leasehold land in the rural areas. Quite separately from this plan is the Australian Government's advancement of converting major areas of crown leasehold land to freehold tenure and I consider that there is every prospect that this will proceed. Leasehold land was not usually given the capacity to subdivide whereas freehold land was. Therefore there are some reasonably large leasehold portions and should these be converted to freehold they will have the capacity to be subdivided whether under the existing criteria or the proposed criteria, whichever one. Therefore, if this happens and a major capacity for this to happen exists more on the western side of the Island in terms of the holding sizes, that is, in the Anson Bay, the Mission and Rocky Point areas as a general guide, not exclusively but as a general guide, if that happens there may be a major shift in the character of these locations. The first step in the leasehold to freehold progression has merit. That is, the gaining of freehold title. The next step that is of possible major subdivision is more difficult. My main thrust in this whole debate is to maintain the existing rights of the landholders. In terms of those who acquire freehold status, just as they didn't have the capacity to subdivide before under the present plan that situation should be equally maintained by them on conversion. Now I don't have a particular wish to initiate that particular course but it becomes necessary if I'm to make a move to preserve the existing rights of landholders in the category that I've earlier described because it brings that difficulty with it so at an appropriate time I want to propose the amendment that I've endeavoured to circulate

it's just that to pull it out of the plan now, what it does by having it in the plan is there is an expectation that something will be done and I believe and I've spoken to quite a few in the community and asked them about community title and it's slipped through the grate as far as I'm concerned and that's why I'm suggesting at this late stage that it be pulled out if it's needed in the future and it could be as Mr Brown said earlier, it could be needed in the future, well then it could be brought in as an amendment. There is a clear process of amending this plan including public consultation and the like, that's what I'm saying but to leave it in the plan now, there is a definite expectation that it will happen and I don't believe that it's correct at this stage without all the relevant information thank you

MR I BUFFETT

Thank you Madam Deputy Speaker. In the absence of any other member wishing to have a general debate I probably need to make comment on a couple of issues that have been mentioned. We start with what Mr Nobbs has just said. One of the processes when you are preparing a document like this, you put concepts in there and there's the question of making sure that those concepts have been accepted before you do the specific parts of the legislation to deal with them. Here we find ourselves at the eleventh hour once again where this Legislative Assembly, it's been through the community process etc, is saying well we may not want community title so we would have expended a horrendous amount of resources and money preparing the necessary legislation etc to allow community title. There's that issue. Madam Deputy Speaker, you when you were on the floor of this House, mentioned the question of the community out there saying Let the Legislative Assembly members du guud f'aklan. With all due respect I think a lot of the people out there know exactly what they want and sometimes that's the last thing they want is for an elected representative here at the eleventh hour to try and du guud f'aklan. And I say that with no disrespect. The proposed amendments that have been put up by Mr Buffett, let's be quite clear what it does. It probably verges on discrimination. I'm not too sure whether it protects an existing right. It protects an existing approval maybe if you comply with everything but it's not ingrained, nor does it run with the land. It's only as good as the next plan is amended. It continues to fragment that area. If we lifted the moratorium on subdivision it gives the ability to subdivide that area into smaller blocks then what exists there at the moment for those that haven't already been subdivided. The new plan says okay, I think we've had enough of that. Let's stop there but we have an amendment suggesting that we should allow that to continue if the moratorium is lifted. In terms of the question of crown leases, I declared my interest fairly early on this, the planners had put in a suggestion that there be a ten hectare minimum which is a twenty-two areas. There were submissions and various representations from community members that had them alter that. Back to the four hectare. I'm a realist and can understand what some of the issues are that have been raised today but I believe to do this to a plan, exactly what we are doing, this is almost like amending legislation on the run. There are probably only one or two people in the House with the ability to fully comprehend. The other ones, we nod and we agree and we try and amend it and hope that it comes out the other end of the mill resembling something that's comprehensible. As the Minister with carriage of this issue I do not wish to lose the issue, nor do I wish to find ourselves in a situation where we as members trying to do the best we can for our constituents do something that ends up not really being what the constituents out there want. I had hoped that at the commencement of these proceedings we might get to a stage where we made the plan, we would have given the community some certainty, we would have said to the community, hey community, at the eleventh hour we who have seen fit to make some alternate suggestions to what is included in the plan these are what our suggestions are and let's talk about it. I don't have a real difficulty with that either. Let me be honest. I have no difficulty with that and if the rest of the members would support me we have copies of the suggested amendments that have been put here, we have copies of suggestions made by Mr Nobbs, we have suggestions that have been touched on by yourself and we have some

alternate other suggestions touched on by Mr Brown and I would be more than happy for you people to say let's adjourn this whole package for another month and I will endeavour to the best of my ability to take these issues before the community. Issues that you have raised here today and try and establish what the community really thinks and see who out there want these changes that we as Legislative Assembly members say they do, and let's test the waters in respect of these issues. What I would not like to happen is for us to go on doing this every time we sit in this place because I've seen this happen in a number of other situations like this. We get here we have a beautiful idea and somewhere between the door of this Chamber and sitting down here we bounce off each other and on it goes but it's time for the beautiful ideas to be cemented into something that we all agree with, that we know where we are going and the community are with us. At the appropriate moment I would be more than happy to promote adjournment of this motion on the clear understanding that you people have put today's suggestions to me, I will organise with all the appropriate people possible and give you a time where we can test these issues with the public generally and bring it back here, including all the information that I didn't realise I had to provide to you by today. If I misunderstood you I apologise to bring you most of the statistical information. I thought we had them.

MR NOBBS Thank you Madam Deputy Speaker I support the Minister in what he proposes and I suggest that the 19 June meeting that it's set down for at this stage, that is, the mid June meeting, not the early budget meeting that's proposed be the target date and that these amendments be widely circulated throughout the community and it should start this weekend and I'll give him a hand if he would like some assistance

MR BUFFETT Thank you Madam Deputy Speaker. I would like to just confirm two things. Firstly there may have been some thought that those two matters that I had addressed may have been the figment of my own mind. I just need to confirm that this is picking up some significant comment from the community in the plan submissions so there is a body of people in the community who are concerned about those matters and I'm endeavouring to represent them. That's the first point. The second point is in terms of further examining both the details that I have brought forward and other details that others have brought forward. Of course I would want to have opportunity given to further examine those and if that opportunity is being proposed by the Minister it would have my support

MR GARDNER Thank you Madam Deputy Speaker I hadn't planned to go into great detail on this as I had already spoken of some of the philosophies and concepts of the plan at the last sitting but we are dealing specifically with the plan today and having listened very keenly to debate around the table I tend to support the Minister's proposal as being in light of the discussion, the most appropriate way forward. Mr Brown raised the fact that there were a number of queries raised during the initial discussion of the plan and one related specifically to Mr David Buffett's proposed amendment 1, which had to do with the subdivision requirements, particularly the coastal environment under section 99(2) as that applied and that section basically raised the fact that any new lot created by a subdivision in accordance with this section shall be wholly contained within a single zone. That was where an anomaly arose and where I support Mr Buffett's proposed amendment and I want to briefly discuss that issue today. It certainly was an anomaly. One part of the plan said that we didn't want to have a block of land fall into two zones whereas in fact the mapping on some coastal blocks, and the bulk of them are in the rural zone, have what is referred to as a conservation zone so in theory it was not possible to subdivide any coastal block of land on Norfolk Island any further than it is today simply because no matter which way you drew the line whether to the coast or across a block of land, you in actual fact were creating two new blocks of land and one of those at least would fall into two separate

zoning areas and so there was an anomaly there and I agree with what John was saying, there were some queries that we needed to be more comfortable with, however in my view that wasn't in itself enough to derail the making of the plan because I think there's an enormous amount of attendant legislation that needs to be plugged into place before this plan even gets up and running. Just because we make a plan doesn't mean that we would be operating. We would still retain the same regime we have in place at the moment and will continue to do until the enabling legislation has been put in place. However, it is an area that is an anomaly within the plan that needs clearing up and I think that can be done fairly easily and quickly and I'm very supportive of the proposal that Mr David Buffett has made in relation to that. I'm interested in the proposal that's come forward and certainly it will engender debate throughout the community with the potential transfer of leasehold land where there is a proposal that's been voiced around the table that those areas to be transferred will not be able to be subdivided. Now I will be interested in whether that will have an effect on people's desire to see that land transferred. Whether they are going to go to the expense of having that transferred knowing that they are not going to be in a position to transfer land. That's just an observation but I will be interested in the intervening period over the next month to field some thoughts on that from those affected persons. Much has been made about the potential new portions that may be created by a new Norfolk Island Plan. I think that in itself was one of the real concerns that I felt as a previous Minister responsible for planning in needing to address in the review of the Norfolk Island Plan the question of subdivision because there was a genuine concern in the community, and certainly I have plenty of correspondence to support it, saying gee we've got to stop this development that's getting carried away, we are overboard, there's no checks and balances there's very little restriction basically, you chop up a block of land however you feel so long as it complies with the minima and it was a criticism of the current plan that we operate under, the 1996 plan that there weren't enough criteria when assessing an application for subdivision. Now I refer to the new plan because I think it goes a long way to quelling some of the concerns about the impact of explosive subdivision. I refer to clauses 70 to 78 inclusive and that's about general division, use and development principles and when considering a subdivision application you need to consider all of these things and there's the best part of five pages of things to be considered and that's just what's contained in the plan itself when considering subdivision applications. It doesn't include what we have yet to consider which would be known as the Subdivision Amendment Act 2002 if and when passed by this House. It is a substantial improvement on what is contained in the current plan and if you read that very very carefully, and if it was to be implemented as it is written in the plan, I think a lot of the concerns about the explosion of subdivision and houses dotted all over the Island and the attempt to turn Norfolk Island into a suburban type atmosphere are addressed in those five general provisions and must be taken into consideration and I draw members attention to that, that there are checks and balances provided in this. That brings me to the next question about the minima required for subdivision and different areas. To be quite frank my view is that I'm comfortable with Mr Buffett's proposal but that's based purely on the fact that this document provides you with all the necessary checks and balances. That's my view and I don't think that we can look at it in isolation and say well Joe Blow's got four acres so he can split it in half. Joe Blow's got four acres but he has a heckova process to go through and all those checks and balances are there and things like infrastructure and services must be considered, access and parking, heritage principles, amenity, environment, use, character, social interest, and that's the important issue that I've heard spoken about around the table today. I think there was some mention made about the revised plan that we were dealt with had received no public comment. Maybe there wasn't a great deal of public comment received save for a couple of pieces of correspondence received just before our sitting last month, but certainly I know that when the Minister tabled the revised plan there was a very clear indication to the community that the revised plan was available for comment at the normal places around the Island. I certainly in my radio programmes or broadcasts on

Friday morning had invited specifically comment on the draft Plan so that people would make comment to members of the Legislative Assembly and we've received some of that. But I wanted to clarify that, that there's been a great deal of opportunity and the Minister should be commended in trying his best to ensure that the revised plan was made available for general comment. I don't intend to go on too much further this afternoon. I believe that the Minister's proposal to adjourn it for a month and list all those matters for further consideration is an appropriate path to travel because we delay it another month doesn't mean that all planning on Norfolk Island comes to a halt, we still have a planning regime in place and that's all I have to say this afternoon
Madam Deputy Speaker

MR I BUFFETT Thank you Madam Deputy Speaker just a couple of comments. This whole debate on subdivisions is quite interesting, and it's more fascinating to think that we are going to preserve subdivisions in the sizes they are in the eastern area in particular, because the Eighth or Ninth Legislative Assembly have had moratoriums on subdivisions so that we didn't subdivide them into the areas we now want to preserve. At some stage of the development of the Legislative Assembly we've got to stop having moratoriums. The position we've arrived at is this, having had moratoriums on all our constituents for nearly two years we've told them they can do nothing but because we've come up this track and we think we'll treat more environmentally soundly and protect our subdivisions we have objectives to do that and one of the clear signs that the planners had was that we put a moratorium on to stop it so they looked at larger areas and now at the eleventh hour we come along and say that's all be a waste of time. We should never had had a moratorium because that was their right and we should have let them subdivide that into the areas we are now trying to preserve and its actually been prevented from subdivision for two years. I find that fascinating.

MR BROWN Madam Deputy Speaker it might be helpful for me to repeat something that the Chief Minister said a moment ago. The proposed new plan does contain a far more restrictive subdivision environment then was the case previously and if the sole result of the various moratoriums is that we introduce a far better system without changing the minimum sizes well I don't think there's anything wrong with that. Perhaps it could be argued and I have little doubt that this is the case that we should have got on and done that a long while ago and if there are particular blocks which are simply unsuitable to subdivide it's likely that the material contained in the new plan will prevent them from being subdivided but I don't think we should take a view that we are just getting to the end of the moratoriums and saying, oh sorry about that we didn't really mean to do it, you can split your land as much as you like as long as you get to a certain size. I'm not overly concerned about that aspect but I certainly am concerned to do my best to ensure that when I vote on this plan I properly understand it and I believe that it is in the interest of the Norfolk Island community as a whole. They are the concerns I've got. I'm not being critical of anybody. I think the Minister has done a commendable job in the time that he's held of in getting this plan to the stage that it's at now. There is absolutely no doubt about that. There's a bundle of legislation to go with it, there's additional legislation I'm told which we will receive the draft bills for shortly. I don't think we should feel that we've gotten nowhere if we adjourn this for another month at this stage

MR I BUFFETT
adjourn

Thank you Madam Deputy Speaker I so

MADAM DEPUTY SPEAKER
us Mr Buffett

At the moment we have an amendment before

MR I BUFFETT Thank you Madam Deputy Speaker if it's at all possible under the parliamentary guidance that you are receiving there, could we adjourn the lot as a package, I would be more than happy and I'm sure most of the members would be

MADAM DEPUTY SPEAKER It is. It can be phrased that the debate on Mr Nobb's amendment be adjourned and made an Order of the Day for a subsequent day of sitting. Is that your wish

MR I BUFFETT It is

DEPUTY SPEAKER There being no further debate I put the question is that this matter be adjourned and made an Order of the Day for a subsequent day of sitting

QUESTION PUT
AGREED

That matter is so adjourned

FIXING OF THE NEXT SITTING DAY

We have concluded Orders of the Day. Fixing of the next sitting day Honourable Members

MR DONALDSON Madam Deputy Speaker I move that the House at its rising adjourn until Wednesday 5 June 2002, at 10.00 am.

MADAM DEPUTY SPEAKER Thank you Is there any debate. The question is that the Motion be agreed to.

QUESTION PUT
AGREED

That motion is agreed thank you

ADJOURNMENT

MR BROWN Madam Deputy Speaker, it is my privilege to move that the House do now adjourn

MADAM DEPUTY SPEAKER The question is that the House do now adjourn. Is there any adjournment debate Honourable Members?

MR I BUFFETT Thank you Madam Deputy Speaker I was probably a little slow out of the stalls with that previous adjournment. Please members don't misunderstand me. I wasn't suggesting that I do all this by the 5th June, I was looking at the later sitting day of June

MADAM DEPUTY SPEAKER Thank you Mr Buffett. Any further participation Honourable Members? The question before us is that the House do now adjourn and I put the question

QUESTION PUT
AGREED

Therefore Honourable Members this House stands adjourned until Wednesday 5 June 2002, at 10.00 am.

