

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

SUSPENSION OF STANDING ORDERS

SPEAKER Honourable Members this is a special sitting today and Mr Buffett you have a motion in that context

MR I BUFFETT Thank you Mr Speaker, I move that so much of Standing Orders be suspended as would prevent the House from only dealing with the matters listed on the Programme

SPEAKER Thank you. The question is that this motion be agreed to

QUESTION PUT
AGREED

That motion is agreed

PRESENTATION OF PAPERS

MR I. BUFFETT Thank you Mr Speaker, in accordance with section 41 of the Interpretation Act 1979 I table the Waste Management Regulations 2004

MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR – MESSAGE NO. 25

SPEAKER I have received the following Message which is Message No 25 from the Office of the Administrator and reads as follows, on the 17th February 2004 pursuant to Section 21 of the Norfolk Island Act 1979 I declared my assent to the following, the Waste Management Act 2003 and the Message is dated the 17th February 2004 and is signed Grant Tambling, Administrator.

We move to Notices Honourable Members and as Members will understand these matters basically relate to land planning arrangements

PLANNING ACT 2002 – APPROVAL AND COMMENCEMENT OF NORFOLK ISLAND PLAN

MR I. BUFFETT Thank you Mr Speaker I table a copy of the draft Norfolk Island Plan dated 9 February 2004 and seek leave to move the motion standing in my name on the Notice Paper in the form foreshadowed on today's Programme

SPEAKER Honourable Members is leave granted?
Leave is granted. Mr Buffett

MR I. BUFFETT Thank you Mr Speaker I move that this House –
(1) in accordance with subsection 12(4) of the Planning Act 2002, resolves that the draft plan dated 9 February 2004 and laid before this House, being a proposed variation

to the document titled "Final Draft Norfolk Island Plan" tabled in the Legislative Assembly on 20 February 2002 and approved with amendments as specified on 16 October 2002, and deemed to be the Plan under section 8 of the Planning Act 2002, be approved; and (2) for the purposes of subsection 13(1) of the Planning Act 2002, resolves that the date of commencement of the approved Plan be 27 February 2004. Mr Speaker I commend the motion to the House and seek Members support for the making of the Norfolk Island Plan. The process has taken a considerable length of time, however, I believe that we have achieved a significant milestone when we make the plan this morning. Mr Speaker this plan effectively has been on display in this community since the 20th February 2002 so some two years on it is timely that we give the community certainty in a number of areas that have been contingent on the completion of this exercise. Whilst the Plan has been effectively out for comment for all that time, there have been ongoing work that complement and support this Plan and Members and the community will be aware of the significant package of legislation that we dealt with up to the period August September and October 2002f where we effectively put into place some eleven pieces of legislation including some regulations that complement this Plan. The last of those matters was a display period for the Norfolk Island Heritage Register. This display period was completed on Friday, 20th February 2004 so it is timely that we deal with the matter of making the Plan. Commencing the package of legislation and thus effectively in my view completing the Land Initiative that's been ongoing for some years. During the period that the Plan has been on display there have been a number of changes and they culminated in approval by this Legislative Assembly on the 16th October 2002.. Mr Speaker whilst there have been some housekeeping amendments arising out of incorrect cross referencing, spelling, grammatical and interpretation by staff of some preparatory work on the maps accompanying the document, there have been no changes to the text and nor have there been any changes that affect the integrity of the document and the intent of that document as approved on the 16th October 2002 by this Legislative Assembly. Some of those matter that I have just referred to happened as late as yesterday. However let me reiterate that those changes enhance, clarify and put beyond doubt the text, intent and strategic outcomes of this particular plan as approved by this Legislative Assembly and I thank those Members who made contribution to doing those particular issues over the last day. I've had significantly increased grey hair over it but apart from that I think we've achieved a reasonable outcome in respect of that exercise. The putting into place of this plan and the attendant legislation gives this community opportunities in a number of areas. It provides this community with the process to have a say in what are heritage items and what should be included on a Norfolk Island Register. It provides this community with a more robust appeals mechanism by extending the appeals process to all appropriate legislation that form part of this package. It enhances the ability to appeal administrative decisions. It provides a more certain documentary regime in terms of planning and development on Norfolk Island and the process which need to be followed. The most important opportunity in my view this regime gives the community is the opportunity to make application to vary the regime, that is, to vary the plan in terms of what are believed to be community interest. It sets out a process and is therefore more dynamic then the old fixed period philosophy in planning that I think we experienced with the 1996 plan for Norfolk Island. As I said earlier, I commend the motion and hopefully thank the Members for coming together this morning for the purpose of making the Norfolk Island Plan and to deal with one other matter which we will come to later on in this sitting. That is all I have to say at this particular time, thank you Mr Speaker

MS NICHOLAS

Thank you Mr Speaker. I only wish to say that I doubt any one of us is totally and unquestioningly comfortable with the plan. For example Mr Brown and myself have concerns about subdivisions, others have expressed concerns around the table. It is a compromise document which satisfies as

many of our concerns as community representatives as is possible and for that reason I support it

MR BROWN Mr Speaker I would like to support what Ms Nicholas has said and to make mention of my concerns about subdivision. The plan is based on the premise that we are endeavouring to preserve the rural landscape amongst other things. That is not going to be achieved if we allow large rural blocks to be subdivided down into inappropriate sizes and I hope that the Assembly in the very near future will review that issue, but as Mr Buffett has said, the plan is capable of being amended if that is required from time to time. I'm content to allow the subdivision issue to wait until then but it does need to be dealt with quickly. Thank you

MRS JACK Mr Speaker thank you. My concerns went right up to this morning actually, over problems that I saw with the maps. They've all been answered and so I would like to thank staff officers here and in the Administration for their time in answering those questions. Gratefully appreciated. One issue that was raised as late as yesterday was an issue regarding a transitional period for want of a better phrase on instigating the codes relating to the Building Act and so I'm just wondering, is the Minister going to have a transitional period because for many of the builders here, it's a complete new issue or does he consider that since the introduction of the Building Act last year that they've had enough time to get used to the idea or make themselves known, so that was my only concern but yes, I will also agree to passing this plan. As Ms Nicholas has said we can't please all the people all the time, but I hope that we have been able to please most of the people and ease any concerns they have, thank you

MR I BUFFETT Thank you Mr Speaker if I could comment on just a couple of issues, whilst I can remember them. First, the issue of subdivisions as mentioned by Mr Brown. Yes I acknowledge that Mr Brown did make some comments in respect of that when we dealt with those issues and in the preparation of this plan. Certainly subdivision is a rather important issue in Norfolk Island. I must say this, that we need to at least come to some arrangement in respect of subdivision. I don't think it's good for the community to have a regime under which we are supposed to be operating and then to, for a long term period, work on moratoriums, so we need to get some things right and I'm quite happy as long as I'm the Minister more than happy to put the propositions as are brought to me, forward but just mentioning that I don't believe it's good Government to continually work on moratoriums so we need to discuss those issues both as Members of this Legislative Assembly and with the community to see what community aspirations are. In respect of what Mrs Jack has called the interim period, or the individual pieces of legislation certainly provide transitional arrangements in respect of specific matters. For example, building applications that are currently being dealt with under the old plan, transitional provisions are dealt with in the Act. In terms of the general applications of these pieces of legislation, the application of the plan, the need for this community to come to grips with it, I have made an undertaking to staff some time ago, that yes, we will certainly not come down with the heavy hammer and go out and make everybody comply because that simply won't work. We need to administratively look at once we've commenced these things, how it will actually operate. I think we need to be adult enough to make sure that what we are putting in legislation and what we have put in the plan will work because too often we do these things, a lot of them are theoretical they have been done by planners, and I hold no objection to that because they are the proper people to do it, we've been advised by technical people in terms of what our building codes needs to be and we need to take all that advise. It's been a joint effort as people will know through Commonwealth and Norfolk Island input. I'm not saying myself that it is absolutely perfect but we had to make some changes to the arrangements we had in the past. It is my view that we certainly should commence

this package as soon as possible to work out what will be the warts in the package and for this Legislative Assembly to be adult enough when the proposals are made to make any amendments we need to make administratively applicable to Norfolk Island because quite often we find that we've passed things that become unenforceable because they are not really applicable. I'm not saying that this package is perfect in that respect but we certainly gave it a lot of consideration along the process, looking at what might be applicable. For example, and this is an instance, we had extensive discussion regarding building standards and in particular the materials that are being used because we are in a unique position. If we were in Australia it would be really simple to accept the building regime of a particular state. We are not in that position. We get a mixture of building supplies both from New Zealand and Australia and therefore we have to look at what would be the best, where the common denominators in all of this. In that respect a lot of what we've included in this package is taking some notice of what's happening Trans Tasman and you will find that in a lot of areas that we deal with there are some common codes emerging that apply to both Australia and New Zealand and we've taken a lot of that into account. Administratively it would not be my intention to say this has commenced, go out and enforce it because it's simply not going to work that way. I think if we commence the legislation pass the plan, and work in unison with this community and whilst I'm the Minister I hopefully can guarantee a six month period to sort this out, look at what specific changes need to be made and bring it back to Members to deal with

MR NOBBS

Thank you Mr Speaker this development of this plan has been going on for quite some time. We go beyond the actual physical preparation I think it goes back to 1997. The first plan that came out in 1996 had some problems with it and that's to be expected. It was the first plan for the island and things were looking good at the time but we found some real holes in it when it was being worked through. There was a need then to gather all the data that was thought necessary and put it into this plan. I'm disappointed that it's actually taken so long to come to finalisation but that's the way of the world and I understand that. I'm really pleased that we have a new plan but it won't please everybody. Nothing does. I don't think anything in this Chamber has pleased everybody even the pay rise that we may have got at some long distant past so I mean that's to be expected and this plan is no different. I would just like to pay a compliment to the previous Minister for Lands, he did considerable work, two of them actually, one still in the Chamber and one that is not now with us. They both did considerable work in developing this plan and I would like to pay respect to them and also to some of the planners that may not be with us now for the work done earlier. It's not all Toon's work although he's obviously been involved in it for some time in his previous employment and also now, but it's great to see that we do have a plan and it's in place. I'm disappointed that the airport zone has not been finalised and I think that's something that needs to be fixed urgently. It's not a very difficult arrangement. I believe that a plan could be developed fairly easily. In a day or so. They just need to pull out one that I did about three years ago and it's fairly simple and that's to exclude everything from the air site area outside the white markers and cut out the western end of the runway, down at what we used to call Neddy's end or now it's McCullough's end or Ric's end, whatever you like to call it. Cut that whole lot out. It's not needed and it's costing heaps to maintain it. That's a negative as far as this plan is concerned and I suppose that I have to bring up negatives but I really would like to know, the Minister referred a few minutes ago to the package and I was just wondering what package he's referring to. Is he referring to the land package which he has not mentioned in his speech that this plan was developed originally as part of the land package which contained a number of elements. Some of which have been done but some have not been done and I'm just wondering where we are with this land package. One issue in the land package was the transfer of all lands from the Commonwealth back to Norfolk Island full stop and that included the reserves as well as the leasehold land that's held by people and included the roads and those issues and that was pushed

at the time. I see the Minister shaking his head, but I can assure him that, that was the arrangement we came to and I'm just wondering where we are with the overall land package, where we are with the Environmental legislation that's supposed to have been fixed within the life of this Legislative Assembly and we're running out of time now. Those issues that were included within what was referred to at the time as the land package but apart from that I'm please to see it and will definitely be supporting the passage of this document. But I read the motion and I'm just wondering whether the legalese of it is correct or whether it could be subject in some future time to legal challenge because the plan that we're approving today is not the one that came to the Legislative Assembly on the 29th February. It's been changed. And I think we should get some advise very quickly as to whether it's the plan that was tabled this morning thank you Mr Speaker

MR I BUFFETT

Thank you Mr Speaker. Mr Nobbs refers to, and I touched upon the land initiative which contained a number of elements. One was to review the plan to look at package of legislation and to look at where the Legislative Assembly's had arrived at in terms of discussing the issue with the Commonwealth Government. It was my understanding that whilst some of the issue that Mr Nobbs has mentioned regarding the transfer of reserves and the transfer of roads etc had been raised it had never been agreed between he two Government that they would be a prerequisite of completion of the land initiative. The land initiative as we understood it was to complete the plan as we have done and shortly I hope to put the motion and that it be agreed to, to look at preparing our heritage regime which we have completed, to look at preparing a number of development control plans which we have completed, and an amendment along the way was to not include in that initial package the question of reviewing the entire public health package because of the sheer size of that issue when you compared it with this. Those Members who have listened to what I'm been saying in the Legislative Assembly over the last few months they will take note that one of the issues that I have clearly raised is that now we have got to a stage where this particular aspect of the land package has been completed it is my intention and already commenced with the Norfolk Island Public Service to review what might be called the Environmental Health Package which is now reminent in the old Environment Act 1990. Just to remind Members of what that contained previous to this all being reviewed. The Environment Act 1990 contained the entire land package for Norfolk Island and endeavoured to do all the things that we are doing in the separate pieces of legislation. It became almost unwieldy and included in that were all the environmental health issues in one form or another. Now with no disrespect to the draftsperson at the time or to the people at the time, that became a little overwhelming for two reasons. Firstly, the sheer size of the package, most people looked at it and went in the opposite direction and secondly in respect of the environmental health issues which originally was a prerequisite that was an exercise almost of the same size as the one we've just completed in respect of land. We talked about nuisance issues, animal welfare, a whole range of issues in environmental health. We've got some basic legislation in that area contained in the Environment Act 1990. We are currently looking at those and a couple of the key issues that Members are exercising their minds over is the question of nuisance and the more Norfolk Island gets developed the more we need to address these issues of noise, noise pollution on the road's noise pollution at night and they are all part of this package. The previous Government got to a position where that particular aspect was removed as an immediate pre-requisite to the land initiative so my view is that what was left, we have completed and it will be my intention as early as next week to write to the Federal Minister and say to him, we have completed these issues. We have a robust system in place to deal with heritage, we have a plan that I believe will work subject to the things we talked about this morning, we have put Plans of Management into the reserves, we have a regime in place to deal with these issues. I believe when we do that, and we are able to writ that letter, then I think some of our

report cards going to look pretty full and then we can discuss some of the more critical issues Mr Nobbs has referred to. I have no difficulty in then saying to the Federal Government as the Minister responsible, that in all due respect Minister we have all these things in place, you can't accuse us any more of not having these things in place. Secondly Minister you cannot accuse us of costing anything in respect of the reserves because the facts show that we have paid for the maintenance and management of those reserves for as long as they've been reserves. Now we can legitimately put the question that transferring those reserves to the Administration of Norfolk Island as a body politic, and I believe we have a better chance of doing that than having done it as a pre-requisite. We now go with the more positive attitude in terms of making that application. I believe it would be difficult for the Australian Government to at least not come to a negotiation table and talk about those issues because we have it all in place. So I had intended to deal with these issues in the adjournment debate but with Mr Nobbs raising them I have brought them forward. The other issue is yes, this did commence in previous Governments and yes in a previous life I was involved in the periphery of some of these and it goes right back to about 1994 so we had the initial review of some of the land legislation in 1994, they were overtaken again in the 1996 period and of course culminating in some of what I believe are better pieces of legislation that we are now about to commence. There have been a number of people involved. This has been a classic example of an intergovernmental arrangement that has come to fruition. This land initiative was done as a joint arrangement and jointly funded by the Norfolk Island Government and the Commonwealth Government and it indicates with a little bit of will, and certainly there's been a lot of yelling as well in that process, but we can do things jointly and this will be totally administered by the Norfolk Island Government and the executive member who is responsible. One of the interesting things that this package does, is it removes the Administrator from a whole package of legislation once we commence all of this, where the Administrator used to have the final say in a number of these issues. I think this is a milestone when we commence this package. We put this plan in place, we fully commence the package of legislation and then we can fully say that perhaps the greatest asset Norfolk Island has which is its land, that we are fully in control and yes, I do thank all the previous players, some of which are not with us any more but who keep constantly in touch with me and I still ring them and I thank them for the ability to do that, to see if we are still on track, is that what you really talked about back three or four years ago and that's both on the Commonwealth and on the local Norfolk Island side. I don't intend to take the accolade for having done this. I can certainly take the accolade for losing a number of grey hairs over the last two days with my fellow Members raising issues, but I think from what I've heard this morning, that we are in a position to make a Norfolk Island plan Mr Speaker and I put the question

MR NOBBS

Thank you Mr Speaker I would just like to make comment on this because I'm rather concerned. I know Mr Buffett kept those last comments for his debate in adjournment but anyhow it's come out now but I'm concerned in a couple of areas. The first is there's been a considerable rush in the last week or so in relation to this plan and there have been some problems showing up in that area because we haven't dealt with it for some time actually and so we've come back into it and that's part of the process and I'm not being critical of the Minister in that but in the rush what he has said is that he will now go straight to the Minister for Territories and say that the Land package is completed. The reserves at the present time, we have Plans of Management for those. If those Plans of Management are put in place they will cost the island millions of dollars. There was to be a process worked through in which a time scale was put on developments within each particular reserve and I would be very concerned if we go to the Commonwealth and say here, we've done all this work. I think they would immediately say well when are you going to do the road here, when are you going to do the road there, when are you going to do all the developments that are put into the plan itself and you do them before you get them.

That's the concern I have and those issues, and there could be more, in my elderly age I can't remember everything, in fact I'm flat out remembering quite a few things, but what we should do really is sit down now and say hold it, what do we have to do to finalise everything before we go through it and talk through it as a group and come up with what needs to be done and what approach we should take, thank you

MR ROBINSON Thank you, but I think Ron is well aware that you'll never completely please our colonial overlords

MR BROWN Mr Speaker I'm a little disturbed at something that Mr Nobbs has just said. If he is correct in saying that we have happily gone along over a period of years and years and years and years in preparing Plans of Management and you might recall all the number of different people that have been appointed to the Public Service over those years to prepare Plans of Management. Some found themselves so good at writing that they progressed through the system without the need to address the plans at all, others did at least get down to doing their job but if we've prepared plans as Mr Nobbs is saying, that we cannot afford to implement then we need to have a real hard look at ourselves. That would be a ridiculous this to do and frankly it would be close to fraudulent. For us to go to the Commonwealth and say look at these wonderful things we've done, and then turn around in a few months time and say, oh well, now that you transferred all that to us we've had another look and we can't afford to do it. That would be an outrageous situation. I don't think that should stop us dealing with the matter today but I think within the next fortnight we need to have a good look at whether what Mr Nobbs said is right. If it is right we need to do something about it. If it's wrong well at least Mr Nobbs, once everyone has looked at it, will know that perhaps there's another point of view that's reasonably valid. But there's a couple of quite large blue areas on this plan. The largest of them is at the top left hand corner of the zoning map and it's about time that we started addressing that. That's a very large part of Norfolk Island. It is time that we sat down with the Commonwealth and said look we would like to develop a ten year plan to take over the National Parks and we realise that we will in that even have to fund them but we believe we can do the same job for a lot less money than what it's costing the Commonwealth at the moment. Well as part of lands that area is such a significant area of the island that, that needs to be addressed quite soon also. Insofar as whether or not I support the plan today I'm prepared to support it because I have accepted the undertakings of the Minister to sit down and resolve anything that requires resolution later one

SPEAKER Any further debate Honourable Members. Then I put the question that the motion be agreed to

QUESTION PUT
AGREED

The motion is agreed

We've concluded Notices in the context of today's meeting and we move to Orders of the Day

BILLBOARDS REPEAL BILL 2003

Honourable Members, we resume debate on the question that the Bill be agreed to in principle, and Mr Buffett, you have the call to resume

MR I BUFFETT Mr Speaker, I move that the Bill be agreed to

SPEAKER The question in front of us is that the Bill be agreed to in principle and I am inviting debate on that question and I will then put that question to you. Any further debate

MR BROWN Mr Speaker this is a repeal Bill. This gets rid of the existing Billboards Act in order to introduce a new regime as part of our planning package and under the new regime the Minister has assured me that action will be taken about all of the illegal signs that litter the roadsides of Norfolk Island at present and I encourage him in that regard. I will certainly support the Bill

SPEAKER Thank you. Any further debate. I now put that question Honourable Members that the Bill be agreed to in principle

QUESTION PUT
AGREED

The Bill is agreed to in principle. Do you wish to dispense with the Detail stage? Yes. Then I seek a final motion

MR I. BUFFETT Mr Speaker I move that the Bill be agreed to

SPEAKER The question is that the Bill in its final stage be agreed to

QUESTION PUT
AGREED

That Bill is agreed to

FIXING OF THE NEXT SITTING DATE

That concludes our substantive business for today at this special sitting Honourable Members so I look now to Mr Nobbs for a motion in terms of our next sitting day

MR NOBBS Mr Speaker I move that the House at its rising adjourn until Wednesday 17 March 2004, at 10.00 am.

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

QUESTION PUT
AGREED

ADJOURNMENT

MRS JACK Thank you Mr Speaker I move that the House do now adjourn

SPEAKER Is there any debate Honourable Members. There being no further debate I put the question that the House do now adjourn

QUESTION PUT
AGREED

Therefore Honourable Members this House stands adjourned until Wednesday 17 March 2004, at 10.00 am