

popular with the press, and they loved her - as did many millions of people around the world. This House extends its deepest sympathy.

Judy Kerr passed away on 30th March 2002 after courageously battling a terminal illness for three years. The Kerrs came into our lives in April 1992 when Alan took up the post of Administrator. They remained here for five years before returning to their home at Lyneham, Canberra in 1997. Judy was kind, caring, compassionate and understanding, she played a very rich part in our community, gathering many into her home, Government House. During their term of office The Kerrs made a large and meaningful contribution. Judy was interested in living, and took an active part in meeting and greeting people. She was interested in everything and everyone. Nothing was too much trouble for her and her enthusiasm and willingness to participate in anything-that-she-could was just another of her wonderful qualities. Judy was loved and admired. To Alan and their children, their families and friends this House extends its deepest sympathy.

Janelle Louise Patton passed away on Easter Sunday, 31st March. Her tragic and violent death will affect this community for many, many years. Janelle was born in Sydney on 30th June 1972, the only daughter of Ron and Carol Patton. She had a younger brother Mark and lived happily at home until making the decision to come to Norfolk Island on a working holiday. Janelle had been employed in a highly stressful job with an international banking corporation and her Island visit was part of a rest and recreation process. Whilst here she worked in various retail and hospitality establishments and made many friends. Janelle was a vibrant, happy and outgoing sort of person who was very interested in physical fitness. She loved sport and was a supporter of the Board Riders Association. The community of Norfolk Island is saddened by her sudden and unexpected death. This House extends to her parents, her brother Mark and her friends its deepest sympathy.

George Edward Lecren, known to us all as Steggles, passed peacefully away in the family home in Grassy Road on 10th April. Born on Norfolk Stegs was the third son of the late Geoffrey and Lillian Lecren. He went to school here and later spent some time in Sydney where his Woollahra address known as the "Norfolk Island Embassy, became a home away from home for the many friends who visited. Stegs was extremely proud of his Pitcairn and Tahitian heritage and of the Island culture. He long ago recognised the need to preserve the Norfolk Language and had an exercise book with Island words and phrases written in it with the hope of one day publishing. He wrote songs, played the ukulele like no other and long before the introduction of loud music Stegs was always the life of the party. Three of his songs have been taken to the South Pacific Festival of Arts and "We Gut Everything Tahiti Gut" has been recorded in Holland as a result of the Arts Festival in Rarotonga. Stegs had a unique sense of humour, personality plus and the grace to accept any practical joke played on him as heartily as he played them on others. Stegs worked for many years with Restoration at Kingston and was a valued member of their Team, working to restore these beautiful old buildings. In Norfolk's early days of tourism, Stegs along with Mavis was the main source of entertainment with their Tahitian Dances, which were always popular. Stegs loved his family and was a real family orientated man. With no children of his own his nieces and nephews were all very special to him. Stegs had a passion for travel and made yearly trips with his many travelling companions. He was interested in the culture of every country he visited and particularly enjoyed the Islands of the Pacific, Tahiti and Pitcairn especially. Stegs was a gentle and courteous Norfolk Islander who will be sadly missed by many. To his brother Norm, his brother in law Ian McCowan, his sister in law Kathy Lecren, to his nieces and nephews, Shelley, Kaye, Cheryl, Jonassen - David Bruce, Lyn, Leon - Bryan, Lynda, Julie, Michael, China and Geoffrey- and their families, to his many, many friends here on Norfolk and overseas, 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 my first question I would like to direct to the Minister responsible for the power station. My concern is that I still have phone calls from people affected by the noise given out by the power house and I would like to know what action has been taken to assure these people that this Assembly has taken the matter in hand and the matter will be resolved

MR DONALDSON Thank you Mr Speaker. As regards the power house I understand there are plans in the pipeline to insulate the sound within the power house. This has been put on hold while generators are being installed in there and all I can say is that I can take the question on notice if you would like to give it to me on notice but please be assured that there is a plan and it is progressing shortly and noise penetration from within the power house will be reduced substantially

MRS JACK Mr Speaker thank you. As a supplementary, are the people going to be personally informed of the progress and the expected time frame for these repairs

MR DONALDSON Thank you Mr Speaker, I do understand that is part of the process that is the Administrative function, but I will speak to the officers in charge and make sure that they communicate with the people concerned and let them know the timetable for the repair and soundproofing and the likely effect and reduction in noise

MR BROWN I direct this question to the Minister with responsibility for the Public Service. Can the Minister advise whether when members of the Public Service travel by air, they travel economy, business or first class

MR SMITH Thank you Mr Speaker I would assume that they travel in economy class if the Government or the Administration is paying, as do Legislative Assembly members but perhaps I need to get a more detailed response from the Administration to answer the question more fully if Mr Brown would like to either put it on notice or tell me while he's sitting next to me, then I will do that

MR BROWN I direct this question to the Minister for Finance. Will the Minister be tabling details of the cost of travel by executive members of this Government as has been the policy during previous times

MR DONALDSON Thank you Mr Speaker if it is the policy of this House to do so I will do it. I was unaware of it. I assume that it would be done on a three or six monthly interval? I have no reservations whatsoever in tabling the cost of travel for members of this House

MR NOBBS Thank you Mr Speaker could I ask a supplementary? Would the Minister be prepared as in the past to provide quarterly figures for the Administration as well as the Legislative Assembly details of travel

MR DONALDSON Thank you Mr Speaker, yes once again if that has been established policy I certainly wouldn't be changing it and if it is not established policy, it is probably a very good idea that we know where the money is being spent and why it is being spent

MRS JACK Mr Speaker I address my question to Mr Smith as Minister for Health. Why, in last weekend's Norfolk Islander there was a notice in relation to a locum dentist coming to the Island for four weeks to undertake some dental work and why wasn't the position advertised locally when we have a fully qualified dentist residing on the Island

MR SMITH Thank you Mr Speaker I'm quite happy to answer that question. As members around the table will recall we had some discussions in relation to dental appointments at the Hospital and the long waiting list that has appeared in recent months. The issue was of course being dealt with by the Hospital Board and a proposal was put to the Board by Colin White who is the dentist that Mrs Jack is referring to, that he would offer his services back to the Hospital in the dental surgery to assist in that particular problem that exists there with people having a long time to wait for their appointments. It was discussed by the Board and Colin had been a previous dentist with the Hospital Enterprise and there was some discussion about how that would be viewed and a professional assessment was to be undertaken which was being carried out by Dr Foong and I understand that he has done that. When it was proposed to the dentist Mr Jackman that there was a possibility of Colin White taking up work in the dental surgery...

MR BROWN Point of Order Mr Speaker. I wonder if I could just check whether Standing Orders are being infringed by the reference to names. I appreciate the gentlemen might not be officers but they are extremely visible people

MR SMITH I'm happy to leave out names Mr Speaker if that would be of any assistance

SPEAKER Yes, there are two things that I'm searching for at this moment. One relating to people who may be engaged in statutory offices and I am just uncertain as to whether that particular one is a statutory office but also there is the matter of whether names are in fact necessary for the matter to be pursued and I doubt whether that is the case in this particular instance but the Minister will be able to make a better judgement upon that, so Minister if in fact you are able to pursue this question and respond to the answer without involving personalities that would be a better way to travel

MR SMITH Thank you Mr Speaker I can certainly do that. In fact I was getting to the end of that particular part of the story. The reference that Mrs Jack has made to a locum being employed, that was in agreement with the Board and the Hospital Director that a locum be bought in to assist with the current situation of the long waiting lists and as I understand the Hospital often brings in locums and specialists and I don't know if they are ever advertised on the Island but I'm certainly aware of the situation and I support bringing in a locum to assist with the dental treatment of the community and that other assessments are being made in the more long term in relation to the dental surgery

MRS JACK Mr Speaker as a supplementary I was wondering can the Minister tell us how much this four week episode is going to cost the community in airfares, accommodation and car rental and indeed what guarantee does

the community have that this four weeks will be that, just four weeks and not an extension

MR SMITH Thank you Mr Speaker I couldn't actually tell you what all the costs are but it was certainly put to the board at which I was in attendance that having a locum in here his costs would certainly be covered by the treatment that he gives whilst he's here and you will notice in the paper that the dental surgery has extended hours, I think from seven in the morning until eight or nine at night so that they can cover a lot more appointments in that time and I understand but I haven't been told this by the Director that the appointments have already, all been taken up for that period of time so in answer to the question about whether a month might be extended would probably depend on the community if there's a demand that people want their teeth treated while we have two dentists working up there and two people in the dental surgery assisting them, I suppose that would have to be considered but it was definitely a short term appointment to help the dentist get through this long list of people who are waiting for appointments

MRS JACK Mr Speaker I'm just wondering why this has come about. Why do we have waiting lists. Our population hasn't increased dramatically. Has this waiting list occurred in the past with other dentists or is it just a new event

MR SMITH Thank you Mr Speaker I'm not really sure. I've never heard of it before. Of course there would be waiting lists in the past but I can't speak for them, I only know that in recent months the waiting list has extended out by I think up to four months and there's various reasons being spoken of. One, is that the current dentist spends a lot of time on people doing a more complete job, rather than just acute dental treatment. As I understand that, but perhaps it would be unwise of me to say too much more about that and I could actually once again take a question from you and will ask the dentist for a more full explanation which might assist with the answers

MRS JACK Yes thank you, because I would hate to think that in the past we've been paying for dentists not to do their job. Can the Minister confirm that the children at the Norfolk Island Central School do not get visits by the dentist

MR SMITH Thank you Mr Speaker I understand that that is correct. I don't think there have been visits to the school as used to happen, certainly in the last six to eight months, which is of concern. Part of the idea of bringing in the locum is that children can be inspected at the same time

MR NOBBS Thank you Mr Speaker, could I have a supplementary to that. After that list of questions I would like a confirmation if I may from the Minister. Is it correct to say that the qualified person on the island was fully aware that the vacancy was existing, that a selection process was undertaken by the Hospital and that the appointment was made by the Hospital board

MR SMITH Thank you Mr Speaker as I understand it Colin was aware that there were difficulties. The merit selection process that Mr Nobb's is referring to, I'm not too sure whether that happens with any of the locum doctors or dentists or professional people we have at the hospital. It's a good question, and I can't remember the third part of the question

MR NOBBS ...the appointment was made by the Hospital Board

MR SMITH Appointments at the Hospital are generally made by the Director of the Hospital

MR BROWN I direct this question to the Minister with responsibility for the Norfolk Island Hospital, is it a fact that pharmaceuticals provided to inpatients at the Norfolk Island Hospital are charged to them at their full retail price and is it a fact that this situation in contrast with charge at cost has developed during the course of the last few years with the result that hour HMA charges have been substantially increased

MR SMITH Thank you Mr Speaker I'm not really sure although one of the other members asked me a similar question the other day. I haven't checked that with the Hospital yet but inpatients are being charged the retail price which I think is what Mr Brown is saying, and if one of those inpatients happens to be a person who is on HMA, that in fact the Government is being charged for this retail price of the pharmaceuticals. I'm not too sure just of the top of my head how it works with the enterprise as far as pharmaceuticals are concerned, where it does operate as a business enterprise as does Telecom, the Liquor Bond and other things where they are charged at the same rate. If there's a view that this is an incorrect way of doing it, if it is happening that way I would certainly welcome members views and we can change that

MRS JACK Mr Speaker I direct my question to the Minister responsible for electricity and alternative power sources. When is the report going to be available that was supposed to be written regarding wave energy, I was told in the last Assembly it would be ready in two weeks, it is four weeks and I haven't that report

MR DONALDSON Thank you Mr Speaker I received that report about two days ago. I'm quite happy to circulate it to members. It's only a brief report. It talks about wave energy and alternative energy summing up with a preference for fuel cell technology

MR NOBBS Thank you Mr Speaker I have a question for the Minister with responsibility under the Employment Act. Can he advise what is the current base or minimum wage under the Employment Act

MR DONALDSON Thank you Mr Speaker I can but I'll have to answer the question by saying there has been no change to it. I don't know if it is \$8.50 or \$8.75. The figure eludes me at the moment

MR NOBBS A supplementary Mr Speaker, can the Minister advise why there was an amendment passed during the term of the last Legislative Assembly, I understand that it's been assented to but it hasn't commenced to do several things, one of them being to increase the base from \$7.00 to something like \$9.00. Can the Minister advise why this hasn't happened

MR DONALDSON Thank you Mr Speaker there's actually been three amendments to the Employment Act which are waiting to commence. One of the problems we encountered when we looked at the third amendment was that some detail stage amendments were made on the floor of the House and were not included in the drafting instructions and therefore the amendment as assented to is incorrect. The Legal Counsel is currently looking at ways of amending this problem and we hope to get it back onto the floor of the House as quickly as possible and be able to commence those three pieces of legislation

MR NOBBS Thank you Mr Speaker is there any urgency being exhibited by the Government to get this up and running as \$7.00 per hour is not a very high wage

MR DONALDSON Thank you, there is urgency but it has its place in the priorities of the Legal Services Unit and the Legislative Drafting programme although I understand that it has been given some priority and it is virtually complete at the moment

MR BROWN I direct this question to the Minister for Finance. Can the Minister advise whether all premises which sell food in Norfolk Island now hold Sale of Food licences and if so, can the Minister advise whether they are all required to operate to the same standards

MR DONALDSON Thank you, I haven't any specific information on that. I did answer a question at a previous meeting to do with progressive dinners and sale of food licences and sale of liquor licences that did present some anomalies in the system whereby people actually selling food on progressive dinners did not have a sale of food licence. The matter was taken up with the Administration officials who administer the food licences and they are addressing this problem but I haven't a definitive answer as to whether it is finalised or still in progress

MR BROWN I direct this question to the Minister for Tourism, can the Minister advise whether the foreign ownership rules still apply in relation to tourist accommodation

MR SMITH Thank you Mr Speaker yes

MR NOBBS Thank you Mr Speaker could I ask a supplementary. Has the Minister received in the past month any applications to transfer tourist accommodation house licences and if so, how many

MR SMITH Thank you Mr Speaker I can't recall that I've had any in the last month. I stand to be corrected on that but I can't recall any

MRS JACK Mr Speaker I would also like to ask the Minister for Tourism, when tourist accommodation houses give up or relinquish some of their bed licences what happens to these licences, are they sold on, totally cancelled forever or are they left for x amount of time perhaps before selling on or giving those who have relinquished them the opportunity to take them up again

MR SMITH Thank you Mr Speaker it depends what category you are talking about. If we are talking about licences for units which is the registered under the Act, if somebody wants to give those up and it's very unusual for that to happen, they would certainly have some difficulty getting those back under our moratorium. If Mrs Jack is referring to hotels there is a numerical control on the number of hotels and I think there's currently five and I don't see any of them wanting to give away their registration of hotels, if Mrs Jack is referring to bed licences there is no numerical control on the number of beds that a tourist accommodation house can have. There used to be but that changed during deregulation some six or seven years ago so now if a property wants to deregister beds there is nothing to stop them doing that. If they want to reregister, well they don't have to reregister at all, beds aren't licensed but if they want to have the beds back, as long as they fit in with their planning approvals they are quite at ease to do that and to add to that there certainly have been a number of properties in the last month that have been offering back beds that they have been paying for under the registration fee but they feel they no longer need to be paying that fee which is what is called the cold bed tax and is probably something like thirty beds at a guess that have been handed back over the last short period. There does seem to be a trend of people doing that now that the registration fee and the levy has gone up to \$1.00 per night

MR BROWN I direct this question to the Minister for Finance, can the Minister advise whether he has yet completed his white paper in relation to a possible reduction in the FIL

MR DONALDSON Thank you Mr Speaker no that's not completed

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

MR GARDNER Thank you Mr Speaker I'm not aware of any such agreements however I certainly undertake to explore that and provide that information to Mr Nobbs and to other members who may be interested

MR NOBBS Thank you Mr Speaker I ask the Minister with responsibility for Lands is it correct that the total cost of the transfer of each individual residential, rural residential and rural lease other than those within the KAVHA area have been provided to each owner

MR I BUFFETT Thank you Mr Speaker the short answer is the percentage that will be charged for the conversion has been communicated to the people who hold leases in that category, yes

MR NOBBS Is it proposed by the Commonwealth Government in the next round of activities in relation to transfer of leasehold land that the remaining leasehold, such as commercial, special purposes and those leases within the KAVHA area will be considered and offered for freeholding

MR I BUFFETT Thank you Mr Speaker my understanding is that once the current process of transferring the rural residential, residential and what might be called conditions for improvement leases have been completed they will then discuss the question of transferring the balance of the leases that are held

MR NOBBS Thank you Mr Speaker can the Minister please advise what conditions for improvement leases are

MR I BUFFETT Thank you Mr Speaker they are the ones that fall outside the residential which are smaller sized blocks and have a residence on them and the rural residential classification which are larger blocks with residences on them. These are the ones that do not have residences on them but are classified to be in the larger size portions

MRS JACK Mr Speaker I would just like to talk to the Minister responsible for Weights and Measures. How often are all the commercial scales and pumps checked for weight and volume accuracy here on the Island and who checks them and who is responsible for them and are checks ever done on the establishments serving draft beer and spirits regarding their alcohol content

MR DONALDSON Thank you Mr Speaker I guess that one comes under me. It's something that I hadn't given much attention to at all but now it's been raised I'll have to follow it through. I can't give you a definitive answer, I'll have to take the issue on notice and maybe if you could put it on the Notice Paper at the next meeting

MR NOBBS Thank you Mr Speaker could I ask the Minister with responsibility for Roads, given the recent cases where public authorities have been

held to have a duty of care in relation to road conditions has there been a risk assessment of Norfolk Island's roads to identify potential problem areas

MR SMITH Thank you Mr Speaker yes, that was raised with Mr Nobbs in the last Legislative Assembly and passed on to me and as I recall that was passed on to the Administration to get advise on that. I can't exactly remember what's happened with that but maybe that can be something I can follow up in the near future

MR NOBBS Thank you Mr Speaker can the Minister advise the reason for the removal of the roadside bank on Taylors Road

MR SMITH Thank you Mr Speaker it depends which Minister you are talking about. I think that's a matter under the authority of the Administrator but I understand, or I've heard that it's to make way for a driveway into a private property but the Minister for Lands might be able to confirm that

MR I BUFFETT Thank you Mr Speaker I have no direct knowledge of that issue, the matter has not been referred to me as the Minister for Lands to exercise any executive authority in removal or otherwise but generally in roads areas, they are in fact Commonwealth land as part of the reserve road and under the care and control of the Administrator. My understanding of the process is that the application is made to the Administrator then referred to the Works area of the Administration to see what effect if any the removal would have on traffic and the flow of traffic within the areas sought to be altered and then the necessary approvals are given by the Administrator for the removal of those works

MR NOBBS Thank you Mr Speaker in this whole process was there any consideration given to aesthetics in coming to such a decision because obviously if you drive past there you will see that houses are now clearly visible and I presume that the new house will be as well

SPEAKER Yes, who is that too Mr Nobbs

MR NOBBS The Minister for Planning I guess

MR I BUFFETT Thank you Mr Speaker well perhaps the best I can do at this stage is to take that issue on notice and check with the people I've just recently mentioned to see if that fact was taken into account when the approvals were given

MR BROWN I direct this question to the Minister for Tourism, can the Minister advise whether action is being taken to appoint a new manager for the Norfolk Island Government Tourist Bureau and if so, will that be a merit based appointment

MR SMITH Yes, that is in progress. I was speaking to the Chairman of the Board about it this week and as I understand, the last time an appointment was made to the General Manager's position a merit selection process similar to what the Administration carries out under the new legislation, was taken in that particular case with the advise officers of the Administration and I would be keen to see the Tourist Bureau doing the same thing in this particular case

MR BROWN I direct this question to the Minister with responsibility for the Public Service is it a fact that you are investigating the payment of the members of the Public Service by direct deposit to their bank accounts rather than by payment in cash and if so are you able to advise what savings you anticipate as a result of your action

MR SMITH Thank you Mr Speaker I'm surprised at that question. I don't know anything about it

MR NOBBS Thank you Mr Speaker could I ask the Minister with responsibility for Tourism is it correct that forward bookings for the next three months at least are well below expectations

MR SMITH Thank you Mr Speaker I can't say that's an actual fact but I understand that the airline that flies out of Australia has certainly indicated to the Chairman of the Tourist Board and I think it might even have been in the paper that there appears to be that situation. I've been advised that Greg Prechelt and David Bobberman were here today weather permitting and members will get to meet with them on Friday morning and we might find out just where we stand with the bookings over the next period. I wouldn't be surprised if in comparison to last year the numbers will be down as has been the trend anyway since we haven't had FlightWest flying here

MR NOBBS Thank you Mr Speaker just a supplementary if I may. What impact does the removal of the Director of the Tourist Bureau and the lack of somebody physically in that position for the last two months at least, played in that problem

MR SMITH Thank you Mr Speaker I wouldn't know if Mr Nobbs is suggesting that because we have nobody in that position it is creating this difficulty in numbers. It has occurred other times when there hasn't been a General Manager, when someone has resigned and some have been left, we have been in that situation before but the Bureau is still run by the Board and I'm quite sure the Board is capable of keeping up with events so I really can't comment any further on that

MR NOBBS Thank you Mr Speaker just a supplementary. Is he not aware that there would be in the community a concern that without a person in that position for some two months that there would obviously be a length between the downturn and that

MR SMITH Thank you Mr Speaker there are many factors that make people in the community think that are factors in any downturn that we have in tourist numbers. Yes I would accept that people could be saying that

MR BROWN I direct this question to the Minister for the Public Service is it a fact that a number of motor cycles have been purchased for the use by members of the Public Service and if so, can the Minister advise how many have been purchased and what arrangements have been made for the training of staff in their use and finally can the Minister advise what insurance arrangements have been made in relation to that

MR SMITH Thank you Mr Speaker yes I am aware that motorbikes have been brought in. I think that was an initiative of my predecessor but the Administration does purchase vehicles and it is obviously up to them what type of vehicle they purchase. As far as training I don't know who it's intended that these motor bikes will be used by but I need to point out that the Public Service already does use motorbikes. I think electricity ride around on motorbikes to read meters. I think the Works Depot had a rather high powered motorbike but in this situation I understand from a member yesterday that these are called postie bikes. They may even be used for Legislative Assembly members for trotting around on

MR NOBBS Thank you Mr Speaker I ask the Minister for the Environment, has the Minister a response to a question I asked at the last Sitting

concerning materials in the stockpile of material from the Cascade Cliff project which is considered unsuitable during the recent rock crushing contract and was identified as OTR. Has any follow up action to that proposed last year, occurred

MR I BUFFETT Thank you Mr Speaker to be quite honest I have not received that question on notice and I must apologise to Mr Nobbs, nor have I received a list of the questions without notice that were asked at the last meeting and therefore I can't provide an answer but I certainly will provide him an answer as soon as possible after this meeting and then provide a full answer for the benefit of the community and the rest of the members at the next formal sitting

MR NOBBS Thank you Mr Speaker a supplementary to that. Is the Minister aware that during the crushing contract material identified as OTR was place by the contractor on private land immediately adjacent to the rock stockpile, and 2) is it correct that the recovery of the OTR by the Administration has proven to be difficult as the owner of the land on which the OTR was placed has refused to allow removal of the OTR.

MR I. BUFFETT Mr Speaker perhaps I could answer the question this way. I understand that some material has been placed on an adjoining private portion. Mr Speaker I do understand that there maybe some question of dispute in respect of that activity. Mr Speaker on the basis that it might be subdued at this particular point and in case it has reached that stage Mr Speaker I'm not in a position to fully answer Mr Nobbs' questions.

MR NOBBS Will the Minister please provide a response at the next meeting without me having to place it On Notice.

MR I. BUFFETT I will endeavour to do that Mr Speaker subject to the previous comments that I have made.

MR SPEAKER Without dwelling upon the detail of the questions that have been asked in the last minute or so could I just provide some information in terms of the administrative process for Questions on Notice and the like because two Members have made a reference to some of the procedural arrangements. Questions on Notice need to be lodged by the person who is seeking the information and needs to be lodged with the Office of the Clerk, and they will appear on the Notice Paper. Unless that process is followed they are not a Question on Notice. Minister's may give undertakings as to their want to bring information forward but only the procedure that I've outlined just now will place a question On Notice and be followed in the course that I have mentioned. Further Questions Without Notice.

MRS JACK Mr Speaker I direct my question to the Minister for Land and the Environment. I was approached by a sporting club that have applied to use a portion of land somewhat adjacent to the School for their use some two and a half years ago I believe and I was just wondering when is a suitable time for them to be given an appropriate answer to their question.

MR I. BUFFETT Thank you Mr Speaker. Mr Speaker my recollection of this particular issue is that I brought it to the full Membership of this Assembly at an informal meeting, the MLA's meeting. There was some discussion in respect of the matter. The use of Portion 44a which is adjacent to the School which contains part of the rock stockpile, an application by the sporting body Mrs Jack refers to were issues that had been dealt with to a certain degree by the previous Assembly, but it stayed in limbo and then referred to myself as the Minister some, I think it's a month or so back. My clear recollection is that at that meeting, because of the discussions that took place I invited each of the Members to peruse and have a look at that particular file. The contents thereof which was available in my office and to let me

have their comments so that we could arrive at a position when they have all had the opportunity to do that. Mr Speaker from my position as Executive responsible, in fact I have had what might be called, well it is a licence prepared that would permit the occupancy by that sporting body of that area, but on the undertaking that I gave to all the Members, I would wish to seek their view in terms of competing, use of competing activities adjacent to the area to be used. Mr Speaker what I will do is I will further agenda it for the Members meeting to be held this forthcoming Monday with a clear view that seeking the Members views and hopefully we'll have a majority view as to what their wishes are in respect of this area. Failing that Mr Speaker I will exercise some Executive authority if that is at all possible within this arrangement and issue the licence.

MR NOBBS It's for the Chief Minister. What is the Government's proposal to facilitate counselling for offenders as recommended in Court sentences handed down recently.

MR GARDNER Thank you Mr Speaker. I've undertaken to seek some input from the Legal Services Unit on that matter following on from a similar question raised by Mr Nobbs at the previous sitting. I am still awaiting that advice from the Service.

MR NOBBS I ask a question of the Minister responsible for the Public Service. Has he received advice of a claim by the Public Service for a salary increase and if so what are the details of this claim.

MR SMITH Mr Speaker the Public Service Association had started negotiations in the previous Assembly for an increase in salary and that has been continuing to the point where the PSA Executive met with the Executive Members last week just to inform that there would be a possible claim going to the tribunal and I think off the top of my head that it was for 11% increase.

MR NOBBS Can I have a supplementary. Are there other details over what period time does it back to.

MR SMITH As I understand, Mr Nobbs would probably know these facts better than me because he was dealing with it at the time but I think it was back to the last time there was an increase and that expired at a certain date I guess and I think it might be at the end of '99.

MR NOBBS Can I have a supplementary. In relation to the current claim Minister, is the productivity being considered at the present time, bearing in mind that the negotiations were some 6 months now since any discussions were held with the Public Service and the previous Government.

MR SMITH Mr Speaker there was discussion around productivity. I think we kind of met really informally with the PSA not as a, as the PSA meeting with the Executive to put in a claim on that day. We're going to meet up with them again and once we've done that we might have something more concrete to report in the detail that Mr Nobbs is asking for.

MRS JACK Mr Speaker my question is for the Chief Minister. Chief Minister the provision of legal aid is on the island but as I understand it we require a committee to service the needs of those requiring legal aid. Is this committee up and running.

MR GARDNER A short quick answer to that Mr Speaker, yes.

MS NICHOLAS Thank you Mr Speaker. A question addressed to the Minister for Land and Environment. How many new portions of land will potentially be created should the revised draft plan and associated legislation be brought into force or into effect.

MR I. BUFFETT Quite clearly Mr Speaker I'd have to take that question On Notice to provide the statistical information.

MS NICHOLAS A supplementary please Mr Speaker. Is it not a fact that this number of potential sub-divisions is a critical factor in respect of the planning package and the probability of the figure being unknown will put the community in doubt about the matter.

MR I. BUFFETT Mr Speaker for those members of the community who have that information in the plan they would probably be able to make some assessments themselves in respect of that. The question of placing doubt in the minds of the community, I'm not too sure whether I can agree with that. It certainly is a question to be considered but the question of placing doubt within the community is a totally different concept.

MS NICHOLAS If I may Mr Speaker a supplementary as the Minister wishes to take the question On Notice I shall place it there and perhaps he'd be kind enough at that time to tell me or the House whether the figure will include the potential of land transferred to freehold from crown lease.

MR I. BUFFETT Mr Speaker if that is Ms Nicholas' request I will certainly do that.

MR NOBBS I ask the Minister with responsibility for electricity. Is he aware that there was a policy in the last Government to review at the end of each quarter prior to the commencement obviously of the subsequent quarter in line with the fuel cost the actual tariff rate that would be charged for electricity and has there been a review for the March quarter or the January to March quarter and the April to June quarter 2002 and if so what is the result of that review.

MR DONALDSON Thank you Mr Speaker. Yes I was aware of the policy of the previous Government to review electricity prices in regard to changes in mainly diesel costs, diesel making up about 70% of the cost of generating electricity. I am aware there has been a reduction of the price of diesel and there was a conscious decision taken about 2 or 3 months ago not to pass that on to consumers in the cost of electricity because other costs had risen. I understand there has been a further reduction in the cost and I haven't received any paper work what so ever from the Administration. I can chase it up and if a reduction is required or merited in accordance with the previous policy it shall be put to the House and passed on.

PRESENTATION OF PAPERS

MR GARDNER Thank you Mr Speaker. Mr Speaker in accordance with Section 41 of the Interpretation Act 1979 I table the Crimes Forensic Procedures Regulations 2002.

MR SPEAKER Thank you.

MR DONALDSON Thank you Mr Speaker. I table the Financial Indicators for 9 months ending 31st of March 2002 and move that they be noted.

MR SPEAKER The question is that that Paper be noted.

MR DONALDSON Thank you Mr Speaker. Just some brief comments on the emerging trends within the Financial Indicators. We're 9 months into the year and a picture is emerging. I have spoken before about a \$1.128m deficit, that deficit is still with us although the Financial Indicators as of the 31st of March indicate that revenue is 1% higher than budgeted predictions were for this stage. I understand that is not a lot of money it's \$103,000 but it is at least in the right direction, we haven't gone backwards. Expenditure is also down, expenditure is down by I think it's 6%, we're running at 94% of budgeted expenditure at this point of the year and the equates to a saving of \$574,000. At this stage the 31st of March the actual deficit we've experienced or we've obtained to this dated is \$178,000. If this trend continues the annual deficit will be in the vicinity of \$240,000. However there are several large project items still to be accounted for in this financial year and in all likelihood they will be committed and spent this financial year, and I'm talking there about further development of the Information Technology base for the Administration and that's basically the accounting system, computerised accounting system that will integrate all of the Administration functions into one. One of the benefits of that will be you won't be getting, people won't be getting 5 or 6 invoices for 5 or 6 different accounts, they'll be consolidated on one account. That's \$190,000 for this year. There's a commitment to spend between now and the end of the year about \$52,000 on training and development for Officers of the Administration. There's also a commitment for capital works at the School for building, a new building and furniture of about \$151,000 and the roads programme by the end of the year will have chewed up another \$164,000. So that's about \$560,000 worth of expenditure that hasn't been accounted for yet that could go into, that will go into this years financial statements. It's very difficult at this early stage, or at this stage to make a prediction as to whether we're going to achieve a \$1.128m deficit. If I was going to make a guess I'd say we've got our current deficit of \$178,000 and we add to that a projected deficit at that rate to the end of the year which will take us to about \$240,000 and add to that the project expenditure I just mentioned of about \$550,000, we could end up with a deficit around the \$800,000 mark but that is crystal ball gazing stuff at the moment. We won't know until after it happens, but slightly better news than in the previous 2 months when I've reported a bit of doom and gloom. Expenditure isn't running as high as it could be and income is a little bit higher. Thank you.

MRS JACK Thank you Mr Speaker. Is it possible to ask a question.

MR SPEAKER Indeed. It will be part of your debate on this matter Mrs Jack and the Minister will have his own perspective in how he would want to respond to it.

MRS JACK Thank you. Well I was just wondering why we haven't we started discussing next years budget or no figures have started come into planning for next years budget, after all it's April now.

MR DONALDSON Thank you. Next years budget has been commenced. The Service is in the process of preparing it. I received a very early first draft which was incomplete just this week and I've also received a timetable for progression from here to the end of this year when we'll pass the Appropriation Bill. The finalised first draft of the budget is expected by the 30th of April which is only a week away. I should get a copy of that by the 3rd of May and then we'll discuss that with Members and make whatever amendments to that budget the Government deems fit.

MRS JACK Thank you Mr Speaker. Well with all due respect Minister I find that this late time with only possibility of discussing it once, very short sighted indeed.

MR DONALDSON I understand and I share to a certain extent Mrs Jack's feelings on this subject. There have been delays in getting information out of the Service which are regrettable, in hindsight it would have been a different way with a timetable given to them earlier on but the way it stands at the moment I've been given this timetable from them just last week in response to requests of where is the budget, what is happening.

MR I. BUFFETT Just one comment Mr Speaker. Mr Speaker in terms of having the opportunity to discuss the budget it was quite clearly my understanding from previous times and some previous actions by Assembly's they had had 2 sittings specifically for the purpose of dealing with that budget issue in the month of June. So perhaps there will be the opportunity, and not forgetting of course that the question of having an additional sittings if it rates that importance is a possibility.

MR BROWN Mr Speaker in earlier years frequently after considerable difficulty the Members of the Assembly have eventually been provided with copies of all of the budget bids so that they can understand what has been included in the budget, what hasn't been included in the budget and perhaps why, and will the Minister be prepared to undertake to Members that copies of all of the budget bids will be distributed to Members without further delay.

MR DONALDSON Thank you Mr Speaker. Yes I've given that undertaking during the month between the meetings at informal MLA's meetings that budget papers will be available. As it stands at the moment all I've got in front of me is about 10 pages of summary, I haven't actually received any budget bids myself. I've made some enquiries about other Executive Members and it's been the practice in the past for Section Heads or Executive Directors to discuss budget bids with the Executive Members and I understand that's still yet to happen in some instances.

MR BROWN Mr Speaker this debate is intended to be about the monthly Financial Indicators but could I express my absolute surprise that a budget is being prepared by members of the Service, some of whom are very new to Norfolk Island, without the bids having even been discussed with the relevant Executive Members in the first place. This is just a stunning situation Mr Speaker and it is another indication of the arrogant manner in which the Members of this Assembly are being treated by the senior level of the Public Service at present. Thank you.

MR SPEAKER Further debate. Honourable Members the question is that the Financial Indicators paper be noted.

QUESTION PUT
QUESTION AGREED

MR SMITH Mr Speaker in accordance with Section 41 of the Interpretation Act 1979 I table the Public Sector Management Amendment Elections and Prescribed Organisations Regulations 2002 and I move that they be noted.

MR SPEAKER The question is that those Regulations be noted.

MR SMITH Mr Speaker these Regulations really do a simple thing in effect but the Regulations are quite comprehensive, it's in relation to the election to the Staff Consultative Committee within the Public Service. This was something that was included that the Staff consultative Committee was included in the legislation when we were doing the Public Sector Management Act and it was thought that it would be a good idea to have this committee, in fact it had been in operation as from last year but it was found that there hadn't been an election held and after some discussion with the members of the Service as I understand, the management

recommended that we put in a regulation that fixes up all the difficulties and that's what this paper is about. I think all Members have already had copies, probably various copies of that and I table it.

MR SPEAKER
that those Regulations be noted.

Debate. No further debate. The question is

QUESTION PUT
QUESTION AGREED

MR SMITH
Passenger Stats for March 2002 and move that they be noted.

Mr Speaker I'd like to table the Inbound

MR SPEAKER

The question is that that Paper be noted.

MR SMITH
Mr Speaker the visitor arrivals for March 2002 showed a fairly good result, although in comparison with the previous year, down. There was a total monthly total of 3,441 people arrived on the island from all destinations in March this year. The comparison to last year was 4,142, yet the year before was very similar to what it was this March. I think it shows a fairly good result although it sounds a bit hollow the way people are feeling at the moment with the way, as Mr Nobbs mentioned earlier on that we may be looking to bad times in the next 2 or 3 months and I appreciate what's been said there. The interesting fact is on the visitor days was 25,587 compared to 28,802 last year, so it was actually a very similar number when you dissect it down like that. At this time last year we still had Flight West and Norfolk Jet flying out of Australia and Air New Zealand from Auckland. NSW figures 571, VIC 469, QLD 818, SA 89, WA 46, TAS 34, NZ 606 and the Pacific 108 which gave that total of 3,441. Mr Speaker during the past month a Members had expressed a wish to discuss the marketing and business plan that was adopted in 1995 I think it was, which resulted in us having a discussion at MLA's which is our informal meeting of Members one or two weeks ago and I said at that time, or I was asked at that time if we could discuss it in the House. I said that would be a very good idea and that I would move a Motion to do such a thing but to be honest and I'd forgotten all about it, but this would be a good opportunity if any Members wanted to raise those same issues in relation to tourism during this Paper because it's directly related to our visitor arrival numbers. The concern that was being expressed at that time was whether or wasn't so much concern I guess it was a question of which way the Assembly wanted to go with tourism and we often go through a phase like we're going through now, where only a year ago we had put a control on the amount of tourist accommodation because the community was getting jittery about the amount of people, the amount of cars and buses and everything else that was on the island, and the amount of accommodation that was being built. That was put on hold and it's probably a good time now to review where we're going and that was what was being asked. Some of the things that were raised was with the airlines that are flying here what is their availability with aircraft, are they able to increase the flights that come to the island from New Zealand and Australia and should we be pursuing other airlines which as Members will know we have certainly never let that out of our grip anyway, and what else we could be doing to assist with this industry of tourism we have. Members had a fair bit to say on that day and I welcome any further discussion along those lines so Members can put their points across. Thank you.

MR BROWN

Mr Speaker I'm glad that it's Mr Donaldson that is the Minister for Finance. The Minister for Tourism has just told us that the numbers were basically the same as the year before. They were down by 701 in terms of visitors, they were down by 3,215 in terms of visitor days. The Minister is now pointing out to me that although they were well down on last year they were something similar to the year before that and if he in fact was referring to the year before that then perhaps it's ok that he used to be a Finance Minister himself, but I think that it is

important that we recognise that March showed a very drastic downturn compared to march last year. There is absolutely no doubt that the coming months are going to show a similar trend, but the Minister has said that some years ago the Tourist Bureau prepared a document called Unity 2005 if my recollection is correct, and that was a document which appeared to be accepted by the Legislative Assembly at the time and which projected something in the vicinity of 340,000 room nights per year by the year 2005, that is by just 2 and a half years time. Partly in response to that the Legislative Assembly decided to allow additional tourist accommodation to be constructed, partly as a result of that the airlines at the time anticipated a continuing growth in visitor numbers and I have little doubt that the extent of the Flight West commitment while they were flying here would have been considerably less if they had not believed that there was room for growth. Now we did decide to allow an increase in the amount of visitor accommodation but then we got cold feet and we put the cap back on, we cancelled as many as we could cancel, incidentally we haven't yet paid compensation to the people that were affected but no doubt that will happen eventually and we've very much taken a backward step. That's partly because the community started to express a view, which has been expressed at times in the past that all of a sudden there are too many cars on the road, it was too difficult to park in Burnt Pine and parts of the island were becoming congested. Now obviously in this place we have to work within the community's views. If the community says no we really want that number reduced, we've got to accept that, but we've got to come to grips with what the consequences are and there are very significant financial consequences Mr Speaker if we move away from the Unity 2005 document. We already know that the proportion of our community in the over 65 age group is continuing to grow and to grow quite substantially. We know that these days people are living a lot longer because there is a much greater range of medical services available, a much greater range of pharmaceutical products available and people are enjoying their lives and that's an excellent thing into a much longer old age period than was the case before. We know that many people from Norfolk Island served in the Armed Forces during times of conflict and many of our people have quite rightly had the benefit of Veterans Affairs pensions and had the benefit of Veterans Affairs attending to their medical costs but as those people pass on it doesn't reduce the number of people in the older age group, it simply changes their makeup from people where a fair proportion were covered by DVA to people where the overwhelming majority now have to be fully funded by Norfolk Island. So if we are going to cut back on the Unity 2005 document we've got to be prepared to make some very hard decisions at the same time as to how we're going to fund ourselves. Now I'm not saying that I believe the Unity 2005 document is right or wrong, I think that's something that the community has to express a view about but we certainly do have to be prepared to react to the consequences of whatever that community decision might be. If the community says no we'll stick with Unity 2005 then we have a different problem. We're seeing a decline in our numbers at present, a decline that looks likely this year, compared to last year to be in the region of 15-20%. Now you don't get to the Unity 2005 target figure while experiencing a decline. You've got to some how or other turn that around and if that is to be the course of action we are going to follow we need sound advice, we need to get that sound advice quickly, it needs to be advice which isn't based on shafting people that someone mightn't like, it has to be advice that's based on benefiting the whole of the community but we need it soon Mr Speaker. Thank you.

MS NICHOLAS

Thank you Mr Speaker. We're to meet with airline representatives on Friday I believe and I've yet to confer with community members in the industry. A formal Motion at the next sitting as I anticipated would certainly be welcomed by me and the community is yet to express its views to me and possibly to others because we haven't let them know that we're going to be debating this issues. Thank you Mr Speaker.

MRS JACK

Mr Speaker is not the Unity 2005 proposal a continuation of what we are currently doing, but in greater terms, because if it is there are as I see it, a lot more towards the plastic attitude of tourists that come here and not

a move away which could seem to be a positive move away into that of eco tourism for the island, one that Lord Howe has embraced and it reaping tremendous rewards for and that is yet another option that I would like to see discussed, one that is actually applicable in view of the plan that we will be discussing today.

MR I. BUFFETT

Thank you Mr Speaker. Mr Speaker I recall that at the Members meeting that Mr Smith referred to and we've come a little bit away from just providing statistical information for March but maybe this is an opportunity to say some few words. Mr Speaker I recall that I thought I'd made a suggestion that the entire ambit of people who were directly working in the tourist industry in Norfolk Island I thought I made a suggestion that we would probably need to all get together and talk about it and put cards on the table and discuss general issues as to where we expect ourselves to be, the fashion in which we'd like to get there, discuss some of the affects of getting there, discuss some of the issues of whether what the consequences are going to be and discuss a whole range of issues, nonetheless being sustainability of the entire question of Norfolk Island as a tourist destination, looking at the question of what is a sustainable number, how will it affect our budget, what the returns are going to be to our budget, but take a more holistic view of this. Mr Speaker I also look forward to Mr Smith bringing the appropriate Motion before this Assembly, probably at the May sitting to allow this to happen, or if it doesn't need to be a formal Motion that facilitating that after discussion with the Members so that we could all discuss these issues. I think quite often when you discuss tourism we relate it purely to how well the tourist accommodation places are going, because they are the ones currently regulated, and we went through a deregulation period and a number of people are now questioning whether that was a good bad or indifferent thing, but Mr Speaker we went through a period in tourism on Norfolk when not only that sector of the tourism industry was regulated but in fact you had numerical numbers on hire cars, you had numerical numbers on the number of restaurants that were allowed to operate, you had numerical numbers on a few other things that were all part and parcel of what we call the tourist accommodation industry or the tourist industry in Norfolk Island. Mr Speaker coincidentally I think the issues that we're talking about at the moment tie quite nicely in with the package of things that I'm probably exhaust myself in talking about very shortly and that is in terms of where we go with Norfolk's planning, how we deal with planning, how we deal with sustainability issues arising out of planning. I think this is one key element out of all of that and I too look forward to perhaps participating with the rest of the community in those issues that Mr Smith may bring forward to this Assembly.

MR NOBBS

Thank you Mr Speaker. I think the facts at the moment are really that we are down in numbers and we've increased the bed capacity of the island and whilst there might be some looking for some recompense because there was a stop put by the last Assembly, I would have thought that those who missed the boat would be very pleased at the present time because there are quite a number of facilities on the island which are hurting at this particular point in time. Now I think that what we need to do is to start getting these figures up to a level to get the take from each tourist to put it crudely up on what we are at the present time and those are the two key issues right now that we should be going on. Whether this is in the next 3 years the 2005 targets are reached or not is another issue, but right at this particular point in time there are people hurting. As Mr Smith has said people have deregistered beds which is another cut on the revenue of the Administration and those are the areas we should get down to, get down to the basics right now and go for them, and the rest can be dealt with as you go. Thank you.

MR SMITH

Thank you Mr Speaker. I'm very happy to bring forward a Motion at the next sitting along the lines that Members are discussing around here because we all know that tourism is our prime industry, it's what everything flows from and the reason why many people are in business here and I understand the feelings of people when things, as we've all seen over the years when there is downturns, but a point needs to be made at the moment that the numbers we're getting

out of Australia are basically limited by the amount of flights that fly in here and that was part of the discussion that we had a couple of weeks ago. I probably need a calculator after what Mr Brown said about me before but there's 1,655 come out of Sydney on 14 flights, now that seems to be more than 100 persons per flight which means that's a fairly good seat occupancy load factor, what ever they call it. So I believe the numbers we received in general in the month of March was pretty close to the limitations of the airline at that particular time and we all recognised that a couple of weeks ago, hence we're going to be talking to Norfolk Jet on Friday and maybe one of the things we'll asking is can they extend their services. That's for the current situation but of course in the near future if we are seeing that the bookings are down, well that's a different issue, and that's something that the Bureau has already addressing, in fact there's a marketing campaign that was being arranged last week that will be put into place fairly shortly, that's to address those particular months and the airline I think is in conjunction with the Bureau with doing that, and that's how we did the same thing last year too. But we've got to recognise too that this year is different to the years prior to 2002, 2001 except for perhaps the Pilot's dispute when there was extraordinary circumstances. Now I'm not using that as a justification for anything but we've just got to realise that we've got to really build up the numbers to where I believe they should be previously to something like 40,000 people and I think that was the general consensus around the table when we discussed this before, and there's going to be some work in that, not only on the Government's behalf or the Bureau but it will involve the airlines and the wholesalers or the people that sell Norfolk Island and we should all be committed to that. The last thing I'll say is I'll bring a Motion forward at the next sitting that gives Members something to debate about I guess is really what is needed.

MR SPEAKER Thank you. Any further debate. The question is that the March 2002 statistics on passenger figures be noted.

QUESTION PUT
QUESTION AGREED

STATEMENTS

MR I. BUFETT Thank you Mr Speaker. Mr Speaker this probably is a Statement, oblique report on my attendance at the Ministerial Counsel of Standing Committee of Immigration and Multicultural Affairs that took place in Darwin on the 18th and 19th of April. Mr Speaker this particular conference I attended as a delegate for the Minister for Immigration the Hon. Geoff Gardner because of other commitments he had on island. Mr Speaker the Counsel dealt with some 24 items and the Commonwealth and the various States and Territories presented some 16 items of information in respect of matters being dealt with by them in their various jurisdictions. Mr Speaker the items covered in this particular meeting of the Immigration Counsel consisted of 4 main topics, those being Immigration, and they dealt with the issues at State level and the Commonwealth aired their views in respect of the migration issues, that's both humanitarian and non-humanitarian programmes and States specific migration programmes. Mr Speaker under the category of settlement that was discussed this item allowed for updates on the national integrated settlement strategy which is being encompassed by most of the States and Territories within Australia and allowed the Counsel to be updated on the progress of the various States and Territories regarding the settlement planning committee's for the year 2001/2002, and it relates mainly to the settlement of migrants and other migrants and the reports against the national settlement priorities of the various States and the national model for settlement, and those priorities are in a sense the English language training being provided for those people, access to labour markets, settlement information, support for sponsors and translation and interpretation services etc. Mr Speaker the other main topic that the Council discussed was the item of citizenship and this item provided the Commonwealth the opportunity to update the Council of recent initiatives in respect of Australian citizenship, including promotion of Australian

citizenship and amendments to the citizenship legislation that is the Commonwealth citizenship legislation. The two main issues that were covered under this topic were the activities to promote the value of Australian citizenship during 2001 and 2002 and the amendment to citizenship law and policy resulting from the passage through the Commonwealth Parliament of the Australian Citizenship Legislation 2002. The other issue discussed as a main topic was that of Multicultural Affairs and this allowed the Department of Immigration and Multicultural and Indigenous Affairs the opportunity to provide the Council with a proposal for the Standing Committee's involvement in dealing with external threats to community harmony. The effects of the proposals would be to put in place a co-ordinated framework to allow a more efficient and effective response mechanism for dealing with crisis or major emerging issues using the existing structures. The examples of the threats that effect communities or have the potential to effect communities and cause disharmony within communities are for example, the events of September 11th, the 1990-91 Gulf War, the Balkans War and more closer to home the Fiji crisis. All exemplified as incidence that have the effect of disrupting community harmony. There were nine items dealt with in the category of other items and of particular interest were the matters that were dealt with by the New Zealand Minister of Immigration the Hon Leanne Dalziel. As members know New Zealand participates as an observer also in this Council and are invited to present papers and to discuss Immigration issues for the region. Mr Speaker New Zealand have recently undertaken Immigration Policy Development and Review of a number of issues effecting their migration. The delegate for New Zealand expressed a wish to discuss regional Immigration issues with our Minister for Immigration and I would encourage that. If one were to ask how did Norfolk Island benefit from attendance at the Council the obvious and that is we were invited to that Council by the Minister for Immigration Mr Ruddock and ask to be observers at that meeting. On a wider front whilst Norfolk Island has its own Immigration Act and regime and therefore places it in a slightly different area from other States and Territory's within the Australian jurisdiction and therefore able to deal with the mechanical side of Immigration into this place that is in terms of who comes, who goes and the conditions that apply, there are other considerations that I believe now need to be had in respect of Immigration as a topic. Mr Speaker these are my personal views as a delegate. I believe that if Norfolk Island is to seriously consider all aspects of Immigration it must also consider the question of being part of the Multicultural world and this was the clear message being portrayed at this particular Council and in saying that it would mean things like how we manage this and this aspect was discussed as I said at considerable length under the heading of community harmony. It was with some degree of pride that when called upon to make comment on this I could advise that Council that Norfolk Island was probably six years ahead of their concepts in that this Island had been promoting this through our Multicultural day and the activities that are held on Norfolk Island on an annual basis and I encourage those people who are currently organising that activity to continue to do so. It's been well promoted that a joint taskforce is being established between Commonwealth and Norfolk Island to discuss Immigration issues. I recommend that this Taskforce or at least the Norfolk Island team consider whether there is a need for Norfolk Island's policy towards Multiculturalism to be documented. It is inevitable that this small Island will be touched on by the global spread of cultures. It is also inevitable that person in Norfolk Island, especially the young, will travel and possibly live among culturally diverse community's and it's also very important that we are able to do this in harmony. In this regard I have arranged for information to be forwarded that may be of assistance to both this Legislative Assembly and the Norfolk Island School and finally, there were as usual at these meetings a raft of documents and papers presented. The publications that have been released for official publication I will make available through the Minister for Immigration, I think I've handed those to him, the papers that were presented because of confidentiality and copyright I cannot table but I have certainly got permission from the States for members of this Legislative Assembly to examine those papers if it interests them. Mr Speaker that's all I have. It was a very worthwhile Conference to listen to what the

other States and Territories are doing and how they are handling these issues. Thank you

SPEAKER Thank you. Any further Statements? There being no further Statements this morning we move on

MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 4

Honourable Members I report a message from the Office of the Administrator and it is message No 4 which reads that on the 10th April 2002 pursuant to subsection 21 of the Norfolk Island Act 1979 I declared by assent to the following, the Crimes (Forensic Procedures) Act 2002 and that message is dated the 10th April 2002 and signed A J Messner, Administrator

I assume there are no reports from Standing or other Committees. We commence Notices Honourable Members

IMMIGRATION ACT 1980 - IMMIGRATION POLICY AND GUIDELINES

MR GARDNER Thank you Mr Speaker. I table the Immigration Policy and Guidelines dated 21 April 2002 and move that this House directs that the executive member responsible for Immigration matters and the Immigration Committee shall have regard to the Immigration Policy and Guidelines dated 21 April 2002 as a relevant matter required to be considered under section 17(2) and section 19(2) of the Immigration Act 1980. Mr Speaker I present this document this morning Mr Speaker to encourage some meaningful discussion from members and members of the community. In response to a series of questions without notice placed to me as the responsible Minister for Immigration at the January Sitting of this House, I undertook to have finalised the, at that time draft documents entitled the Statutory Immigration Guidelines for Norfolk Island. This is part of a strategy for Immigration. As advised in January and subsequently as part of the consideration for the re-establishment of the joint Norfolk Island Government and Commonwealth Immigration Taskforce, the purpose of finalising this document was an interim measure whilst awaiting the outcome of the Immigration Review to ensure a consistency in approach to determining applications for temporary entry permits and the General Entry Permits hence the reference to section 17(2) and section 19(2) respectively in both the wording of the motion before us and the coversheet of the tabled Immigration Policy and Guidelines document. This document is but one of a number of matters that would if the motion succeeds need to be considered by both myself as the Minister for Immigration and the Immigration Committee when determining permit applications. Those other matters, many of them expanded upon in this current document Mr Speaker are clearly spelt out in the appropriate section of the Immigration Act. The added benefit of having this document is that upon publication it would provide a clear indication to applicants for temporary entry permits and the General Entry Permits as to the matters that would be expected to be complied with upon submitting an application and upon the due assessment of that application. There are a number of differences between the document that I have tabled today and the previous documents that I referred to earlier that was the basis of the legislation last year. I will circulate to members a précis of those key differences so that they can consider them over the next month and any other amendments they feel are appropriate. Section 17(2) reads in part as follows. Before determining an application for a temporary entry permit the executive member shall have regard to such matters as he considers to be relevant. It's the purpose of this motion that these Policy and Guidelines be one of those matters considered relevant in determining an application for a temporary entry permit. Likewise Mr Speaker section 19(2) of the Immigration Act make similar provision for the Immigration Committee to have regard to such matters as it considers relevant in determining an application for a the General Entry Permit. So again the purpose of the motion is to provide that the Policy and Guidelines shall be a document considered to

be relevant. This however does not, and the intent of the motion is not, to establish the Policy and Guidelines as the authoritative position on Immigration when considering permit applications. The Legislation is quite clear, the Norfolk Island Immigration Act, and as I have already said that provides for a number of matters that shall be considered and they include, I'll read briefly from that and this is for temporary entry permit holders quoting from the legislation "whether a person in Norfolk Island is available to enter into employment specified in the application and whether the proposed employer is prepared to engage that person, the qualifications of the applicant to carry on or participate in business or the profession specified in the application or to engage in the employment so specific whether a business or profession specified in the application is already sufficiently provided for in Norfolk Island the character of the applicant, whether if the applicant entered or remained in Norfolk Island any facility available in Norfolk Island would be likely to be subject to an undue burden, the health of the applicant and whether the applicant holds a ticket for travel from Norfolk Island. The previous Legislative Assembly dealt in some degree with the draft document, this document before the Legislative Assembly today is the finalised version of that. It was endorsed in its draft form by the previous Legislative Assembly when considering the legislation, it was proposed to give it statutory basis, but Mr Speaker I am also conscious that this current Legislative Assembly is made up of four new members who were not members of the previous Legislative Assembly. Other areas of concern including this policy will be more substantially dealt with by the Immigration Task Force and the development of proposed amendments to legislation and regulation as we continue to review our Immigration arrangements. The purpose of taking this on board today is to try to provide consistency and transparency in the way Immigration applications are dealt with. I commend the motion to the House and at an appropriate time will seek to adjourn it to allow meaningful discussion not only by members of the Legislative Assembly but also the community to have input into this document thank you

MR BROWN Mr Speaker this is a step forward. It's essential that we put some teeth one way or another into our Policy and Guidelines. It is unreasonable that we expect some people to comply with them and allow others to ignore them so it certainly is a step forward to do what the Minister is doing today but it has been suggested to me that just in case any aspect of the Policy and Guidelines conflicts with any aspect of the Act, it may be wise to add words to the motion at the end of the motion along the following lines, to such extent as they do not conflict with the Immigration Act and I wonder if the Chief Minister could simply take that on Board and consider whether that may be a worthwhile amendment to make before we do actually pass the motion

MR GARDNER Thank you Mr Speaker I'm comfortable to do that

MR NOBBS Thank you Mr Speaker I thought that we had dealt with these issues last year and that we were heading on to a review of the Immigration Act which has been considered essential for some time. In fact it was formally commenced by the Eighth Legislative Assembly in 1997 and subsequently reports received from Miss Bronwyn Paddock as well as constitutional expert Professor Crawford, and I believe that we are now in a position to have the Minister responsible bring forward an exposure draft of an Act and I think that we are wasting our time a little in this particular area dealing with it now and I wonder if it's not, what I've heard, are concerns in the present Government that Government Policy's have not been passed by the current Legislative Assembly. This is something that has never occurred as far as I'm aware or hasn't in the Legislative Assembly's that I've been in and I was actually aghast on coming into this place to find no concise list let alone consolidated publication of Government Policies. Certainly there were Policies within the Administration, particularly related to Human Resources and these were consolidated into one formal document last year. There are however no readily available Government Policies which

is difficult not only for members but also for administrators of the policy and I believe it is essential that such a document is available and I'm getting of Immigration but I think it's necessary to spell it out. Not only should these documents be available to the community to avail themselves of the services covered in those policies but it would be ideal at election time if candidates actually supported existing policies. Too often candidates put forward rather blasé election policy statements. Immigration is a key issue for Norfolk Island. It has major implications not only for Norfolk Island economy but also on its social as well as cultural issues. Whilst there is a major need for complete review of Immigration such review should not be conducted in isolation for there is a need for review in other attendant areas. I don't believe bringing itinerant workers to the community is bad by any means providing controls are in place but these need to go beyond just talking about the preservation of opportunity for locals and requiring this to happen through the Immigration Act alone. Such issues relate to the raising of opportunities by ensuring that for instance there is no distinct difference between wages and conditions of comparable occupations. At the moment on Norfolk Island we have a major chasm between the wages and conditions of the Public Service as compared to the private sector. We've heard this morning that the current base wage is \$7.00 per hour in the private sector and it is from my calculations between \$11-12.00 per hour in the Public Service. There are also major differences in conditions such as recreation, long service leave, holiday fares etc. There is a need to ensure that this chasm does not exist whether private sector is raised to the public sector or vice versa or something in between. I find it difficult to support a system which is so scewed and I often wonder why. We've raved about the need for education and the opportunity for employment of youth yet we continue to promote the current two tiered employment system. Another attendant issue is that of social services. Reference was made in a previous debate this morning that the cost of social services has increased dramatically. There is a need to assess this area as well particularly superannuation. I believe that the cost increase over the past decade and the aging population on the Island is somewhat different to other areas with similar problems. Norfolk Island is based on a system which relies on a user pay as against places that rely on raising revenue through such taxes as income. The impact on the total Government budget is not as specific here as in such areas. My view is that the impact seen from past indicators has been more as a result of problems to policy related to administering the scheme. However we are dealing with Immigration Policy and Guidelines and these actually retain the current system which basically provides for permits for visitors, temporary entry permits and the General Entry Permit and of course resident status. The temporary entry permit category is very broad and I believe there is a need to redefine these into various categories. the General Entry Permits include those who may progress from temporary entry permits those who fit the supposed criteria, for instance, someone may buy a business, it matter not that they are up to their ears in debt, to allow them to purchase a business but they are here and they are proud owners of a business or abit of it anyhow. The problem is that people are entering our community under the current arrangements of social service when they enter to stay because if they can hang on for five years they are home and hosed for residency, if they hang on for another five years then they will be assisted by the sale of the business and they are then the right age, 60 years for females and 65 for males, they can jump on the Norfolk Island pension system. The value is said to be not much in the pension but may I say this, it is the same as the Australian system. I think it was retained at that, it was passed by the last Legislative Assembly to be the same value as the Australian pension but there are added attractions. There are no health costs be they visiting the Doctor, hospital, trips away and pharmaceutical etc, no dental costs, assistance with bills such as phone, electricity and car rego and these are fine but they are above what you would expect under the Australian system. The benefits are above those. That's why I think that we need to look at the attendant issues to Immigration and these should be understood by the community. It's not precisely the Immigration Act that needs a major revamp, but that needs one urgently as I said before and I'll support that all the way but there is also a need to revamp the other attendant policies as well and so I will just leave it at that for this time Mr Speaker

MR GARDNER Thank you Mr Speaker if I could just respond to a couple of the issues that Mr Nobbs raised. I guess his criticism at policy, what I'm attempting to do with this motion is in fact put in place some policy. As far as the Act is concerned we are all aware that there are requirements and its been placed on the legislative programme, the development of an Immigration Act but as you would be only too aware Mr Speaker, that process requires a continuing input by the Taskforce and other members around this table and the re-establishment of the Taskforce to undertake part of the consideration of the new legislation as part of their tasks was endorsed by the full membership of this Legislative Assembly. I agree with Mr Nobbs that there needs to be a review in other attendant areas and not just Immigration so that it can be dealt with in a number of different areas and I have already proposed revisiting some of the suggestions of the Minister for Land and Environment made in the previous debate regarding some of the commerce initiatives and the capping of licences and permits for the different occupations on the Island as being another area of control for some of the issues that arise with immigration. Mr Speaker, finally, as I've said on numerous occasions in this House, I am only too willing to consider any practical proposal from any members of this Legislative Assembly or the community and invite members of the Legislative Assembly and the community to bring those proposals forward. We are looking at solutions and I think we all recognise the difficulties but some input into providing some solutions would highly regarded

MRS JACK Mr Speaker my concerns regarding these Policy and Guidelines and I voiced them to the Chief Minister this morning, and even though he answered them I must say that I am still concerned that there is a lack of a level playing field with regard to the General Entry Permit and conditions that are put on individual GEP permits. I find it highly discriminatory and demeaning that some people have certain conditions and other are condition free. I speak from experience in that area. I also have a problem that has resulted from some of the Board's on the Island when employing people that they are asked to employ residents and the lack of a common definition for a resident. I feel that this should somehow be put into the Immigration Act or a Board should be made aware that there is a common definition for a resident to avoid problems with Boards that they come across here. A need to look at the younger immigrants that Mr Nobbs was referring to so that they can come in and be actively part of the community putting money into the system and helping towards funding their pension entitlements should they seek one later on. I'm all for it but a lot of people may see this as an extremely age-ist attitude. I don't know if we grin and bear it. I have problems with a couple of other aspects of the Policy and Guidelines. One is the standards, 6.5(2) "would the person be a danger to others by reason of any other contagious or infectious disease". This was a problem highlighted by Mr Brown when he raised the HIB Aids issue and that got suitable coverage both here and offshore and what happened there was that I had some people who were actively a part of this community who had been actively a part for some time and they are carriers or what some would consider contagious diseases. Now they are employers putting a lot of money into the community and so I find a problem with that being there. Where do you stop with a contagious disease. I have problems. I also have concerns that we weren't shown what the form was that a doctor is going to refer to when it comes to a medical examination. I would like to see that in front of me and when it comes to residency at the end, when it comes to establishing residency it seems to me that the person has gone through all the requirements to come here, the five years, the seven years to apply for residency and yet there are five points that they must go through to prove themselves again, after all, that's a twice over attitude. Thank you

MS NICHOLAS Thank you Mr Speaker. The point raised by Mrs Jack is one that has troubled me for a long time, the matter of resident and its various meanings and I've often wondered whether it wasn't possible to simply make resident with a small "r" or resident with a capital "R" when one became a resident after a particular period. Perhaps that wouldn't be acceptable in legal terms but it certainly

would make it simpler. We've heard some philosophies. I'll address that only in that as a member of the Immigration Committee I know that there is a wish from some members that we have a more clearly defined policy to work with over and above or descending from the legislation itself and therefore I commend the Minister for bringing it forward although I am now going to proceed to make a fair bit of comment about it if I may. Firstly on page 1 with the objectives, we have 1(5) you will notice around the middle of the paragraph the word "community". To recognise that there are persons who have a special relationship with the culture, traditions and community of Norfolk Island. I have a bit of a problem with people having relationships with inanimate objects. I'll stay in that vein by drawing to your attention under 2(5)(2d) which is on page 6, one of the things to be examined under the heading of criteria for forming opinion about relationship as a couple is in point (d) any sexual relationship between the people. Now I must ask the question, how is that assessed and by whom. What are the criteria, quantity or quality. Enough said. Page 7. This may be an error in the text but may I draw your attention to it, perhaps others may reach the same conclusion. Point 3(2) on page 7 dealing with visitor permits, during the first 30 days of a visit, a visitor must apply for a written visitors permit to extend the stay beyond that period. Extensions of visitors permits may be granted by the executive member or the authorised officer for periods up to but not exceeding a maximum period of 120 days in consecutive periods of no more than 30 days. Now does that mean that we are only looking at a maximum of blocks of 30 days or do we still have the run of 120 days. The question in my mind. I have some problems with 3(7)(2) having absolute discretion. I have a problem with that. I have no problem with an executive member having absolute discretion. There is an interesting change here in temporary entry permits and even though Mr Nobbs has alluded to the fact that many members of this House has dealt with this there are four of us who haven't, 4(2) specifies a temporary entry permit or an extension of an existing temporary entry permit will not be granted where approval would result in the applicant holding a temporary entry permit for more than five years during any continuous period of 6 years. The Minister might like to talk to us about that. I think – in fact I know there is a typographical error on the same page which you might like to make note of, page 8 section 4(4) the reference is to section 4(7) in dealing with an application for an extension not 4(6)(2) as it appears. We've talked elsewhere about police clearances for temporary entry permit holders and we've talked about whether the speed at which they are obtained is a matter of bureaucracy elsewhere or here. Perhaps we need to clarify that. I have a problem on page 9 with 4(6)(2)© and this is to do with the availability of local personnel "in respect of any application a proposed employer shall furnish to the authorised officer or the executive member a statement which © lists all residents and the General Entry Permit holders who have applied for the position together with an explanation as to why they were not considered suitable". I have a problem with that in that an employer usually solicits applications for positions on a confidential basis and I'm not sure that we want such a list, that I would wish to see, such a list floating around elsewhere. Page 10 again in assessing character whether the applicants are bankrupt and the circumstances surrounding such bankruptcy, again how is that assessed. I wonder what sort of resources that ties up for us, not that I disagree with it happening but I think we need to give it some scrutiny. The rest of the points of my squiggles and question marks and stickers deal predominantly with health requirements and I don't believe this is an appropriate place to discuss those. Page 11 section 4(7) dealing with a temporary entry permit if you switch to section 5(1)(5) you will see that there is an addition to that segment which could well be placed into the application process for a temporary entry permit. The one dealt with under a the General Entry Permit is the executive member may require that an application for a variation of a the General Entry Permit be treated as a new application in his or her absolute discretion. I think I would like to see that provision allowed within temporary entry permits as well. There are more squiggles but I think I've dealt with the pertinent ones from my point of view and hopefully we will get to some kind of detail stage on this document

MR GARDNER

Thank you Mr Speaker maybe if I go back and deal with some of Mrs Jack's concerns first. She made some reference in her debate to the discriminatory aspects of our Immigration regime. I don't know whether she was referring to the current regime or a fairly recent regime or as she said, speaking from her own personal experience which may have been some years ago but I would invite her if she could to identify any matters of discrimination that would cause her grief at the moment with the current regime and maybe some evidence of that so that maybe I could investigate it. It may well just be that those were references to a personal experience in the past but I guess I become a little disturbed if it is intended that those criticisms of the system are directed at decisions currently being made by the Immigration Committee and the executive member. That may just need some clarification. As far as the contagious disease aspect that Mrs Jack raised, that in itself is not dissimilar or those health requirements are not dissimilar to Australia's own Immigration regime and clearly it is a matter of assessing the impact. It's not an outright and total ban on somebody because they have a contagious disease and in regard to that without giving any detail an assessment has been made on that in only recent weeks for somebody and the matter is controlled and so there is no difficulty with that. Mrs Jack also had a concern with the form that is required to be filled in by doctors. When the debate over the Aids HIV matter was about I undertook and did copy to all members a draft form that was determined to be an appropriate way to move forward as far as filling out the health forms for applicants for immigration purposes. Maybe Mrs Jack didn't view that form but I certainly know that I copied it to all members of the Legislative Assembly as part of the provision of information regarding that debate and certainly if Mrs Jack hasn't got it I'll make sure that she does receive a copy of it. That was a form prepared and presented based on the Australian Immigration forms and requirements by the previous Director of the Norfolk Island Hospital. As far as the twice over attitude to residency I think was the statement that Mrs Jack made, those requirements are established in legislation, the matters that need consideration and if we are to move to change that the appropriate time to move to change that I believe is when we consider the more substantial legislation itself rather than just the policy document. Ms Nicholas has been through the document and I value her input in relation to that. I see the issues she has raised have not been substantive matters that would or should in any way prevent us from establishing some policy. I take those on board and if there is confusion, obviously some confusion with the explanations or the wordings and the mathematics that might be contained in the document I am happy to ensure that members are provided with an explanation and happy to bring the Legal Services Unit on Board to sit around this table and thrash out some of those and maybe look at amending the wording the make it clearer for those who are having confusion with it and certainly I agree that there are resource implications. Our whole Immigration regime has significant resource implications and will do into the future with our new legislation I'm sure it will continue

MR NOBBS

Thank you Mr Speaker I would just like to make comment to what Mr Gardner said a few minutes ago that he was happy to receive input and suggestions from members here and I thank him for that but the implication really is that there has been no comment made by members of the Legislative Assembly and I just wish to remind him Mr Speaker if I may that as I said earlier this review commenced in 1997. There's been considerable documentation I believe received on the subject including one by myself which was fairly lengthy and I wonder where that may be if he hasn't seen it and I wonder where the other submissions may be from people outside if they are not available because if the Chief Minister doesn't have these documents well I'll certainly provide him with a copy of mine but I wonder how many other members and members of the community who have made submissions are unaware that these documents aren't available

MR GARDNER

Thank you Mr Speaker I would welcome Mr Nobb's paper. I've never sighted it, I'm not aware of its existence and as I said before I welcome any input from members. I guess where we are today with this document is

this document is a revised or amended form of a document which was tabled and to a degree endorsed by the previous Legislative Assembly and hence the reason for bringing it back, taking on board any of the amendments and any of the proposals that were made by those then members of the Legislative Assembly but what I have done today by bringing this document forward is bring forward the views of the previous Legislative Assembly and seeking to have those views in its amended form endorsed by this Legislative Assembly but as I said, not ruling out any other possible amendments that this Assembly may wish to have and make. Certainly I welcome them

MR I BUFFETT Thank you Mr Speaker just one comment. It was my understanding that the reason this document has turned up on the table today is to try and give it at least some standing, some wider discussion purpose as it is my understanding that this would make it a document that would be able to be used and everybody would be on the same level playing field because my clear recollection was that the previous Legislative Assembly attempted to have this document embraced into law and that was how the matter started and my understanding also was that that piece of legislation was rejected because of some of the difficulties that were contained in cutting across existing legislation etc. and that is the reason why this policy document has come back to receive official policy status from this Legislative Assembly in this time and perhaps the Chief Minister would need to clarify that issue but that was my understanding. The previous Legislative Assembly had said upgrade the policy and make it law

MR GARDNER Thank you Mr Speaker, indeed that was the case. And if there is no further debate Mr Speaker I move that the debate be adjourned and the resumption of debate be made an Order of the Day for a subsequent day of sitting

SPEAKER Honourable Members I put the question

QUESTION PUT
AGREED

That matter is agreed

NORFOLK ISLAND PLAN

MR I BUFFETT Thank you Mr Speaker. I move this House, in accordance with section 10(4) of the Planning Act 1996, resolves to approve the draft Plan as laid before it with the alterations made by the executive member. In accordance with Subsection 10(1) I lay before this Assembly the draft plan at the sittings of this House on the 20th of February 2002. The Motion before the House today the 24th has been moved pursuant to the provisions of the Planning Act 1996 to be commenced at a date to be nominated in the plan. Mr Speaker it is intended that the plan made today will commence on the 1st of July 2002. By then the new Planning Act which I will introduce next will have come into place and hopefully the 2 will be commenced simultaneously. Mr Speaker some members of the public and this Assembly have questioned the words in the Motion and I quote those words "with alterations made by the Executive Member". Mr Speaker I too shared their concerns when the Motion was first drafted knowing that I did not have the capacity to and nor did I want to alter the plan after it had been tabled in February. Mr Speaker to clarify the words, they have been included in the Motion to cover what might be called in parenthesis "amendments". The changes have come about as a result of close scrutiny of the plan by a number of persons between the tabling in February and today. The changes do not affect the technical aspects of the final plan and are considered necessary for the improved interpretation and understanding of the plan only. Mr Speaker I will table a schedule of the amendments and at this point summarise what

they do, and I think Members will have noticed that I circulated copies of those to them yesterday. Mr Speaker those amendments fall into 6 categories being, corrections to typographical and editorial errors, amendments to references and to clauses and sections in the accompanying legislation as a result of revisions of that legislation, legal corrections, references to the Board and Heritage Counsel, deletion of a definition not required or duplicated, an addition of a definition needed for further clarification. Mr Speaker it is important to quickly recap the process in respect of how we have arrived at this position. As part of the package of land initiatives which included a review of the Norfolk Island Plan 1996 it was agreed by the then Legislative Assembly and the Commonwealth that as some 5 years had elapsed since the first statutory planning regime a complete overall of the Plan was necessary, and secondly that this review overhaul should be carried out by appropriately qualified persons. Such a team was put together using personnel from the Commonwealth and Norfolk Island, and the Plan that is now before us is a result of their work. Mr Speaker it's also important to remember that in the process of preparing the Plan before us substantial Government and public consultation was involved. In fact it ran for some 3 months towards the end of the year 2001. In conjunction with that during the process of preparation individuals and groups who are thought and did have, and expressed an interest in the planning process in Norfolk were consulted one on one or as groups. Mr Speaker in addition to the consultation process mentioned above there have been some 6 additional comments to my coming to this meeting this morning from persons since the tabling of the Plan in February. Some of those comments are repetitious and some have already been mentioned before during the previous consultation process. Mr Speaker it would not be my intention to delay the making of the Plan to enter into a further protracted consultation phase, as I believe the community needs to have the Plan made, it needs certainty and I hope the Members will support this. Mr Speaker having said that it is not my intention to ignore comments made by members of this community where those comments lead to or have potential to lead to a more sensitive and realistic betterment of the environment, this community and the Plan generally. Mr Speaker in this regard it will become obvious during the processes that we go through this afternoon that is the process of the legislation to be submitted and the commitment that I have made. This will become achievable. It has been my policy since taking on the Executive responsibilities for this matter to try and take a holistic view bearing in mind Norfolk's fine outland resource and environment. I would urge that review of the planning regime be an ongoing process and that we do not leave it for another 4 to 5 years before doing anything. Mr Speaker the legislation that I will introduce today are the substantive package in the land initiative matters. The outstanding land initiative matters will be completed by the July sittings of this House and consist of: the draft plans of management for Public Reserves in KAVHA, and these will be tabled in May, planning regulations and codes, heritage regime outline and the draft regulations for them, the roads code, building code and regulations. Mr Speaker I invite comment from Members today and ask the Members to support this Motion.

MR SPEAKER

Thank you. Debate Honourable Members.

MS NICHOLAS

Thank you Mr Speaker. The Plan in some form or another has been under consideration for as long as I can remember, and the one we're talking about today is an upgrade of the '96/'97 plan. The first version of this Plan appeared and was publically exhibited in July 2001 until September 2001 and submissions were specifically invited by various means. Public meetings were held in July and August of 2001 and over 250 people attended those meetings and it would be reasonable to describe them as robust meetings. 87 written submissions were received and among them 2 petitions signed by 499 people, one of which objected to the coastal setback provisions and the other in respect of the Viewshed. All those submissions and others were examined and assessed and what's now before us is the result of that process. There's a recommendation that the Plan not take effect until the Norfolk Island Planning Act of 1996 is amended. That legislation as the Executive Member has said is being introduced into the House today and it's here for consideration by us and by the

community. I have problems with the Plan. I'd not like to see proliferation of retail outlets in the area now known as "mixed use". I think we can all see that shopping is best confined to a controlled area, which allows good maintenance, services and landscaping and I'll deal with some numbers once I've dealt with the principles. I'm not happy to see the reduction of the rural zone to 10 acre subdivision size, especially in the areas of Norfolk Island which are known to be fertile. I do realise that in some cases this is a restriction on what's come to be previously accepted and that is a subdivision down to 2 hectares or 5 acres. I'm not the only one unhappy about that provision, a former Director of the Australian Conservation Foundation and representative of the Counsel for World Conservation Union Dr Geoff Mosely believes that the 10 hectare minimum should be retained and for the record, Dr Mosely has a something like a 30 year association with Norfolk Island and to be fair he has pretty strong views about the cliff-top setback as well. The Planning team see the acquisition of an axeless corridor around the perimeter of the island as a long term objective. They recognise that Norfolk Island presently has neither the legislation nor the finances to enable such a dream to be realised at this time. There are of course such issues as public liability which raise themselves these days as well. There is under this Plan provision for a 50 metre setback from the cliff edges. I'm also not happy that light industrial zone proposed for opposite the Airport generator surrounds existing tourist accommodation development. However there is commonsense in designating that particular area as light industrial and I must rely on the provisions of the Plan to ensure that the desired stated objective which states, cluster high intensity use of development so that impacts on surrounding use of development are minimised. It's preferable that a range of higher intensity use or development types be clustered or grouped together rather than spread in a random manner across Norfolk Island, I certainly agree with that. There's a statement in the report which intrigues me and it's this, and I quote "one of the absolute givens in any planning system is that if a community wants certainty then a planning system works best with zones and land use controls. Inherent in such a system is the placing of controls on development and subdivision. The planning team nevertheless agree that the minimums set in the draft require refinement". So it seems to be even the planning team has misgivings. There's a current moratorium on all subdivision at the moment and at this time it's not permissible to subdivide Crown Lease land at all. Coming before us in the House today is a Bill which begins to allow subdivision subject to provisions of the Plan. Now I found it quite difficult to obtain accurate statistical information about the potential for subdivision as this Plan presently stands. Some found my question simply too hard to answer, some don't or won't even try to give me an answer and some give answers which are inconclusive or even dare I say it, evasive. I'd like you to listen to some figures which I've finally been able to get hold of but I wish to emphasise that these numbers are governed by the provisions of the Plan itself. So what I'm about to give you represents what may be termed the absolute maximum number of potential new plots of land, but it must be clearly understood that this is a number based on perfectly flat pieces of land, capable of meeting planning requirements in every instance, and it's obvious that that simply will not be the case. However at the moment it's what I have to work on. You may recall that earlier in this meeting I asked the Executive Members a question in respect of these potential subdivisions and it was not the first time I had asked that question. He asked this morning that I put it On Notice and I shall do that for the next meeting and he may well be able to reduce the numbers I'm about to talk about. There are 116 portions presently listed as rural, 52 of them are large enough to be subdivided. If they are indeed subdivided there could be 125 new pieces of new land created in that zone. If we'd stayed with the original version of the Plan which allowed a minimum of 10 hectares instead of the present proposed 4 hectares I'm told that there would have been only 2 lots of land which could have been subdivided. If all the 222 portions presently listed as rural/residential and of which 83 can be subdivided, were subdivided to maximum potential there could be 92 new pieces of land created. If the 50 portions now listed as residential, 26 of which can be subdivided were to be carved up there could be 59 new pieces of land and the list goes on, with roughly half of the available portions in any zone having the potential to be subdivided. Overall there's the potential

for the creation, potential qualified for the creation of 977 plots, 383 in mixed use and 294 in the business area, and 24 in light industry. I think that that's something we need to think about very carefully. Mr Speaker there are a lot of people in the community who are also unhappy with the Plan. Everyone seems to have a subjective opinion about it and that's what makes it difficult for us to finalise. The Executive Member has not given us the opportunity for round table discussion on this massive paper and it's something like 4 fingers in height and that's without the associated legislation which has come to us toady, or is about to come to us. To be fair to the Minister for Land and Environment Norfolk Island has been caught up in some circumstances beyond its control recently and I can understand why this opportunity has not been created but I earnestly seek that discussion. It would bore a listening audience to the back teeth and this is not the appropriate place for it to happen. The Planning team is a trio of professionals who have taken on board the concerns expressed to them, have considered them and have modified the Plan accordingly. I'd like to be able to put various concerns to them and to hear the concerns of others around this table and to the responses. It's obvious from what I've said that I'd like to see the matter adjourned today to enable such round table discussion to take place Mr Speaker. There are a number of legislative proposals which follow on our agenda today and they only reached us late yesterday afternoon. There simply has not been time for us to consider them. These Bills form an integral part of the plan and that's another reason why I'm not prepared to agree to this Motion before I know what the ramifications of that legislation are. Thank you Mr Speaker.

MR I. BUFFETT

Mr Speaker I do simply because I think by the time all the discussions has had if there are matters I need to address so I can try and recall them, either allay fears or add to them depending on the interpretation. Mr Speaker I think it should be understood that at all material time since February Ms Nicholas had the opportunity of calling the Assembly Members together or specifically requesting that I have a round table to discuss those issues. So that's that matter, that's in excess of 2 months that's elapsed since that process, since the Plan was tabled. In respect of the minimum subdivisions, in fact the first draft that was the exposure draft of the Plan, the consultation phase had the larger sized subdivisions but the community, the majority of the community and the submissions received, they were the ones that wanted those areas reduced and Mr Speaker in relation to that and what we can and do between now and July, we certainly can do some of these things Ms Nicholas has mentioned this afternoon and they can be further discussed, and if it's a general view, even after the Plan has been made, and the community feels strongly enough about it then they can be altered.

MR BROWN

Mr Speaker I have considerable sympathy for the general thrust of Ms Nicholas' debate a moment ago. I accept the Minister's view that if we pass it today and we find there is something wrong later on, we can always fix it up, and there are some situations in which that would be the responsible course to follow but this is complex, we received the various related Bills only yesterday, I'm not sure what time they were put into our boxes but I certainly became aware of them quite late yesterday. I think that if we were to say to ourselves do we really understand what's in these documents, apart from the Minister himself most of us would have to say, no we don't understand fully what is in them. We know that in so far as the first draft was concerned it gave rise to a very significant number of public submissions, gave rise to very heated debate at Rawson Hall and really it wasn't very acceptable to significant parts of the community. I suspect that if the community has a good look at the new version there may still be parts which are not regarded as acceptable and I don't really think that it is valid for us to say look, people have had 2 months in which to look at all of this, they haven't been able to look at all of these Bill because they weren't ready at the time and that's no criticism of anybody but I think the proper course is for us to say to people, hey if you do want to be heard on this you haven't got very long, and if you want to have a look at the Bills, they are on the table now as is the Legislative Assembly's normal course and I would certainly support at the appropriate

time the adjournment of the whole package until at least our next meeting and if consultation is still progressing at that stage then let's adjourn it again. It is much better that we adjourn it once or twice than get it wrong. Thank you.

MR D. BUFFETT Thank you Madame Deputy Speaker. Can I firstly in terms of the Plan that is the subject of this Motion pay some compliments to the planners who have gone through a very very extensive process. Can I also offer the Minister a compliment in that he has equally gone through a number of processes and quite rightly endeavoured to move this matter along because a number of things do flow from what happens in terms of the Plan and the accompanying legislation that he has foreshadowed to be introduced today. Having said that Madame Deputy Speaker I think I need to make it clear at the outset that that doesn't mean that today that I would be supporting conclusion of this matter and the reasons that I have about that relates to both the detail of the Plan and the process in terms of the Plan. I'm really not going to go into huge detail today accept to make some overriding statements and a couple of examples but it really relates to some of the processes as to why I think there needs to be some additional time offered. I do have some reservations in terms of the detail, reservations about some of the subdivision arrangements, about some of the zoning arrangements which range from the industrial zones to coastal zones. Some of these areas, not necessarily just relating to those two things but including those two things, some areas we do not yet have sufficient information to properly evaluate some of the affects of the provisions. I know it has been said that there has been a length of time, tabled for 2 months for example, but that leads me on to the process. You know there is a lot of time, effort and consultation required in these processes. Yes of course we can give the time and I wouldn't want there to be any doubt that we are giving effort. They are time consuming on their own account but the consultative process that really requires additional time and understanding because unless we go through a process that ensures that we have gone through with the community and have the capacity to bring the community with us in which ever direction this plan determines that we will go at the end of the process then we will be exacerbating the difficulties of conflict and this is an important area in the community. The Plan itself is very detailed and it must be pointed out that some of the mapping arrangements have not been accessible to the community as we would like. Those difficulties relate to cost and resources. We understand that, we have made them available in some central places but that doesn't mean that it's in front of the individual person that they can refer to it when it's convenient to them. They need to make times or visits to another place, that does add to the time frame of how some of these things can be evaluated. But in terms of the next stage is that that relates to the pieces of legislation. I'm not trying to foreshadow debate on those pieces of legislation, but you know on the list in front of us on our programme that there are some 8 pieces of legislation that are part of this package. Members will know but it may just be worthwhile repeating so that the community will understand our situation, those pieces of legislation were made available to Members yesterday, 8 pieces of legislation made available yesterday and the titles are important, the Planning Bill itself, Planning and Environment Board, Heritage aspects, Subdivision aspects, Roads, Trees, and those sorts of things. They are important components. They need to dovetail to the Plan which is the subject of the Motion that's in front of us, and I certainly have a view that we need to know the total package and make an evaluation upon it, not just look at one bit in isolation and then be asked to look at another bit in isolation, and then maybe another bit in isolation. We need to see the total package and we need on the community's behalf to be able to explain them, seek views, and to bring them back here for a final evaluation amongst ourselves. You will understand in that context that if those Bills were only available yesterday one can't do that, one can't do that, and I am saying that that is a necessary process. So having said all of that Madame Deputy Speaker you will see why I am hesitant about saying yes, I would want to give the nod or otherwise to the Motion that's in front of us at this moment. I can understand that the Minister would want to move this matter as expeditiously as he is able and indeed if all is understood and all is known then it is appropriate that it move forward in whatever way the Members decide, but there are still

some outstandings as I've explained. I think to be fair to the Minister he will have had a greater opportunity on a daily basis to know how some of these things are running and I can understand that he may feel more comfort than maybe we would who have just received some of the more recent components. So I ask that he understand our position in representing the community. We need to make our own evaluations and we need to be individual representatives and make independent evaluations of those factors when they come forward to us. So I can see the way things are moving at this moment and whilst I would like an opportunity for further make representations that people in the community have made to me and evaluate them and get some further information that they have sought, in that context I am not at a stage today to say I'm ready to make a total and final view about the Plan. If there is a Motion to adjourn the matter until a later stage, that will have my support because it will allow what I've talked about to happen. Thank you.

MR I. BUFFETT Thank you Madame Deputy Speaker. In order to try and keep track of all that's being said I would just like to make 2 comments. Firstly I hope that the Membership of this Assembly do not comprehend that every time somebody makes a submission that we would need to delay the Plan or that we need to try and endeavour to change the Plan to try and please every individual or every comment, because I think we will never have a Plan, that's that issue, and that we as the Assembly and the community really need to decide at some point whether we have, we believe that we've exhausted the processes, and I understand exactly what Mr Buffett has said. The other issue is it was never my intention to progress the legislation. I don't think that's possible even to progress the legislation unless extraordinary things are done in this House to allow that to happen. So it was always the intention that that legislation will sit on the table for a minimum of 1 month and whilst this process is going on. Certainly I'll listen to what the rest of the Members say and if need be Madame Deputy Speaker I would like the opportunity to make some comments as we go along so that I can keep track of those issues.

MRS JACK Thank you Madame Deputy Speaker. I would like to start off by thanking the Minister for answering questions that I've had and taking on board my concerns that I've mentioned to him as they have arisen, as I would also like to acknowledge Jodie Quintal and Cheryl Lecren for answering many of my e-mails. I found their help invaluable. I have spoken to several people within the community and I have been disappointed largely with many of their responses because their responses have always been dealing with the problems that they have with the Plan with regards to the present, and not the future of the island and the implications this Plan may have. They have always been interested in how it affects their particular family or their own particular desires with what they want to do with their own little plot of land here. I've always hoped that many of them would look beyond that time frame because this land package, to me, is not just about allotments, size and zoning, it's about population growth and sustainability, it's about continuation of the Norfolk Island that we know today, taking it into the future. I have had problems with late submissions coming in because they highlight ongoing concerns that groups and individuals have and I think if we kept this going for 6 months we'd always be getting late submissions from groups and individuals. I do however have one problem with the Plan and it is this, and it regards subdivisions, and it starts off with clause 99. I will just refer to the clauses because if I go through and read them all out we'll be here until doomsday. Clause 99 refers you to clause 5 and part of this I will read out because it is this few sentences that I have problem with, and it says when it's talking about what is permissible with consent, use or development and it refers to this subdivision. It also refers to column 3 within the Plan and this is "use or development that may only be carried out with development approval from the Norfolk Island Government, granted by the Executive Member acting upon recommendations from the Planning Board which would be as I take it if it goes through the new Planning Board and the Environment and which is also subject to conditions imposed by the Executive Member and is subject to any other approval consent or permission required under any other enactment". Now to me I read

that as being that our present Minister may have a concern, if somebody puts forward a proposal to subdivide and will put certain conditions on that the Planning Board is to look at and yet the Assembly make up can change and we can have another Minister putting different sets of conditions on, and to me this leads to a non level playing field and is something that I cannot agree to. If the Minister can assure me that objective measures are going to be put in place for each and every Executive Member to follow, that goes a long way to putting my troubles to rest but there's different Executive Members having their views and the different Members that make up the current Planning Board and future Planning Board having their own interpretations, I am prepared to say no to this draft in its current form because I'm prepared to take the wrath of members of the community in saying so because I want the Norfolk that see today to remain for as long as possible. Thank you.

MR NOBBS

Thank you Madame Deputy Speaker. I felt as though I may be repeating what others have said already but I'd just like to take you back to 2 years ago when the 9th Assembly came in, that following discussions with the Federal Government the proposal was accepted that the land on Norfolk Island be transferred back to the people of Norfolk Island provided certain things occurred and one of them of course was the providing for a review of the Plan, that was one thread. The second thread was that when I came into the Assembly in '97 not just me, it was evident then that the Plan at the time was less than 1 year old and it was flawed, it was flawed, the Act was flawed and also was some of the attendant maps that were supposedly part of it, which included the Viewshed area. It was subsequently discovered that the Viewshed area should never have been included in that map, as a map within the Plan. The point I'm making there is that 2 things have happened. The first one is that we were looking at a transfer of land and also the other one was that there was a definite need for a major review of the Plan well before this actually commenced. The 2 years and I would like to pay compliment to the 3 Ministers that have been involved because I believe that we're very close with this Plan. I don't know whether we can say we're that close you can smell it but I mean we're pretty close in my personal opinion. I'd just like to pay compliment to Mr Gardner who was the first Minister with responsibility, then Mr McCoy and then Mr Ivens Buffett. It's taken its time. I know that I've been a bit impatient in trying to get it going and I know that the Minister's themselves have been fairly impatient as well and I don't apologise but I would say that I'm sorry if I caused any problems from time to time with my raving and ranting to get the thing moving, but it all takes time, and the members of the Planning group and particularly Jodie and Darren and then there's the attendant like Ike and Cheryl and those who have done a great job I believe with limited resources in providing this Plan. We've had exciting public meetings and I don't say they are any more exciting than some of the other ones we've had in relation to crushers and the like but anyhow they've been very interesting, and the people I believe have had opportunities to express an opinion and I believe that the people that have made the decisions following that would have done it as the best of their ability and with complete and utter honesty. However I can't support the proposal, I can't support the Minister in his move today to go through with this in one sitting. The Bills that have been talked about are 8 Bills and they are an integral part of the Plan I believe. I can see what he was looking at was to set the Plan up and then the Bills but I believe that they are integrate to the whole operation. There are other issues that need looking at as well and there were to be regulations in relation to building, health and also codes. One of the problems with the last Planning Act was that there were no building codes. I don't think there have ever been any health codes in place with the last Plan and definitely no roads codes. They are something and whilst they are not, well I think the building part is actually definitely part of the planning regime, they are an integral part of the whole process. The maps have been a problem, we've actually received maps which are not original maps, they have been originals that have been changed but I think that the indication of those particular areas a fairly clear. However as I say I have not read, and I'll be quite honest, I received them yesterday afternoon about 5.00pm, I have not read the Bills in concern, I've glanced through them. They are very comprehensive

documents and I think that not only the Members but also the members of the public need to look at the documents as well and therefore I ask that the Minister defer a decision on his Motion until the next meeting. The Motion itself as he said created problems. I didn't think there would be anything startling in it and there hasn't been anything startling but I think the members of the public need to know, and I would ask him to include that in the next Gazette or Norfolk Islander or which ever way he wishes to progress it, if this matter is deferred and I think by the sounds of things it will be, to just show the people that the community that there is nothing apart from some text issues in there, although one of the 4 reference to the Board and Heritage Counsel is dependant on the passing of these Acts of course. So Madame Deputy Speaker I would prefer the Minister to defer the matter otherwise I couldn't vote for it in support of it and as I say that I believe that the Plan is close, it's really close and the people should be commended on that but I couldn't at this particular point in time vote in favour of it but I would prefer it to be discussed at the next meeting. Thank you Madame Deputy Speaker.

DEPUTY SPEAKER

Mr Ivens Buffett, do you wish to respond

MR I BUFFETT

I'll wait now thank you Madam Deputy Speaker until the rest of the members have had a chance to talk

MR SMITH

Thank you Madam Deputy Speaker. In speaking to Mr Buffett earlier on when we were talking about this, I guess there was some expectation on the part of the Government that this could be adopted today but with such an important issue as the Plan for Norfolk Island if we've got four or five members sitting around the table saying I don't fully understand the ramifications then I think it would be unwise if the Minister or the Government would want to pursue it too far today because once it's adopted it's adopted. It can be amended if there's doubt in members minds then it means that there's not total support for exactly what's sitting in front of us, particularly with the legislation that backs up the Plan so I would recommend to Mr Buffett that if it doesn't make too much difference if another three or four weeks is taken then perhaps he might consider adjourning it

MR GARDNER

Thank you Madam Deputy Speaker. I hadn't planned to say too much on this today being conscious of discussion that we've already heard around the table and that there is a desire to want to explore this matter further. I certainly have no difficulty with that. I have a personal disappointment that today we aren't making the Norfolk Island Plan and the reasons for that are varied and many but I think were nicely encapsulated in what Mr Nobbs said when he was talking about the timeframes that we've gone through in reviewing the Norfolk Island Plan. I think as Mr Nobbs rightly indicated very early in the life of the previous Legislative Assembly and guided by Mr Nobb's impatience as the Chief Minister in his desire to see a new plan come about there was some significant undertakings that were given by both the Commonwealth and the Norfolk Island Government in trying to advance the review of the Norfolk Island. A lot of people have played significant roles in that and those people have already been identified and I would just like to add my own personal words of commendation to those people for the efforts that they've put in, again, as Mr Nobbs said, so very close to having a Norfolk Island Plan. My disappointment is that since 1998 when I think the Honourable Ric Robinson who was the then Minister for Planning started the ball rolling with the required review of the Norfolk Island Plan but it's taken a long time to get to the stage that we are to, today and the reason for my disappointment is that I would have sincerely hoped that we would have been in this position this time last year, to give consideration to a new Norfolk Island Plan but I think a realisation both from members around the table in the Legislative Assembly and a realisation by the community that we wanted to be very very careful about exactly what we were doing with our new Norfolk Island Plan. There's been a lot of criticisms and I know that at times Mr Brown has pulled me up from time to time when I've inadvertently referred to currently planning legislation and the Norfolk Island Plan, that it's not been an

appropriate thing to have. Maybe I've been unfair in my criticism in the past but I think my frustration was brought about by actually being an executive member who had to deal with the attendant legislation. The realisation that there were some difficulties that came to the fore and a significant number of those. We went through a process, both myself and Mr McCoy and Mr Robinson previous to my holding office who had identified concerns with the current plan and the matters that we thought needed looking at or needed attention when we were considering the drafting of a new Norfolk Island Plan. By the same token the previous Planning Board in the previous Legislative Assembly and I think the one prior to that in which Mr Nobbs was in, also identified deficiencies in the plan and gray areas that were open to not so much abuse but too open to interpretation which I think was one of the things Mrs Jack was commenting on in her debate about the discretion that's involved in dealing with and determining planning applications. My response to Mrs Jack's concerns is that just by the very nature of what we do with planning and the very nature of every block being different to the one next to it or the one up from it, is that every one needs to be dealt with individually on its merits. Now the safety net for that and it was something that I was very vocal about especially when I was the Minister, was that when I made a decision and people had difficulty with it, I encouraged people to go to the Administrative Review Tribunal. There were a couple of reasons for doing that. The primary one was to allay their fears and concerns that there was too much of this discretion. Maybe we hadn't done it the right way. The second part was to cement in my own mind the confidence I had in the regime in determining an application and making sure it stood up to close inspection by a body such as the Administrative Review Tribunal. Those mechanisms are still there so the difficulties I guess that Mrs Jack has raised about different executive members coming in and taking different views is still open to review by another body, another independent body and the checks and balances are there. I am confident that they are there, I'm confident that they have reviewed most matters that have come before them though I can't say timely because that's been one of the difficulties of the Administrative Review Tribunal, but in an appropriate fashion they've reviewed them and in most cases have supported the decisions that have been made and have overturned those that are inappropriate, we take that on board, that's no problem at all and we are wiser for it the next time a decision is made so I don't see the Plan or the current arrangements as being deficient at all. Again, I just want to reinforce the fact that I'm disappointed we can't make it today but I'm also conscious of the need to make sure that we get it as right as we possibly can. Yes I too have been the recipient of three if not four approaches by members of the community who still continue to have some difficulty with the Plan in its current form but as other speakers have said around the table, it doesn't matter what we do, we are never going to end up with a document that is endorsed by every member in this community and certainly not endorsed by people who aren't even members of this community as you yourself have referred to Madam Deputy Speaker in your debate. That means that there are going to be critics no matter what we do but we have to settle this and I don't think we're in a too dissimilar situation to what occurred when the current Norfolk Island Plan came in to being. There were still critics, critics even as executive members or members of the Legislative Assembly in years that followed in the making of the current Norfolk Island Plan as I've already alluded to. We'll try and get it right. I'm sure we are well on the track as Mr Nobbs has already said. We are very very close to it but I also understand we've got the package of legislation. I also understand that the Norfolk Island Plan if we were to make it today in its current form with this motion is contingent upon the passing of that package of legislation and I think it's appropriate that we deal with it as one. It's sort of a chicken and egg type scenario. You can't do one without the other and you can't jump backwards and forwards but we have to be comfortable in our own minds that it's the best scenario that we can come up with, that we can determine for Norfolk Island, thank you

MR I BUFFETT

Thank you Madam Deputy Speaker. I heard what the Chief Minister said. Perhaps as encouragement to members, we will be able to finalise this thing by the proposed target date of July. I think I made reference in my

legislation to set the framework. I have circulated copies of the Bill and Explanatory Memorandum to them to members. The Planning Bill 2002. Why is the existing Planning Act 1996 proposed to be repealed? The review of the Norfolk Island Plan 1996 has resulted in a complete overhaul of the original Plan and as a consequence, an extensive review of the Planning Act 1996 was necessary. The review presented an opportunity to refine current procedures and provisions with the benefit of five or so years of implementation of Norfolk Island's first statutory planning regime. It also provided an opportunity to introduce new procedures and provisions to make the planning system more robust. Initially, attempts were made to amend the existing Act but given the extent of the amendments necessary it was decided to repeal the current Act and introduce a new Planning Bill 2002. What are the amendments and new provisions in the Planning Bill 2002?

Development Control Plans.

The Bill provides for an additional layer of statutory planning instrument, a development control plan. These plans are an additional tool in the planning regime and allow for greater detail than the Norfolk Island Plan. Development control plans (DCP) can be prepared to cover a range of matters, for example, a DCP might apply to a specific area such as the Airport; or a DCP might provide design guidelines for Burnt Pine. Development control plans are publicly exhibited for comment and made by the executive member. They provide flexibility in the planning system and assist in developing consistency and certainty in the planning system.

Development Applications and Approvals.

The terminology for approvals and categories of development have changed. Planning approvals and planning applications are referred to as development approvals and development applications. The categories of development are termed:

- Permitted (as of right) use or development;
- Permitted use or development;
- Permissible (with consent) use or development;
- Prohibited use or development.

The term "ordinarily prohibited" is not used. If a use or development is prohibited, it can only be considered for approval if the Plan is amended to make that use or development a permissible use or development.

The Chief Executive Officer can refuse to accept a development application if all the relevant requirements under the Act have not been met and/or all the necessary information has not been provided with the application. This is aimed at improving the quality of the development applications so that they can be processed and determined more efficiently.

All development applications are subject to public notification procedures which vary slightly depending on the category of the application. Notices are published in the Gazette and on the land the subject of the application when the application is received. Notices are also published in the Gazette when the application is determined.

Development applications for permitted use or development are determined by the executive member after consideration of a recommendation from the Chief Executive Officer. Applications for permissible (with consent) use or development are referred to the Norfolk Island Planning and Environment Board for consideration of the Chief Executive Officer's recommendation before the application is referred to and determined by the executive member.

Environmental Impact Statements

The provisions for environmental impact statements are wholly included in the Bill rather than split between the Plan and the Planning Act 1996, as is the case at present.

Modification of development approvals

Specific provisions are included in the Bill for the modification of development approvals. The provisions clarify the meaning of "modifications only if development remains substantially the same" and procedures for processing a development approval modification application.

Lapsing of development approvals

The Bill provides for lapsing of development approval. Approvals lapse after eighteen months or a later date specified in the approval. This means that the lapsing date can be extended by modification of the development approval.

Development Contribution Scheme

The Bill provides for the establishment and operation of a development contribution scheme. The scheme is designed to allow for contributions to be made towards the provision of infrastructure and services the need for which has been generated by a specific development. Development contribution schemes specify a range of matters including the relationship between anticipated development in an area and the likely demand for services and amenities to meet those demands; and the contribution rates that will be levied on future developments in that area.

Enforcement

Enforcement provisions are strengthened and penalties increased.

Commission of Inquiry

New provisions are introduced to enable the executive member to establish a commission of inquiry into specified planning matters. The Bill does not provide for public hearings on development applications. It is intended that by providing for a commission of inquiry before a proposal is determined, the need for Administrative Review Tribunal hearings may be reduced and the gleaning of information as part of the decision making process should result in improved decisions. An executive member's decision on a proposal that has been the subject of a commission of inquiry cannot be challenged in the Administrative Review Tribunal if it is consistent with the recommendation of the commissioner.

Validity of planning documents

The validity of a range of specified statutory planning documents cannot be challenged unless proceedings are commenced within three months of the notification of the making of that document in the Gazette.

Norfolk Island Planning and Environment Board

Provisions for the establishment and operation of the Planning Board will be in a separate Act, the proposed Norfolk Island Planning and Environment Board Act 2002, rather than in the Planning Act 1996 which is the case at present. The role of the Board is proposed to be broadened to apply to a wide range of planning and environmental matters. The Bill provides that the executive member may refer to the Board any matter relating to decisions under the Bill or relevant to the effective administration of the Bill, in addition to development applications for permissible (with consent) use or development.

Planning Certificates

The Bill introduces Planning Certificates. Anyone can apply for a planning certificate in relation to specified land and the Chief Executive Officer will provide that person with a certificate which provides information requested in the application and allowed for in the Regulation, such as zoning of the land, permitted use and development, and whether or not there is a heritage item on the land. Such certificates are used in a range of circumstances such as investigating purchase of land.

Codes and Regulations

There are a number of instruments that will need to be prepared to enable the proposed Planning Act 2002 to function fully. These include the Regulations, development control plans and development contribution schemes. However, commencement of the Bill is not dependant on these instruments being in place. It is intended that the Regulations will be prepared by mid May 2002.

Financial Implications

Madam Deputy Speaker, one of the issues that has raised its head on a number of occasions when an executive member or any member has attempted to present a Bill or any legislation into this Assembly is the cost benefit analysis process. Madam Deputy Speaker the instructions that I asked for from the team when preparing this legislation package and the Explanatory Memoranda was to address that particular aspect and you will find that that is addressed right throughout the following package. In respect of the Planning Bills to which I am now referring the implementation of the Bill

will require additional resources. It is recommended that an appropriately qualified and experienced planner is positioned in the Administration to train and guide both staff and the community in the use of the planning system and will help to achieve the best outcomes from the Plan, the Planning Act and related legislation. There will also be additional tasks involved in the implementation of the Act such as the preparation and on going implementation of development control plans and development contribution schemes.

On the other hand, the revised planning system is designed to be robust, to provide a greater degree of certainty in decision making, and to reduce the amount of discretion used in the implementation of the system. It is anticipated that this will result in fewer challenges in the Administrative Review Tribunal and a more efficient planning system overall, both of which should provide financial savings for the Government in the long run thank you

DEPUTY SPEAKER
Explanatory Memorandum

Thank you Mr Buffett. You've tabled the

MR I BUFFETT

Thank you Madam Deputy Speaker I certainly will table the Explanatory Memorandum along with the Planning Bill 2002

MR GARDNER

Thank you Madam Deputy Speaker. I am pleased when reading through the Explanatory Memorandum for the Bill that some of the things that I refer to as the nasties in the current arrangement are addressed and those are issues that certainly the responsible Ministers in days gone by had difficulties with, and certainly the community had difficulty with, terms such as 'ordinarily prohibited'. They disappear from the Act. The other things that over time has been accepted as practice are now supported in legislation such as the acceptance of development applications where those applications can be refused if people don't bother to cross the t's and dot the l's. These are all more efficient things that have come about as part of the review of our planning regime. I'm heartened to see that also notices being published in the Gazette will continue, where we published categories 2 and 3 before and more recently category 1, we are now tying that into the legislation and we are even publishing the notices of when application is determined so that people know what the outcome is. Some of those were in place but they will now be supported by the legislation. Notices will also be published on the land where a development approval is sort, whereby some notice will be attached; I don't know exactly how we'll go about that. That of course falls short of some of the recommendations made to the planning group about other jurisdictions going so far as to actually putting mock ups on blocks of land to show the size or visual impact of a building if this is approved, however, it goes further than our present requirements. It is pleasing reading through the Explanatory Memorandum of the Bill that so many of the areas of concern over the consultation process have in fact been addressed and in an appropriate fashion, thank you

MR NOBBS

Thank you Madam Deputy Speaker I too agree with the Chief Minister that it is good to see those public practices being enshrined in legislation. My one concern is that the Bill does not apply to the National Park and Botanic Gardens. At this stage that is my only real concern with it but I only looked through it very quickly, bearing in mind that we didn't receive these Bills until yesterday evening

MR I BUFFETT

Thank you Madam Deputy Speaker perhaps just to clarify that issue because it has been raised by at least two members with me. If my memory serves me right the Norfolk Island National Park and Botanic Gardens were declared as such under a Commonwealth Act, under the old National Park and Wildlife Conservation Act. One of the issues that arose as a result of that declaration was that the section in the Commonwealth Act in fact vested ownership in the park for the purposes of that legislation in the Director of the National Park. If there is some light in

the issue of when that gets vested in the ownership of Norfolk Island or within this Administration as a body politic is a matter that could possibly be discussed in the future. Save to say that if the people have taken the opportunity to look at the planning maps they will see that in conjunction with the other areas that have been coloured that denotes zones within Norfolk Island that they have also been included in what is known as the Conservation zone. It doesn't have a separate colour, it doesn't stand out any more in isolation from other Conservation areas on Norfolk Island but there has been a willingness to have that zoned as Conservation. It is purely the fact that we haven't the ability to amend Commonwealth legislation to include it and I would make a suggestion that once we have this package completed, that if that becomes a subject of further discussion, then we deal with it at that time and it then can be re-included if all the parties agree and I know nothing that no other member knows, the process I would imagine would be carried out in that fashion. If there needs to be discussion and there is any light at the end of the tunnel to have it transferred as Mr Nobbs suggests then I think that is the time to do it

MR NOBBS Thank you Madam Deputy Speaker I would just like to quickly respond. Within the States it is nothing new for Commonwealth land to be located within States and Territory's on the mainland of the Australia and they have to comply with the planning arrangements of the particular area and I would suggest that the matter could be looked at a little more closely

MR BUFFETT Thank you Madam Deputy Speaker, just two things concerning the National Park. The first is that it is certainly not my recollection that we commenced an arrangement with the Commonwealth and they passed complementary legislation in terms of that area that there was any understanding that there was a change of ownership vested more in the Commonwealth than had been on an earlier occasion. It's more a passing remark. The substantive remark I want to make is this, that whilst there was complementary legislation in both places in erecting the Norfolk Island National Park the clear understanding that it would be our rules and regulations that would relate to its management, it would not be the Commonwealth's rules and regulations that they may have for other places, to cover our park. I say that because it really then means that we need to develop arrangements for the park and it would seem that it would compliment the Norfolk Island Plan to have that encompassed within it. I am making the point that I think the National Park should not be excluded. There are historical reasons as to why one can say that that should happen and indeed there are current reasons for the uniformity of coverage within the Island that should be given some consideration

MRS JACK Madam Deputy Speaker thank you. I admire the aims stated but my only query is that if we are to take on management roles there are also the costs and I'm wondering how on earth we would pay for running the National Parks. It must be well over a million a year

MR NOBBS Thank you, there were some discussions at the last Assembly with the then Minister for the Environment in relation to both the park and KAVHA. The decision was taken at the time that we would deal with these land issues in the first instance and then come back and deal with the park after that. The costs and the like, there are examples elsewhere where the Commonwealth has actually still retained the management of parks but the ownership of the land is not with the Commonwealth, so you can look at Uluru and Kakadu as two examples, so there's nothing unusual and the Minister of the time were aware of these areas and there are also State type operations of parks that are run on land which is not owned by the Commonwealth, thank you

DEPUTY SPEAKER

Any further debate Honourable Members

MR I BUFFETT Thank you Madam Deputy Speaker. There being no further debate I move the debate be adjourned and made an Order of the Day for a subsequent day of sitting

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

NORFOLK ISLAND PLANNING AND ENVIRONMENT BOARD BILL 2002

MR I BUFFETT Thank you Madam Deputy Speaker if it's any consolation to members and the listening public I believe these Explanatory Memoranda are slightly shorter than the first one. I present a Bill for an Act to provide for the establishment, authorities, functions, powers and duties of the Norfolk Island Planning and Environment Board, and for related purposes and move that the Bill be agreed to in principle.

Madam Deputy Speaker, why is existing legislation proposed to be replaced? The Norfolk Island Planning and Environment Board Bill 2002 will replace provisions in the Planning Act 1996 for the establishment and operation of the Norfolk Island Planning Board. The new Bill renames the Board from the Norfolk Island Planning Board to the Norfolk Island Planning and Environment Board. This reflects the aim to broaden the role of the Board to be involved in a range of matters relating to land management on the Island, rather than planning applications only as is the case at present. The range of matters that the Board may consider is detailed in the Bill. The Bill provides more flexibility in the Board's operations than the current regime, for example:

- the executive member or the Legislative Assembly may refer matters to the Board for consideration and the Board can recommend to the executive member that certain matters should be referred to the Board;
- the Board comprises four permanent members. When development applications are referred to the Board the four members are responsible for considering the applications. For other matters, other members can be nominated and considered part of the Board with the permanent members. This enables the Board to make use of specialist or expert advice relevant to a particular matter;
- the Board can meet whenever it is considered necessary but must meet at least four times a year.

The Board does not make decisions. It makes recommendations on all matters referred to it. The Board can undertake public consultation on a matter that it is considering by calling for and receiving public submissions.

Codes and Regulations

Regulations may be prepared to prescribe matters necessary for the functioning of the Bill. Also, the executive member may prepare guidelines for the conduct of Board meetings. However, neither is necessary for the commencement and implementation of the Bill.

Madam Deputy Speaker when presenting the Norfolk Island Plan earlier I made reference to submissions made by the public in respect of the Plan and of taking a more holistic view of the planning regime within Norfolk Island. I believe that the creation of this particular board in the manner and given the functions that I have read out to the community today will allow myself as executive member to achieve this. It will also allow the Board to allow recommendations or to advise the Legislative Assembly as a whole on a number of planning matters and it will be able to invite public submission and take that more holistic view of a whole lot of issues that are not specifically contained within the planning act. Dare I suggest that perhaps this Board is one that we may need to

discuss the question of what are our sustainability parameters. What are our future population parameters because they will have the ability to bring experts on to this particular Board to provide the expertise needed to take a holistic view and make recommendations to myself as the Minister and to the Legislative Assembly as a whole. Just before I leave that, one again there are Financial Implications in establishing this Board. The Board is currently served by the Planning Secretary, a function of the Administrative Officer - Lands within the Administration. The Bill provides for a Planning Secretary to continue to service the Board. This function within the Administration will be examined as part of the Administration's organisational review. It is anticipated that the role of the Planning Secretary will require more time (working hours) than under the current regime as the Board's functions and the range of issues it is empowered to consider will be broader. However with the organisational review and others within the area we are hoping that will be minimal

DEPUTY SPEAKER Thank you Mr Buffett. You've tabled the Explanatory Memorandum

MR I BUFFETT Thank you Madam Deputy Speaker I certainly will table the Explanatory Memorandum

MR GARDNER Thank you Madam Deputy Speaker just a few brief comments. As you will appreciate as will members around the table, we received this final package yesterday afternoon. There are only a couple of minor matters I would like to bring to members attention. Under the current Planning Board provisions and Act it allows for a member of the Legislative Assembly to be a member of the Planning Board. I don't see that indicated in here. Whether that's by design or not I'm not sure and maybe you could give some explanation to that and I see that there are also provisions here for the remuneration of members and just question whether it is proposed that a member of the Legislative Assembly was to be a member of the Board are there some provisions for avoiding any conflict that may arise as being a remunerated member of a statutory authority. They are my initial observations

MR NOBBS Thank you Madam Deputy Speaker.
End tape 5
beginningxxTape 6

I had some concerns in relation to this but having just read through it fairly quickly it appears that what is really to happen is that the category one process will be expanded somewhat and the role of the Planning Board will be limited to those ones that are not automatic approvals but need consent approvals within the plan and they also look at planning issues which the Minister has spoken about. The category one issue was an issue of concern with the last plan in the early period but this was overcome by a publication of the application being received and generally people knowing exactly what was going on so they didn't drive past the place and oh hello, there's a new house. How did that come about? Oh the Minister could approve that. It won't happen under this arrangement because there's a requirement to not only put it in the Gazette both the application and also the end result, but there is also a requirement to put something on the block of land. So my concerns have been alleviated considerably and that is why we need to consider all of these Bills together, one at a time, thank you

MR BUFFETT Thank you Madam Deputy Speaker. There being no further debate I move the debate be adjourned and made an Order of the Day for a subsequent day of sitting

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

HERITAGE BILL 2002

MR I BUFFETT Thank you Madam Deputy Speaker. I present a Bill for an Act in association with the Planning Act 2002 to provide for the promotion for the conservation of the heritage of Norfolk Island, and for related purposes and move that the Bill be agreed to in principle. Thank you Madam Deputy Speaker. Why is existing legislation proposed to be repealed? The Heritage Act 1996 provides for the establishment of a Heritage Register and for the protection of items listed on the Heritage Register. Changes proposed in the Planning Bill 2002 make a clear distinction between approvals required for different activities such as development affecting a heritage item, or a subdivision proposal. Measures to protect items listed on the Heritage Register are embodied within the Norfolk Island Plan 2002. Development approval is required for a range of specific activities listed in the Plan such as painting, cladding or altering a heritage item or building. This is aimed at integrating heritage protection and the planning process. Approvals for any actions affecting a heritage item are required under the Norfolk Island Plan and Planning Bill 2002 rather than under the Heritage Act 1996.

Heritage Register

- The Heritage Bill 2002 focuses on the establishment of the Heritage Register. The procedures for the establishment of the Heritage Register have been revised from the Heritage Act 1996. The procedures in the Heritage Bill 2002 are more comprehensive, for example the Bill requires the executive member to notify the owner of a proposed heritage item of the fact that the item is proposed to be listed in the Register. The Heritage Bill 2002 also provides for the executive member to convene a Commission of Inquiry on a heritage proposal (a proposal to make the Heritage Register or to vary the Register by adding or deleting an item from the Register).
- Under the Heritage Act 1996, the Heritage Register is approved by the Legislative Assembly on the recommendation of the executive member. Under the Heritage Bill 2002, after public consultation, the executive member refers a heritage proposal to the Norfolk Island Planning and Environment Board for its consideration. After receipt of advice from the Board, the executive member may decide to proceed with the heritage proposal.
- The Legislative Assembly is involved in heritage proposals where the executive member fails to proceed with a heritage proposal by initiating public consultation. In those circumstances the executive member must advise the Legislative Assembly of the reasons why public submissions have not been invited. The Legislative Assembly may then take no action or direct the executive member to process the heritage proposal.

Heritage matters referred to the Norfolk Island Planning and Environment Board

The Heritage Bill 2002 allows the executive member to refer to the Board, in addition to all heritage proposals, any matter relevant to any decision the executive member may make under the Act or any matter relevant to the effective administration of the Act.

Codes and Regulations

The Heritage Bill 2002 provides more detail on the scope of the Regulations for the Act than the Heritage Act 1996. In particular, it is proposed that the Regulations will specify criteria for the assessment of heritage proposals and provide for the establishment of a heritage and conservation fund.

Codes may be developed to assist in the management of heritage on the Island. For example, conservation management plans may be prepared to manage specific items or sites or for a locality with heritage significance. Such plans and codes could be made as development control plans under the Planning Bill 2002 or as independent and stand alone instruments.

Financial implications.

The heritage management is designed to be integrated within the planning system. As noted in the Explanatory Memorandum for the Planning Bill 2002, the implementation of that Act will require additional resources to establish a comprehensive planning regime within the Norfolk Island Government. It is recommended that heritage management should be part of that regime.

Additional resources may also be required from time to time to obtain expert heritage advice on heritage proposals. It is recommended that these services should be obtained on a consultancy basis as needed. Options include establishing arrangements with a consultant offshore to develop familiarity with the Island's heritage resources or exploring the possibility of using the KAVHA conservation services co-ordinator. It is noted that once the Register is established the need for expert advice will diminish.

DEPUTY SPEAKER Thank you Mr Buffett. You've tabled the Explanatory Memorandum

MR I BUFFETT Thank you Madam Deputy Speaker I certainly do

MR NOBBS Thank you Madam Deputy Speaker. I just make a quick comment having read through it. This Bill also doesn't apply to the National Parks and Botanic Gardens and I again ask the Minister to review that part of it thank you Madam Deputy Speaker

MR SMITH Thank you Madam Deputy Speaker in leading up to this Bill I've been under the understanding that the Legislative Assembly would have the final say on a recommendation for a heritage listing. From what I understand of what Mr Buffett has said that role will be usurped and given to the executive member and the new Planning Regime. I may have misunderstood that but if I'm correct I'm a little concerned that the Legislative Assembly has been taken out of the circle because if somebody decides to nominate anybody's house or land for nomination on the Register you will only have recourse as I understand it, to the executive member and the Planning Regime whereas I understood that it would come to the Legislative Assembly for approval which would give a more general view I suppose. I may be way off track with that but perhaps the Minister would help me with that

MR I BUFFETT Thank you Madam Deputy Speaker under the Heritage Act 1996 it is approved by the Legislative Assembly. Under the proposed new Heritage Bill after public consultation the executive member refers the heritage proposal to the Norfolk Island Environment Board and on receipt from the Board and on their advice he may decide whether it's a matter that may or not be included and the merits thereof. The Legislative Assembly is involved in the heritage proposals where the executive member fails to proceed with the heritage proposal by initiating public consultation and if you look closer at the Act proposals to list on the Heritage Register are disallowable instruments. Perhaps I could provide more details to Minister Smith in that regard

DEPUTY SPEAKER Any further debate Honourable Members

MR I BUFFETT Thank you Madam Deputy Speaker. There being no further debate I move the debate be adjourned and made an Order of the Day for a subsequent day of sitting

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

SUBDIVISION BILL 2002

MR I BUFFETT Thank you Madam Deputy Speaker. I present a Bill for an Act in association with the Planning Act 2002 to provide for planning controls on the subdivision and amalgamation of land, and for related purposes and move that the Bill be agreed to in principle. Madam Deputy Speaker the purpose of this Bill is to repeal the Land Subdivision Act 1996, the Land Subdivision Amendment Act 1997, the Subdivision (Moratorium) Act 2000 and the Subdivision (Moratorium) Amendment Act 2002. The new Bill provides for a framework of processing the applications for subdivision in conjunction with the other legislation in the land package, especially the proposed Planning Act 2002 and the Norfolk Island Plan. The major differences between the Bill and the Land Subdivision Act 1996. Some of the major changes over the Land Subdivision Act 1996 are:

- the removal of the Administrator in the approval process and the appointment of the executive member in that role;
- the appointment of the Chief Executive Officer as the person to whom the application is to be made, which removes the need to have the respective officer named and removes any doubt as to their appointment in the event of change of executive member. This is in line with other applications in the rest of the land package;
- provision for an appeal mechanism to the Administrative Review Tribunal that is not available under the Land Subdivision Act 1996. It also provides for enforcement provisions in respect of compliance where work is carried out for which there is no subdivision approval for the subdivision;
- provision for penalties for both an individual and the body corporate.

At this stage there are no regulations that need to be drafted in respect of this Bill that are essential for its operation.

Financial implications

The functions of the legislation will be absorbed into the existing resources and there will be no additional costs in staff resources

DEPUTY SPEAKER
Explanatory Memorandum

Thank you Mr Buffett. You've tabled the

MR I BUFFETT
do

Thank you Madam Deputy Speaker I certainly

MR NOBBS Thank you Madam Deputy Speaker this I believe will assist greatly in that the present subdivision and development proposals – I had a question in relation to the bank on Taylors Road which I understand was for the provision of an entryway that was approved by one body and then the House is the other one, there is no co-ordination but this will assist in that particular area in co-ordinating but it also doesn't apply to the National Park and Botanic Garden and I would suggest that in the event of a concession or some other requirement being provided within the park area there may be a need for a subdivision and I would suggest that the Minister may take this on board and there's also been talk of providing accommodation within the park which may also require some provision of a subdivision to exclude it from the actual park bylaws, thank you

DEPUTY SPEAKER

Any further debate Honourable Members

MR I BUFFETT Thank you Madam Deputy Speaker. There being no further debate I move the debate be adjourned and made an Order of the Day for a subsequent day of sitting

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

ROADS BILL 2002

MR I BUFFETT Thank you Madam Deputy Speaker I present a Bill for an Act to provide for the opening and closing of public roads and for related matters and move that the Bill be agreed to in principle. Thank you Madam Deputy Speaker. The purpose of this Bill is to repeal the Roads Act 1996, the Roads Amendment Act 1997 and the Roads Amendment Act 1998. The Bill provides a framework for the opening and closing of public roads and the processing of applications for road project approvals in conjunction with the other legislation in the land package, especially the proposed Planning Act 2002 and the Norfolk Island Plan. The Major differences between the Bill and the Roads Act 1996.

Some of the major changes over the Roads Act 1996 are:

- the removal of the Administrator in the approval process and the appointment of the executive member in that role;
- the appointment of the Chief Executive Officer as the person to whom the application is to be made, which removes the need to have the respective officer named and removes any doubt as to their appointment in the event of change of executive member. This is in line with other applications in the rest of the land package;
- provision for an appeal mechanism to the Administrative Review Tribunal that is not available under the Roads Act 1996. It also provides for enforcement provisions in respect of compliance for a road project for which there is no approval for the project;
- provision for penalties for both an individual and the body corporate.

At this stage there are no regulations that need to be drafted in respect of this Bill that are essential for its operation. In respect of the financial implications in respect of the implementation of this Bill, the functions of the legislation will be absorbed into the existing resources and there will be no additional costs, thank you Madam Deputy Speaker

DEPUTY SPEAKER Thank you Mr Buffett. You've tabled the Explanatory Memorandum

MR I BUFFETT I do

DEPUTY SPEAKER Any further debate Honourable Members

MR I BUFFETT Thank you Madam Deputy Speaker. There being no further debate I move the debate be adjourned and made an Order of the Day for a subsequent day of sitting

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

TREES AMENDMENT BILL 2002

MR I BUFFETT Thank you Madam Deputy Speaker I present a Bill for an Act to amend the Trees Act 1997 and move that the Bill be agreed to in principle. Madam Deputy Speaker, the purpose of this Bill is to ensure that protected trees that may be affected by a development proposal are taken into consideration in assessing that proposal. The Bill will attempt to avoid the granting of development approval if it is likely that a permit to take a protected tree will not be granted. In other words, it tries to co-ordinate what happens between the taking of trees development application so we don't have a conflict. Provisions providing for stop orders, powers of entry and inspection will enable action to be taken to prevent or stop protected trees being taken without a permit and to enable breaches of the Act to be investigated. Some members might recall that this was a concept that one of the previous Minister's responsible for this portfolio had asked to be included in the Trees Act. Madam Deputy Speaker in terms of the financial implications these proposed amendments are cost and resources neutral.

DEPUTY SPEAKER
Explanatory Memorandum

Thank you Mr Buffett. You will table the

MR I BUFFETT
do

Thank you Madam Deputy Speaker I certainly

MR GARDNER Thank you Madam Deputy Speaker just very briefly. I hope that this goes some way to preventing a comedy of errors that I understand has occurred in a couple of planning applications in years gone by, and one of those that caused concern at the time was where an application had been made to remove a protected tree and had been refused, ended up with the tree being refused when a development application had been determined and the tree ended up being within I think three metres of the house and I think there's been a couple of occasions where that's happened where that piece of legislation has allowed for the removal of a tree irrespective of the fact that under the Trees Act it didn't allow for the removal of that tree so I certainly hope that this is going to clarify that. My brief reading of it now Mr Speaker is that it will now certainly accomplish that aim

SPEAKER

Any further debate Honourable Members

MR I BUFFETT Thank you Mr Speaker. There being no further debate I move the debate be adjourned and made an Order of the Day for a subsequent day of sitting

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

LAND ADMINISTRATION FEES AMENDMENT BILL 2002

MR I BUFFETT Thank you Mr Speaker. I present a Bill for an Act to amend the Land Administration Fees Amendment Bill 2002 and move that the Bill be agreed to in principle. Mr Speaker the purpose of this Bill is to amend the Land Administration Fees Act 1996 to provide for appropriate fees in respect of certain applications for roads and subdivisions. The Bill provide for fees that are in line with other legislation in the land package, particularly the proposed Planning Act 2002. The functions of the Bill are to be absorbed into the existing resources and there will be no additional costs.

SPEAKER Thank you Mr Buffett. You've tabled the Explanatory Memorandum

MR I BUFFETT Thank you Mr Speaker I certainly table the Explanatory Memorandum

SPEAKER Any further debate Honourable Members

MR I BUFFETT Thank you Mr Speaker. There being no further debate I move the debate be adjourned and made an Order of the Day for a subsequent day of sitting

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

LAND TITLES AMENDMENT BILL 2002

MR I BUFFETT Thank you Mr Speaker. I present a Bill for an Act to amend the Land Titles Act 1996 and move that the Bill be agreed with in principle. Mr Speaker, the purpose of this Bill is to amend the Land Titles Act 1996 to provide for the notation of subdivision and road approvals on the land titles register. The Bill provides for certain functions that are in line with other legislation in the land package, especially the proposed Planning Act 2002 and the Norfolk Island Plan. Mr Speaker the functions of the Bill are to be absorbed into the existing resources and there will be no additional costs.

SPEAKER Thank you Mr Buffett. You've tabled the Explanatory Memorandum

MR I BUFFETT Thank you Mr Speaker I table the Explanatory Memorandum

SPEAKER Any further debate Honourable Members

MR I BUFFETT Thank you Mr Speaker. There being no further debate I move the debate be adjourned and made an Order of the Day for a subsequent day of sitting

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 DATE

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

MRS JACK Mr Speaker I move that the House at its rising adjourn until Wednesday 15 May 2002, at 10.00 am.

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

MS NICHOLAS Mr Speaker, I move that the House do now adjourn

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

MR SMITH Thank you Mr Speaker. I would like to read this into the record for Hansard purposes in relation to Easter weekend and subsequent events. On Sunday 31st March which was Easter Sunday the body of Janelle Patton was discovered at Cockpit Reserve. By that Tuesday a charter airplane had been arranged to carry appropriate forensic people to the Island and on Wednesday it was confirmed to the community that Ms Patton had been murdered. Police immediately called on the community for information that anybody might have in relation to this sad and tragic event. Other officers from the AFP arrived that same week and reinforced the Norfolk Island Police in their investigations. Forensic tests were carried out on the deceased and those tests are as I understand it, being assessed and processed. The Legislative Assembly met shortly after to introduce legislation that should assist the police in investigating this crime. The Legislative Assembly passed the Crimes Forensic Bill and it went through all stages on that day and was passed unanimously. The Police since have been interviewing many people to assist in their enquiries and I understand that many people have responded with information to date. Two officers, one was Bob Peters and the other was Tony Edmonton had been on the Island and departed for a short time. Tony came back last weekend and Bob was due back today to assist the Norfolk Island Police with further enquiries and I need to add that they were doing that while they were back in Canberra. The community will be pleased to know that both of these officers will be here to assist until such time as they are no longer required. There are people in the community wanting to know if they can have themselves tested to declare I guess their non involvement in this murder in this particular crime. As I understand it, until all forensic results and testing are complete general testing may occur after that event. The police have advised the Chief Minister and myself yesterday that a voluntary form is being developed and will be offered to all people in the community who were on the Island on that particular day requesting voluntary information from anyone who was here on Easter Sunday. That form will give those of us who would like to make a declaration where they were on that particular day as well as whether they saw Janelle and that will be a document that will be given to the

police and treated with absolute confidentiality. Mr Speaker I would say that everyone on the Island wants this crime resolved as quickly as possible and rely on the police to that end. It needs to be said and stressed that it is a police investigation and we shouldn't expect to be given every bit of information in relation to this case until they have the information that they require, thank you

MR NOBBS Thank you Mr Speaker I would just very quickly like to pass on to the outgoing President of the Norfolk Island Sports Association, Mr Dan Yager, my very best. Danny hasn't been in the best of health of late but I wish to compliment him on his efforts over the years in relation to the Sports Association. It's been an onerous task and he with his other committee members and especially his secretary, Mr Lloyd, have placed Norfolk Island on the map as far as sport is concerned and I wish him well and I would also like to wish the incoming President and his committee all the very best for the future but I specifically would like to complement Danny on his great efforts over the years and as I said, I wish him well for the future

MS NICHOLAS

Hear hear

MR I BUFFETT

Thank you Mr Speaker two small matters. I would like to endorse the comments of Mr Nobbs. Having worked in another area in the sports field and knowing the amount of effort that goes into that area of organising sports. The second issue Mr Speaker is to remember that tomorrow is Anzac Day and to simply say, Lest We Forget

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 15 May 2002, at 10.00 am.

